Abstract submission

Name of contact for this submission: Jill Hanley
University: McGill University
Program: Social Work
Contact emails: jill.hanley@mcgill.ca
Contact telephones: 514-398-4046

Authors and departmental affiliation:
1. Dr. Jill Hanley, Assistant Professor, McGill School of Social Work (presenting author)
2. Dr. Eric Shragge, Director, Concordia School of Community and Public Affairs
3. Jahhon Koo, PhD candidate, McGill School of Social Work
4. Andre Rivard, Research Associate, McGill School of Social Work

Theme: Défis et opportunités des groupes de défenses de droit/représentation des travailleurs. Perspectives et (dé-)blocages de l’organisation non syndicale.

Abstract Title:
Temporary Foreign Workers: Structural Barriers to Unionization

Abstract:
Canada’s permanent residency program is in sharp contrast to the current Temporary Foreign Worker Program (TFWP) administered by Citizenship and Immigration Canada (CIC – responsible for immigration clearances) in collaboration with Human Resource and Social Development Canada (HRSDC – responsible for labour market analysis and verification of employment contracts). Under the TFWP, workers are recruited to come to Canada for a specific job. Their visa is tied to that employer and usually lasts a maximum of 24 months with no direct route to permanent residency. Nearly 200,000 people came to Canada under this program in 2008. Originally, the program was conceived for international professionals, often transferring within a multinational corporation, and for this type of temporary foreign worker, advocates have few concerns. There are two subprograms under the TFWP, however, that are of great concern to rights advocates. The Live-In Caregiver Program (LCP) and the Seasonal Agricultural Worker Program (SAWP) are specific visas under the TFWP designed for supposedly low-skill occupations and which impose more restrictive conditions. Both of these programs are heavily documented to be problematic in terms of the respective of labour and human rights.
Here we will see the existing problems with the LCP and the SAWP when it comes to unionization before turning to the expansion of the regular TFWP via the creation of the Low-Skill Pilot Project (LSPP).

This presentation draws upon the results of several of the author’s studies which documented the lived experience of temporary foreign workers and situated these experiences within our specific immigration and social policy framework. Interviews were conducted with over 50 domestic workers, 15 agricultural workers and 15 temporary foreign workers on the Low-Skill Pilot Project. As well, we draw on two surveys that targeted this population in relation to their labour and health conditions (the first with 150 domestic workers, the second with about 40 TFWs).

Our aim is to paint a portrait of the social condition of temporary foreign workers as it influences their relationship with their employer and, consequently their need to and ability to unionize. “Temporary Foreign Worker” is an immigration status that is both temporary and dependent on a third party, that being the employer. In contrast to nearly all other precarious statuses, however, TFW migrants face the extra difficulty of the SAWP and LSPP being specifically excluded from serving as a channel to eventually settle permanently in Canada and having the possibility of repatriation without appeal. The basic argument of this paper is that a combination of factors lead to TFWs having little to no power in relation to their employer:

- the structure of the TFWP
- the nature of their work
- socio-economic characteristics of TFW populations

Apart from the problems with labour policies, migrant workers with precarious status face both economic (structural and personal) and immigration risks should they decide to defend their labour rights through government channels. Migrant workers’ position within the greater economy places them at greater risk of having their labour rights violated and of simply losing their jobs. We will argue that the TFWP, as an example of precarious immigration status, has a negative impact on workers’ vulnerability to poor work conditions, creates a dependence on the employer, and offers little recourse in cases of rights violation. Research has shown that precarious immigration status, such as under the TFWP, increases migrants’ vulnerability to exploitation (economic, sexual, physical) and diminishes their ability to control their life environment (at home and at work). It is essential that this vulnerability be addressed as Canada’s emerging
labour market strategy is in line with global trends away from immigration – which comes with theoretical legal protections and citizenship rights, to migration – where workers depend on their boss for their legal status, a situation that creates a power imbalance.