

Permanently Temporary:

Temporary Foreign Workers and Canada's Changing Attitude to Citizenship and Immigration

A community research symposium
held on
February 4, 2010
at
Metro Hall, Toronto.

organized and hosted by:

Social Planning Toronto
Ontario Council of Agencies Serving Immigrants (OCASI),
CERIS – the Ontario Metropolis Centre,
City of Toronto.

***Permanently Temporary:
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Citizenship and Immigration***

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***Permanently Temporary:
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Citizenship and Immigration***

Permanently Temporary was a community research symposium held on February 4, 2010 at Metro Hall, Toronto.

The symposium was organized and hosted by Social Planning Toronto, Ontario Council of Agencies Serving Immigrants (OCASI), CERIS – the Ontario Metropolis Centre, and the City of Toronto.

Speakers and discussants from academia, community organizations and three levels of government came together to explore the situation of temporary foreign workers in Canada. Important issues were identified, and recommendations were made for addressing them.

The day began with a plenary keynote address and panel discussion, followed by three concurrent panel discussions, and at the end there was a plenary wrap-up session. The themes explored were:

- Keynote Address – Permanently Temporary: Temporary Foreign Workers and Canada's changing Attitude to Citizenship and Immigration;
- Panel 1 – Global Picture, Local Snapshots;
- Panel 2 – Income Security and Labour Responses to Temporary Foreign Workers;
- Panel 3 – Social Service Impacts and Implications;
- Panel 4 – Agency And Organizational Service Delivery Implications;
- Wrap Session – Reflection on the day.

On this web site you will find a summary of each session, a fuller report on each session, links to slides shown by speakers, links to on-line versions of research reports by speakers, and speakers biographies.

Each page will also provide an opportunity for you to comment on the topics discussed. In this way, the day's discussions will be expanded to a wider discussion within the community of those who are engaged with these issues. Hopefully that discussion will help set future directions.

Temporary Foreign Workers and Canada's Changing Attitude to Citizenship and Immigration

February 4, 2010
Metro Hall, Toronto

Keynote Address

Yessy Byl

Alberta Federation of Labour, Alberta Civil Liberties Research Centre

By 2002, there was a huge backlog of applications in the immigration system, and it was taking up to 6 years to process applications.

At the same time, labour shortages, especially for low skilled jobs, led to the introduction of the Low Skilled Worker Pilot Project, a temporary worker program similar to the guest worker programs in Europe.

By 2008, there were more temporary foreign workers being admitted to Canada than permanent immigrants. In that year, there were 350,000 temporary foreign workers in the country.

A temporary foreign worker:

- holds a permit to work in Canada,
- for a specific employer,
- in a specific location,
- for a limited time.

Temporary foreign workers are vulnerable:

- They are unlikely to complain about substandard working conditions because of language limitations or fear of deportation.
- Unregulated labour brokers, who find temporary workers for Canadian employers, charge workers \$3000 - \$10,000 to bring them to jobs in Canada that pay \$10.00 an hour.
- Many believe they are coming to Canada as permanent immigrants, but most have no chance of qualifying for permanent residency.
- Some highly skilled workers and Live-In Caregivers are allowed to stay in Canada under the Canadian Experience Class.
- Some workers are allowed to stay under the Provincial Nominee Program, under which provinces identify those eligible for permanent residency.

Temporary foreign worker programs need to be reworked:

- These programs delegate the selection of immigrants to employers and provincial governments;

- Many temporary workers go underground after their permits expire, becoming part of a permanent, undocumented underclass;
- Pathways to permanence need to be created, in order to protect the human rights of temporary foreign workers.

For more information, see **Keynote Address** (page 5)

Temporary Foreign Workers and Canada's Changing Attitude to Citizenship and Immigration

Start time: 9:05am

Date: February 4, 2010

Location: Metro Hall

Valerie Preston, Professor of Geography, York University, and CERIS Director, welcomed those attending, and briefly introduced the theme of the conference.

David Miller, Mayor of Toronto, welcomed attendees and spoke of the need to find ways of integrating temporary foreign workers into our society in a just way.

Katherine Hewson, Assistant Deputy Minister for the Ontario Ministry of Citizenship and Immigration, spoke of the need to explore possible pathways to permanence for temporary foreign workers, and supports that might need to be in place for them.

Keynote Address

Yessy Byl, Alberta Federation of Labour, Alberta Civil Liberties Research Centre

The issue of temporary foreign workers is one of the most important social issues changing Canada today. Temporary foreign worker programs are inherently exploitative. They are similar to the guest worker programs in Europe, and as we have seen from that experience, such programs have led to racialization and poverty.

There is nothing temporary about the need for temporary foreign workers. There is also nothing new about the existence of such programs. However, after 2000, in response to the permanent labour shortage there was a growth in temporary foreign workers and an expansion of the program in Canada.

What is the program?

A temporary foreign worker is a person issued a work permit by Immigration Canada; this permit allows the person to be here for as long as the permit is valid, not as long as the job is available (often employers do not make this distinction). The permit ties the worker to a specific employer and a specific location. Such dependency mimics indentured servitude.

Where does the program come from?

Currently Canada offers a number of temporary foreign worker programs including the Seasonal Agricultural Worker Program, the Live-In Caregiver Program and the "Temporary Foreign Worker Program" which includes the Low Skilled Worker Pilot Project.

Prior to 2002 the temporary foreign worker program was used for skilled workers, such as visiting academics and trades people, mostly from the United States, who did not really want to stay in Canada.

By 2002 there was recognition that Canada's immigration system was dysfunctional. The backlog of applications waiting to be reviewed in 2002 was so large the Auditor General reported a wait of 5 to 6 years to process applications for skilled workers.

The immigration system was not an efficient way to meet the demands of the labour market -- we select the best of the best, but much of our shortage of labour is for low skilled jobs, such as gas station attendants and meat packing employees.

This shortage led to the implementation of the Low Skilled Worker Pilot Project, which now accounts for the majority of all temporary foreign workers in Canada. However, not much consideration was given to the issues that would surface from the growth of the program, and no programs were setup to protect the workers.

Contracts

Low Skilled Temporary foreign workers operate under contracts with their employers that require certain conditions be met, including complying with employment standards. However, the system does not work well to ensure that contracts are being met. The federal government shifts the responsibility for enforcing contracts to the province, but the provinces usually only investigate employment conditions when there has been a complaint. Low skilled foreign workers are unlikely to file complaints because they:

- might not have the language skills
- might not be aware of the procedure and system
- might not be aware of their rights
- might be fearful of deportation or of losing their jobs or permits.

Unstable Economical Climate

In an unstable economic climate, contracts are often not extended, or are terminated early, leaving employees in vulnerable positions. Temporary foreign workers are being treated like a disposable workforce. Some choose to go underground, becoming undocumented workers, which leads to another set of issues.

The federal government has now mandated that an employer must advertise a job, even if the job is occupied, for a two week period. This is intended to provide Canadian citizens and residents the opportunity to take the job that was filled by the foreign worker, and if that should happen, the temporary foreign worker is fired and denied a renewal of his or her permit. It is not clear that such a process is in accordance with the Canadian Charter of Rights and Freedom.

Statistics

The proportion of temporary workers to permanent immigrants has been rising:

- In 2004 Canada admitted 235,000 permanent residents compared to 126,000 temporary foreign workers being present in Canada in December of that year.
- In 2008 Canada admitted 247,000 permanent residents and 252,000 temporary migrant workers were in Canada in December of 2008.

In 2008 more temporary migrant workers were present than permanent residents that were admitted. This is telling us that migrants with limited labour rights are outnumbering those with permanent residency. This is a huge shift in our immigration policy.

If we add the numbers of TFWs present in 2008 to those temporary workers who had returned home for a visit, etc., the number of temporary foreign workers in Canada during 2008 is closer to 350,000. In addition to those, there is an unknown number of undocumented workers who have no status or protection.

Byl estimates that in Ontario, in 2008, there were approximately 105,000 temporary foreign workers, of whom 17,000 were agricultural workers and about 15,000 were live in caregivers.

Pathway to permanent residency

Workers who migrate using the temporary foreign worker programs are not coming only to work short term, they want to stay. This is particularly true for low skill workers who see this option as their only opportunity to immigrate. Unfortunately workers are often not aware of the temporariness of their contracts, mostly because recruiters create false hope.

Byl speaks of the need to create pathways to permanency for low skill workers. If the labour force needs these workers, which is implied by the growth of the temporary foreign worker programs, and the workers are already here and willing to stay they should be given the opportunity to do so. But the Canadian immigration system is elitist in that it only wants the best of the best. And will only allow skilled workers to immigrate.

The federal government seems to want to punish low skill employees for working here. They have proposed a regulation (October 10, 2009) providing that once a temporary foreign workers (excluding the seasonal agricultural program workers) have worked in Canada for four years cumulatively, you will be banned from working again for six years. This seems to be part of a strategy for keeping low skilled immigrants out.

In 2008 the Canadian Experience Class was introduced to allow workers in the skilled occupational classes to apply for permanent residence based on Canadian work experience. These applications are typically processed in 6 months compared to the 5 years processing time for out-of-country immigration applications.

A similar program exists for Live-In Caregivers where applicants must complete two years of employment prior to applying for residency. This clause effectively limits the pathway to residency, and places the worker in a vulnerable position.

Currently the federal government funds many services to aid temporary workers under the Live-In Caregiver program because of the pathway to residency; however these services are not extended to skilled who are on the same pathway to residency.

In Alberta, the government recognizes both the need for low skilled labour and the desire of workers to stay. Alberta has a program which provides a small minority of low-skill temporary foreign workers a path to residency and eventually citizenship under the Provincial Nominee Program. Manitoba calls the Temporary Foreign Worker Program a “Transitional Foreign Worker Program” and offers pathways to residency through their Provincial Nominee Program to ALL temporary foreign workers, regardless of their skill level.

Recruiters

Recruiters or labour brokers often exploit temporary foreign workers. Recruiters are intended to act as middle persons for employers seeking workers abroad. They perform such functions as recruitment, processing of work permits and training, services for which they charge employers a fee.

There has been a proliferation of such recruiters, who also charge the foreign workers themselves directly for their services, although it is illegal in many provinces to charge workers for employment placement services. Nevertheless, many recruiters charge foreign workers between \$3,000 and \$10,000 to bring them to jobs in Canada. Furthermore, most temporary foreign workers are led to believe that the process of temporary work recruitment is a step in the process of immigration to Canada, which is clearly not the case for low skilled workers.

Many temporary migrants mortgage their homes or borrow money to pay exorbitant fees so they can come to a job in Canada that pays \$10.00 an hour. If the recruiter arranged financing for the worker, a portion of the worker’s wage is deducted to pay off the debt. If temporary foreign workers lose their jobs, they are left with no income, no right to stay in Canada, and a huge debt. In some countries around the world civil debts are still valid reasons for incarceration.

Much of what recruiters do does not require them to be licensed immigration consultants. Thus they are not subject to the self-regulation codes of the Canadian Society of Immigration Consultants.

Recruiters are typically not subject to public regulation, either. While the federal government is responsible for immigration, it considers the activities of recruiters to be governed under labour laws enforced at the provincial level. However, in Ontario there is no law that prohibits the charging of a fee for recruitment

services. In provinces where there are laws against charging fees for recruitment, it is difficult to prosecute a recruiter since the worker will have been sent home by the time a case can come to trial and without the worker's testimony there is no case. Alternatively, recruiters will claim that they are performing settlement services, for which they should be able to charge a fee.

This disconnect between federal and provincial levels of government has permitted a growth in recruiters across Canada, particularly Ontario, which seems to provide an ideal setting for exploitative recruiters.

Discussion

Temporary foreign worker programs effectively contract out immigration because employers are the ones recruiting temporary workers, and Provincial Nominee Programs allow the provinces to determine who are to become permanent residents. The federal government has downloaded the authority and responsibility for immigration to the private sector and provincial governments without measuring the consequences.

In an ideal world temporary foreign worker programs would be abolished because they are inherently exploitative. If needs exist in the labour force, people should be allowed to enter Canada with rights as permanent residents.

If the temporary foreign worker program is to continue, the key issue to address is the creation of pathways to permanence because that approach provides people with rights. Anything less would be a continuing human rights violation.

Conclusion

Clearly the issue of temporary foreign workers is a serious one, a problem that leaves us with many questions. How did we here, in Canada create this vast group of underclass workers? Where and when was the public debate on this approach? Why wasn't there an immediate uproar? Why isn't there a huge uproar now?

Further reading:

Yessy Byl

Entrenching Exploitation, Report of the Alberta Federation of Labour
Temporary Foreign Worker Advocate, 2009

<http://www.afl.org/upload/TFWReport2009.pdf>

Temporary Foreign Workers: Alberta's disposable workforce
Temporary Foreign Worker Advocate, November 2007

<http://www.afl.org/campaigns-issues/tempworker/default.cfm>

Panel 1 -- Global Picture Local Snapshots

Moderator

Karen Charnow Lior, Toronto Workforce Innovation Group

Speakers

Salimah Valiani, Research Fellow, St. Christopher House

Until the early 60's Canada encouraged European immigration and fostered family reunification and citizenship.

In the 60's and 70's immigration policy began to shift towards meeting the needs of the labour market. In 1962 the government lifted restrictions against non-white and non-European immigrants.

In the mid-80's there began to be a significant increase in temporary work permits until, in 2008 three times as many temporary migrant workers were admitted as permanent skilled workers.

Temporary migrant workers face many disadvantages:

- restricted mobility within Canada,
- little chance of family reunification,
- uncertain enforcement of protections under the Charter of Rights and Freedoms and other Canadian laws,
- little chance of permanent residency or eventual citizenship,

In 2008 the new Canadian Experience Class created a pathway to permanence for certain skilled and temporary migrant workers:

- Eligible workers with employer approval would be prioritized ahead of the backlog of 900,000+ applicants for immigration to Canada as permanent residents.
- Priority occupations were identified by employers.
- In effect, Canadian immigration is being determined by the short-term needs of employers rather than the long-term needs of the country.

Kerry Preibisch, University of Guelph

The conditions of life of temporary foreign workers are unacceptable:

- They accept unsafe work without adequate training.
- They work long hours.
- They are likely to work while ill or injured.,
- Health and safety regulations are poorly enforced.
- Equipment and worksites are often poorly maintained.
- Housing is often inadequate.
- Workers are usually separated from their families,
- Many become undocumented workers without status or protections.

Jenna Hennebry, Wilfrid Laurier University

There has been a rising incorporation of temporary migrant workers into the Canadian economy.

There has also been an escalation of the private sector shaping Canada's immigration system.

- This includes employers, and unregulated recruiters who broker migration.

Temporary migrant worker programs have emerged in countries like Canada, the UK and Spain, as a by-product of globalization:

- They are attractive to developing countries as a source of foreign currency.
- But, they lead to:
 - increased racial tensions in host countries,
 - workers health issues from overcrowding and poor services
 - dependency, vulnerability and precariousness for temporary migrant workers worldwide.

For more information, see **Panel 1 - Global Picture Local Snapshots** (page 12)

Panel 1 -- Global Picture Local Snapshots

Moderator

Karen Charnow Lior, Toronto Workforce Innovation Group

The Quiet Shift in Canadian Immigration Policy

Salimah Valiani, Research Fellow, St. Christopher House

(See presentation slides: [*The Quiet Shift in Canadian Immigration Policy*](#))

Since 1946, Canada's immigration system has shifted from one based on notions of permanent migration to one of temporary migration

This shift can be seen in immigration policy documents from two notable periods: 1946 – 1977 and 1980 – 2008.

1946 – 1977

In this period there were two major waves of permanent migration. In the 40's and 50's, after World War II, European immigration was encouraged and policy documents then emphasized the need to foster family reunification and citizenship.

Through the 60's and 70's, Canada's immigration policy began to shift towards satisfying the needs of the labour market as well as fostering family reunification. In 1962 the government lifted discriminatory restrictions that had formerly excluded those who were not white or European, as they came to be considered suitable to satisfy the needs of the labour market.

1980 – 2008

In 1985 there began to be a significant increase in the number of persons admitted to Canada under employment authorizations. Employment authorizations are permits stating that a worker may work at a specific job for a specific period of time for a specific employer. By the mid 80's there were more temporary workers being brought in (69,953) than permanent skilled workers (38,453). In 2008 there were 134,784 persons admitted under employment authorizations, compared to 43,522 skilled workers (see Salimah Valiani, *The Shift in Canadian Immigration Policy*).

Immigrants who enter Canada as permanent residents have many advantages over temporary foreign workers, including:

- mobility within Canada
- the possibility of family reunification
- full protection under the Charter of Rights and Freedoms and other Canadian laws, and
- a path to citizenship and full political participation in Canada.

The immigration policy shift towards addressing job market needs and employer concerns fostered increasing division and inequality between permanent residence immigrants and temporary migrant workers. For example, permanent residence immigrants were allowed to bring in family, while temporary migrant workers could not. Furthermore it was unclear what protections were given the latter under the Charter of Human Rights.

2002 – 2008 Institutionalizing the Shift

The temporary foreign worker program was expanded further to cover predicted shortages in the Canadian labour market as 1/3 of Canada's population was moving towards retirement.

In 2002, the Low Skilled Worker Pilot Project was introduced, broadening the range of temporary foreign workers coming to Canada well beyond the scope of the Seasonal Agricultural Worker and Live-In Caregiver Programs

There was a significant shift in the language at this time as well. The term 'labour shortage' was replaced by the phrase 'occupations under pressure' and a 'Labour Market Opinion' had to be secured before an employer could apply for a temporary foreign worker. A Labour Market Opinion is an assessment by Human Resources and Skills Development Canada as to the effect an offer of employment to a temporary foreign worker would have on the Canadian labour market.

The terms of the Temporary Foreign Worker Program are highly restrictive. Temporary foreign workers still in Canada after 4 years are deported. They can only work for the employer to whom they are attached and they have no mobility. The Employment Standards Act offers little protection as it is virtually unenforceable. It takes up to 8 months for a case against an employer who is breaking the law to proceed by which time the worker may have been deported. Temporary foreign workers fear deportation and employers often take their passports away.

When a temporary foreign worker's potentially renewable two year employment term is up the employer is required to re-advertise and at that point might choose to apply for another temporary worker and thus dispense with the original worker who is left without protection or status or the chance to find another job.

Changes to the Immigration and Refugee Protection Act in 2008 created a pathway to permanent residence for skilled temporary workers with Canadian work experience. Those eligible under the Canada Experience Class went to the front of the line for consideration for residency, ahead of the backlog of 900,000+ applicants for immigration to Canada as permanent residents. This marked a departure from Canada's traditional first-come first-served approach to immigration. It also leads to a shift away from family reunification as an immigration priority.

Furthermore, the 38 occupations prioritized for the Canada Experience Class were determined by employers, and this marked a shift from immigration being a public concern to its becoming a private concern. This model of immigration gives a great deal of power to employers to determine who is eligible and who is not, creating an immigration system determined by the short term needs of the employer and the labour market.

Low skilled temporary foreign workers are not eligible to become permanent residents. After a maximum of four years, they either leave the country, or go underground and become undocumented workers without status or protections of any sort.

In summary, Canadian immigration has come to be determined by the short term needs of employers which now supersede the long term needs of the country. This has created a large group of temporary migrants whose status and conditions of life in this country are unacceptable. We need to immediately create mechanisms for granting permanent residency to workers at all skill levels, and to bring about the reunification of their families. We also need to assign adequate resources for their settlement in our communities, and their integration into the labour force.

The Second Generation of Permanently Temporary Workers

Kerry Preibisch, University of Guelph

(See presentation slides: [*The Second Generation of Temporary Migration – Canada in the World*](#))

This presentation reflects a decade's research into issues of migrant workers' health and women migrants and the gendered nature of migration (see slides).

The research into migrant workers' health focussed primarily on Agricultural workers: one study examined the health of two groups of 100 migrant agricultural workers in British Columbia and Ontario; another study involved 600 low-skilled, migrant agricultural workers across Canada. The key findings of this research would also hold true in the construction and other industries.

The research found that their precarious status leads migrants to engage in risky practices at work. They will accept unsafe work without adequate training, work long hours and work while ill or injured. Many seasonal agricultural workers would work 12-hour days during the week and 8-hour days on weekends. As many as 45% of seasonal agricultural workers in Ontario work while ill for fear of losing their jobs.

The research found that health and safety regulations were poorly enforced. Equipment and worksites were often poorly maintained. There were often no washroom facilities on site (30% of cases). Seventy percent (70%) of workers

received no health and safety training. Personal protective equipment was not supplied. The housing supplied by the employer was often inadequate, and 29% of workers in Ontario felt their housing was damaging their health.

The research found numerous barriers to healthcare. In Ontario, 93% of seasonal agricultural workers did not know about the Workplace Safety and Insurance Board, 19% were without OHIP and 46% reported language as a barrier to accessing healthcare.

Research on women migrants found that Canadian employers recruit seasonal agricultural workers according to gender and national origin. For example one employer hired Mexican women to work alongside Eastern European men on the assumption that they would not mix with one another. Firm gender ideologies operate within the workplace, but they will shift if flexibility is needed in production. For example, there have been more and more Guatemalan women recruited as seasonal agricultural workers since 2002.

The research found that male and female migrants have gender specific experiences and needs.

Private Interests in Canada's Immigration System

Jenna Hennebry, Wilfrid Laurier University

(See presentation slides: [*The Second Generation of Temporary Migration – Canada in the World*](#))

There has been a shift in our immigration system towards serving private interests, as evidenced in the language used to describe current policy. The term “migrants” is now replaced by “workers” and we are to be “responsive to labour demand” and “flexible in our approach”.

Immigration programs are being employer-led and new policies are designed specifically to satisfy their demands: the Seasonal Agricultural Worker Program expansion, the NOC C and D Pilot (Low Skilled Worker Pilot), the Expedited Labour Market Opinion process, the Provincial Nominee Program, Student Work Permits, Immigrant and Refugee Protection Act changes, and new Visa restrictions, all are employer-driven initiatives.

Between 2005 and 2007 there was a 122% rise in demand for low skilled workers in contrast to only a 39% rise in demand for highly skilled workers. Under the Expedited Labour Market Opinion process, approvals for a vast variety of jobs can be secured in five days, and the maximum time needed is only about two weeks.

The 2007 federal Budget announced \$50.5 million over two years to support a series of improvements to the Temporary Foreign Worker Program designed to reduce processing delays and more effectively respond to regional labour and

skill shortages. None of this money was to be used for settlement services.

The Provincial Nominee Program (PNP) is designed to allow temporary workers to achieve permanent residency, but it does nothing to remove or reduce the power of employers over the system. Employers can push provincial governments to grant permanent residence status to particular types of temporary workers under the PNP. The PNP circumvents the federal immigration points system and allows private interests to determine who will be Canada's immigrants.

Furthermore, employers are served by a rapidly growing, unregulated recruiting industry, which provides a host of services such as preparing immigration documents, and plays an active role in mediating migration from the Global South.

In summary, there has been a rising incorporation of temporary migrant workers into the Canadian economy. There has also been an escalation of private interests shaping Canada's immigration system. Non-state intermediaries are "brokering migrants".

Global Context

Globally, a number of second generation temporary migrant worker programs have emerged in countries such as Canada, the United Kingdom and Spain. This development is in response to a number of changes in the global economic environment, including: trade liberalization and free trade agreements, transnational corporations and production regimes, technological developments and population factors within developed nations.

Temporary worker programs are attractive to developing countries as an avenue of employment for their citizens and as a source of foreign currency.

However, as with first generation temporary foreign worker programs (guest worker programs in Germany, France and Italy), there are problems associated with this approach: racial tensions increase in the host countries; and there are workers health issues due to over-crowding in housing and difficulties accessing health and social services.

While the International Organization for Migration maintains that temporary foreign worker programs are a "win-win" for both the immigrants and the employing countries, it is difficult to demonstrate this convincingly. These second generation temporary foreign worker programs are more restrictive than earlier programs, and are characterized by: increased private sector involvement, non-state intermediaries mediating migration and little or no access to permanent residency for the workers themselves. Such programs foster heightened dependency, vulnerability and precariousness for temporary migrant workers worldwide.

Discussion Points

1. The first question asked what the 'Circular Program' was.

This is a UN forum attempting to move away from the TFW model. The TFW program was seen as a failure because migrants stayed in their host countries. Now they speak of 'circular migration' but if the circular program was to be adopted and people 'come and go' there would be huge repercussions in terms of Human Rights.

2. The next questioner, a graduate student from the University of Montreal, praised the research work being carried out by the panel and the data bases that were being built around research such as this. She also acknowledged how important it was for helping students carry out their research. She also gave the web site URL for MigrantWorkersRights Canada, an online database:

<http://www.migrantsrights.net>

3. The questioner raised the issue that stats were needed of who is leaving and what is the profile of those who are leaving. Also stats were needed for workers with/without status. Also, 'Do we have quotas for TFWs and how are they assigned?

Jenna Hennebry responded: there are details on deportation but not sure about those who have overstayed their visas. Our system is employer driven so we don't have quotas for TFWs.

4. Are there examples of best practice in temporary foreign worker programs?

This question was met with much resistance within the panel and the audience due to the ethical issues raised by TFW programs (given their poor record on Human Rights, should such programs even exist?). However the following suggestions were offered for improving the system:

- Temporary workers should have access to permanent residency
- There should be one program, not multiple programs
- The program must respect and foster Human Rights.

5. Workers are being abused by both North and South. What can we do?

There is a great deal of South – South migration happening. Also, there is a great deal of African migration to Europe. Trade/Globalization/Finance are all interlinked causing a shift in domestic economies in the South and a loss of employment. Growing inequality of economies across the globe is a big question for all of us.

Canada was originally lauded for the seasonal agricultural worker program because of its bilateral nature, and its level of government involvement. The

program had no room for unscrupulous labour recruiters. However, now the Canadian government is saying that the program is not sustainable in the long term because it is too resource intensive.

There is a United Nations based Global Forum on Migration and Development that has been meeting since 2007 to discuss these issues. Bilateral agreements are being signed. The next meeting will be in Puerto Vallarta in November 2010.

Further Readings:

Salimah Valiani

The Shift in Canadian Immigration Policy and Unheeded Lessons of the Live-in Caregiver Program

<http://www.ccsf.carleton.ca/~dana/TempPermLCPFINAL.pdf>

Panel 2 - Income Security and Labour Responses to TFWs

Moderator

John Shields, Ryerson University

Speakers

Luin Goldring, York University and **Patricia Landolt**, University of Toronto

Temporary foreign workers experience both precarious work and precarious status.

Precarious work is the consequence of making work more flexible for employers:

- It is unstable and insecure.
- It offers limited rights, protections and benefits to workers.
- It gives workers little control over their schedules, and little say in decisions on how work is done.
- It gives the worker limited recourse in the event of abuse.

Precarious legal status refers to individuals with no permanent residence and/or work permit.

Precarious work and precarious status intersect:

- to create vulnerable workers,
- with lower pay,
- and limited access to services,
- who are compelled to undertake dirty, difficult and dangerous work,
- for employers who evade or violate employment standards.

Research found two key predictors of precarious work in a current job:

- If early work in Canada is precarious, the current job is likely to be precarious too,
- People who enter Canada with precarious status, are more likely to have precarious work than those who enter as permanent residents.

Other factors were also examined:

- Level of education has no effect on precarity of work, and does not protect workers from precarious work;
- Women are more likely to be in precarious work;
- Fluency in English can reduce the likelihood of precarious work;
- A large household can increase the likelihood of precarious work.

Naveen Mehta, United Food & Commercial Workers Canada

The UFCW Canada is taking a multifaceted, strategic and national approach to address workplace and social precarity including renewal of collective agreements to better reflect the needs of migrant workers. Through collective bargaining, the UFCW Canada has been able to secure permanent residency for thousands of migrant workers across the country in addition to a variety of other functions in the fields of immigration, labour, employment, and settlement.

Sonia Singh, Worker's Action Coalition

The Workers' Action Centre and others lobbied for Ontario Bill 210, which received royal assent in December 2009.

- The bill provides various protections for Live-In Caregivers.
- There is lobbying now to extend this legislation to every migrant worker group.

For more information, see **Panel 2 - Income Security and Labour Responses to TFWs** (page 21)

Panel 2 - Income Security and Labour Responses to TFWs

Moderator

John Shields, Ryerson University

Persistent and Intersecting Precarities: The long-term consequences of precarious status

Luin Goldring, York University and Patricia Landolt, University of Toronto

(See presentation slides: [*Persistent and Intersecting Precarities: the long-term consequences of precarious status*](#))

What are the long-term effects of precarious status, including being a temporary foreign worker? Is there a relationship between precarious status and precarious work, and how do they intersect?

Precarious status and precarious work have implications at both the individual and the community level. And so, a third question: What are the broad implications of precarious work and status for the whole community?

Precarious work is a multidimensional concept flowing from changes in the way work is regulated. Precarity for the worker is the consequence of making work more flexible for employers. Precarious work is unstable and insecure; it offers limited rights, protections and benefits to workers; it allows workers little control over their schedules; it gives workers little say in decisions on how work will be done; and it gives the worker limited legal and other recourse in the event of abuse.

Precarious legal status is a non-binary concept referring to a situation in which an individual has no permanent residence and/or work permit. It includes individuals with both legal and unauthorized migratory status, including temporary foreign workers, refugee claimants, students, tourists, failed claimants, individuals who have overstayed their permits, or individuals who have affected unauthorized entry to Canada.

Individuals can move between different precarious statuses over time. Changes in regulation can re-draw the boundaries for legal status categories. Or other regulatory processes can push people outside the legal sphere or move them into more precarious status. Remaining in place after the expiration of a work permit changes status, too.

Precarious status is not only an individual experience, since people are embedded in social situations. There are mixed status families and neighbourhoods where access to services can be uneven or limited. Individuals with precarious status are subject to the discretionary power of gatekeepers.

There are also mixed status workplaces where rights and protections are distributed unevenly. In such workplaces, employers can exploit precarity.

Precarious status and precarious work intersect to create vulnerable workers. Workers have lower pay and are compelled to undertake 3D work (dirty, difficult and dangerous). Since these workers have little or no recourse to protections, employers are able to evade or violate employment standards. Precarious status also means limited and patchy access to services. In short these intersecting precarities have negative effects on income, health, and well-being, for individuals and families.

The Immigrants and Precarious Employment Research Project was a 2005-06 study involving 300 Caribbean and Latin American respondents who had arrived in Canada between 1990 and 2004 [most of them before the Low Skilled Worker Pilot was introduced in 2002] and who had a recent work history (i.e. were not unemployed). Respondents were asked for detailed histories of the jobs they had held in Canada, and to describe their legal status upon entering Canada, and any changes to their status. The IPE project looked at the links between precarious status, precarious work, and selected outcomes.

In terms of legal status, 39% of the respondents entered Canada as permanent residents, with a secure status, and retained their secure status (i.e. retained landed status or became citizens). The remaining respondents had a precarious status initially, and entered as temporary workers. Most of these (37% of all respondents) regularized their status, i.e. moved from precarious status to secure status. The rest (24% of all respondents) remained precarious (either temporary or unauthorized).

There appeared to be a correlation between status and income. Those who had ongoing secure status had an average annual personal income of \$33,160 compared to \$31,246 for those who had regularized their status, and \$24,490 for those who had remained precarious. The project found that change in precarious status is associated with change in income, since those who regularized their status earned more. However, those who regularized their status still earned less than those who entered the country with secure status.

The primary occupations of the respondents were precarious to varying degrees. The following list gives the percentage of respondents who acknowledged different indicators of precarious work in their primary occupations:

- Non-union (80%)
- Not full time (70%)
- Weak or no contract (60%)
- Cash payment (35%)
- No deductions or benefits (35%)
- Multiple work sites (30%)

- Unpredictable schedule (25%)
- Piecework / paid per job (15%).

The research found two key predictors of precarity in a respondent's current job:

- Early work experience in Canada is a significant predictor of subsequent work experience – persons with precarious early work were at increased risk of current job precariousness;
- Precarious migration status has long-term negative effects on employment precarity – immigrants who remained temporary and those who regularized to permanent residence are more likely to have precarious work compared to those who entered as permanent residents.

The analysis looked at other factors which might also affect precarity of work:

- Level of education has no effect on high precarity or low precarity. It does not protect you from precarious work.
- Women are more likely than men to be in precarious work.
- Fluency in English can help to reduce the likelihood of precarious work.
- A large household can increase the likelihood of precarious work.

The IPE data show persistent negative effects of precarious status on work and income. It is important to use a non-binary concept of status to capture movement across legal categories. It is also important to use a multi-dimensional definition of precarious work in order to situate workers within variably “bad jobs”. This can focus attention on the structure of labour markets and on the strategies of employers as sources of “bad jobs”.

For more information, *please consult the project's website and download the research briefs* available at:

<http://www.arts.yorku.ca/research/ine/index.php>

Union's response to migrant / immigrant workers

Naveen Mehta, United Food & Commercial Workers Canada

Unions respond to precarity for migrant workers in general, not just for temporary migrant workers. To deal with an issue based on exploitation, we must raise the profile of the issue. Unionization plays the primary role in dealing with the issue of workplace precarity, but there must also be immigration reforms, and the two must happen at the same time.

But a successful program to address workplace precarity of migrant workers must start on the ground.

The United Food and Commercial Workers is the union with the largest percentage of migrant workers in its membership. About 8 or 9 years ago we

established migrant centres to deal with workplace issues. Last year we helped about 25,000 migrant workers to collect \$22 million from the employment insurance program. Local unions help migrants with such mundane things as banking and groceries.

Another way to respond to migrant workers precarity is through advocacy, working with activists like *No One is Illegal* and through community organizations, organizing petitions, holding demonstrations. We are trying to connect groups to work on the issue collectively and lobby government, in order to effect change by influencing the decision makers. We are also working with the rest of the labour movement on migrant issues: the Canadian Labour Congress, the Alberta Federation of Labour and other unions. It is a multifaceted approach. We deal with everyone at all levels.

Internationally, we have filed complaints with the International Labour Organization. We distributed literature in Spanish in Mexico encouraging workers to contact us. States in Mexico have shown that they do not care about the workers who go abroad, but are more interested in the effect on their economies of foreign investment and remittances coming back from migrant workers abroad. So the workers rely on us.

We have been pursuing multidimensional strategies to address the workplace precarity of migrant workers. We have been trying to engage students (who historically have been in the forefront of every revolution). We need to get our message out in the arts, music, photography, and the spoken word, bringing migrants' issues to the forefront. It is not only about demonstrations. We have a national media strategy to raise the issue and ensure that the issue of migrant workers is not left in the back of the paper but gets as close to the front as possible. We have online educational forums related to the history of immigration and how immigrants have been treated in economic recessions.

Finally, our strongest tool is collective bargaining, negotiating with employers who can tell the government that they want temporary workers to achieve permanency, to get off the road to nowhere and on the road to residency.

Workers' Action Center Work with Migrants

Sonia Singh, Worker's Action Coalition

The Workers' Action Centre (WAC) gives direct support to workers in the Toronto area through phone lines and case work. We also work with other organizations that support foreign workers and Live-In Caregivers.

Employment standards have been a huge focus of the WAC campaign. There is systemic employment exploitation in Ontario. Temporary workers have limited access to Employment insurance benefits despite the fact that they are paying into the system year after year. Temporary foreign workers are not generally able

to access standards of protection under the law. A complaint based system is highly inefficient and ineffective – it usually takes a year or more just for an investigation to take place, and there is only a 1% chance that a workplace might be inspected. The use of temporary workers essentially pushes work outside of the realm of law.

Basic protections are not offered to temporary foreign workers. Fear leaves them open to exploitation – there was a case of Indian restaurant workers injured on the job who were ignored by the manager, and then asked to leave when they confronted the manager. Anxious about their status, temporary workers tend to complain only when they leave their jobs.

Live-in caregivers only come forward after their permanent status is assured, yet by that time they have lost the chance to reclaim any money owed them, since claims can only be made under law for the last six months of work.

In December 2009, Bill 210, the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others) received Royal assent. When it comes into effect, the Act will:

- Ban fees being charged directly or indirectly by recruiters to live-in-caregivers (e.g., recruitment/placement fees and fees for other supplementary services);
- Stop employers from charging or recovering recruitment/placement fees from live-in-caregivers;
- Allow live-in-caregivers up to three and a half years to make a complaint or to recover prohibited fees (This is better than the Employment Standards Act that gives workers 6 months to make claims on unpaid wages);
- Prohibit reprisals against live-in caregivers for exercising their rights under the legislation (Bill 210);
- Prohibit an employer or recruiter in Ontario from taking possession of a live-in caregiver's property, including documents such as passports;
- Authorize Ministry of Labour employment standards officers to proactively enforce the legislation; and
- Provide regulation-making authority to add other classes of temporary foreign workers

Through grass-roots mobilizing, Bill 210 was a victory for Live-in Caregivers. But it is narrowly focused. Only one group of migrant workers got a very small protection. There was recognition of the issue achieved, but only on a very narrow point.

This is a fight for the future. We need to mobilize others to speak out until this legislation covers every migrant worker group. It is a model to build on. We need to support a grass roots movement to that end.

There is a huge challenge ahead to improve the lot of temporary foreign workers. Temporary foreign workers must be entitled to permanent residency. They must

be able to switch employers. And they must be entitled to full employment protection.

Discussion Points

Moderator comment:

The role of unions is an important point and I am really glad it was given emphasis. If you look at the data, with the decline in unionization, you see a rise in workplace precarity. All workers in society are affected by the decline in unionization. Sonia raised the question of employment standards. Those are crucial. We need to strengthen those laws and actually have them enforced, instead of occupying space in books. Luin and Patricia brought our attention to understanding the multidimensional concept of precarity. Empirically grounding that work is important.

Questions

What explains the relatively more successful gains of live-in caregivers?

Caregivers have a longstanding presence. That organization has been there and worked on it over years, while other temporary foreign workers are relatively new and face higher risks in speaking up. Farmers face bigger risks in speaking up because they need the recommendation of an employer to come back. What the Bill 210 is telling us is that mobilization and embarrassing the government is the only way we will be heard.

Governments have less to worry about in giving more protection to live-in caregivers. Other temporary foreign workers work for big corporations or business alliances that can pressure governments through sponsorships during campaigns or through lobbying.

Further reading:

Immigrants and Precarious Employment Web-site

<http://www.arts.yorku.ca/research/ine/index.php>

Workers Action Centre campaign to protect temporary foreign workers

http://www.workersactioncentre.org/campaigns_tempforeignworkers.html

Panel 3 - Social Service Impacts and Labour Response to TFWs

Moderator

Tonika Morgan

Speakers

Sohelia Pashang, Seneca College

There may be half a million non-status people in Canada, people with no immigration status, no visa, no work permit.

Non-status people are vulnerable:

- Non-status people fear detention and deportation.
- Non-status people do not have access to most public services.
- Their children do not have access to social services.
- They have little knowledge of support networks and advocacy.

Non-status women face particular challenges:

- Sexual abuse is common among non-status women.
- They cannot report abusers to the police because of lack of trust.
- They cannot afford medical care and many experience miscarriages.
- They suffer depression and mental health issues due to sexual abuse and trauma.

Maya Roy, Newcomer Women's Services, Toronto

Social service and settlement agencies, as conditions of their funding, are often required to limit services to non-status individuals.

- Many agencies want to support newcomers regardless of status.
- They have a mandate to serve newcomers and want to do it better.
- But funding from CIC is targeted on permanent residents and micromanaged.
- Agencies are contracted by the state to provide specific services.

These limits challenge the sovereignty of community organizations, and organizations might seek ways to shift their relationships with their funders and communities.

- Listen to the community through focus groups and surveys.
- Partner with grassroots groups in areas where they lack capacity themselves.
- Find ways to reallocate resources.

Janet McLaughlin, Wilfrid Laurier University International Migration Research Centre

One study examined the health status of migrant farm workers and looked at ways of providing accessible health care.

Migrant farm workers have numerous health concerns:

- poor nutrition and inadequate sleep,
- sexual and reproductive health issues,
- depression, anxiety, addictions,
- unsafe transportation on the job,
- occupational health issues (pesticide exposure, musculoskeletal stresses and traumas, climate exposures).

Occupational Health Clinics for Ontario Workers (OHCOW) has held clinics for migrant workers in the Niagara Region.

These clinics are accessible and effective:

- no health cards are needed;
- clinics are in accessible locations at accessible times;
- interpreters and bilingual specialized information are available;
- there are occupational health specialists;
- time is made available for consultation.

Clearly health care and compensation systems must adopt particular practices to meet the unique needs of migrant workers.

Chris Ramsaroop, Justicia for Migrant Workers

Existing regulations and legislation do not meaningfully protect temporary foreign workers.

- Farm-work housing is not subject to controls because a landlord/tenant relationship does not exist.
- Workers are afraid to complain about housing for fear of deportation.
- Workers can be repatriated for injury or for standing up for their rights.

We need to rethink the circumstances of temporary foreign workers. The labour and immigration sides need to work together:

- Should foreign workers have access to permanent residency?
- Should they have access to unemployment insurance?
- Should they be able to organize and bargain collectively?
- Should there be an appeals process to prevent unfair deportation?

For more information, see **Panel 3 - Social Service Impacts and Labour Response to TFWs** (page 29)

Panel 3 - Social Service Impacts and Labour Response to TFWs

Moderator

Tonika Morgan

Experiences of Non-Status Women

Sohelia Pashang, Seneca College

Since the experiences of women differ from those of men, it is important to get a gender perspective on the impact of being non-status. Gender matters and we need to talk about it. For example, sexual abuse is common among women without status. This presentation reports on recent research among non-status women in Toronto.

Who is non-status? While the term generally lacks proper definition, we consider that non-status refers to an individual who currently lives in Canada without holding any form of legal immigration status. People of non-status have no visa or work permit. They are often confused with migrant workers (who do have temporary status).

They can end up in detention and fear deportation. People of non-status also do not have access to public resources, except for primary health services at public/community health centres. The Canadian-born children of non-status parents do not have access to social services like childcare. They also face possible deportation because of their parents/family. However, the Children's Aid Society plays a big role: if the parents are considered unfit, the government will deport the parents and keep the child in Canada.

How many non-status people are there in Canada? There are no proper statistics, but I am guessing there are half a million, maybe more.

Fifty-one percent (51%) of non-status women in Canada are between the ages of 19 and 29. The perception is that the majority of non-status individuals are from South and Central America; however, the reality is that the majority come from South Asia, Africa, Eastern or Central Europe. The majority are married. Their knowledge of English is high, and the language was often learned prior to living in Canada. The majority have at least a high school degree.

Statistically, there are over 40 million non-status people worldwide, not including migrant workers. The majority are women. The preconditions of their situations were caused by "us" in the developed world; slavery, colonization, and invasion laid the foundation for capitalism and globalization, which led to the exportation of some countries' labour power.

What's pushing them? Poverty, war, inequality, and unemployment. What's pulling them? Labour power – we need their labour.

Why did these women come to Canada? What happened in their country that led them to leave? Basically, they wanted a better life; also they wanted to aid in the development of their home economies by sending money back.

Seventy percent (70%) came to Canada with some form of immigration status or visa. Some were trafficked to Canada, and we do not know how they got here. Internal trafficking within Canada is also common once individuals have lost status.

Church-based groups are important to support non-status women. There is informal networking; survival often depends on other non-status women. There is trust between these women, but also exploitation; there exists a hierarchy.

These women have been abused by non-status individuals, status individuals, and citizens; there is not one particular group of abusers. In our study, 143 of 155 women reported being abused. They will not report to the police because of a lack of trust. Many cannot afford medical care and cannot afford abortions; as a result, many experience miscarriages.

What are some of the challenges these women face? They cannot gain status through the point-system; this pathway is closed to them. Many suffer from depression and mental health issues due to sexual abuse and trauma. Some have been sexually abused by other women

What do non-status women want from us? They want us to be more organized, to reach out to them. Their knowledge of support networks and advocacy is low and disconnected. They also want us to have a dialogue with government to stop employment exploitation and increase access to services. Agencies themselves have barriers to access, and are often, as conditions of their funding, required to restrict service to non-status individuals. These non-status women, however, want agencies to become “status-blind”.

Organizational Change for Social Change

Maya Roy, Newcomer Women's Services, Toronto

(See presentation slides: [Organizational Change for Social Change](#))

It is difficult for agencies to support people who are here on a temporary visa or who are undocumented, without status. The question is, “How can we reach out?”

We assume that many agencies work from a rights-based perspective, and want to support newcomer women regardless of status. The key questions for an agency are, “Do we have a mandate to provide services?” and “What can we do

better to provide access to services?”

However, there are increasing restrictions on our funding. Every dollar of funding from Citizenship & Immigration Canada is micromanaged. We are supposed to be working only with permanent residents: surveying permanent residents; providing Live-In Caregivers with ESL classes; providing childcare on-site.

We have a limited capacity to adapt to demographic changes. We move from project to project. Because of our limited resources, we are essentially being contracted out by the state to provide a service and there is an increasing demand for services for newcomers. We operate within a pervasive neoliberal environment of government retrenchment and downloading of services.

We are independent organizations, but we are contracted by the state to provide services. How do we reconcile this? How do we internally mobilize resources? How can we integrate access and equity? How do we tap into our base to challenge policies? In this environment, are we actually involved in community engagement and development and capacity-building? Are we integrating membership into all levels of the organization, as staff, as governance members on the board?

We need to be financially accountable but if CIC is saying that you can't serve undocumented workers, does that mean you must stop serving non-status workers? Often, yes, organizations are pushed to stop, and this can lead to tension between frontline workers, who want to serve the community, and senior management.

We are thought to be sovereign agencies. But, what does it mean to be a sovereign agency? A sovereign agency is an expression of the will and voice of its own membership. It has clear principles and values and is an authentic expression of the voice and will of its own membership.

A sovereign agency is culturally and structurally unique, and not just a clone of a “best practices” template. It is politically conscious, knows its rights and responsibilities, and understands the power relationships it is held in and its place in the system.

Unfortunately, a sovereign organization does not fit into most government funding criteria.

Perhaps we need to engage in a process of unlearning. What would happen if we truly listened to the community? What if we gave up power? What if women in the program started running the program and gained control over resources?

How can we shift our relationships: with our funders, our community partners, our members, ourselves?

We can start small. We can listen to the community on an ongoing basis through focus groups and surveys. We can create partnerships with grassroots groups in areas where we lack capacity; we shouldn't ourselves pretend to be the community.

We found in our ESL classes that women in the community want to engage politically. They wanted more food security, arts and leadership programs. We partnered with Ryerson University, so that when women came for an ESL class, child care was included, and a Ryerson professor helped explore issues of identity, peace-building, and social-movements around the world. The women get university credit and an opportunity to network

We also worked with a youth-led collective, *Beyond the Lyrics*, a Saturday drop-in program with undocumented women. We asked, "what stories would you like to tell your children?" helping these women find their voice. The process allowed young women to facilitate, and allowed for intergenerational exchanges

There are challenges to overcome in this approach. There is an inherent difficulty of advocacy, and organizations are reluctant to get involved for fear of losing funding.

It is possible to reallocate resources, to provide undocumented people in the community with something tangible. We are not funded for this type of work and need to find resources. Perhaps senior management could choose to get paid less.

Challenges and Considerations: Providing Accessible Health Care for TFW

Janet McLaughlin, Wilfrid Laurier University International Migration Research Centre

The research on which this presentation was based was carried out using ethnographic research methods: participant observation and community work with over 500 migrant farmworkers in Canada, Mexico and Jamaica since 2005. There were 78 case studies and 65 interviews with government officials, health professionals, employers, labour and community groups in Canada, Mexico and Jamaica.

The following are some of the factors identified in the research as influencing migrant farm workers' health:

- Previous health conditions and social determinants of health
- Circumstances of the migration
- Housing and working conditions
- Access to health care and other social services
- Language and cultural differences
- Social support and contact with family and community

There are a number of structural vulnerabilities and challenges for migrant farm workers. To begin with, they have limited rights and protections. By virtue of their status, they have no right to stay or settle in Canada following contract, nor can they have family visits. They cannot freely change employers, but instead are vulnerable to dismissals and have no formal process for appeals. They are poorly integrated in the community and instead face social exclusion. They have little control over their living and working environments, and often experience poor health, safety and sanitary conditions.

The following were the main health concerns and risks raised by migrant farm workers during the research:

- Poor nutrition and inadequate sleep
- Sexual and reproductive health issues such as STIs and pregnancies
- Mental and emotional health issues including depression, anxiety, addictions
- Unsafe transportation on the job
- Occupational Health issues such as pesticide exposure, musculoskeletal stresses and traumas, climate exposures.

Migrant farm workers face numerous barriers to accessing health care. They are supposed to have access to OHIP when they arrive in Canada, as well as access to private insurance for other services. However, 19% of workers do not have the health card they are mandated to have.

Workers lives are mediated by their employers. They work in isolated areas and lack transportation to medical services. There is a shortage of rural doctors and occupational health specialists. Language and literacy limitations lead to a poor understanding of rights/entitlements. Many migrant farm workers are afraid to report concerns. As a result of such factors, many migrant workers return home sick or injured.

A Jamaican worker said, “I was in Canada working for four years before I ever got a health card. During that time I was injured when a tractor ran over my foot. The worker who ran over me begged me not to tell the boss because he didn’t want to get in trouble, and I was new here so I didn’t know my rights. I just kept working through the injury. Now we have our health card, but we have to ask the boss for them—he doesn’t just give them to us. The boss also told us if we go to the doctor with any complaint, not to tell him it’s work related—tell them we got hurt off the job.”

A Mexican worker said, “Even if we’re the best workers in the world, if you’re sick, another person is better to come.... I had a terrible accident [and hurt my legs], but I didn’t want to say anything.... If you’re sick a lot or bothering the boss, they’re not going to ask for you back.”

The Occupational Health Clinics for Ontario Workers (OHCOW), with support from the Niagara Region Public Health Department, has held monthly occupational health clinics for migrant workers in the Niagara Region. A number of features have made these outreach clinics accessible and effective

- No health cards are needed
- Clinics are held in accessible locations and at accessible times
- Interpreters and bilingual, specialized info are available
- There are occupational health specialists present
- Time is made available for consultations.

Based on the success of the OHCOW clinics, a constellation of considerations has been identified, necessary for making health services accessible to migrant farm workers (VALHALLA):

- **Vulnerability and Confidentiality**
- **Awareness/Advertising**
- **Language and Communication**
- **Hours/Timing**
- **Affordability/Cost**
- **Location/Transportation**
- **Links/Collaboration**
- **Adaptability/Flexibility**

In conclusion, it is clear that Canadian health care and compensation systems must adopt particular practices to address the unique needs and vulnerabilities of migrant workers. Changes in TFW programs are also needed to address workers' underlying vulnerabilities. Comprehensive, long-term health insurance and improved support systems are needed for all migrant workers and their families.

Legal Framework for Workers and Housing

Chris Ramsaroop, Justicia for Migrant Workers

We must recognize the absence of meaningful regulations and legislation to protect temporary foreign workers. Migrant workers are the very embodiment of the foreigner. They can be denied access to services and rights. We feel that Canada is inclusive, but the people who are in Canada through the temporary worker program, are excluded.

Even where the conditions of a program appear legally fair, nevertheless, in practice, the workers are discriminated against. Farm-work housing is not subject to the same controls as other housing, since a landlord/tenant relationship does not exist. Workers do not have to pay for housing, but they are often afraid to complain about housing for fear of deportation, and fear that they will not be allowed to come back, but will be disbarred from Canada as "bad workers".

Similarly, there is a lack of labour mobility, and it is dangerous for foreign workers to exert what rights they do have. They can be repatriated for standing up for their rights or for being injured. Employers threaten the confiscation of health cards and passports. We need to provide spaces for workers to exert their rights

We need to rethink the circumstances of temporary foreign workers, with both the labour and immigration sides working together. Should foreign workers have access to permanent residency. What should they be entitled to? Should they have access to unemployment insurance. Should they be able to organize and bargain collectively. Should there be an appeals process to prevent unfair deportation?

The low-skill temporary foreign worker program is exploitive. Recruiters can charge workers: between \$5,000 and \$15,000 to bring them to Canada; \$200 to \$900 for an extension of work permits; and can even charge for housing. Workers are threatened with not having their work permits extended. There is a grossly uneven power relationship between the employers and recruiters on the one hand and the workers on the other.

The temporary foreign worker program essentially represents a continued history of indentureship and enslavement -- workers have signed contracts "for up to five years". Regulations have changed recently: low-skilled workers can now work for four cumulative years in Canada, at which point they are banned for six years. And, workers can be sent back if they cannot find meaningful employment.

Justicia for Migrant Workers is opposed to the current Buy-Local Campaign. We feel that the campaign does not take into account the working conditions of those who farm within a 100 mile radius; the pesticides, the housing, and all the workplace inequities.

Panel 4: Agency and Organizational Service Delivery Implications

Moderator

Alina Chatterjee

Speakers

Naomi Alboim, Queen's University/Maytree Foundation

There have recently been major changes in Canada's immigration policy, with a greatly increased focus on meeting short-term labour market needs through temporary worker programs.

These changes have involved major trade-offs:

- a focus on short-term needs at the expense of longer term demographic and economic needs;
- an increase in temporary workers, many low skilled and vulnerable, at the expense of permanent workers;
- the Canadian Experience Class introduces two-step immigration at the expense of overseas applicants;
- employers are relied on for selection and settlement services in the absence of national standards.

Temporary foreign worker (TFW) programs raise a number of concerns:

- TFW get priority processing over skilled applicants for permanent immigration.
- TFW's receive less stringent medical and security checks.
- These programs create a market created for unscrupulous recruiters.
- These programs discourage employer investment in training, discourage hiring of unemployed residents and suppress wages.
- Ineligibility for services, dependency on employers, lack of enforcement, absence of families, create vulnerabilities at the low end;
- Most TFW cannot transition to permanent residence.

These programs fly in the face of research which has identified key factors necessary for newcomer success (human capital, family support, settlement services) :

- Temporary workers are not assessed for human capital;
- Low end temporary workers are not eligible to bring their families;
- Temporary workers are not eligible for federal settlement services or supports.

Maureen Fair, St. Christopher House

A realistic framework for assigning responsibilities for temporary foreign workers can be based on an assessment of key players (government, NGO and employers) in terms of **ARIA**:

- **A**ccountability
- **R**each
- **I**ncome
- **A**ssets.

An ARIA analysis suggests that:

- Government should screen who comes to Canada.
- NGO's should be funded to assist temporary workers with settlement.
- Employers should provide adequate wages and a healthy work environment.

Francisco Rico-Martinez, FCJ Refugee Centre

There is a difference between rights available to temporary foreign workers in theory and those accessible in practice:

- In theory, TFW who contribute to CPP are entitled to benefits, but in practice it is impractical to access those benefits;
- In theory, TFW are eligible for Employment Insurance benefits, but in practice they are typically sent home before they can receive the benefit;
- In theory, TFW are eligible for OHIP, but in practice, there is no way to know if they are informed of their eligibility, or if employers are covering health costs during the three-month waiting period.
- In theory, employers are required to comply with provincial employment standards, but in practice, language and isolation often prevent TFW from connecting with the labour standards office to protect their rights.

No settlement agencies currently have a mandate to serve temporary foreign workers and because of strict controls on CIC funding, there are strict rules preventing them from serving TFW.

Canadians should:

- develop mechanisms to facilitate temporary workers access to services;
- develop complaint mechanisms to allow temporary workers to protest poor treatment;
- allow everyone who comes to Canada on temporary status to become a permanent citizen.

Ken Jeffers, City of Toronto

In the City of Toronto, temporary foreign workers are classified with other newcomers, although specific issues increase their marginalization:

- social isolation,
- lack of information,
- lack of a family unit,
- cultural barriers,
- economic situation.

Recreation can be used as a vehicle for social integration. Through recreation and leisure activities, temporary foreign workers can:

- gain self-confidence and language skills
- maintain healthy lifestyles
- engage in community living.

For further information, see **Panel 4 - Agency and Organizational Service Delivery Implications** (page 39)

Panel 4: Agency and Organizational Service Delivery Implications

Moderator

Alina Chatterjee

Temporary Foreign Workers: Service Delivery Implications

Naomi Alboim, Queen's University/Maytree Foundation

(See presentation slides: [Temporary Foreign Workers: Service Delivery Implications](#))

There have recently been major changes in Canada's immigration policy.

There is a greatly increased focus on meeting short-term labour market needs. The time-consuming process by which skilled workers immigrate permanently to Canada has led to a huge backlog of applicants and consequent restrictions on Skilled Worker immigration. At the same time, there has been a facilitation of the process through which temporary workers enter the country and a large expansion of their numbers.

Avenues to permanent residence have opened up for some temporary workers. There has been a huge increase in the Provincial Nominee Program which allows provinces to identify classes of temporary workers eligible for permanent residence. Similarly, the Canadian Experience Class allows some skilled temporary workers and international students to transition to permanent residence.

The effect of these changes has been to devolve decision making and responsibility for immigration from the federal government to the provinces, employers and educational institutions.

The changes to our immigration policy have involved some major tradeoffs, all of which have potentially serious negative implications, and significant service implications:

- the increased focus on short term labour market needs comes at the expense of longer term demographic and economic needs;
- the increased numbers of temporary workers, many of them low-skilled and vulnerable, comes at the expense of permanent workers;
- the introduction of the Canadian Experience Class (a two-step immigration process) is at the expense of overseas applicants in the extensive inventory, and is only available for the high-end temporary workers;
- the increased reliance on employers and educational institutions for selection and settlement services is in the absence of national standards.

The cumulative impact of these policy changes is a fundamental shift in Canadian immigration policy in the absence of good policy development, or public debate.

It is necessary to unpack the concept of a temporary foreign worker. There are many different categories, including highly skilled workers, low skilled workers, Live-in Caregivers, Seasonal Agricultural workers, Provincial Nominees, and all categories have different rules as to:

- eligibility
- need for a Labour Market Opinion
- whether work permits are open or restricted
- the role of the employer
- whether family members can accompany
- whether medical screening is required
- whether there is a possibility of transitioning to permanent residence.

There are different implications for service to individuals in the different categories, but none are eligible for federally funded settlement services.

The temporary foreign worker programs raise a number of concerns:

- Temporary foreign workers get priority processing over skilled applicants for permanent immigration who possess high levels of human capital.
- There are less stringent medical and security checks for temporary foreign workers.
- Temporary foreign worker programs have created a market for unscrupulous recruiters.
- Used inappropriately, temporary foreign worker programs could discourage employer investment in training, discourage hiring of underemployed or unemployed permanent residents, and suppress wages.
- Ineligibility for services, restrictions on mobility, dependency on employers, lack of meaningful enforcement, absence of families create vulnerabilities at the low end (particularly in the Live-In Caregiver and Seasonal Agricultural Worker Programs).
- With the exception of Live-In Caregivers, no lower skilled temporary foreign workers are eligible to transition to permanent residence. Seasonal Agricultural Workers must go home. The others have three options:
 - continue working on extended temporary status (no services, no family unification, continued vulnerability);
 - return home or go to a third country when the visa expires;
 - remain underground as an undocumented underclass with increased vulnerability.

Nevertheless, the trends are clear. Between 2005 and 2008, the number of permanent resident immigrants went down by 5.7% and the number of temporary foreign workers went up 62%, and indeed, by 2008, more temporary foreign workers were being admitted than permanent immigrants.

Between 1999 and 2008, the proportion of temporary foreign workers making the transition to permanent status rose from 26% to 39% (those who made the transition were Live-In Caregivers and Professional and Skilled or Technical workers). The same trend is evident among International Students. With the introduction of the Canadian Experience Class (CEC) in 2008, the number of transitions for temporary foreign workers and International Students can be expected to increase.

The introduction of the Canadian Employment Class has a number of implications for Canadian immigration:

- An increased proportion of landings will come from the CEC, requiring more people to follow a two-step process to permanent status without access to federal services in the first step, with potential delayed family unification, and with potential delays to citizenship.
- There will be increased selection and settlement responsibilities on post-secondary educational institutions, resulting in a patchwork of policies and services across the country.
- More future citizens will be selected by employers and post-secondary institutions, whose primary mandates and interests are elsewhere.

These trends in Canadian immigration policy actually fly in the face of research on immigration. Research finds that human capital matters for permanent residents -- those with high education levels and good language skills do best. Social capital also matters -- those with family and friends in Canada benefit from those social networks. Settlement services can influence integration -- early interventions, language assistance, occupational networks and such can ease integration.

Yet, despite what we know about immigrant integration, temporary workers are not assessed on their human capital, temporary workers at the low end are not eligible to bring their families with them, and temporary entrants are not eligible for any federal settlement services or supports.

The following recommendations address the weaknesses in Canada's new immigration policies:

- Accurate information about Canadian immigration should be provided to all temporary foreign workers overseas.
- The Low Skilled Worker Pilot Project should be eliminated.
- We should grandfather those who are already here as a result of the pilot, to allow them to apply for permanent residence.
- The Labour Market Opinion process should be strengthened.
- Fair, temporary worker recruitment and workplace practices should be enforced.
- All temporary foreign workers should be provided access to services.

It is a demographic reality that net population growth in Canada is dependent on immigration. It is a labour market reality that there are both labour and skill shortages in Canada and international competition for skilled workers. Consequently, immigration is necessary to build the nation, our communities and our labour force.

However, we ought to be selecting citizens through our immigration processes and not just workers. We need to think beyond the current economic downturn.

The cumulative impact of changes in Canada's immigration policies is potentially enormous. In the absence of good policy development, involving consultation and evaluation of options, we may in fact be creating worse problems for ourselves, rather than fixing the ones we currently face.

A Framework for Fairness

Maureen Fair, St. Christopher House

The issue of services for temporary foreign workers is a new one for service providers such as St. Christopher House.

The following is a suggested framework for assigning responsibilities and accountabilities for serving temporary foreign workers among the three key players in service delivery: government, NGO's and employers. These are the key players, but there are others that can have a major impact as well, including Colleges and Universities, and informal networks such as faith groups and cultural groups.

The acronym ARIA identifies a technique for assessing the potential role of each of the three major players. The letters stand for:

- Accountability
- Reach
- Income
- Assets

Each of the key players has a different ARIA pattern.

- Government is accountable to the public through elections; its reach is international; its income is derived from the tax base; one of its major assets is the capacity to foster consistency across all regions of the country.
- NGO's are accountable to the community served, to their mission and to their funders; their reach is local, and they can connect with more marginalized people, and people underground; their income is from a variety of funders; and one of their major assets is the capacity to respond to needs.

- Employers are accountable to their owners; their reach is to their employees and their customers; their income is derived from sales and tax credits; and their major assets include the ability to pay adequate wages and create appropriate working conditions.

Who should do what with respect to temporary foreign workers?

- Government should screen who gets to come to Canada
- NGO's need support for assisting temporary foreign workers with settlement
- Employers should provide adequate wages and healthy work environment

Services for Temporary Foreign Workers Francisco Rico-Martinez, FCJ Refugee Centre

(See presentation slides: [Permanently Temporary](#))

There is a difference between the rights available to temporary foreign workers in theory and those they can access in practice.

- Immigration Canada maintains that temporary foreign workers have the same rights as permanent residents, with the exception of low skilled workers. However, **in practice**, there is no follow-up on employers to ensure that they are complying with the terms and conditions under which their applications were approved, and only employers who have consented to participate in the e-LMO pilot project are required to demonstrate adherence to requirements regarding wages, working conditions, recruitment efforts and such.
- Foreign workers who contribute to CPP are entitled to the same benefits as Canadian citizens in the event of loss of income due to retirement, disability and death. Employers are by law required to deduct CPP contributions for those between 18-70 who earn at least \$3,500 in a given year. Pensions are payable in Canadian dollars to contributors. However, **in practice**, when workers have left the country, there is not a mechanism to access the pensions.
- Temporary foreign workers are eligible to receive regular and sickness Employment Insurance benefits if they are unemployed, have a valid work permit, and meet eligibility criteria, including having worked a sufficient number of hours. **In practice**, once foreign workers are deemed unable to work, they are usually sent home and then there is no way for them to collect the Employment Insurance which they have been forced to pay into.
- Temporary foreign workers are entitled to access OHIP. Eligibility requires a valid work permit for six months, and there is a three month waiting period during which the employer must provide health insurance. **In practice**, there is no way of knowing whether employers are covering health costs for the three month OHIP waiting period. Furthermore,

temporary foreign workers are often not informed that they are entitled to apply for OHIP.

- Employers of temporary foreign workers are required to comply with provincial employment standards, including written notice of termination and termination pay. If an employer does not comply with the standards, the worker can complain to the local labour standards office. **In practice**, there is no watchdog ensuring that labour standards are met, and language and isolation often prevents temporary foreign workers from connecting with the labour standards office to protect their rights.

It is not known how many settlement agencies serve temporary foreign workers. One reason for this is that the mandate of settlement agencies is to settle people into Canada, and temporary foreign workers do not typically fit in with this priority. No settlement agency currently has a mandate to help temporary foreign workers. Indeed, because of the structuring of Citizenship and Immigration Canada funding, most settlement agencies have strict rules as to which clients they can serve, and these tend to exclude temporary foreign workers.

It is a fundamental problem that the government does not support temporary foreign workers. This perpetuates an “oh sorry but we can’t help you mentality” and NGO’s do not openly say that they provide services to temporary foreign workers. However, keeping such services a secret is a disservice to all, and helps Canada to hide the reality of temporary foreign workers.

Proposals for change:

1. Create a working group of NGO's to develop a proposal to include services for temporary foreign workers in their mandates.
2. Develop mechanisms to facilitate temporary foreign workers' access to services.
3. Develop a complaint mechanism to allow temporary foreign workers to protest unfair or illegal treatment.
4. Allow everyone who comes to Canada on a temporary status to apply to become a permanent citizen

Recreation as a Vehicle for Social Integration

Ken Jeffers, City of Toronto

(See presentation slides: [Agency and Organizational Service Delivery Implications](#))

In the City of Toronto, we classify temporary foreign workers in the same category as newcomers, immigrants and diverse residents. However, there are specific issues that increase the marginalization of temporary foreign workers,

including social isolation, lack of information, lack of a family unit, cultural barriers, and economic situation. And within temporary foreign worker communities there are inherent barriers such as racism, sexism and homophobia which make the situation more complex.

Recreation can be used as a vehicle for social integration. Through recreation and leisure activities, temporary foreign workers can gain self-confidence and language skills, maintain healthy lifestyles, and engage in community living. Local community centres, which provide recreational opportunities, can be information hubs. Ethno-specific community based organizations can serve their communities effectively. Community Recreational Grants are excellent tools for community engagement with these agencies.

The *Get Your Move On* pilot project consulted women Chinese Mandarin garment workers on their recreational needs. We found interest in physical activities such as walking, running and aerobics, but location and time to participate were important factors. We also found that there was a strong interest in "occupational recreation", and that service delivery models needed to have more flexible programming designs.

Question Period

Q:

What can be done to increase the access of temporary foreign workers to services?

A:

Rico Martinez: Start a campaign to change social services agency mandates so that they can provide services to people labelled as temporary foreign workers. There is a phantom fear that there are major security breaches take place in our society. Why not know where people are coming from and allow them to register and apply for residence and legal citizenship?

Alboim: There needs to be more public debate, education and activities on this issue. More importantly, there needs to be more research conducted on this topic that is specific to Ontario.

Fair: There is an opportunity to bring this issue to light with the up-coming federal election

Q:

How can you strengthen accountability for Citizenship and Immigration Canada?

A:

Fair: The Auditor General needs to investigate.

Rico-Martinez: This needs to be assigned to an ombudsperson, they should be able to see the systemic issues. Giving this issue to politicians to champion can be dangerous. It could lead to a misinterpretation of the issue, losing the opportunity to find a resolution.

Alboim: There needs to be more than a complaint mechanism. We need to tackle systemic issues before a complaint mechanism can be derived.

Q:

How do we get change in the city of Toronto?

A:

Alboim: We need to ask ourselves what kind of society we want. There needs to be discussion regarding our policies and how do they help and hinder us from becoming the city that we want to be.

Jeffers: It is important to remember that the decision makers need to be diverse culturally and racially.

Further reading:

Naomi Alboim

Adjusting the Balance: Fixing Canada's economic immigration policies,
Maytree Foundation, July 2009

<http://www.maytree.com/wp-content/uploads/2009/07/adjustingthebalance-final.pdf>

Wrap session: Reflections on the day

Yessy Byl, Alberta Federation of Labour, Alberta Civil Liberties Research Centre

Where should we be going with regards to the Temporary Foreign Worker Program? The Low Skill Worker Pilot Project should be terminated since if you enter Canada as a precarious worker, you will remain one forever. If the pilot continues, the fallback should be the creation of a pathway to permanent residency. We should not emphasize the Provincial Nominee Program as a pathway to permanence since it is a quick fix, but is not necessarily a good long term social policy.

Indeed we need to have a debate in our country on the long term impacts of the temporary foreign worker program. This program is an assault on our social fabric and communities. We need to be engaged in a dialogue around this very important issue.

Michael Shapcott, Wellesley Institute

We need to look at the complex links between housing and health, and the impact of temporary foreign worker programs on housing. We currently have no national housing policy. A national housing policy must include the following:

1. the right to secure tenure
2. suitability of housing
3. affordability of housing
4. the right to an adequate supply of housing.

Syed Hussan, No One is Illegal

Migrant workers are part of an ongoing genocide/colonization. People choose to migrate and they come by any means available. More people are coming through the temporary foreign worker program, as other immigration doors close.

Temporary foreign workers want and deserve to live with justice. This is an issue of justice and dignity. Migrant workers need to be organized to become aware of their rights. The recent loss of life of four construction workers puts a face to these workers. There needs to be real transformative change at the government level.

Naomi Alboim, Queens University/Maytree Foundation

We need to find avenues of change. First, we should identify the issue in a way that resonates with both the converted and the non-converted. It can be framed

in terms of "What kind of society do we want to have? What kind of country do we want to live in?"

There needs to be real systemic change. We need to start unpacking the issues and build on evidence-based material. We need to be thinking what are the alternatives, what will have the most impact.

We need to look at bridge building with a whole range of groups. It is important that we start working with some of the employers, and to also identify the real issues in the immigration system. We need to working at both levels and looking at the short and long term goals. Any particular government may not support big changes, but there might be a possibility of incremental ones.

Armine Yalnizyan, Canadian Centre for Policy Alternatives

Since the recession started, in October 2008, Canada's population has grown by 478,000 people. In the first six months of the recession more people were thrown out of work than at any time since the Great Depression - and in the first six months of 2009 the government issued 89,000 temporary work permits. Canada's aging population means we need immigration, but an immigration policy cannot be creating a permanent, racialized underclass of workers.

What kind of Canada do we want? As a country we need to make some decisions about whether we want to have a racialized underclass or a society that lives by the UN Declaration of Human Rights.

We need to set the agenda, we need a discreet set of asks and to make decisions based on evidence. We have to work with the government, which means we need numbers of people behind us, and that means public education. We should show what is effective, what is not effective and what could be effective. We need to tell the government what to do and push for it.

We, as a country and a society, need to have a real vision of the type of world we want to live in. We need choice and voice for all.

Speakers' Biographies

Keynote Speaker: Permanently Temporary: Temporary Foreign Workers and Canada's Changing Attitude to Citizenship and Immigration

Yessy Byl

Yessy Byl graduated from Calgary Law School in 1980 and since that time has worked as a labour lawyer in private practice as well as 15 years on staff with unions in Alberta.

Currently, she is the Temporary Foreign Worker Advocate with the Alberta Federation of Labour, the Northern Alberta Educator for the Alberta Civil Liberties Research Center, and also a tutor for Athabasca University in Labour Studies. Volunteer work with the Edmonton Community Legal Centre has been a priority for many years and she has now been a board member for the Centre for the past two years. This volunteer work led to Yessy's involvement with temporary foreign workers in mid-2006 and to becoming the "Temporary Foreign Worker Advocate" in a legal services project of the Alberta Federation from April 2007 to May, 2008. She continues to work as a TFW Advocate with the AFL on policy and education issues. She has co-authored two reports published by the AFL: "TFWs – Alberta's Disposable Workforce" (November 2007) and "Entrenching Exploitation" (April 2009). She also helped set up the TFW project at the Edmonton Community Legal Centre and continues to work with clients as a volunteer lawyer with that project.

Panel 1: Global Picture Local Snapshots

Salimah Valiani

Salimah Valiani is a researcher specializing in world historical political economy and international labour migration. She has worked as a policy analyst and advocate in non-governmental organizations in Canada and South Africa, as well as in the Canadian trade union movement. Her publications include academic articles and institutional research reports. Between 2005-2008, she was policy researcher covering labour migration and related issues at the Canadian Labour Congress. She is currently working with the Colour of Poverty – Colour of Change in Toronto.

Jenna Hennebry

Dr. Jenna Hennebry is an Associate Professor in Sociology, and the Associate Director of the International Migration Research Centre (IMRC) at Wilfrid Laurier University. Her research specializes in international migration with a focus on temporary labour migration. Her research portfolio includes a range of comparative

studies of migration policy and foreign worker programs in Canada and Europe, qualitative and quantitative studies on migrant worker rights and health, surveys of agricultural employers of migrant labour and recruiting agencies, investigations into the formation of migration industries and role of private intermediaries in mediating migration, and ethnographic research on migrant remittances and development. Some recent publications and presentations include "A Model for Managed Migration? Re-Examining Best Practices in Canada's Seasonal Agricultural Worker Program" co-authored with K. Preibisch (*International Migration*, 2010), "Bienvenidos a Canadá?: Globalization and the Migration Industry Surrounding Temporary Migration in Canada (*Canadian Studies in Population*, 2008), "Public Health Risks and Infectious Disease Exposures for Migrant Workers in Rural Ontario" (*Public Health Agency of Canada*, 2007), "Mobile Vulnerabilities, Transnational Risks: Temporary Agricultural Migrants in Ontario" (*International Settlement Canada*, 2009).

Kerry Preibisch

Kerry Preibisch is associate professor in the Department of Sociology and Anthropology at the University of Guelph. A rural sociologist specializing in international migration, her research focuses on gender and migration, labour migration and global agro-food systems, and im/migrant communities in rural Canada. Current projects include examining the new social relations of agriculture in the Global North, im/migrant farm workers' health, and immigration to rural Canada. She has published in *Rural Sociology*, *Canadian Review of Sociology*, *Canadian Woman Studies*, *Canadian Journal of Latin American and Caribbean Studies*, and the *Journal of International Development*. In addition to her research and teaching, Kerry works as an academic advisor to civil society organizations and research institutions.

Panel 2: Income Security and Labour Responses to Temporary Foreign Workers

Luin Goldring

Luin Goldring is Associate Professor of Sociology at York University. She is affiliated with York's Centre for Research on Latin America and the Caribbean, and CERIS-the Ontario Metropolis Center, where she serves as domain leader in the area of Citizenship, Social, Cultural and Civic Integration. Her research interests include immigrant politics, the constitution of transnational social fields, citizenship, precarious work, and precarious status in Canada. Her current collaborative research projects examine Latin American and Caribbean immigrants and precarious work in the GTA, and Latin American community organizing in the

GTA. Recent publications have appeared in Ethnic and Racial Studies, Citizenship Studies, and International Migration. She co-edited Organizing the Transnational: Labour, Politics and Social Change (2007).

Patricia Landolt

Patricia Landolt is Associate Professor of Sociology at the University of Toronto and Research Associate at the Cities Centre. Her work falls within the fields of international migration and immigrant incorporation with a focus on social exclusion. Her current research on immigrants and racialized groups focuses on issues of income security, precarious employment and precarious legal status. See http://www.arts.yorku.ca/research/ine/public_outreach/strategy.html for details on her research on Immigrants and Precarious Employment.

Naveen P. Mehta

Lawyer, Director, Human Rights, Equity and Diversity, United Food & Commercial Workers Canada

Since January 2008, Naveen has been the Director of Human Rights, Equity and Diversity at UFCW Canada, Canada's largest private sector union. Naveen's work includes developing and implementing UFCW Canada's regional, national and international strategies on Temporary Foreign Workers and implementing a comprehensive Human Rights and Social and Economic Justice mandate for the union.

For almost a decade prior to this Naveen was Senior Legal Counsel to North America's largest private sector local union, UFCW Canada, Local 175. Naveen's practice has encompassed a broad range of labour law, administrative law and human rights matters including acting as counsel before the courts, numerous labour tribunals, and interest and rights arbitration boards. He has been active in various legal, labour, human rights and humanitarian based organizations Naveen also regularly speaks across Canada and the US to various audiences and media on human rights and labour law, immigration and diversity issues.

Sonia Singh

Sonia Singh is an organizer with the Workers' Action Centre (WAC), a worker-based organization committed to improving the lives and working conditions of people in low-wage and unstable employment. WAC brings workers together to fight for fair employment and to provide leadership in our struggle for fairness and dignity at work. WAC is a member of the newly formed Coalition for Change for Caregivers and Temporary Foreign Workers, which is working to push the provincial and federal government for real protections for Temporary Foreign

Workers. Sonia is a member of Justice for Migrant Workers, a collective which supports outreach and organizing with migrant agricultural workers.

Panel 3: Social Service Impacts and Implications

Soheila Pashang

Soheila Pashang is a Professor and Coordinator at Seneca College, Social Service Worker - Immigrant and Refugee program. Currently, she is completing her doctoral studies at OISE/UT. Her research explores the lived conditions of non-status women in Canada. For two decades, Soheila worked as Social Worker and Therapist with various health, settlement, and not-for-profit organizations assisting immigrants and refugees, and non-status persons. At a present time, Soheila works with Women's College Hospital-Task Force on Non-Insured Network promoting access to health for non-insured patients. She also serves as a volunteer at Toronto Detention Center with Canada Border Services Agency providing mental health support to detainees.

Chris Ramsaroop

chris ramsaroop is an organizer with justicia for migrant workers, a grassroots collective of community, labour and migrant activists, J4MW has chapters in Ontario and BC and works with migrant workers employed under the seasonal agricultural workers and temporary foreign workers.

Maya Roy

Maya Roy has worked as a community worker and popular educator in Toronto and internationally for the past 10 years. She has a BSW from Ryerson University and a graduate degree in Social Policy & Planning from the London School of Economics.

She is committed to anti-oppression education, and communities self-organizing for social justice. Her work has taken her to Thailand, where she has worked with NGOs and acted as a consultant for the Ministry of Education in promoting child rights approaches in the school system. As well, she has worked on anti-racism/anti-caste projects in West Bengal, India. Currently she is the Executive Director of Newcomer Women's Services Toronto and an instructor with Seneca College.

Janet McLaughlin

Janet McLaughlin is a Postdoctoral Fellow at Wilfrid Laurier University's International Migration Research Centre. There, she is working with a

multidisciplinary team on a WSIB-funded project examining migrant workers' access to workers' compensation and health care services. This project builds on her doctoral thesis, completed in Medical Anthropology at the University of Toronto in 2009, which explored health issues among Mexican and Jamaican migrant farmworkers in Canada. Janet has been involved as a volunteer and then co-coordinator of the Migrant Worker Health Project with the Occupational Health Clinics for Ontario Workers (OHCOW), aiming to provide more accessible health services to migrant farmworkers. She holds a Master's in Human Rights and teaches International Development Studies at the University of Guelph.

Panel 4: Agency and Organizational Service Delivery Implications

Naomi Alboim is a fellow at the School of Policy Studies at Queen's University and the Chair of its Policy Forum. She is also a senior fellow at the Maytree Foundation where she contributes to its immigration policy work. Naomi is an active public policy consultant, advising governments and NGO's across Canada and abroad. She is on the Founding Board of the Toronto Region Immigrant Employment Council and chairs its Intergovernmental Committee. Naomi worked as a civil servant at senior levels in the Canadian federal and Ontario provincial governments for twenty-five years, including eight years as Deputy Minister in three different portfolios. Her areas of responsibility have included immigration, human rights, culture, labour market training, and workplace practices. Naomi has authored both commissioned and unsolicited policy papers which have had significant impact on federal and provincial policy. She is a member of the Order of Ontario and a recipient of the Jubilee Gold Medal for public service.

Maureen Fair

Maureen is the Executive Director of St. Christopher House, a multi-service neighbourhood centre working with diverse disadvantaged communities in downtown west Toronto. Maureen has worked in St. Chris since 1991, coordinating community development, public policy development and advocacy strategies on issues such as income security, financial services for low-income people, community use of information technology, neighbourhood change and the role of non-profit community services. She has a Master's degree in planning.

Francisco Rico-Martinez

Francisco Rico-Martinez earned a Master's degree in economics from Costa Rica and a Law Degree (J.D.) from El Salvador. In El Salvador he was a law professor at the National University, writer, political analyst, human rights advocate and

investigator for the Archbishop office of San Salvador. As well Francisco was a refugee issues advisor for the Jesuit Refugee Service in El Salvador. In Canada, Mr. Rico-Martinez is currently co-director of FCJ Refugee Centre (formerly known as FCJ Hamilton House Refugee Project) that strives to meet the diverse needs of uprooted people, particularly refugee claimants and people without status. In addition, he is part-time professor at Seneca College. Mr. Rico-Martinez was the president of the Canadian Council for Refugees (CCR). Currently Mr Rico-Martinez is a member of Immigration and Refugee Law Advisory Committee of Legal Aid Ontario, a member of the Editorial Group of the Refugee Update Newsletter and a recipient of the Community Leadership in Justice Fellowship of the Ontario Law Foundation for 2007. Mr. Rico-Martinez is the recipient of the 2001 City of Toronto William P. Hubbard Race Relations Award and the YMCA Peace Medallion 2006. Recipient of the "Ontario Law Foundation's Community Leadership in Justice Fellowship" and currently residing at the Faculty of Law of the University of Toronto, participating in "The Immigration and Refugee Law Course", under the supervision of Professor Audrey Macklin. Mr. Rico-Martinez has a long history of refugee advocacy and volunteer activity on behalf of victims of human rights violations. He also has a number of publications regarding refugee and human rights issues.

Ken Jeffers

Ken Jeffers is the current Manager of Diversity Unit in Parks, Forestry and Recreation, City of Toronto. His career spans over 25 years in which he has worked with diverse communities, individuals, agencies and organizations in the field of recreation and community development providing training, program design and implementation.

Through his work, Ken has recognized the need for greater outreach and participation by culturally and racially diverse communities. He is responsible for Human Rights training and development for staff, conflict resolution, in conjunction with the Mayor's office and policy development.

Ken Jeffers has developed unique community recreation models, in which, recreation and leisure have been used as vehicles in the personal development of Toronto's residents. On behalf of the City of Toronto, Ken has initiated access and equity programs by introducing sports and recreation to diverse groups and cultures: *Hockey in the Neighbourhood*, *Citywide basketball league*, *Swim for It* (an aquatics program for employment for diverse communities), *Beach Volleyball*, *Introduction of Baseball*, *Toronto Raptorbal*, *Cricket Across the Pond* and the introduction of the *steel band music* to the school system as a credit course. In his capacity as a community leader, Ken Jeffers was responsible for the formation of the *Harriet Tubman Community Organization* (1973), one of the first African Canadian Multi-Service Centres in Toronto and also developed special

initiatives to target in public housing communities targeting the African Canadian community.

In 2006 Ken Jeffers received a special invitation from the Mayor of New York City and represented the City at an international conference of Global Partners entitled *Governing a Diverse City in a Democratic Society*.

Wrap: Reflections on the day

Armine Yalnizyan is a senior economist at the CCPA, having joined in 2008 to advance the work of the Growing Gap project. A long-time research associate, she has participated in the Alternative Federal Budget since its launch in 1994. She has tracked trends in labour markets, income distribution, government budgets and access to services (particularly training and health care) for over 20 years. Armine was honoured as the first Atkinson Foundation Economic Justice Fellow (2002) and received the Morley Gunderson Prize (2003) from the University of Toronto, where she obtained her MA in Industrial Relations. She serves on the boards of the Institute of Population and Public Health, the Public Interest Advocacy Centre, and the Canadian Association for Business Economics. She also sits on the Research Advisory Committee of Social Planning Toronto, where she was program director from 1987 to 1997, and Director of Research in 2006 and 2007.

Michael Shapcott is Director of Affordable Housing and Social Innovation at the Wellesley Institute, an independent, non-profit policy, research and social enterprise / innovation institute that is celebrating ten years of advancing urban health. Michael has worked extensively in Toronto, in many parts of Canada, nationally and internationally on housing and housing rights, poverty, social exclusion, urban health and health equity. He has worked on housing rights issues with the United Nations Human Rights Council in Geneva. He has worked with Aboriginal housing and service providers nationally and in a number of communities to develop practical and effective strategies for Aboriginal housing under Aboriginal control. Michael has been active with faith communities and is a founding partner of Toronto's Multi-Faith Alliance to End Homelessness, along with other social justice initiatives among a variety of faith communities. Michael is co-author, with Jack Layton, of "Homelessness: The Making and Unmaking of a Crisis" (Penguin, 2008) and co-editor, with David Hulchanski, of "Finding Room: Policy Options for a Canadian Rental Housing Strategy" (CUCS Press, 2004). Michael attended the Faculty of Law at the University of Toronto and the Faculty of General Studies at the University of Calgary. He has completed advanced economic work at the London School of Economics and Political Science in Britain and in September

of 2008 was invited by the Organization for Economic Co-operation and Development to be part of a workshop with two dozen participants from around the world at the University of Siena in Italy. He has developed hundreds of units of affordable and supportive housing. He lives with Ann, his wife, and Malcolm and Nicole, his two teenage children, in Toronto.

Syed Hussan

Syed Hussan is a writer, political organizer, researcher and facilitator based in Toronto. He is involved in anti-capitalist, anti-poverty, anti-racist, feminist struggles for Indigenous Sovereignty, Migrant Justice and against war and occupation.

Naomi Alboim (see panel 4)

Yessy Byl (see keynote)