

Does Canada's Temporary Foreign Worker Program Serve the Public Interest?

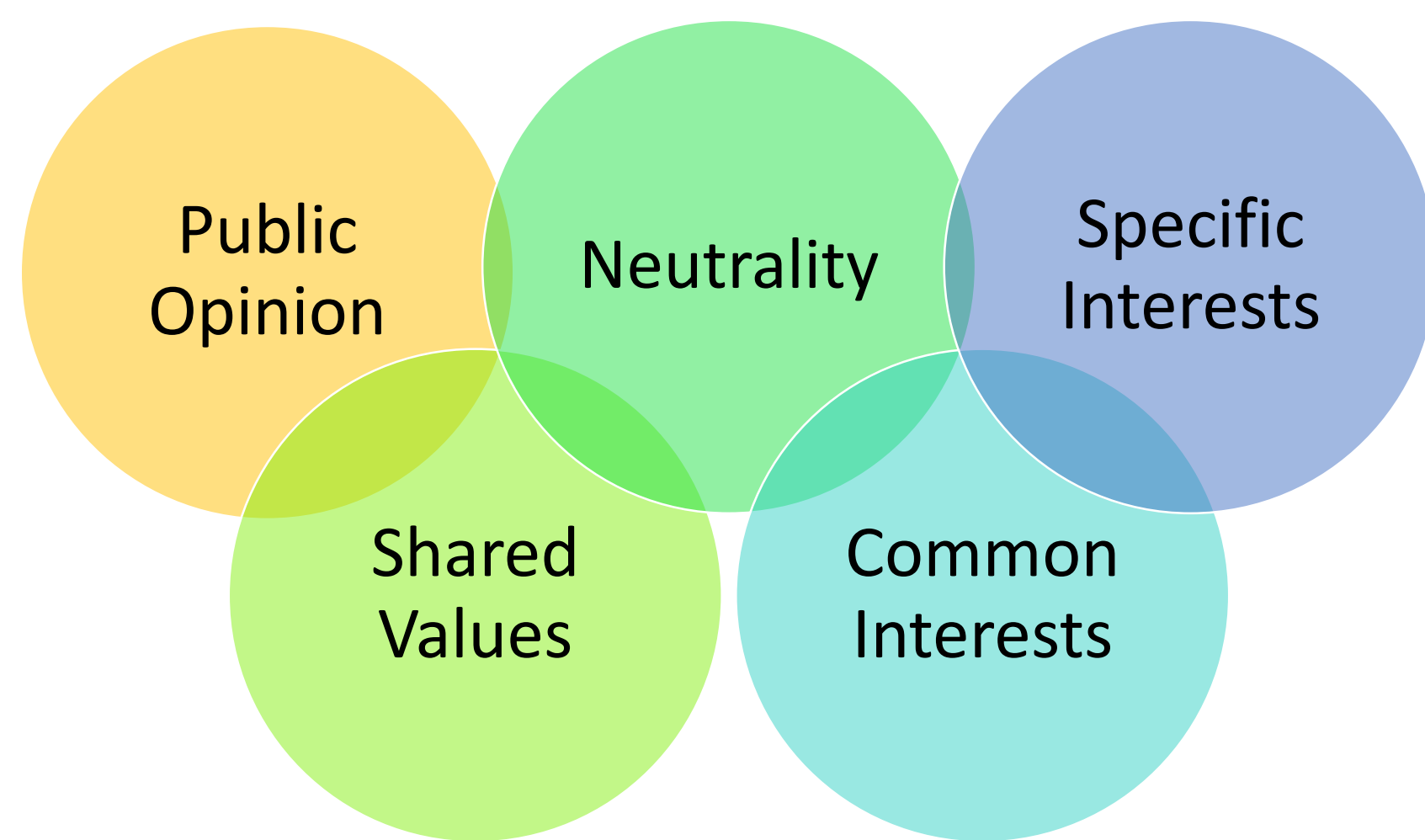
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“The freedom to resign is fundamental. It marks the difference between slavery and the contemporary conception of work.” – Claude Fabien

ABSTRACT

- The TFWP originated as a partnership between Canada and Jamaica in 1966, intended to relieve “labour shortages” on Canadian farms
- Privatized in 1987 to FARMS, a non-profit organization funded by growers
 - Replaced the migration limits with supply-demand system
- Foreign workers keep cost of food low and increases competitiveness of Canadian agricultural exports
- Today's program has evolved into a form of reverse discrimination against locals, cutting their jobs while offending the human rights of migrant workers

DEFINING PUBLIC INTEREST



APPROACH

- Analyze current research by combining government publications with reports by academic, media and labour organizations
- Identify legal framework that program operates in and pinpoint any deficiencies – includes the *Charter* and provincial human rights codes
- Compare the Canadian model to mgmt. in other G8 countries

FINDINGS

It doesn't support regional development and local economies

- Workers unable to converse in English; limits use of local amenities i.e. bars or community clubs and add to local “social or cultural development”
 - One worker, Manuel, quit soccer due to fear of injury and inability to cover health care costs
- Seasonal agricultural workers earn \$10/hour, below min. wage across all provinces
- Many are saddled with debt payments to loan sharks back home – little money to invest in the local economy



Figure 1: Constantly afraid of upsetting their employers, foreign workers are an invisible imprint to the social and cultural spheres of nearby towns



Figure 2: With non-legal status, workers are denied eligibility for social services

It violates Canadian and provincial laws

- Inspection on 407 workplaces in AB – 74% violated Employment Standards Act re: overtime pay and record-keeping
- Provincial labour laws exclude temporary workers
 - Not allowed to collectively bargain in Ontario
 - Domestic area not recognized as workplace for live-in caregivers – also often seen as “contractors” and not employees
- Violates s. 2, 7 of *Charter of Rights and Freedoms*

It is more insensitive in practice

- 2006: 63% of migrants from non-European, Global South nations – disproportionate number of LICs from the Philippines and farmers from Mexico
- Workers must “qualify” for PR today; before 1950, European domestic caregivers were granted PR status upon arrival



Figure 3: It is too easy for employers to break the rules

RECOMMENDATIONS

1. Oversee the program through **one federal agency**, similar to *Bureau of Immigration of Market Research* in the U.S.
 - Eliminate provincial-federal jurisdiction issues and responsibility sharing
 - Ensure same standards across Canada
2. Issue **sector-based work permits**
 - Mobility rights to migrants + enables them to switch employers as circumstances change
3. Invest in the **Interprovincial Standards Red Seal Program** again
 - Make it easier for skilled tradesmen to work in any province w/o additional certification

UPCOMING ISSUE: TRANS-PACIFIC PARTNERSHIP

- Canada is prohibited from restricting temporary entry of skilled tradespeople
 - Burden of proof on employer to define which jobs require ‘skill’, opening room for greater exploitation
- Foreign “Professionals and Technicians” are no longer required to be licensed by provincial bodies
 - Greater risk to public safety
 - Intensifies wage pressures on domestic jobs