


[Register/Login](#) [About Us](#) [Follow](#) [Ads](#) [Subscribe](#) [RSS](#)

SEARCH THE TYEE:

GO

OR BROWSE BY TOPIC:

[Topic](#)

Robert Crane is a Tyee Builder. *You can be, too.*

NEWS

Imported Workers Fight Back

How Latin Americans hired to build Canada Line bravely exposed Temporary Foreign Worker Program injustices. Second in a series.

By [Krystle Alarcon](#), 8 Jan 2013, [TheTyee.ca](#)

[Tweet](#) 72

[Recommender](#) 227


Latin Americans who helped build a new transit line in Vancouver for the Winter Olympics of 2010 are some of few Temporary Foreign Worker program participants able to union in Canada.



FROM THE TYEE BLOG...

The Hook. POLITICAL NEWS, FRESHLY CAUGHT.

[Fired health ministry worker found dead](#)
[Waldorf sold to same condo firm developing Chinatown](#)
[Three-person summer crew replaces Vancouver's closing coast guard station](#)
[Wente on her plagiarism: like 'running a red light'](#)
[TransCanada to build \\$5-billion shale gas pipeline project near Prince Rupert](#)
[Dix's agenda? Hear Tyee's MacLeod on CFAX at 1 pm today](#)
[BC to ban all-ages events at several bars and nightclubs](#)
[Bureaucrats forced into last-minute pitch to save some refugee health benefits](#)
[SEE MORE »](#)

TEXT SIZE

RATE THIS

[Login/Regist](#)
[TYEE VIDEO PICKS](#)


ALSO IN THIS SERIES:

CANADA'S TEMPORARY
FOREIGN WORKERS
CONTROVERSY: YEAR
IN THE MAKING

[The Invisibles: Migrant Worker in Canada](#)
[Imported Workers Fight Back](#)
[Law Leaves Migrant Workers Dangling Precariously](#)

Will Tories Fix Temp Foreign Worker Program?

RELATED TYEE STORIES

Costa Rican Tunnellers Told Strike Would Kill Project
Union charging unfair labour practices.

Canada Line Tunnellers Axed
Union claims laid-off workers punished for labour activism

Does BC Really Need 20,000 Global Temps?

Foreign workers a poor fix for Olympic overruns say union

Read more: *Rights + Justice, Labour + Industry,*



Submitted by Tyee staff, 6 Jan 2013

European soccer star fires ball at racist fans, quits game

Where do these videos come from? From you. Suggest one here!

Sign Up for
THE TYEE'S NEWSLETTER

GO

1. Shale Gas: Myth and Realities
2. Placing #IdleNoMore in Historical Context
3. It's Official: Bitumen Mining Pollutes Northern Waterways
4. Online? You May Be Subject to US Laws
5. Joe Keithley's Road to Punk and Politics
6. Adrian Dix's Not-So-Secret Agenda
7. 'Sadly Missed by Her Partner of 51 Years, Mary'
8. Shale Gas: How Hard on the Landscape?
9. BC a Base for Abortion Battlers Trying New Tactics
10. The Invisibles: Migrant Workers in Canada

The convenience of the serene new Canada Line SkyTrain in Vancouver transporting cheerful strangers from the airport to downtown painted a pretty picture of Canada as a host of the 2010 Winter Olympics. But the celebration of multiculturalism came at a hefty price: approximately \$3.57 per hour.

That was how much two international engineering corporations initially paid the Latin American workers hired to build the Canada Line, according to testimony by some of the labourers who said they received a net average salary of \$1,000 USD for their first two months, on 60 to 70-hour work weeks. Crane operator Franklin Mora, from Costa Rica, got paid \$1,280 a month for April and May, which amounted to \$3.89 per hour.

The Latin Americans performed the same backbreaking work as Europeans on the project, but were paid a fraction of what their counterparts made.

The 36 Latin American construction workers, most of whom were from Costa Rica, the rest from Colombia and Ecuador, specialized in tunnel excavation. They were easily brought in April 2006 through the TFWP, without a *Labour Market Opinion*, an employment authorization granted by Canada's human resources department to ensure workers are paid prevailing wages. They did not need an LMO as Canada and Costa Rica signed a free trade agreement for "inter-company transferees." The government puts a cap on all other immigration streams, such as permanent residents, refugees and family sponsorships, but the TFWP is not regulated by any quotas. "This is a way to bring in workers who are working at low wages and it gives employers incredible flexibility," says labour lawyer Fay Faraday, who has done extensive research on the program.

'Se hablan Español?'

When Joe Barrett, a former researcher with the BC Trades and Construction Council, got word from Canadian unionized construction workers of how little the Latin Americans' were earning he paid them a visit. "*Se hablan Español?*" he called to them through the fences of their worksite. It was "like music to their ears," he recalled. Barrett, a blue-eyed soft-spoken intellectual who taught Spanish before devoting himself to the labour movement, explained their rights to them.

He vehemently disagreed with their meager salaries. "The fact is they're in Canada and they're buying their beers, their cigarettes or any other goods they need in Canadian dollars, not in Costa Rican currency, not in Colombian, or Ecuadorian currency," Barrett says. "I mean just to take a bus in Vancouver is \$5 return. Your \$1,000 dollars a month isn't going to go very far."

Within less than a month of their arrival, Barrett and a team of organizers had persuaded them to join the Construction and Specialized Workers' Union (CSWU), which is unusually fast, he says -- workers usually take several months or even years to join a union. Threatened by a

REPORTED ELSEWHERE

- It's the BC NDP or your job, candidate told
- Auditor general cited chair of committee seeking to replace him
- Buyer pictures BC ghost town Kitsault as gas hub
- Province reaches out to BC trial lawyers to talk legal aid
- Attawapiskat chief won't attend PM meeting in GG's absence
- Barack Obama 'seriously considering' hosting climate summit
- The hottest places on Earth
- The last little newspaper that's Internet, computer, even digital camera free

SEE MORE »



potential strike, the employers, SNC Lavalin and Italian-based SELI Inc., responded by raising their hourly wage to approximately \$10.81 an hour. The union saw this as the company's way to sidestep collective bargaining.

Even with a raise, the Latin Americans workers were still being paid 92 per cent less than their European counterparts. They also received inferior food and housing.

While Europeans stayed in luxury condos minutes away from the construction site with a waterside view of False Creek, the

[YOUR BC: THE TYEE'S PHOTO POOL](#)



[Join The Tyee's Flickr group »](#)

[View previous selections »](#)



Latin Americans, according to court documentation, lived in a run-down motel on Kingsway. And while the Europeans were given \$450 worth of pocket money for food, the Latin Americans were forced to eat their lunches and dinners at two restaurants designated by SELI with meal tickets. They were allowed to choose where to have breakfast though -- with \$150 per month.

Canada Line train from Vancouver to Richmond that Latin American construction workers helped build. Photo by Deyan Denchev.

Europeans were also paid \$300 extra for miscellaneous expenses while the Latin Americans received around \$76.

Perceiving that SELI and SNC Lavalin did not want to negotiate, the union turned to the Labour Relations Board, which told them the matter was out of their hands and encouraged them to fight the discriminatory pay rates, meal plans and housing conditions through the B.C. Human Rights Tribunal. [So they did.](#)

The Latin Americans sought equality through an historic human rights case that began in September 2007. SELI based their defense on "international compensation practices," arguing that the Latin Americans wouldn't have made that much in their countries of origin.

Millions kept from workers: union

The workers returned to Costa Rica in March 2008, before the tribunal had issued its ruling. At that point Barrett found that most of the workers had not received the tax refunds owed to them since they did not know about this practice in Canada.

He decided to pay for his own ticket to visit the workers, whom he helped to collect close to \$50,000 in tax refunds. Barrett says, "That means that the federal government is sitting on tens if not hundreds of millions of dollars [in tax refunds]. If I can get \$50,000 per group of 40 workers, what is it for all of the others who don't know what their rights are?" He also helped two workers who had recently turned 60 collect from their Canadian Pension Plans, which all migrant workers pay into when they work in Canada -- yet most do not know they qualify for it.

On Dec. 3, 2008, the Human Rights Tribunal issued its ruling: there indeed had been discrimination, based on country of origin. It was a first in Canadian history, according to Charles Gordon, one of the lawyers who defended the Latin Americans.

The



ruling stated that SELI's actual international compensation practices was "to take advantage of the existing disadvantaged position of these workers, who are from poorer countries, and to perpetuate that disadvantage, and to do so while they were living and working within the province of British Columbia."

Faces behind the human rights complaint against SELI, SNC Lavalin and SELI-SNC (Left to right): Kevin Blakely, Christopher Misura, Walter Quiros, Douglas Barbosa, Charles Gordon, Anthony Gamboa, Joe Barrett (kneeling). Photo courtesy of Joe Barrett.

The tribunal ordered SELI, SNC Lavalin and SELI-SNC to pay each Latin American worker the salary and expense differences compared to the Europeans over their course of employment, and \$10,000 each for injury to dignity, feelings and self-respect. The union says that adds up to more than \$2.4 million in total.

SELI and SNC Lavalin challenged the decision. Nearly five years later, the case is still going through appeal hearings.

Jose Anselmo Lopez Salguero is one of the workers included in the case. He's a family man in his late fifties, the type who apologizes when he mishears someone speaking accented Spanish. Since 1991, he had worked on SELI projects as a diesel mechanic in Colombia, Hong Kong, Greece, the Philippines, Italy, Lesotho and Costa Rica. "SELI in Canada treated me like a dog," he says, adding that he was a "faithful" worker.

Back in his home country, Costa Rica, he still hopes to see justice served. "All you can do is wait," he says.

Read part one of the series [here](#). Tomorrow: Experts agree the law neglects migrant workers. 🐞

Read more: [Rights + Justice](#), [Labour + Industry](#),

Krystle Alarcon is a multimedia journalist based in Vancouver, BC, who reports on social justice issues related to women, im/migrants, First Nations, the LGBTQ community and marginalized people. She is a second-generation Filipina born in Montreal and raised in Manila and is fluent in English, French Tagalog and basic Spanish. Her work may be found on krystlealarcon.com and she can be followed on Twitter [@krystlealarcon](https://twitter.com/krystlealarcon).

Tweet 72

Recommander 227

13 COMMENTS:

[Login or register](#) to post comments

Frank
2 days ago

Unbelievable

Its sad no one from the Right ever condemns the corporate types that do this. Are they silently cheering them on? I suspect so.

Login or register
to post comments
Suggest as offensive

Hakuin
2 days ago

"Globalization"

Bring everyone up to our level? Or bring us down to theirs? Who

<p>profits?</p> <p>Login or register to post comments Suggest as offensive</p>	<p>http://thinkprogress.org/economy/2013/01/07/1407861/study-finds-free-trade-with-china-lowered-american-manufacturing-by-296-percent/?mobile=wt</p>
<p><i>mewar52</i> 2 days ago</p> <p>Login or register to post comments Suggest as offensive</p>	<p><i>New Project - Same Contractors</i></p> <p>I think it's worth noting that the new \$1.4Bn Evergreen Line has been awarded to the same SNC-Lavalin/SELI consortium which built the Canada Line. In the meantime, of course, much new information on SNC-Lavalin and its culture of corruption has become available. I find it interesting that none of this bothered Christy Clark, she of Railgate fame.</p>
<p><i>Feverish</i> 2 days ago</p> <p>Login or register to post comments Suggest as offensive</p>	<p><i>I remember when...</i></p> <p>I was proud to be a CDN because I thought that we, as a nation, tried to do good in the world. Maybe I was just young and naive. I am under no such illusion now.</p> <p>Our mining companies go abroad to raise hell and profit. And we trick foreign workers into coming here to be exploited. Shameful and embarrassing.</p>
<p><i>Bob Watts</i> 2 days ago</p> <p>Login or register to post comments Suggest as offensive</p>	<p><i>I Agree</i></p> <p>I am also an Ex-Proud canadian.</p> <p>As long as Harper is in power canada should be spelled with a small "c"</p>
<p><i>rantnic</i> 1 day ago</p> <p>Login or register to post comments Suggest as offensive</p>	<p><i>YET ANOTHER EX-PROUD CANADIAN</i></p> <p>The foreign workers are just the tip of the proverbial iceberg. How about our own working poor who have been stripped of their ability to find justice through the ravished and now ineffective Labor Relations Board. Those same poor who no longer have access to free legal help and suffer under working conditions that even the foreign workers would not put up with. All in the name of what our beloved anti-labour anti-people governments call "GOOD BUSINESS".</p> <p>The good people of this province and country have been under attack by a corporate mafia that has absolutely no compunction about stripping the human and natural resources bare and leaving us broke, cold, hungry and homeless.</p> <p>Should we as (small C) canadians be proud of Harper for spending billions of our tax dollars on "War Planes" to support the failing American war based economy? Are we indeed a war like nation in need of weapons of mass destruction so that we can destroy the people of other nations? As an EX-PROUD CANADIAN I think not.</p> <p>Lets support our own economy through supporting our own people,our own workers and our own who are in need. Supporting foreign corporate enterprise does Canada no good at all.</p>
<p><i>Norman Farrell</i> 1 day ago</p> <p>Login or register to post comments Suggest as offensive</p>	<p><i>Immigrant workers highlight BC failures</i></p> <p>On a recent MEX-YVR flight, the tube was loaded with uneducated Mexicans headed for work in BC. That's how business responds to minimum wage laws and union contracts.</p> <p>I observed that but I hear frequently from a son in the BC plumbing trade about shortages of local workers, particularly workers with training.</p> <p>We need good trades programs, particularly for young people who aren't aware that an excellent future lies in the trades.</p>
<p><i>RockyRacoon</i> 1 day ago</p> <p>Login or register to post comments Suggest as offensive</p>	<p><i>Our mining and other corporations are not subject to Canadian</i></p> <p>Law when working in another country. This is what is ruining our reputation in South America I believe I read this here. The USA on the other hand does subject these corporations to America Law</p>

rantnic
1 day ago

@Norman Farrell

"We need good trades programs, particularly for young people who aren't aware that an excellent future lies in the trades."

Login or register to
post comments
Suggest as offensive

That is easy to say but we must remember that the trades and especially the trade unions have been whipped and beaten by the governments and the media to such a degree that becoming one of those pinko, commie, tradesmen is no longer appealing to our youth.

It is advised by many economists that our youth should invest their money in offshore companies rather than trade school. There they will see a greater return for the future.

Of course if you don't have money to invest in either you can sling hamburgers at McDonalds. Rumor has it that McDonalds will soon be accepting "tips" so that they can lower the minimum wage they are now required to pay.

mary.jane
1 day ago

A not proud Canadian

I have long thought greed must be a new mental health problem. The corporate moto seems to be To hell with you as long as I'm alright

Login or register to
post comments
Suggest as offensive

The Tyee:

Contact
Advertise
About Us
About Our Funding
Become a Tyee Builder
Apply for a Fellowship
Submissions
Jobs
Master Classes
Privacy Policy

Articles:

News
Arts & Culture
Life
Opinion
Mediacheck
Books
Video
Publications
Series
Tyee News
Weekly Archives

Blogs:

The Hook
Other BC Blogs

Other News:

Reported Elsewhere
CP Feed

Columns:

Steve Burgess
Murray Dobbin
Michael Geist
Crawford Kilian
Rafe Mair
Andrew Nikiforuk
Shannon Rupp
Bill Tieleman
Dorothy Woodend

Your Account:

Login
Create an Account
Subscribe
RSS

Tyee Mobile

Tyee Mobile App



Managed Hosting by **Gossamer Threads**