

Temporary Foreign Worker Programs (TFWPs) in Canada

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Administration in Canada

Human Resources and Skills Development Canada > Labour Market Opinion (LMO)

Citizenship and Immigration Canada > Work Permit

Canada Border Services Agency: Right to Refuse Entry > Right to Remove (Deport)

Grey Areas & Gaps

Canadian Employers: Private Contractors, Private Administrators (F.A.R.M.S./F.E.R.M.E.S.: IOM/NGOs)

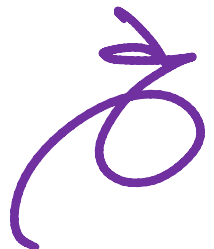
Bilateral Memorandum of Understanding vs. Unilateral Program

Workers' Labour and Human Rights: Families Left Behind

HRDSC is not responsible for conditions of employment only LMO

[Tying workers to one employer and employment contract > No appeals > No right of labour mobility]
unfreedom/resistance/freedom

[Sending Governments: diverse ministries depending on the program:
negotiate with Canadian employers and government]



The Inverted Pyramid of TFWPs in Canada: Expressions of Labour Segmentation and Global Apartheid

This inverted pyramid is a very general overview of TFWPs in Canada according to the available information on Human Resources and Skills Development Canada. It is grouped according to precarity with the first bar representing the most **precarious** and vulnerable segment. In this class we have focussed on the most precarious temporary foreign workers/migrant workers which are highlighted at the top as being the most vulnerable. However, it is difficult group these programs into neat categories. Firstly, rules and regulations constantly change and differ across Canada. Secondly, these programs are subject to diverse jurisdictions (provincial and federal) not only within but also outside of Canada. These programs span diverse immigration and labour laws but also municipal laws that involve issues such as housing. Thirdly, there are few government data available to properly assess these programs and to ascertain a clearer picture how migrant workers fit in the geography and labour market of this country. The majority of the time migrant workers, community groups and community researchers have to navigate and make sense of webs of these programs when all goes wrong—namely when the designation of “foreign worker” conspires against workers and by extension their families who are participating these “guest worker” programs in one way or another. Nevertheless the inverted pyramid offers a view into the hierarchy within “temporary foreign workers” in Canada today.

There are various factors that influence precarity and vulnerability such as living in the city versus living in the countryside, speaking English and or French versus not knowing any of the official languages. Then we could add the sleuth of “**systems of oppression**” that impact every individual differently. These systems are intersectional and therefore known as “**interlocking systems of oppression**” that reinforce one another and decisively impact on the ways individuals experience living and working in Canada as “temporary foreign”/migrant workers. Race, gender, class, immigration status, dis/ability, occupation and so forth have tangible consequences for migrant workers in Canada that determines who gets in the country to begin with, how they are treated and what kind of work they perform and who gets to stay.

Racialized workers from the Third World are overly represented in farm work. Currently farm work does not offer a “pathway” for full status, residency and settlement in Canada. Is this a coincidence? How does this relate to Canada’s foundation as a “white settler colony” and then the move toward class and the point system to determine membership to the Canadian nation and by extension “citizenship”? → exclusion/inclusion How does the concept of **global apartheid** express itself in these programs? → **labour & immigration apartheid**

Alberta offers some pathways for settlement under the **Provincial Nominee Program (PNP)** for specific low skill workers in the **NOC C and D** albeit with many restrictions but none for workers in farm work. The NOC stand for the **National Occupational Classification** is a listing of occupations that was mapped by HRDSC for labour market regulation and planning. Through the NOC occupations are deemed **skilled** or **non-skilled** and these classifications are now determining who merits to work and live in Canada. What is the effect of **deskilling** have on **racialized** migrant workers?

- Occupations at level **D** require some secondary school and on-the-job training.
- Occupations at level **C** usually require secondary school and/or occupation specific training.

→ Labour market segmentation theory: high skill/low-skill

→ Vic Satzewich in Thomas p. 154: migrant/immigrant worker distinction: access to formal citizenship rights → free/unfreedom: formal rights to labour mobility → Adrian Smith: freedom/unfreedom/resistance → Employee/employer relations

The Film and Entertainment category includes millionaire film producers who do not need a permit to work in Canada to migrant exotic dancers who can find themselves in highly exploitative living and working conditions as temporary foreign workers. Exotic dancer visas have dwindled over the years but many racialized women with precarious immigration status find themselves working in this industry.

The Live-in-Care-Giver Program (LCP) and the Seasonal Agricultural Workers (SAWP) are known as the flagship foreign worker programs yet each functions according to their own rules and regulations. The LCP offers a pathway to residency since it has been a long hard fought battle among workers themselves while the SAWP does not. Both programs are highly gendered with former employing mostly men and the latter mostly women. The LCPs have to know either English or French, many having nursing degrees and have to fulfil certain requirements to apply as permanent residents. Why are workers in the SAWP still denied full status?

Canada is bringing in more migrant workers through TFWPs than it is allowing immigrants into the country to settle permanently as full status citizens. In this way Canada is creating a permanently temporary class of disposable workers—disposable peoples—to subsidize the economy, maintain privileges and to even meet the nations' pleasures.

Sources: http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/fwp_forms.shtml#H01
& http://www.yorku.ca/raps1/events/pdf/D_Nakache.pdf

Further references:

Mapping Migration from the Americas: <http://www.focal.ca/en/programs/labour-mobility/400-mapping-migration-from-the-americas>

