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LESSONS FROM CANADA : THE ECONOMIC NECESSITY TO MAKE ALL
GUESTWORKER REGIMES '2-STEP IMMIGRATION PROGRAMS
FACILITATING JUST-IN-TIME INTEGRATION AND CIRCULAR MIGRATION'¹

Denise Helly², Eugénie Depatie-Pelletier³ and Adrienne Gibson⁴

Abstract :

Western States have developed a range of national and bilateral programs to identify sectoral labour shortages and admit just-in-time foreign workers under temporary rather than permanent legal status. Statistics on occupations filled between 2004 and 2009 by guestworkers in Canada (Quebec, Ontario, Manitoba, Alberta and British Columbia) show that some labour shortages addressed by the presence of guestworkers were less acute than others. Moreover, researchers have recently identified that the presence of guestworkers in Canada have or would put a significant downward pressure on the wages and work conditions of certain categories of local workers. This downward pressure has been explained, in particular, by the restrictions on rights and freedoms of certain groups of guestworkers. In order to minimize the negative economic impact of guestworkers

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² Professor, INRS-UCS, denise_helly@ucs.inrs.ca

³ Ph.D. Candidate, Faculty of Law, Université de Montréal, eugenie.pelletier@umontreal.ca

⁴ Associated researcher, CÉRIUM/REDTAC-(i)m/temporary foreign workers, ag_adrienne@hotmail.com

programs while maximizing their economic benefits, states need to restructure temporary work regimes as 2-step immigration programs facilitating “just-in-time” integration and circular migration.

I. Human Mobility as An Economic Phenomenon with Positive Impacts

Following World War II, immigration, even of poor and unskilled workers, was considered useful to Western economies; however, this positive perception has been publicly challenged since 1990. A combination of contextual elements might explain the change: increased international trade agreements; more international competition and the associated downward pressure on working conditions in the north and movement of production to the south; recessions (1981-82, 1990-91) and slow economic growth in Europe; ageing populations and challenges on health and social public services; spikes in the flow of asylum seekers, particularly from Ex-Yugoslavia, Ex-USSR, Sri Lanka, the Middle East, Algeria, and Central Africa; the consolidation of illegal migration routes for undocumented workers (Gibraltar, Morocco, the Canary Islands, Libya); and the inclusion of Eastern European countries in the European Union resulting in migration from those countries to Western European states.

Negative comments about international migrants became frequent in the European and North American mass media (Bauder, 2008; Clark, 2013; Cottle, 2000; Downing, 2001; Jakubowicz, 1995) and public debates (Simon and Sikich, 2007). A negative conception of the migrant developed (Grubel and Grady, 2011): a person who benefited illegitimately from public social programs, destroying the social fabric and national identity, and facilitating the increase of criminality and the worsening of work conditions for local workers. Governments followed by enforcing policies contradicting principles applied since the 1960s and aiming at reducing the fundamental liberties and social rights of migrants, militarizing the border controls, criminalizing the undocumented migrants and imposing new test of cultural adequacy to future citizens (Helly, 2009). Reinforcing this imagery are the Islamophobic discourses presenting stereotypes of Islam as a menace to Western modernity due to an “incapacity” to grasp political democracy, respect individual freedoms and gender equality, and subject religious power to state power (Allen, 2010; Caulfield, 2007; Deltombe, 2005; Fekete, 2008; Geisser, 2003; Helly, 2009, 2010; Islamlaitc.org et al., 2006; Karim, 2000; Qureshi, 2003) [1].

During the 2000s however, an international immigration management technocracy [2] formed with and for its clients, Western states mostly, a new conception of immigration (Geiger and Pécoud, 2010). In this view, newer in Europe than in North America, international immigration is no longer, contrary to popular stereotypes, a risk for the citizens in the labour market, border control, budgets, national identity and liberal cultures. Rather, it is a natural, historical human reality, accelerated in the past 20 years by the development of communications and transportation technologies, by the increase in underemployed youth across the world, and by the disparity in living standards between Northern and Southern countries. Thus, instead of trying to fight this tendency the focus should be on making it profitable. This conception implies a premise: international migration can be economically useful even if it is anchored in imbalance, and the benefits of migration can be positive for all actors--migrants (skilled and unskilled) and sending and receiving societies (Kalm, 2010). The new conception

redefines public interventions (IOM, 2011). Their aim becomes making migration profitable by organizing the circulation of skills according to labour needs in Northern countries (Geiger and Pécoud, 2010). According to this interpretation, migration is a normal and rational practice so beneficial to societies that migrants should be recognized as “exceptional people” (Goldin, Cameron and Balajaran, 2011).

In European countries and the United States, where undocumented foreign workers are massively smuggled from Africa, East Europe, the Middle East, Latin America and East Asia, the debates about offering upfront permanent legal status to migrant workers have proved controversial. Instead of expanding labour-market responsive selection grids to admit foreign workers and families for immigration purposes, these Western States have consolidated and expanded, a wide range of national and bilateral programs to identify sectoral labour shortages and admit « just-in-time » foreign workers under exclusively temporary legal status (Ruhs, 2006). Often this has been accomplished with the help of bureaucrats from international agencies such as the International Organization for Migration (IOM). In the last decade Canada has also joined this trend to develop temporary migration schemes to admit foreign workers (otherwise known as guestworker programs or temporary foreign worker programs).

Labour migration, in general, may have positive and negative impacts on specific sectors of the economy (Part II). Alongside admission programs for settlement purposes accessible to family members, refugees and selected foreign workers and their families, the Canadian government increased significantly during the last decade admissions both of high-skilled and lesser-skilled foreign workers under temporary legal status (Part III). Recent studies of Canadian temporary foreign workers programs have confirmed that if guestworkers’ admission have proven useful for Canadian employers, specific characteristics of the programs cause a downward pressure on Canadians’ employment, wages and working conditions by impeding migrant workers’ ability to exercise labour rights and access justice and social services (Part IV). In order to gain from guestworker programs while minimizing their negative economic impacts on local communities, states must structure temporary *work* programs not as temporary *migration* programs but instead as two-step immigration programs facilitating “just-in-time” integration and circular migration (Part V).

II. Economic Impacts of Integrating Foreign Workers into National Labour Markets

Studies on international migration’s economic impact show a few points of consensus. For one, current immigration levels do not have a significant impact on the age structure of national populations (United Nations, 2000). Furthermore, even if the overall net gain for economies due to immigration appears insignificant (Aydemir and Borjas, 2006; Borjas, 1994), immigration may have strong positive or negative impacts on specific sectors of national economies (Ewing, 2011; Immigration Policy Center, 2011; Peri, 2010; Lin 2011; Shierholz, 2010) :

It is not simply the increased supply of one group of workers that determines outcomes for another group. Were that so, then there would be little to argue about: a disproportionate increase in the supply of foreign-

born workers [...] would [always] lower the wages of native-born workers [...]. Instead, the characteristics of the added workers, and the specific role they play in the economy, make a big difference. In the language of economics, it matters a great deal whether immigrant workers are substitutes for or complements to native-born workers. The terms refer to how employers use workers in the production of their goods and services. If native workers are indistinguishable in this process from immigrants—if they are substitutes—it follows that a large influx of immigrant labour may hurt natives' earnings prospects. But if natives and immigrants fulfil different roles in the production process, then they may play complementary roles, and it is less likely that the supply shock in one group will hurt the other group, and it may in fact help them. [Shierholz, (2010), p.3]

Researchers and think tanks such as the Center for Immigration Studies, the Migration Policy Institute, the Immigration Policy Center (American Immigration Council) disagree on the impact of immigration on working conditions and employment rates for local workers, however. Some have argued for that immigration is the main cause of unemployment in the US, and of youth unemployment in particular (Holzer, 2011; Camarota, 2011; Smith, 2010; Camarota and Jensenius, 2010). However, most studies conclude that immigration does not significantly affect local workers' wages and employment rates (Immigration Policy Center, 2011; Peri, 2010; Card 2001, 2007, 2009; Card and Lewis 2007; Borjas 2006). Qualifying these general conclusions are studies showing that immigration has a low but systemic negative impact on the wages earlier immigrants (Shierholz, 2010).

Furthermore, there are documented cases where the admission of foreign guestworkers have affected native workers' employment opportunities in general (Castle, 2006). The negative effect of undocumented migration on wages for local lesser-skilled workers is now confirmed (Passel et al. 2009; National Research Council, 1997). Guestworker programs, specifically, have been shown to facilitate the loss of employment opportunities for local workers in the IT industries through subsequent relocation of economic activities to the country of origin (Hira, 2010). Immigration has also been associated with an increase in average daily hours worked (Peri, 2010). Finally, in intensively manual labour sectors (i.e. agriculture), admissions of guestworkers is associated with low investment in productive equipment (Lewis, 2004).

Furthermore, guestworker programs' socio-economic effects also play out on international migrant workers (IMW), their families and their community of origin. While researchers have documented the consolidation of criminal networks profiting from highly restricted lawful paths to national labour markets by trafficking migrant workers into forced labour and/or sexual exploitation (Andrews, 2012; Dwyer, Lewis, Scullion and Wait, 2011), guestworkers face major obstacles to accessing justice and exercising fundamental rights and freedoms and labour rights, including the right to collective bargaining (Bauer, 2007; Gordon, 2011; Hahamovitch, 2003; Ontiveros, 2010; Sukthankar, 2012).

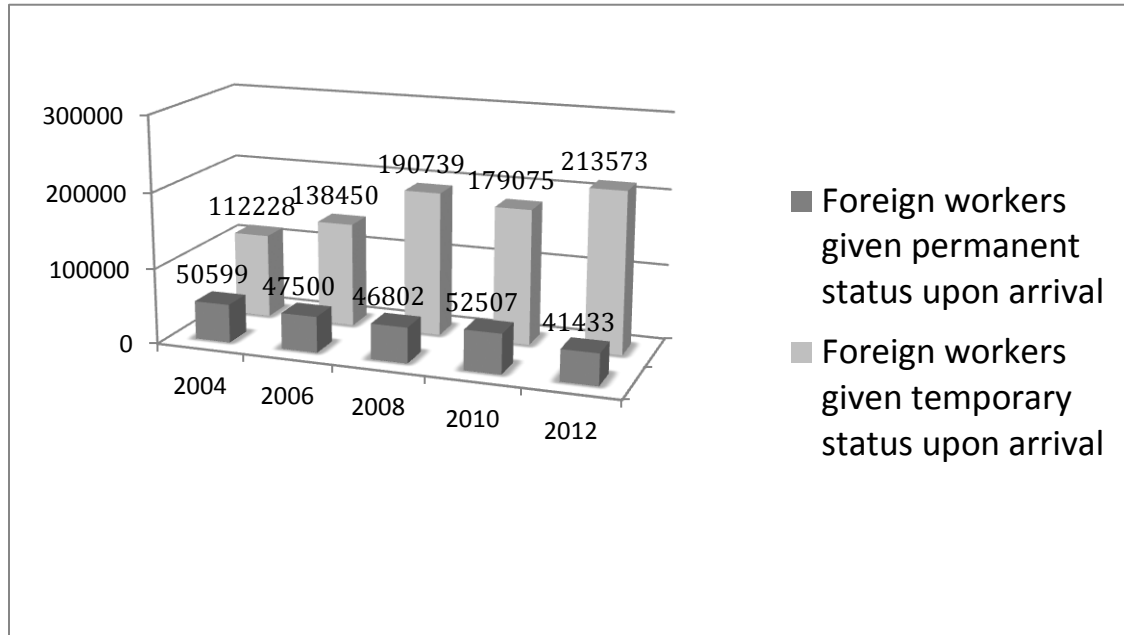
The potential positive impacts of foreign worker integration on national economies are also better understood today: an increase in production (Ewing, 2011; Immigration Policy Center, 2011), in productivity (Immigration Policy Center, 2011; Peri, 2010), in profits for companies employing foreign workers (Lin 2011), in wages for workers born in the country (Shierholz, 2010; Passel *et al.* 2009), in the internal demand for goods and services, and in job creation in specific sectors (Ewing, 2011; Immigration Policy Center, 2011). Other benefits include a general downward pressure on prices and inflation (Papademetriou and Sumption, 2011a; Tienda, 1983; Aydemir and Borjas, 2006; Borjas, 1994, 1995, 2001, 2003; Anderson et al., 2006, Sum et al., 2006) and remittances to families and skills transfer to the countries of origin (Bakker, 2010).

III. Regulating Human Mobility: Admission of Guestworkers into Canada

Officially, the Canadian government aims to achieve both short and long term objectives through the admission of guestworkers and their family members into Canada. Short term, the aim is to respond to specific workforce needs, increase job creation in Canada, increase knowledge transfer to Canadian workers, and facilitate international commerce and the activities of multinational companies (Thomas, 2010). Long term, such programs are officially intended to ensure if not increase economic activity by increasing the proportion of the population that is employed and the Canadian workforce's skills level—a complement to the ongoing integration of asylum seekers and visitors and settlement of family members and refugees.

Admission by means of temporary legal status has through the past decade been confirmed as the Canadian government's favoured method for integrating foreign workers (see figure 1) and refugees into the labour market, in parallel of the admission of family members under permanent status.

FIGURE 1
Annual admissions of foreign workers to Canada (2004,2006, 2008 and 2012),
by legal status upon arrival



Source : CIC 2013a

Several factors explain why the Canadian government prioritized guestworker admissions over immigrants selected on the basis of their skills. For one, the Canadian guestworker admissions target more precisely the specific skills in demand in the regional labour markets. Furthermore, since they are given priority treatment by the federal government, they are much faster than the permanent immigrant selection programs (Alboim and McIsaac, 2007). Thus, guestworker programs are favoured not only by Canadian employers but also, often, by the foreign workers themselves. Moreover, the immigration programs are closed to foreign workers interested in so-called low skilled jobs. Employers facing a genuine shortage for lesser-skilled but permanent positions are currently directed by the federal government to use guestworker programs instead of looking to new immigrants as potential employees.

As of 2012, the Canadian government was operating 34 guestworker programs (see table 1) and, as a matter of fact, the Canadian temporary foreign worker scheme is best conceived as a highly heterogeneous regime of dozens of subprograms (Depatie-Pelletier, 2008a).

The majority of guestworkers in Canada enter under special programs (see programs in gray in table 1), administered alongside the general procedure. Under these programs sponsorship by a specific employer is not a requirement and guestworkers are allowed to switch employers in the period of their temporary work permit (CIC, 2013b; Depatie-Pelletier, 2008a).

Under the general procedure (see programs in white in table 1), to be admitted the foreign worker must first submit a positive labour market opinion (LMO)—or authorization to

sponsor guestworkers-- obtained by the potential Canadian employer. These workers are then prohibited by the federal government (and in Quebec by the provincial government) from working for any other employer in Canada than the one authorized to sponsor them. Except for Mexican and Caribbean agricultural workers, if their employment with the authorized employer ends and they have not yet worked 48 months in Canada, these guestworkers are allowed to stay in the country until their work permit expires in order to try to secure another LMO. However, in such a case they cannot work until they obtain another LMO.

Table 1
Admissions in Canada of migrant workers under temporary status (2012),
by guestworker programs

	Guestworker program	Foreign workers admitted in 2012
1	NAFTA-Professional	14 684
2	NAFTA-Intra company transferee	8 909
3	NAFTA-Trader and investor	102
4	NAFTA-Business visitor	201
5	Other Free trade agreements-Professional	474
6	Other Free trade agreements-Intra company	480
7	Other Free trade agreements-Trader and investor	16
8	Other Free trade agreements-Business visitor	11
9	International agreements	4 650
10	Provincial agreements	11 488
11	GATS-Professional	246
12	Youth exchange program	63 680
13	Reciprocal employment	2 846
14	Exchange professor	1 568
15	Intra-company transfers	14 925
16	Significant benefit	21 413
17	Entrepreneur/self-employed	399
18	Emergency repairs	56
19	Partner of a foreign worker	24 313
20	<i>Partner of a foreign student</i>	5 074
21	Post-graduate employment	31 316
22	Post-doctoral fellow and award recipients	5 513
23	Research, educational, training	7 954
24	Charitable or religious work	1 820
25	Repair and service equipment	0
26	Permanent resident applicants in Canada	7 092
27	Performing arts	0
28	Other workers without LMO	27
29	Information technology workers	758
30	Other workers in high-skilled occupations	32 600
31	Live-in caregiver program	19 830
32	Mexican agricultural workers	17 751
33	<i>Caribbean agricultural workers</i>	7 758
34	Other workers in lesser-skilled occupations	30 267
	Total	338221

Source : CIC 2013a

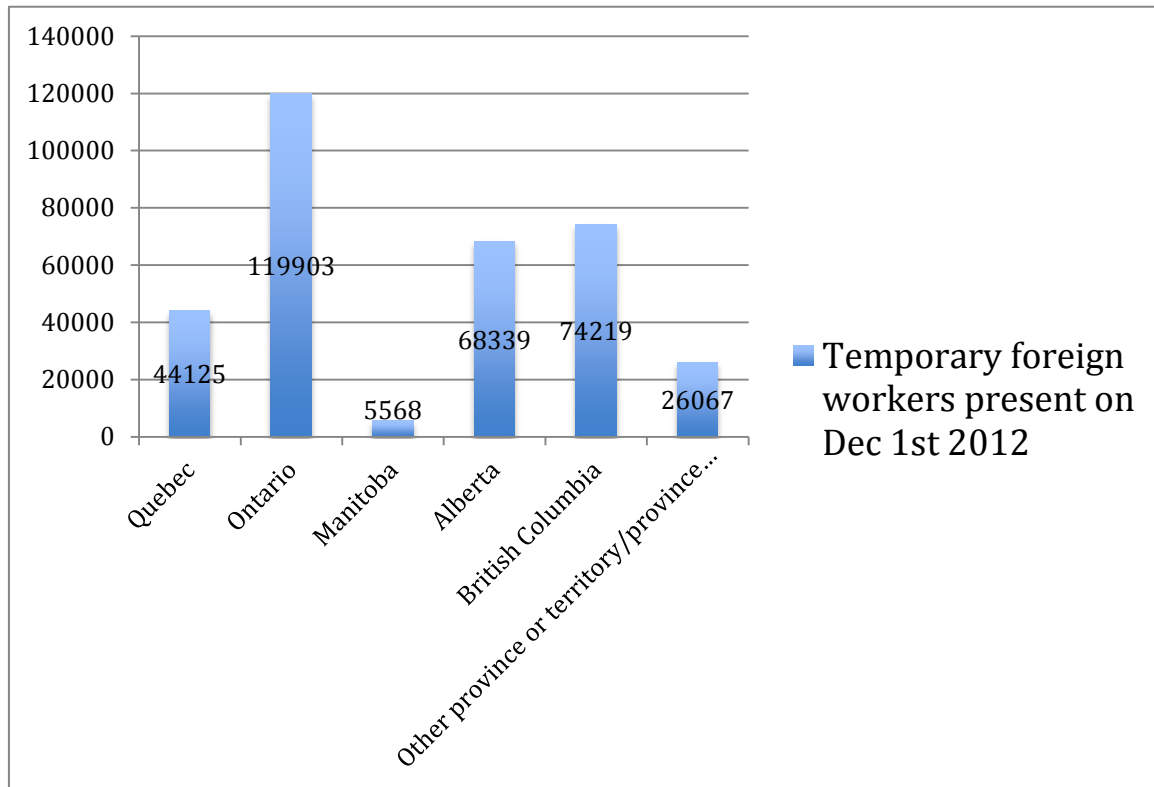
On December 1st, 2012, 338 221 guestworkers were employed in Canada. Of these, 32.2% had entered through the general program therefore were not allowed to switch employers (CIC,2013b; Depatie-Pelletier, 2008a). Of these, 25 509 workers (CIC, 2013a) were Mexican and Caribbean workers employed in the agricultural sector; these workers could furthermore be, at the employer's request, repatriated before the end of their work permit and/or excluded from procedures to renew their temporary status in Canada (ESDC, 2013a, 2013b).

Most Canadian guestworker programs allow some workers to transition to permanent legal status, however a few programs have maintained their old structure as “bonded forced-rotational systems” (Hahamovitch, 2003:89). According to current policies, aside from live-in caregivers (CIC, 2013c), only guestworkers employed in high-skilled occupations (HRSDC, 2013) are invited to ask for the status of permanent resident (CIC, 2013d) and, eventually, for the status of citizen (CIC, 2013e). This explain why, even if as many as 299 405 guestworkers were present in Canada on December 1st, 2011, only 26 361 of these workers (less than 10%) obtained permanent legal status during the following year (CIC, 2013a). Of the 338 221 guestworkers present in Canada on December 1st, 2012, at least 75 606 (CIC, 2013a), or 22 %, were employed in lesser-skilled occupations thus *a priori* excluded from accessing after 12 months the federal procedures to transition to permanent status. Except for truck drivers in Alberta (CIC, 2013f), this group is also barred from obtaining work permits for their spouse or children of working age (CIC, 2013g).

In sum, Canada grants its guestworkers different rights and freedoms [3] not only according to their country of origin (Depatie-Pelletier, 2008b), but also according to their occupation in the Canadian labour market. Consequently, the effects of their integration may vary by employment sector.

Recent statistics on guestworker programs (CIC, 2013a) confirm that the regime to integrate guestworkers in Canada is indeed highly heterogeneous: migrant workers are admitted through a high number of different legal programs (see table 1). Moreover, the guestworkers are not uniformly integrated across the country; rather, the majority are currently employed in Ontario, BC and Alberta (see Figure 2).

FIGURE 2
Migrant workers in Canada on Dec 1st 2012,
by province of destination



Source : CIC, 2013a

Statistics on the occupations filled by guestworkers in these five provinces (see tables 2-7), right before and after the 2008 global economic downturn that affected the Canadian economy (Marcil, 2009), appear to indicate that the regional skills shortages associated with guestworker admissions varied in their acuteness; thus, the impact of guestworkers, in particular on local workers' wages and work conditions, would have varied significantly across regional employment sectors.

The data indicates that federal immigration officers considered specific labour shortages acute--even during the 2008-2009 economic downturn--in the lesser-skilled occupations, namely home caregivers; farm workers, greenhouse worker and harvesting labourers; food service preparers; office clerks; cleaners and janitors; industrial butchers; construction labourers; truck drivers; sales clerks; and labourers in processing, manufacturing, and utilities (see occupations in bold in Table 2). In all provinces, the majority of unskilled foreign workers were and continue to be admitted under either open work permits developed through special bilateral agreements or by LMOs authorizing specific foreign workers to work for specific employers in the province.

The regional presence of guestworkers was maintained or increased during the economic downturn in some of these main employment sectors. In some others provincial labour shortages developed (see occupations in italic in Table 2). Specifically, the numbers show that in all lesser-skilled occupations where guestworkers were present their numbers

increased across all of the main destination provinces in 2009. Instead, an increase in specific lesser-skill occupation shortages were identified but only in a handful of the principal provinces receiving guestworkers : labourers in manufacturing (Qc, BC, Ab); dry cleaning and laundry labourers (BC, Ab); truck drivers and delivery drivers (BC, Ab); cashiers (BC, Ab); food service attendants and preparers (BC, Ab); home caregivers (Ab, On); food and beverage servers (Bc, Ab); sales clerks (Ab, Qc); farm workers, greenhouse workers and harvesting labourers (Ab, Ma); office clerks (On); hotel front desk clerks (Ab) and nurse aides (Ab) – see table 3 below.

On the other hand, the presence of unskilled/lesser skilled guestworkers might have caused stronger downward pressure on Canadian workers' wages, working conditions and/or employment in other occupations (see numbers in gray in Table 3) – positions for which the immigration officials lowered guestworker employment during the 2008-2009 economic downturn: railway track maintenance (decreased presence of guestworkers in all main provinces); office clerks (all provinces except Ontario); truck drivers (On, Ma, Qc); industrial butchers (BC, Ma); wood products assemblers (BC, Ab); sales clerks (On, Ma); farm workers, greenhouse workers and harvest labourers (BC, On); home caregivers (Qc, Ma); construction labourers (Ma; Ab); cleaners and janitors (On); food service attendants and preparers (On); ground maintenance labourers (On); and labourers in manufacturing (On).

In the realm of workers admitted to fill high-skilled occupations during the same period, specific labour shortages were considered acute (see occupations in bold in tables 3-7) for all of the main provinces of destination in the following occupations: chefs, cooks and bakers; university professors; post-secondary teaching and research assistants; specialist physicians; registered nurses; and athletes, coaches and sports instructors. Other skills shortages appear significant only in the more populated provinces (On, Ab, BC, Qc): high-level management consultants; senior managers; software programmers; computer engineers and system analysts; sales, retail trade and food service managers; engineering and data systems managers; financial and administrative services managers; physicists, chemists, biologists and related scientists; civil, electrical and electronics engineers; and food services supervisors (see tables 3, 4, 6, 7). Finally, some skills shortages appear to be regionally specific: carpenters, bricklayers, roofers and shinglers (Ab, BC, On); farm, greenhouse and livestock managers (Ab, On, Ma); general practitioners and family physicians (BC, Ab, Ma); electricians and cable workers (Ab, BC); electrical and electronics engineering technologists (On, Ab); food service supervisors (Ab); steamfitters and pipefitters (Ab); and aerospace engineers (Qc) – see tables 3-7.

In specific high-skilled occupations, labour shortages warranting guestworkers appear to have increased even during the economic uncertainty of 2008-2009 (see occupations in italic in tables 3-7). The data shows an increase in guestworkers admitted as registered nurses (Ma, Ab, BC, On); construction managers (Qc, BC, On, Ab); physicists, chemists, biologists and related scientists (Qc, On, Ab, BC); community and social service workers (Ab, Ma, Qc, On); senior managers (Ab, BC, On, Qc); athletes, coaches and sport instructors (Qc, Ma, On); food service supervisors, sales, retail trade and food services managers, and electricians and cable workers (Ab, BC); farm, greenhouse and livestock

managers (Ab); air pilots, flight engineers and flight instructors; aerospace engineers; welders; dancers and other performers; secondary and elementary school teachers and kindergarten educators; and financial auditors and accountants (Qc).

Finally, again specifically with regard to high-skilled occupations, although the number of guestworkers admitted as computer engineers and systems analysts have seen the only decrease between 2008 and 2009 in all the provinces studied, the number of guestworkers hired as software programmers, and engineering, information systems and data processing managers, were the only occupations--except specialist physicians--showing an increase not only in many but across *all* provinces studied. It seems that Canadian companies' interest in foreign information technology workers did not diminish when the North American economy slowed.

It also appears that the economic downturn significantly affected the employment of guestworkers in certain other high-skilled occupations (see numbers in gray in tables 3-7) for which underemployed local Canadian workers might have showed interest in 2009. The employment of guestworkers did decrease significantly in 2009 in several sectors, however: high-level management consultants and post-secondary teaching and research assistants (in all the provinces analyzed); financial auditors and accountants, and carpenters, bricklayers, roofers and shinglers (Ab, BC, On, Ma); civil, electrical and electronics engineers, and university professors (Ab, On, BC, Qc); financial and investment analysts (Qc, On, Ma); immigration, unemployment insurance and revenue officers (BC, On, Qc); cabinet makers and cement finishers (Ab, BC, Ma); geologists (BC, Ab); mechanical engineers (Ab, BC); graphic designers (BC, On); general practitioners and family physicians (Ab, Ma); mechanical engineering technologists (On, Qc); electrical engineering technologists (On, Ab); marketing consultants and sales specialists (On, Qc); chefs, cooks and bakers (On, Ma); and industrial engineers (Qc, On). Decreases in guestworker employment in the following categories were limited to specific provinces: community and social workers, ironworkers, and architects (BC); welders, chemical engineers, steamfitters and pipefitters, and petroleum engineers (Ab); senior managers, and farm, greenhouse and livestock managers (Ma); manufacturing managers and college instructors (On); and professionals in public relations (Qc).

TABLE 2: Unskilled guestworkers/in selected lesser-skilled occupations in Qc, On, Ma, Ab, BC (2008 and 2009)

NOC Code(s) - Selected low skilled occupation(s)	Quebec		Ontario		Manitoba		Alberta		British Columbia	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
1411-1476 - Office Clercks	400	348	2 321	5 010	77	35	527	461	463	347
3413 - Nurse Aides and Orderlies	10	*	10	*	*	*	188	212	*	*
6411,6421 - Sales Clercks	162	178	117	85	11	*	747	1 063	332	332
6435 - Hotel Front Desk Clerks	23	16	49	38	*	*	349	425	179	175
6453 - Food and Beverage Servers	57	47	72	65	*	*	831	1 161	496	695
6472 -School Teacher Assistants	48	49	11	10	*	*	10	10	27	32
6474 - Home Caregivers	2 703	2 536	21 037	21 704	288	273	5 865	6 439	8 054	8 189
6611 - Cashiers	*	*	43	43	0	*	325	489	34	73
6641 - Food Service Preparers	37	35	110	78	*	25	4 735	7 042	1 214	2 023
6651 - Security Guards	*	*	16	16	*	*	29	54	10	14
6661,6662,6663 - Cleaners and Janitors	*	*	179	112	*	*	2 905	3 166	596	735
6681 - Dry Cleaning and Laundry	*	13	*	*	*	*	221	336	11	20
7411,7414 - Truck and Delivery Drivers	18	16	190	125	491	356	867	1 004	109	174
7432 - Railway Track Maintenance	16	11	30	18	16	10	25	13	33	14
7452 - Material Handlers	*	*	11	*	*	*	520	527	22	27
7611 - Construction Trades Labourers	*	*	41	41	22	14	1 707	1 411	403	445
8431,8432,8611 - Farm, Greenhouse, Harvest	3 513	3 452	18 111	17 512	121	135	1 199	1 534	3 316	3 035
8612 - Grounds Maintenance Labourers	24	48	44	35	*	0	319	324	24	18
9462 - Industrial Butchers	*	*	77	61	997	983	961	979	165	69
9492,9493,9494 - Wood Products	*	11	*	*	12	*	291	237	24	16
9612-9619 - Labourers in Manufacturing	30	110	251	215	44	47	2 605	2 866	227	270
Unskilled/open permit - selected countries	7 346	11 860	16 165	22 820	842	1 428	9 173	12 387	24 608	34 784
Total unskilled/selected lesser-skilled occupations	14425	18 764	5 8895	68 013	2 958	3 349	34 399	42 140	n/a	n/a
% of Total Foreign workers	55,6	61,3	64,7	71,6	55,6	59,2	59,6	64,1	69,2	74,5
Total Foreign workers	25 938	30 616	91 057	94 968	5 319	5 657	57 661	65 789	58 283	69 105

Source : CIC, 2010 * Less than 10 (number kept confidential for privacy concerns)

TABLE 3
Number of migrant workers in selected high-skilled occupations in Quebec
on Dec. 1st (2004, 2008, 2009)

NOC Code(s) - Selected high skilled occupation(s)	2004	2008	2009
0013,0015,0016 - Senior Managers	480	473	474
0111,0114 - Financial and Other Admin Services Managers	310	413	412
0211,0213 Engineering, Info Syst and Data Processing Managers	151	218	234
0611,0621,0631 - Sales, Retail Trade, Food Service Managers	291	422	419
<i>0711 - Construction Managers</i>	15	36	54
0911 - Manufacturing Managers	117	105	102
<i>1111 - Financial Auditors and Accountants</i>	89	95	110
1112 - Financial and Investment Analysts	52	73	53
1122,1221 – Pro in Business Services to Management	374	533	520
<i>1228 - Immigration, Unemployment Insur, Revenue Officers</i>	64	65	64
2111,2112,2121 - Physicists, Chemists, Biologists, Related Sc	196	230	290
2132-3 Civil, Electrical and Electronics Engineers	249	361	356
<i>2141 - Industrial and Manufacturing Engineers</i>	50	58	56
2146 - Aerospace Engineers	92	199	310
2147,2162,2163 Computer Engineers, Syst Analysts, Programmers	623	546	434
2211 - Applied Chemical Technologists and Technicians	67	37	51
2232 - Mechanical Engineering Technologists and Technicians	32	93	81
<i>2271 - Air Pilots, Flight Engineers and Flying Instructors</i>	16	32	57
3111 - Specialist Physicians	328	441	470
3152 - Registered Nurses	167	126	123
4121 - University Professors	460	613	608
4122 - Post-Secondary Teaching and Research Assistants	1 267	944	870
4141,4142 – Secondary/Elementary School, Kindergarten Teachers	80	84	103
4163 - Economic Development Officers and Marketing Consultants	179	164	158
<i>4212 - Community and Social Service Workers</i>	61	91	100
5124,5125 Professional Occupations in Public Relations and Comm	59	129	112
5134,5232 - Dancers and Other Performers	164	259	366
5241 - Graphic Designers and Illustrating Artists	57	195	249
5251,5252,5254 - Athletes, Coaches and Instructors in Sport	264	218	279
<i>6221 - Technical Sales Specialists, Wholesale Trade</i>	43	75	72
6241,6242,6252 – Chefs, Cooks and Bakers	230	640	670
<i>7265 - Welders</i>	*	44	57
9990 - Software programmers	217	336	434
Total workers in selected high-skilled occupations	n/a	8348	8748
% of Foreign workers in Ontario on Dec 1st	37,9	32,2	28,6
Total Foreign workers in Quebec on Dec 1st (2012 = 44 125)	18 028	25 938	30 616

Source : CIC, 2010, 2013a * Less than 10 (number kept confidential for privacy concerns)

TABLE 4
Number of migrant workers in selected high-skilled occupations
in Ontario on Dec. 1st (2004, 2008, 2009)

NOC Code(s) - Selected occupation(s)	2004	2008	2009
0013,0015,0016 - Senior Managers	1 468	2 058	2 170
0111,0114 - Financial and other administrative Services Managers	500	597	590
0112 - Human Resources Managers	108	155	142
0211,0213 Engineering, Info Syst and Data Processing Managers	593	729	791
0611,0621,0631 - Sales, Retail Trade and Food Service Managers	903	1230	1068
0711 - Construction Managers	64	156	186
0911 - Manufacturing Managers	593	555	465
1111 - Financial Auditors and Accountants	455	554	438
1112 - Financial and Investment Analysts	169	313	237
1122,1221 – Prof Occupations in Business Services to Management	2 056	3 376	2 964
1228 - Immigration, Unemployment Ins and Revenue Officers	219	214	208
2111,2112,2121 - Physicists, Chemists, Biologists, Related Scientists	258	518	631
2132,2133 Civil, Electrical and Electronics Engineers	1 171	1 476	1 316
2134 - Chemical Engineers	123	142	129
2141 - Industrial and Manufacturing Engineers	308	326	316
2161 - Mathematicians, Statisticians and Actuaries	60	115	114
2147,2162,2163 Computer Engineers, Syst Analysts, Programmers	1 967	1 849	1 236
2232 - Mechanical Engineering Technologists and Technicians	229	322	277
2241,2242 – Electrical, Electronics Engineering Technologists	234	368	322
3111 - Specialist Physicians	1 011	1 494	1 516
3152 - Registered Nurses	258	180	193
4121 - University Professors	1 052	1 380	1 339
4122 - Post-Secondary Teaching and Research Assistants	1 771	1 261	1 105
4131 - College and Other Vocational Instructors	265	213	179
4163 - Economic Development Officers and Marketing Consultants	168	350	232
4212 - Community and Social Service Workers	180	175	183
5241 - Graphic Designers and Illustrating Artists	139	178	169
5251,5252,5254 - Athletes, Coaches and Instructors in Sport	456	566	575
6221 - Technical Sales Specialists, Wholesale Trade	93	181	142
6241,6242,6252 – Chefs, Cooks and Bakers	467	1 073	979
7271,7281,7291 - Carpenters, Bricklayers, Roofers and Shinglers	117	766	655
8251,8252,8253,8254 – Farm, Livestock and Greenhouse Managers	147	348	338
9990 - Software programmers	554	1 429	2 283
Total workers in selected high-skilled occupations	18 156	24 647	23 488
% of Foreign workers in Ontario on Dec 1st	30,8	27,1	24,8
Total Foreign workers in Ontario on Dec 1st (2012 = 119 903)	58 943	91 057	94 968

Source : CIC, 2010, 2013a

TABLE 5
Number of migrant workers in selected high-skilled occupations
in Manitoba on Dec. 1st (2004, 2008, 2009)

NOC Code(s) - Selected occupation(s)	2004	2008	2009
0013-0015-0016 - Senior Managers	29	48	37
<i>0211-0213 Engineering, Info Syst and Data Processing Managers</i>	*	12	23
0611,0621,0631 - Sales, Retail Trade and Food Service Managers	20	35	23
<i>0911 - Manufacturing Managers</i>	*	11	17
1111 - Financial Auditors and Accountants	14	24	20
1122,1221 – Prof Occupations in Business Services to Management	103	163	131
<i>1228 - Immigration, Unemployment Insurance and Revenue Officers</i>	13	15	14
<i>2111,2112,2121 - Physicists, Chemists, Biologists and Related Sc</i>	21	37	47
2113,2115 - Geologists, Geochemists, Geophysicists, and Other	*	18	13
2147-2162-2163 Computer Engineers, Syst Analysts, Programmers	62	49	25
2241,2242 – Electrical, Electronics Engineering Technologists	24	19	20
3111 - Specialist Physicians	44	75	79
3112 - General Practitioners and Family Physicians	191	68	58
3152 - Registered Nurses	76	35	156
4121 - University Professors	77	98	101
4122 - Post-Secondary Teaching and Research Assistants	94	80	66
4141,4142 – Secondary/Elementary School, Kindergarten Teachers	10	12	*
<i>4151,4152 - Psychologists and Social Workers</i>	13	14	13
<i>4212 - Community and Social Service Workers</i>	31	36	40
<i>4214 - Early Childhood Educators</i>	*	12	16
5134,5232 - Dancers and Other Performers	19	13	11
5251,5252,5254 - Athletes, Coaches and Instructors in Sport	82	89	109
6241,6242,6252 – Chefs, Cooks and Bakers	51	153	144
7265 - Welders	*	53	60
7271,7281,7291 - Carpenters, Bricklayers, Roofers and Shinglers	14	54	50
7272,7282,7283,7284 - Cabinemakers, Cement, Tilesetters, Drywall	8	41	31
7311 - Construction Millwrights and Industrial Mechanics	*	21	11
<i>7312 - Heavy-Duty Equipment Mechanics</i>	*	23	25
<i>7315 - Aircraft Mechanics and Aircraft Inspectors</i>	*	13	18
7321,7322 - Motor Vehicle Mechanical and Body Repairers	14	60	43
8251,8252,8253,8254 – Farm, Livestock and Greenhouse Managers	55	204	180
<i>9990 - Software programmers</i>	*	26	44
Total workers in selected high skilled occupations	1113	1611	n/a
% of Foreign workers in Manitoba on Dec 1st	46,1	30,3	28,8
Total Foreign workers in Manitoba (Dec 1st, 2012 = 5 568)	2 413	5 319	5 657

Source : CIC, 2010, 2013a * Less than 10 (number kept confidential for privacy concerns)

TABLE 6
Number of migrant workers in selected high-skilled occupations
in Alberta on Dec. 1st (2004, 2008, 2009)

NOC Code(s) - Selected occupation(s)	2004	2008	2009
0013,0015,0016 - Senior Managers	168	413	470
0111,0114 - Financial and Other Admin Services Managers	66	216	197
0211,0213 Engineering, Info Syst and Data Processing Managers	130	389	405
0611,0621,0631 - Sales, Retail Trade and Food Service Managers	124	420	466
0711 - Construction Managers	94	338	350
1111 - Financial Auditors and Accountants	108	325	222
1122,1221 – Prof Occupations Business Services to Management	481	1 196	1 161
2111,2112,2121 - Physicists, Chemists, Biologists, Related Sc	68	196	215
2113,2115 - Geologists, Geochemists, Geophysicists, and Other	132	258	246
2132,2133 Civil, Electrical and Electronics Engineers	217	575	513
2132 - Mechanical Engineers	209	411	335
2134 - Chemical Engineers	171	238	202
2145 - Petroleum Engineers	150	224	202
2147,2162,2163 Computer Engineers, Syst Analysts, Programmers	226	412	275
2241,2242 – Electrical, Electronics Engineering Technologists	45	186	167
3111 - Specialist Physicians	176	296	309
3112 - General Practitioners and Family Physicians	163	155	145
3152 - Registered Nurses	124	416	569
4121 - University Professors	299	435	434
4122 - Post-Secondary Teaching and Research Assistants	464	382	340
4212 - Community and Social Service Workers	66	120	145
4214 - Early Childhood Educators	*	108	200
5251,5252,5254 - Athletes, Coaches and Instructors in Sport	247	433	417
6212 - Food Service Supervisors	*	461	1 020
6241,6242,6252 – Chefs, Cooks and Bakers	302	2 589	2 968
7241,7242,7244,7245 - Electricians and Cable Workers	*	359	427
7252 - Steamfitters, Pipefitters and Sprinkler System Installers	0	713	631
7265 - Welders	*	500	324
7271,7281,7291 - Carpenters, Bricklayers, Roofers and Shinglers	38	1 153	1 062
7272,7282,7283,7284 - Cabinemakers, Cement, Tilesetters, Drywall	28	882	801
8251,8252,8253,8254 – Farm, Livestock, Greenhouse Managers	67	300	358
9990 - Software programmers	64	260	367
Total workers in selected high-skilled occupations	4 446	15 359	15 943
% of Foreign workers in Alberta on Dec 1st	33,8	26,6	24,2
Total Foreign workers in Alberta (Dec 1st, 2012 = 68 339)	13 162	57 661	65 789

Source : CIC, 2010, 2013a * Less than 10 (number kept confidential for privacy concerns)

TABLE 7
Number of migrant workers in selected high-skilled occupations
in British Columbia on Dec. 1st (2004, 2008, 2009)

NOC Code(s) - Selected occupation(s)	2004	2008	2009
0013,0015,0016 - Senior Managers	443	606	681
<i>0111,0114 - Financial and Other Admin Services Managers</i>	112	220	244
<i>0211,0213 Engineering, Info Syst and Data Processing Managers</i>	130	264	290
0611,0621,0631 - Sales, Retail Trade and Food Service Managers	358	563	594
<i>0711 - Construction Managers</i>	43	158	189
<i>0713 - Transportation Managers</i>	39	93	104
<i>0721 - Facility Operation Managers</i>	25	75	124
1111 - Financial Auditors and Accountants	110	269	195
1122,1221 – Prof Occupations Business Services to Management	351	708	602
1228 - Immigration, Unemployment Insurance and Revenue Officers	93	117	114
<i>2111,2112,2121 - Physicists, Chemists, Biologists, Related Sc</i>	132	263	284
2113,2115 - Geologists, Geochemists, Geophysicists, and Other	56	172	131
2132,2133 Civil, Electrical and Electronics Engineers	111	282	267
2132 - Mechanical Engineers	46	106	88
2147,2162,2163 Computer Engineers, Syst Analysts, Programmers	419	440	277
2151 - Architects	36	107	94
<i>3111 - Specialist Physicians</i>	251	353	377
<i>3112 - General Practitioners and Family Physicians</i>	236	168	184
3152 - Registered Nurses	207	658	731
4121 - University Professors	544	622	569
4122 - Post-Secondary Teaching and Research Assistants	607	525	426
4163 - Economic Development Officers and Marketing Consultants	95	94	95
4212 - Community and Social Service Workers	101	152	94
5241 - Graphic Designers and Illustrating Artists	136	176	148
5251,5252,5254 - Athletes, Coaches and Instructors in Sport	351	554	542
6212 - Food Service Supervisors	*	105	194
6241,6242,6252 – Chefs, Cooks and Bakers	286	1 307	1 451
<i>7241,7242,7244,7245 - Electricians and Cable Workers</i>	13	108	126
7264 - Ironworkers	0	329	209
7271,7281,7291 - Carpenters, Bricklayers, Roofers and Shinglers	73	1 027	811
7272,7282,7283,7284 - Cabinemakers, Cement, Tilesetters, Drywall	37	360	324
7315 - Aircraft Mechanics and Aircraft Inspectors	61	110	109
9990 - Software programmers	171	535	568
Total workers in selected high-skilled occupations	n/a	11 626	11 236
% of Foreign workers in BC on Dec 1st	21,2	20	16,3
Total Foreign workers in BC (Dec 1st, 2012 = 74 219)	26 791	58 283	69 105

Source : CIC, 2010, 2013a * Less than 10 (number kept confidential for privacy concerns)

In conclusion, the impact of integrating guestworkers into the Canadian labour market appears to have varied by occupation, as the level of rights and freedoms enjoyed by guestworkers depends on the occupation they are fulfilling in Canada and the acuteness of the labour shortage. Guestworkers' capacity to ensure their contractual and labour rights are respected would therefore also vary accordingly. In some circumstances, guestworkers may have taken jobs that local workers would have been willing to occupy, even if now those jobs are not ones for which Canadians are seeking to compete. In other areas, the addition of guestworkers to the labour market may have had no impact on the employment or work conditions of local workers; indeed, it may even have facilitated the improvement of working conditions and some job creation in Canada. Further analysis is required before specific macroeconomic answers may be formulated (Sweetman and Warman, 2010). That said, guestworker programs' impacts on the Canadian economy and society have recently been the focus of extensive political coverage as well as literature in sociology, labour relations studies and related social sciences.

IV. Impact of Guestworker Admissions on Canadian Labour Markets

Guestworker programs help the Canadian Government respond to skills shortages, thus help Canadian companies maintain or expand business (Preibish, 2007; Vineberg, 2011 ; Worswick, 2013). Furthermore, according to a study by Warman (2009), male guestworkers receive higher returns on their foreign schooling and much higher returns on their labour market experience than do recent immigrants.

However, researchers and journalists have recently observed instances where guestworker programs have or could have a negative impact on Canadian permanent residents and citizens by putting downward pressure on wages and working conditions (Barneston and Forster, 2012; Benedet, 2010 ; Byl, 2011 ; Depatie-Pelletier, 2011b, CLC, 2011; Fairey, D. et al. 2008; Flecker, 2011; Green, 2011; Preibish, 2010; Valiani, 2006 ; Worswick, 2013). One reason is the denial of access to work permit renewal procedures, forcing workers into illegality (Alboim and Maytree 2009; Basok et al., 2013; CLC, 2011; Goldring, Berinstein and Bernhard 2009; Vineberg, 2011). Preibisch (2010) summarized as follows some of the impacts on wages observed in British Columbia and Ontario:

A 2004 survey of wage rates paid to nursery and harvesting labourers found foreign workers earning CAD\$ 0.96 per hour less than domestic workers, with this discrepancy doubling in some provinces (Statistics Canada, 2004) [...]. Prior to 2003, the entire workforce [of the mushroom industry] was comprised of domestic workers [... who] could earn up to four times the minimum wage through piece rates. By 2008, [...] labour organizers estimate that over half of the workforce was composed of Mexican, Jamaican, and Thai temporary visa workers. [...] Research in BC has also found evidence that employers paying SAWP workers program-agreed rates were previously offering domestic workers double that amount. [...] The industry created incentives for domestic workers to exit their jobs by massively cutting harvesting rates, with some reporting a CAD\$ 10,000 reduction in their annual earnings from 2006 to 2007. [...] At the very least, migrant advocates have found that employers are using the threat of labour

replacement [through the hiring of other guestworkers] with both domestic and migrant workers to motivate them to increase their productivity. [Preibish, 2010), p. 414, 428-429]

Another possible negative impact identified is the facilitation of processes to relocate jobs to guestworkers' countries of origin (Curry, Roberston and Cousineau, 2013). Also, analysts have pointed to the fact that Canadian employers were less likely to hire unemployed Canadians from other provinces since the federal government has made the relative 'cost' of foreign workers cheaper (Gross, 2010; Gross and Schmitt, 2012). The resulting impact on unemployment or underemployment of domestic workers may disproportionately affect recent immigrants (Campbell, 2009). Furthermore, socially excluded populations of guestworkers have negative effects on the Canadian social fabric in the short and long term (Bauder, 2007; Golring, Berinstein and Bernard, 2007; Golring, 2010).

Analysts have linked these negative socio-economic impacts to the existence of obstacles making it difficult for guestworkers to (A) maintain their physical and mental health and access social services to which they are entitled (CCR, 2010; Hennebry, 2010; Hennebry, 2011 ; Hennebry, J., K. Preibish and J. McLaughlin, 2010 ; McLaughlin, 2007 ; Oxman-Martinez, and al., 2004; Preibisch and Hennebry, 2011 ; UFCW, 2004, 2006, 2007, 2009, 2011a, WCDWA, 2013) and, more broadly, to (B) access justice and exercise their labour rights (AFL, 2007; AFL, 2009; Byl, 2010; CCR, 2010; CLC, 2011; Depatie-Pelletier, 2011; The Economist, 2007; Faraday, 2012; Flecker, 2010; Nakache and Kinoshita, 2010; Osmani, 2008; Oxman-Martinez, et al., 2004; UFCW, 2004, 2006, 2007, 2009, 2011a, 2011b; WCDWA, 2013).

Language barriers, geographical isolation and lack of knowledge of their rights and entitlements in Canada have all been identified as barriers to migrant workers' successful socio-economic integration in Canada. Moreover, most studies confirm that specific administrative restrictions increase guestworkers' vulnerability to exploitation by employers and health risks, thus, guestworker programs' negative impacts--in specific regional sectors--on wages, work conditions and employment of local workers.

Three types of administrative measures have been found to restrict guestworkers' ability to ensure respect for their work contracts, labour standards and/or applicable safety at work legislation : (1) the temporary or permanent exclusion from independent access to permanent legal status (AFL, 2007, 2009, 2010; Alboim and Cohl, 2012; Bals, 2009; Bilala, 2013; Byl, 2010; CCR, 2010; Depatie-Pelletier, 2008b, 2010, 2011a, 2011b; Hennebry, 2011; UFCW, 2006, 2007, 2009, 2011a, 2011b; Valiani, 2009; WCDWA, 2013) or from access to procedures to renew the temporary status (CCR, 2010; Depatie-Pelletier, 2008b, 2010, 2011a; 2012b; Hennebry, 2011; UFCW, 2011a, 2011b); (2) the prohibition on switching employers (AFL, 2007; Alboim and Cohl, 2012; Byl, 2010; Depatie-Pelletier, 2008b, 2010, 2011a, 2011b; Faraday, 2012; Hennebry, 2011; UFCW, 2011b; WCDWA, 2013), (3) the inability to obtain work and study permits for partner and children (Depatie-Pelletier, 2010; Ward, 2010; WCDWA, 2013).

Furthermore, absent or incomplete regulations around international recruitment and placement agencies make guestworkers vulnerable to abuses not only by employers but also by recruitment agents, immigration consultants and/or placement agencies (AFL, 2007, 2009; Byl, 2010; Canadian Labour Congress, 2011; Faraday, 2012 ; Hennebry, 2011; Osmani, 2008 ; Preibish and Binford, 2007; UFCW, 2009, 2011a ; Zell, 2010).

As a result, Canada's guestworker programs have been found to have consolidated an underclass of workers and families highly vulnerable to abuse in Canada (AFL, 2009; Alboim and Cohl, 2012; Depatie-Pelletier, 2008b; Faraday, 2012 ; Goldring, Berinstein and Bernhard, 2009; Fudge and MacPhail, 2009 ; Sharma, 2006; Trumper and Wong, 2010 ; Walia, 2010).

VI. Greater Economic Efficiency: Making Guestworker Programs Work

Shortly before the United Nations 2nd High Level Dialogue on Migration and Development (U.N., 2013), Peter Shuterland, Special representative of the Secretary-General of the United Nations, recently reminded policy-makers to keep in mind that the management of human mobility is associated with a great social risk, namely, the entrenchment of populations of second-class citizens within our societies:

While our globalized labour markets seek migrants, and as ever more people seek to move to escape poverty, our patchwork system of international mobility hampers them. In fact, it empowers those who exploit migrants—smugglers and traffickers, crooked recruiters and venal employers. It has severely compromised the human rights of migrants, too many of whom must travel, live and work outside the protection of laws. It has depleted public trust in the effectiveness of government. [...] Simply put, the current system does not work. [...] In the next generation, we must absolutely reject the notion that we can have second class citizens in our societies; it is a poisonous idea that has ruined civilizations. [Shuterland, (2013), p. 5,7]

Some Canadian analysts have concluded that guestworker programs cannot be reformed adequately to avoid migrant workers' vulnerability and downward pressure on work conditions in Canada. They argue that therefore, at least in most lesser-skilled occupations, alternative strategies must be found to address labour shortages, (Alboim and Colh, 2012 ; Byl, 2010 ; AFL, 2010). However, labour migration of lesser-skilled workers is a natural and growing global phenomenon (De Haas, 2009) that *cannot* be limited to some highly restrictive (and lengthy) selection processes of foreign workers and families only for permanent –and not circular or temporary- settlement purposes.

Compared to immigration programs integrating foreign workers through a permanent status, admissions of foreign workers with temporary status make it easier for the employers to hire newcomers. It is also much faster for a foreign worker to access a labour market abroad through a temporary work authorization (and possibly then, if so desired, access permanent legal status/citizenship) instead of looking to be selected by a foreign state for permanent settlement. However, guestworker programs such as the

Canadian ones may generate a significant downward pressure on wages and working conditions in certain economic sectors—pressure particularly felt by the recent immigrants. In fact, instead of facilitating exclusively just-in-time integration of foreign workers and families to ease *genuine* and *current* skills shortage, guestworker programs are currently (ab)used both by the federal and provincial governments and the Canadian employers to (1) address long term and future labour shortages, (2) maintain shortages of decent wages or work conditions in some sectors and (3) admit unfree workers ‘imported by’ and ‘temporarily owned by’ specific employers. Finally, (4) Canadian guestworker programs are underdeveloped, since recruiters, placement agencies and immigration consultants involved in the integration of international migrant workers still appear to be inadequately regulated and monitored. State policies to integrate foreign workers must be more coherent.

First, labour force development planning will need to take into consideration not only the selection of highly educated candidates for immigration but also the significant labour market input of the hundreds of thousands of family members, asylum seekers, refugees and visitors admitted annually in Canada (Alboim and Colh, 2012; CCR, 2010). Moreover, immigration reform will have to address future skills shortages in so-called low-skilled occupations such as agricultural work or home care services. The permanent settlement of highly educated foreign workers should not take priority over the admission of workers with other sets of skills (AFL, 2009; HRSDC, 2007).

Second, in order to benefit employers while avoiding lowering wages and working conditions in the country, states such as Canada will need to provide concrete assistance and strong incentives to employers to encourage them to hire underemployed permanent residents and/or invest in productive equipment (AFL, 2007, 2009; Alboim and Maytree, 2009; Basok, 2000; CLC, 2011; Green, 2011; UFCW, 2009, 2011a). In particular, states will need to start using more robust methodology to identify labour shortages for “just-in-time” integration of foreign workers. One example of such a methodology is the one approved by the U.S. Bureau of Labour Statistics which examines relative wage increases to identify the occupations ‘under pressure’ (Flecker, 2010). In other words, governments need to make sure that the ‘cost’ of recruiting a foreign workers is never lower than the ‘cost’ of hiring a permanent resident from another region of the country (AFL, 2009; Gross, 2010).

Third, if states are to enjoy the benefits of guestworker programs without imposing a significant downward pressure on wages and working conditions, strict regulations and government interventions are necessary to structure and oversee the recruitment industry. Furthermore, states must remove the three main obstacles to migrant workers’ mental health and ability to ensure their employment contract is respected: temporary or permanent exclusion from renewing the work permit or accessing permanent legal status, the prohibition to switch employers, and the obstacles to living with the worker’s children and/or partner.

Access to Legal Status and Initiatives to Return to Country of Origin

Since migrants without permanent legal status do not move freely across borders, they tend more to establish themselves in the receiving country or move to undocumented

status. Access to permanent resident status facilitates, rather than permanent settlement, international mobility (Constant and Zimmerman, 2011). In other words, access to permanent legal status upon arrival does ensure a real possibility for migrant workers to go return permanently or temporarily in their countries of origin, as they wish. At the same time, access to citizenship is necessary for those who chose to settle permanently (Zilbershats et al. 2003).

Moreover, the precarious legal status--that is, as “temporary” workers-- must be minimized as much as possible, since it has been linked to high risks of future social exclusion (Bauder, 2007; Golring, Berinstein and Bernard, 2007; Depatie-Pelletier, 2010; Golring, 2010). To minimize the negative effects of guestworker programs both on wages and working condition as well as restrictions to voluntary circular migration, *all* guestworkers must be allowed to access permanent legal status upon arrival, if they so desire. Their settlement in the country of employment should not be imposed by authorities, however. Instead, the residency requirements to maintain temporary or permanent legal status must be removed (and be limited to procedures to access the legal status of citizen) in order to facilitate the mobility and circular migration of international migrant workers. Moreover, to facilitate voluntary permanent and temporary returns in countries of origin, governments must develop policies to ensure access to benefits from abroad, especially to unemployment insurance, worker’s compensation and pension benefits:

There is no good reason [...] why [...] only about 20 per cent of international migrants can take their social security benefits with them when they return home. [...] It is now time to begin building a system of human mobility that responds to the realities of the twenty-first century. [...] We must develop ways [...] make rights portable [...] and] create innovative approaches to mobility like multi-entry visas [...]. [Shuterland, (2013), p.7]

While access for all guestworkers to permanent legal status is necessary to minimize downward pressure on labour markets and to facilitate circular migration, researchers have observed that the requirement to be ‘sponsored’ by the employer to access permanent legal status significantly contributes to guestworkers’ position of extreme vulnerability to abuse by employers and recruiters (Bals, 2009; Bilala, 2013; Byl, 2010; CCR, 2010; Depatie-Pelletier, 2012; Osmani, 2008 ; Ruhs, 2004, 2006; Valiani, 2009). Therefore, guestworkers’ must be able to access permanent legal status through an independent procedure without any employer sponsorship or validation requirement -- such as the obligation currently imposed on live-in caregivers requiring them, to access permanent status, to obtain from their employer a confirmation that the ‘live-in’ obligation was met for the employment duration. In other words, employers’ opinions are paramount to understand which skills are necessary in order to select guestworkers for permanent status via the immigration grid, but also through fast-track admissions for immediate integration within a regional labour market. However, employers’ opinions on the legitimacy of their employee’s entitlement to secure permanent legal status is not relevant. In fact, since giving value to these opinions creates major obstacles to the migrant workers’ capacity to exercise their basic labour rights, employers’ opinions

should never be considered as relevant by any government in determining permanent legal status for guestworkers.

At the same time, if guestworkers are to be able to exercise their labour rights and continue to pay taxes instead of working under the table, the right to stay in the country until the expiration of the work permit, as well as the access to work permit renewal procedures--even after four years of employment (CIC, 2013h)-- will have to be granted to all guestworkers, *regardless of the employer's opinion* (ESDC, 2013a,2013b).

Freedom to switch employers

As noted earlier, the prohibition to switch employers has been identified by many Canadian observers as one of the causes of guestworker programs' negative effects on wages and work conditions (AFL, 2007; Alboim and Cohl, 2012; Byl, 2010; Depatie-Pelletier, 2008b, 2010, 2011a, 2011b; Faraday, 2012; Hennebry, 2011; UFCW, 2011b). M. Ruhs, summarizes the reasons as follows:

In contrast to international trade and capital flows, international labour migration generally involves the cross-border movement of the factor of production ("labour") *and* its owner (the "migrant worker"). There is thus the danger that the worker rather than the factor of production becomes the object traded on the market. Where this is the case, the worker is denied agency [...]. The first principle for reform thus is to give foreign workers at least some freedom of movement (and thus the freedom to choose and change employers) within the host country's labour market. The operationalisation of this principle in practice necessitates the elimination of the [employer] sponsorship requirement that currently exists in most countries [...]. This requirement would no longer be viable as native employers could not be certain that they would be able to employ a particular foreign worker until recruitment costs have been recovered. [Ruhs, (2004), p. 24]

Many alternatives to employer-specific work authorizations are available to governments administrating guestworker programs, and the Canadian government has proven that they all are perfectly viable options. First, existing guestworker programs that grant open work permits (CIC, 2013i) could be expanded, thus putting an end to discrimination against guestworkers on the basis on national origin (Depatie-Pelletier, 2008b). Another option is to issue work permits associated with specific geographical regions or employment sectors. Finally, work permits could be designed as occupation-specific (CIC, 2013j); in this case they must be based on categories of occupations broad enough to allow guestworkers to have the nature of their work changed whenever necessary to maintain their physical and psychological well-being, such as after a work accident (Faraday, 2012).

Access to family life

Every person has the right to live with his or her children and spouse (U.N., 1948). This applies, *also*, to foreign workers integrated ‘just-in-time’ into lesser-skilled occupations to the benefit of Canadian employers. These workers contribute as much to the economy and society as do guestworkers in higher-skilled occupations and permanent residents and citizens. There is no justification for allowing only some guestworkers the right to live with their spouse and children. Indeed, given that family life significantly affects workers’ mental health and thus their capacity to exercise their rights in the country of employment (Depatie-Pelletier, 2010; Ward, 2010; WCDWA, 2013), they must have access to temporary work or study permits for their children and spouse at any time in order to prevent a downward pressure on the working conditions of local workers.

Finally, guestworker programs will have to be combined with stricter policies to regulate and monitor foreign recruitment (Alboim and Maytree, 2009; Allan, 2010; CLC, 2011; Hennebry, 2008; Nakache, 2010; Preibish and Binford, 2007; Zell, 2011). Ensuring any significant improvement in this area will require joint liability for employers for abuses of migrant workers by recruiters (AFL, 2009; Faraday, 2012; MWAC, 2013). Host governments will also need to play a central role in guestworkers’ placement and re-hiring (AFL, 2007, 2009; Dumont-Robillard, 2013; Zell, 2013).

In conclusion, for guestworker programs to work for everyone, states must minimize their negative effects on local wages and working conditions. To do so, states must modernize temporary work programs by converting them all to 2-step immigration programs facilitating both ‘just-in-time’ integration into the labour market and the return of migrant workers and families in their countries of origin. This can be achieved if the following four criteria are met: (1) if long-term labour shortages are dealt with through one-step immigration programs that are more labour market responsive; (2) if guestworker programs are only used to address *genuine* and *current* skill shortages; (3) if the major obstacles to guestworkers’ capacity to enforce their labour rights are removed--that is, temporary or permanent exclusion from renewing temporary legal status or accessing permanent legal status, prohibition to switch employers, and obstacles to family life; and, finally, (4) if recruitment regulations are modernized to make employers jointly liable for abuse of workers by the recruiter and to ensure that both the sending and the receiving government play more active roles in the placement and re-hiring of guestworkers.

NOTES

[1] During the 1990s, animosity towards immigration was particularly strong against Islam in Europe for two reasons: the majority of minority immigrant groups were Islamic; immigrants were mobilizing and creating political conflict, demanding anti-discriminatory measures, better access to employment, participation in political life and, in the case of muslims, the creation of mosques, wearing religious symbols in public and additional holidays.

[2] Among others, the International Organization for Migration (IOM), founded in 1951 and composed currently of 122 members, including 20 states which finance it; the International Center for Migration Policy Development (ICMPD), an intergovernmental organization; Frontex, created by the Council of Europe in 2004; the Organization for

Security and Cooperation in Europe; and the Global Commission on International Migration in 2006.

[3] The discriminatory logic behind the differential treatments imposed by the Canadian government to groups of international migrant workers in Canada explains why it still refuses to ratify the *UN Convention on the Rights of Migrant Workers and their Families*, implemented in 2003 (U.N., 1990). The Convention only allows States to restrict, and only for a maximum of 24 months, the migrants' freedom on labour market to a specific *type of occupation* but not to a specific *employer*, and stipulates that all migrants under lawful employment must be granted not only the right to choose their place of residence and the right to be accompanied by family members, but also the right to enjoy the same treatment on the labour market as permanent residents upon the completion of 5 years of full-time lawful employment (Piché, Depatie-Pelletier and Epale, 2006).

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