

Temporary Labour Importation or a Pathway to Immigration?

A Comparative Look at Canada's Live-In Caregiver and Seasonal Agricultural
Workers Programs

Monina Maria Febria

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Faculty of Graduate and Postdoctoral Studies

University of Ottawa

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Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world

- Harriet Tubman

TABLE OF CONTENTS

	Page
Introduction	1
<ul style="list-style-type: none">• The Canadian Case• MRP Outline of Topics	
I. Methodology and Program Overview	8
<ul style="list-style-type: none">• Intersectional Feminist Framework• Migration & Citizenship• Live In Caregiver Program (LCP)• Seasonal Agricultural Workers Program (SAWP)• LCP & SAWP Parallels	
II. Who is Temporary and who is not?	18
<ul style="list-style-type: none">• Temporary Labour in Canada• Non-Immigrant Employment Authorization Program (NIEAP)• Defining Canadian-ness• The LCP & SAWP: Temporary or Not?• Alternative Routes to Immigration: Who is Temporary After All?	
III. Gendered Roles in the LCP and SAWP	29
<ul style="list-style-type: none">• The Rise of Filipina and Mexican Workers• The #1 Choice Filipinas• Mexicans: Hardworking, Obedient & Brown Workers• Country Surfing	
IV. Future Trajectories for the LCP and SAWP	38
<ul style="list-style-type: none">• Gatekeeping• A Shift to Permanent Residency?• Transitional Workers & Family Separation• Are Temporary Workers Really the Solution?	
V. Roles for Sending and Receiving Nations	49
<ul style="list-style-type: none">• Jurisdictional Fútbol• Citizenship & The Sociology of Disgust• Barriers to Protection	
VI. Conclusion	59
VII. Recommendations	64
VIII. Notes and References	72

INTRODUCTION

Globalization is a process that has taken on virtually every aspect of society. Reaching across the nation state and the international arena all the way down to the micro level of citizens, globalization affects everyone. Allan and Thomas (2000) define “globalization” as a process (or processes) that embody a transformation in the spatial organization of social relations and transactions. These relations are assessed in terms of their extensity, intensity, velocity and impact - which generate transnational flows and networks of activity and interaction worldwide (348). Thus, globalization can be understood as a process that supersedes national borders, and that connects people, communities and networks through various interactions. One major interaction in this process is migration, and more specifically the transnational migration of people.

Castles and Miller (1998) emphasize that in the next twenty years, two influential trends in migration will be the *globalization of migration* and the *feminization of migration*¹. They note that the *globalization of migration* includes the tendency for more countries to be affected by migratory movements worldwide, while the *feminization of migration* involves the increasing role of women in all regions of the world (8). Following Castles and Millers’ (1998) statistical forecast, a reported 175 million international migrants were moving worldwide in 2000, and over half of them were women (Asis, 2005, 15). Although migration is not a new phenomenon, migration for the purposes of employment has become increasingly common. The migration of people from areas of the developing world² to countries of the affluent global North³ has become a more notable trend. The aftermath of colonial rule resulted in the impoverishment and underdevelopment of many nations. Additionally, in many areas – including the Philippines and Mexico – the Debt Crisis of the 1980s significantly impacted progress in numerous nations and

exacerbated underlying challenges within their economies (Bacon, 2008; Parreñas, 2008). Furthermore, because of the Debt Crisis economic restructuring plans affected the poor and women more intensely (Chang, 2000, 124). Consequently, as the gap between the affluent North and the poorer South widened, the international migration of people from the Third World became an approach that local governments used to address their problems. As a result, labour, money and capital have become transnational commodities where countries seek the most profitable locations for production, natural resources, markets and more importantly, a steady supply of labour (Satzewich, 1991, 34).

THE CANADIAN CASE

Migration has played a significant role in the history and formation of the Canadian state. The entry and acceptance of diverse cultures is a defining feature of the nation, and remains a major factor that draws immigrants to the country each year⁴. It is estimated that 250,000 immigrants are admitted to Canada annually (CIC, 2009). Economic immigrants are selected for their skills and ability to enter the labour market, successfully establish in Canada and contribute to the economy by meeting specific selection criteria (i.e. the points system). These applicants along with their immediate family members are approved by immigration officials and granted permanent residency status upon entry into Canada. Another avenue of entry is under “temporary resident” which includes: foreign workers, foreign students, and others who are admitted because they address labour gaps, enhance trade and also contribute to the Canadian economy (47). Two main avenues through which foreign workers enter are through: the Live-in Caregiver Program (LCP) and the Seasonal Agricultural Workers Program (SAWP) (HRSDC, 2009). These popular labour programs share numerous parallels and for these reasons, this Major Research Paper (MRP) seeks to compare and examine these foreign worker programs in more detail.

Both the LCP and SAWP are dominated by migrants from specific areas of the global South: the Philippines and Mexico (respectively). They are also two main avenues of temporary migrant labour within Canada and are gendered in nature. The LCP is predominantly filled by women who work as caregivers in the homes of Canadian families, and the SAWP is filled by men who perform labourious work in farming and horticulture. In 2008, Citizenship and Immigration Canada (CIC) highlighted that the Philippines and Mexico were among the top three sending nations of temporary migrant workers to Canada (CIC, 2009, 63). Due to the collapse of these economies in the 1980s, and success in labour exportation programs, it is of no surprise that these migrants are among the biggest groups within Canada (Bacon, 2008; Parreñas, 2008). Current research highlights that temporary foreign workers have become a pervasive feature of the Canadian labour market and these workers represent an increasingly significant share of the country's immigrant labour force (Nakache and Kinoshita, 2010; Preibisch, 2007; Sharma, 2006). Thus, given the growing number of entrants through Canada's LCP and SAWP, the purpose of this MRP is to comparatively analyze these two popular labour migration programs, and examine the reasons why parallels and disparities exist between them. Furthermore, through an intersectional feminist framework with particular attention to literature on migration and citizenship, this MRP seeks to evaluate just how temporary Canada's temporary foreign workers are after all.

MRP OUTLINE OF TOPICS

In order to examine this question further, Section I of this MRP will begin with the methodology and theory used to analyze the LCP and SAWP in more detail and provide an overview of the two programs. Following that in Section II, I address the first research question: What is meant by temporary labour in Canada and how is the definition of "temporary"

constructed in Temporary Foreign Worker Program (TFWP) discourse? Subsequently, in Section III due to the increasing number of entrants in both programs from two specific countries – the Philippines and Mexico – the second research question examines how constructions of gender play a role in the selection of participants admitted into the programs. More specifically, what makes Filipina women and Mexican men suitable candidates for working in the LCP and SAWP programs? These two programs have been part of Canadian labour and immigration policy for over forty years, so in Section IV the third research question is assessed: is there a long term goal for the LCP and SAWP or will it continue to admit foreign workers on a “need-only” basis? It appears that participants in the LCP have access to permanent residency once they have completed the program however no such option exists for those in the SAWP, leading one to ask: why is this the case? Accordingly, section V addresses the last research question: is there a responsibility on behalf of sending and receiving nations to provide more protections and conditions for these workers? After all, caregivers and agricultural workers are doing much of the “dirty work”⁵ in Canadian homes and farmlands. Section VI concludes that current Canadian immigration policies construct LCP and SAWP workers as non-citizens, inferior to Canadians and as such are relegated to low-paid, low-skilled employment with little opportunity for advancement. Lastly, I provide recommendations to address these issues and propose ways to work towards better management and monitoring of the LCP, SAWP and the TFWP in general.

I. METHODOLOGY & PROGRAM OVERVIEW

The LCP and SAWP programs remain two significant contributors to Canada's labour force and economy, yet earlier work has only been conducted on the LCP and SAWP separately (Basok, 2002; Bakan and Stasiulis, 1997; Ferguson, 2007; Hennebry, 2008; Pratt, 1999; Preibisch and Binford, 2007; Satzewich, 1991; Spitzer and Torres 2008; Stasiulis and Bakan, 2003; Valiani, 2009). A great deal of attention has been placed on an examination of the LCP (Bakan and Stasiulis, 1997; Parreñas, 2008; Pratt, 1999; Spitzer and Torres, 2008; Stasiulis and Bakan, 2005; Valiani, 2009) perhaps given workers' presence in the homes of many Canadians and their access to permanent residency once they have completed the program. Research has highlighted the strict conditions placed on caregivers in the program and the need for better monitoring on behalf of the government since these women (primarily Filipina) are found within the private sphere of society (Bakan and Stasiulis, 1997; Pratt, 1999; Spitzer and Torres, 2008; Stasiulis and Bakan, 2003; Valiani, 2009). Existing literature on the SAWP however, has predominately focused on working conditions, racialization, and remittances sent home. As the number of Mexican men entering the SAWP continues to increase, more attention to living arrangements (often eight to ten workers are housed together in poor conditions) and the effects on workers' health has come to the forefront of current research (Basok, 2002; Ferguson, 2007; Hennebry, 2008; Preibisch 2007; Preibisch and Binford, 2007).

This Masters research is the first comparative analysis of Canada's LCP and SAWP, so in order to investigate the programs in more detail, I have employed secondary analysis using data from Citizenship and Immigration Canada (CIC) and Human Resources and Skills Development Canada (HRSDC) including: CIC Facts and Figures reports, CIC Regional reports, the Auditor General of Canada Report on Immigration (2009), the Report on the Standing Committee of

Citizenship and Immigration Canada (July 2009), the House of Commons Report on Temporary Foreign Workers and Non-status Workers (May 2009), and the Report on Regulatory Changes to the TFWP (Fall 2009). On a national and international level, I have examined literature relating to these programs from the Metropolis Project, International Labour Organization, as well as a number of reports from various non-governmental organizations including: the Institute for Research on Public Policy (IRPP), the Canadian Foundation for the Americas (FOCAL) and other migration and population related research centres. Finally, a thorough investigation of current academic literature on Canada's foreign worker programs and other types of temporary labour with a particular focus on the domestic and agricultural work was also used. Specific literature on constructions of gender in the LCP and SAWP, as well as feminist literature regarding women, migration and citizenship were further examined. Since this comparative analysis is the first in this field, I find that it is important to pay attention to various intersecting factors – such as gender, ethnicity, class, country of origin, and migrant status – that impact and influence the mobility of these women and men. As Vickers and Dhruvarajan (2002) note it is important to explore linkages among people who are differently located in their social spaces (28) and because of the sexually segregated nature of these programs, I believe an intersectional feminist approach to the LCP and SAWP is vital in identifying how factors including gender play a role in the experiences of caregivers and agricultural workers. Furthermore, citizenship is experienced very differently by women, people of colour and those marginalized by state policies, regions and locations (Yuval-Davis 1999 in Baines and Sharma, 2006, 208). Thus, in the case of migrant LCP and SAWP workers, their various intersecting identities have a profound impact on their role as workers, their access to resources and the expectations placed on them when working temporarily in Canada.

INTERSECTIONAL FEMINIST FRAMEWORK

Mahler and Pessar (2001) have highlighted that gender has rarely been the principal focus of globalization research (441). However, they note that gender can be an important tool for analyzing such transnational spaces like migration. While sex refers to biological differences between men and women, gender focuses on the socially and culturally determined differences between groups that are embedded in relationships of power (Hankivsky, 2007, 157). In looking at gender in more detail, it is evident that people are socialized to view distinctions between genders. For example, socially constructed ideas of male and female tasks (i.e. men as labourers and women as housewives) are seen as natural, inevitable and absolute, when in fact these are not inherent traits (Mahler and Pessar, 2001, 442). Many areas of life – including family, sexuality, education, economy and the state – are organized according to gender principles and uphold conflicting interests and hierarchies of power and privilege. Combined with one's racialized status, class, nationality and other identities, gender is just one part of the interlocking realms of power (443). Varcoe, Hankivsky and Morrow (2007) emphasize that the theory of intersectionality refers to the idea that “gender is experienced by women simultaneously with their experiences of class, race, sexual orientation and other forms of social difference” (19). Neither men nor women comprise homogeneous groups and various factors such as socio-economic status, age, sexual orientation, ethnicity, geographic location and gender (among other things) can distinctly affect a specific group's needs, access to resources and interests (Hankivsky, 2007, 156).

Cognizant of these multi-layered identities and levels of power, Maher and Pessar (2001) developed the “gendered geographies of power” framework to demonstrate how gender operates on multiple social, spatial and transnational levels (i.e. body, family, home country, abroad etc.).

Throughout these locations, gendered ideologies are reconfigured and reaffirmed. Although gender is a component to one's marginalization, it is not the sole axis around which power and privilege revolve. Differentiation based on ethnicity, class, nationality, and other identities also play a pivotal role in addition to one's gender (442). As a result, while gender has traditionally been perceived as an impractical concept in understanding transnationalism, the "gendered geographies of power" framework demonstrates that this is not the case. Gender is intertwined with one's experiences in both the public and private realms and as such, using gender as a tool in analyzing the effects of the globalization process – such as the LCP and SAWP - will not only provide an accurate picture, but even perhaps, an alternate perspective in understanding today's globalized world.

Silvey (2006) highlights that "rather than seeing identities as fixed definable characteristics of migrants, geographers have increasingly emphasized the co-constructed nature of identities and places and the ongoing nature of this process"(69). Structures of gender, racialized status, and socioeconomic class play into determining whose bodies belong where, how different social groups experience various environments and what sorts of exclusionary and disciplinary techniques are applied to specific bodies (70). Thus, various factors that are part of one's identity can include or exclude members in a community. The Canadian state decides who may access resources in society based on various factors including language and citizenship status. For example, immigrants entering under the Federal Skilled Workers immigration stream (FSWP) are allowed to undergo language training provided by the province. However, for LCP and SAWP workers they are not given access to any formal language training during their time in Canada. Additionally, while immigrants in the FSWP are given permanent residency and the ability to sponsor family members (should they wish to do so), agricultural labourers are

categorized as “temporary” workers and not given such opportunities despite how many years they may work in Canada. Migration and citizenship share numerous commonalities and points of intersection, both are dynamic and deeply gendered processes that involve the inclusion and exclusion of particular groups and in its most basic interpretation, both are fundamentally about power relations (Dobrowolsky and Tastsoglou, 2006, 22).

MIGRATION & CITIZENSHIP

Dobrowolsky and Tastsoglou (2006) emphasize that a feminist analysis of migration is necessary. The social, cultural, political and economic relations experienced by women and men shape and produce different outcomes for those in the migration and settlement process. Through discourses and practices of the nation-state, a creation of “the Other” has risen. Along with it has come nationalism and citizenship, creating boundaries as to who are the ‘insiders’ and ‘outsiders’ based upon the differences of people. Migrants are treated differently from the general population and their “Otherness” is constructed on various factors such as language/accent, dress, status, and ethnicity (18). Power hierarchies are a result of historical, political, geographic and other socially stratifying factors that people are often born into, thus such social locations place them in certain advantageous or disadvantageous locations (Maher and Pessar 2001, 445-446). Consequently, histories such as colonialism, slavery and oppression for example, are additional intersecting issues that affect one’s life experience. For those in the LCP and SAWP, their gender, skin colour, accent, country of origin as well as their precarious citizenship status are important factors. Such features and histories of colonialism in the Philippines and Mexico, places these foreign workers within multiple power hierarchies that disadvantage them greatly. Following the work of Quijano (1991, 1993, 1998), the “coloniality of power” highlights the

social hierarchical relationships of exploitation and domination between Westerners and non-Westerners that have been built during centuries of European colonial expansion, emphasizing cultural and social power relations (in Grosfoguel, 2004, 325).

Although racialization was deeply present in colonial times and involved a hierarchy of superior/inferior members within society and the exclusion of people on the basis of cultural or biological features, today, such exclusionary measures can also be seen in modern categories such as citizenship, democracy and national identity (326-327). Furthermore, while it is often believed that a post-colonial period has begun, this paradigm indicates that aspects of colonial relations are still present in today's society (Grosfoguel, 2004, 327-328). Such ideas of who belongs and who does not belong in the nation's "community" are reinforced through this hierarchy and in the Canadian case the "coloniality of power" plays a role in the desirability, labour force mobility and permanency (or not) of temporary foreign workers such as caregivers and agricultural workers.

Satzewich (1991) identifies "immigrant labour" as foreign-born people who are awarded permanent status and the possibility of citizenship within a state or social group in which they have relocated themselves. They possess the rights and obligations of a citizen (i.e. political rights) or acquire them after a period of time and thus, they are defined as members of the imagined community or nation (39). Conversely, "migrant labour" is described as foreign born workers who: relocate for work; stay in a social group; are subject to temporary conditions; and who neither possess rights nor obligations as citizens; and who have little hope of ever acquiring these rights. In short, they are not current members and have little chance in becoming future members of the imagined community (39). Thus, following these claims, temporary foreign workers under Canada's TFWP are considered "migrants", until they are welcomed into the imagined community through permanent residency. Satzewich (1991) argues further that Canada

has increasingly granted foreign-born workers “migrant” rather than “immigrant” status (38). The state possesses this authority – and actively exercises it – to limit entry of migrants to the social formation. As such, the state is a gatekeeper that determines who can be included within the spatial and symbolic boundaries of the nation. Stasiulis and Bakan (2003) echo this sentiment in the case of LCPs, and define “gatekeepers” as those who “serve to select, reject and/or restrict the conditions and entry of migrant workers to developed states, and of migrant [female] domestic workers in particular” (63).

Citizenship is *fluid* and *dynamic*, a process that develops, changes and shifts over space and time (Dobrowolsky and Tastsoglou, 2006, 12). Similarly, Werbner and Yuval Davis (1999) emphasize that:

It [citizenship] opens up spaces and arenas of freedom – of conflict, unpredictability, intimacy, the right to be different....It orders conflict, channels and tames it, it labels and classifies collective difference; it determines how, where and when difference may be legitimately ‘represented’ and who counts as ‘different’ in the political arena, itself as a social construct (2)

Therefore, because it is a process, citizenship is (and will be) negotiated and contested by those whose citizenship is incomplete, such as domestic workers and agricultural labourers. It will also continue to be about power, agency, identity and above all else, inclusion and exclusion within the social formation (Dobrowolsky and Tastsoglou, 2006, 16). Baines and Sharma (2006) highlight that the existence of “non” citizens (migrant workers) is central to the operation of citizenship in Canada (209). On the basis of country of origin, temporary worker status and type of work, women and men in the LCP and SAWP are excluded and deemed undesirable members of the Canadian citizenship community. Bakan and Stasiulis (2003) stress that citizenship as an ideological construct is negotiated between various *empowered* individuals and the state, and this negotiation is interlaced with relations of class, race and gender (118). Thus, due to the

perceptions of the undesirable “Other”, histories of colonialism and those worthy of Canadian citizenship, caregivers and agricultural workers are placed in a grey-area in terms of expectations, boundaries and migrant status. In the next section, let us explore the LCP and SAWP in more detail.

LIVE IN CAREGIVER PROGRAM (LCP)

In Asia and the Pacific, international migration is a structured reality for many countries (Asis, 2005, 16). The Philippines has become the labour-exporter *par excellence*⁶ with over eight million of its citizens scattered all over the world (Parreñas, 2008, 4). It is the biggest exporter of its human resources worldwide, and an average of 2,378 Filipinos leave the country each day (Paprock, Yumol and Atienza, 2006, 47). Migrant labour is crucial to the Philippine economy and it has been estimated that unemployment levels would be 40% higher without it (Castles, 2000, 108). In the 1960s, the Philippines was expected to be on the brink of the “economic take-off”⁷ due to its high levels of education and good international connections, however the Marcos dictatorship failed to bring the economic potential to fruition (Asis, 2005, 29). Plagued by decades of government instability, lack of foreign investment and an increasing national debt, the state began to look at labour migration as a development strategy with the implementation of the “manpower exchange program” – a labour exportation program intended to help workers generate foreign currency as well as acquire skills and technical know-how otherwise unavailable to them in the domestic labour market under the Marcos dictatorship (Parreñas, 2008, 4). By the 1970s and 1980s most emigrants were among the highly educated and trained professionals venturing abroad because of low wages and unemployment in the country. Many sought work in the Middle East for construction type labour, and since the 1990s, foreign nurses have become the biggest commodity emigrating thus far. (Paprock et al., 2006, 51-52). As a

result, Filipina women have been migrating by the millions each year to work as servants and domestic workers in countries of the global North to gain a more profitable income (Asis, 2005; Chang, 2000, 124).

With approximately 70% of mothers with small children in Canada working outside the home, one of the Canadian government's solutions to the homecare challenge has been the use of foreign domestic workers (Valiani, 2009). Thus given their position in the global market for domestic workers, Filipinas comprise the majority of live-in caregivers⁸ (LCGs) in Canada. Employers who wish to hire a caregiver are required to prove that they have not been able to find a Canadian worker to fill the job (HRSDC, 2010a; Spitzer and Torres, 2008). Once a domestic worker has been located, the employer is then required to complete an employment contract through HRSDC that demands that the employer "provide acceptable working conditions, reasonable duties, and fair market wages" (in Spitzer and Torres, 2008, 17). Upon completion of twenty-four months of full-time work or 3,900 hours of approved full-time work (inclusive of overtime) within a four-year period, live-in caregivers are then eligible to apply for permanent residency (PR) status. Approval of PR status allows domestic workers access to rights such as family reunification, mobility rights and more importantly, an end to the caregiver program (if they wish) (Spitzer and Torres, 2008).

SEASONAL AGRICULTURAL WORKERS PROGRAM (SAWP)

The Canadian Seasonal Agricultural Workers Program (SAWP) has been in existence for nearly fifty years and similar to the LCP, this program was created in response to a labour shortage, but in this case a shortage in the farming industry (Preibisch and Binford, 2007; Smart, 1997). Agricultural labour has become one of Canada's greatest import commodities (Jakubowski, 1997). Before World War Two, farming was predominantly a family business that

involved all generations, but in the 1940s, farms consolidated and growers' families became too small to accomplish the intensive and demanding work of the farming industry (Basok, 2002, 25). Due to difficulties in supplying labour, the Canadian government implemented an importation program of workers from the Caribbean islands (Basok, 2002, 25). The number of participants was inadequate thus other countries were sought – predominantly Mexico – to increase workers for the program. Although in the beginning, Caribbean men constituted the majority of SAWP workers, as of 2006, Mexicans represent the largest ethnic group in the program (Bauder, 2006; Center for Comparative Immigration Studies, 2003; Preibisch, 2007).

In the mid-twentieth century, several Mexicans were displaced by economic changes, privatization, rural poverty and job elimination that facilitated the migration of workers (mostly agricultural workers) to the bigger cities (Bacon, 2008, 70). Mexico's development strategy in the 1970s liberalized its financial system to foreign capital while oil prices were low. Consequently, this decision led to enormous foreign debt because instead of directing this money to modernization and production within the state, it was placed in offshore bank accounts (Bacon, 2008). By 1982, the Debt crisis ended this strategy and shook much of the developing world. The lack of savings and state investment led to financial ruin and Mexico could no longer commit to its debt payments and thus, defaulted on its international financial loans. Structural adjustment policies (SAP) were believed to help change the country's poor economic state however with little government intervention and cutbacks in social spending in areas such as health and education, these neoliberal policies resulted in an enormous foreign debt for the Mexican state (Bacon, 2008, 60). Prior to the Debt Crisis, Mexico developed its northern regions by allowing foreign corporations to build assembly plants within a few hundred miles of the U.S. By 1982, border factories tripled in size and workers grew from 150,000 to 360,000 that

accounted for forty percent of Mexico's total exports (Bacon, 2008, 57). These factories were believed to assist the nation rise out of its economic difficulties so more maquiladoras were built on Mexican land. As a result of this growth, it is no surprise more people migrated to larger cities and parts of the U.S in order to access employment and gain a higher income.

In 1994, the introduction of the North American Free Trade Agreement (NAFTA) was believed to facilitate additional opportunities for Mexico and the rest of the Americas. NAFTA was promoted as a way for Mexico to accelerate from its poor Third world reputation to a rich developed nation (Bacon, 2008, 60). By gaining access to the U.S and Canadian markets, trade and labour would cost much cheaper than before. As a result, Mexicans continued to relocate to bigger cities in the country's northern regions or took a chance by crossing over to the U.S and Canadian labour markets. Ojeda (1993) points out that NAFTA was truly implemented because it was believed to reduce migration of Mexicans to the U.S and create conditions for "sufficient employment and wage growth in Mexico" (in Samuel and George, 2002, 46). Furthermore, Bacon (2006) contends that NAFTA did not lead to greater freedom for movement of workers and farmers across the borders, nor did it give migrants greater rights or equality within the U.S (52). Instead, little changed and a growing number of Mexicans (inside and outside the cities) remain poor and underemployed. It is estimated that almost forty percent of the population (106 million people) live in poverty, with approximately twenty-five million living in extreme poverty (Bacon, 2008, 24). Thus, migration for labour to the U.S and Canada has become one of the only viable solutions in response to Mexico's economic difficulties.

Agricultural workers (AGWs)⁹ are often located in greenhouses (picking fruits, vegetables and tobacco), large farmlands or in canning plants and nurseries in rural communities in Ontario, Quebec, Alberta, Manitoba and more recently British Columbia (Basok, 2000, 81;

Preibisch and Binford, 2007). The SAWP brings foreign workers to Canada for a six to eight month period annually, The program is administered by the Foreign Agricultural Resource Management Services (FARMS) an agency run by the private sector, governed by a Board of Directors with appointed members representing the government and farmers participating in the program (Basok, 2000, 81; FARMS, 2009). FARMS is authorized by HRSDC and acts in an administrative role to the Caribbean and Mexican SAWP (FARMS, 2009). Ontario has become the biggest recipient of SAWP workers each year with approximately 90% admitted into this province alone (Center for Comparative Immigration Studies, 2003; Preibisch, 2007).

LCP & SAWP PARALLELS

Migrant workers have become an attractive group because they are a readily available labour force willing to be paid much less than Canadian citizens (Sharma, 2006). In both the LCP and SAWP, the compulsory live-in requirement and temporary residence within the home or on the property of the employer is a major issue for workers (Basok, 2002; Stasiulis and Bakan, 2005). Possessing no separation from work and home, and granted very little time for oneself, nannies are often overworked, lack privacy within their own space and have been exploited by their Canadian employers (Pratt, 1999; Stasiulis and Bakan, 2005). Additionally, the rigidity of work permits, the precise timeline and requirements necessary for completion of the LCP, as well as extraordinary circumstances such as illness, relocation of employer, pregnancy or death of the employer can cause further complications for caregivers under the LCP (House of Commons, 2009, 11). Similarly, AGWs are housed with eight to ten other workers in substandard housing that is provided by their employer and this residence is virtually isolated from any other form of society (Smart, 1997). With shorter employment contracts, inflexible work permits and ambiguous labour rights, agricultural workers are placed in an environment

with very few options available should employment issues or mistreatment occur. An integral aspect of both programs is that workers reside in the private realm of society (the home/land of the employer) and yet they are contributors in the public realm (caregivers and vegetable pickers) paying taxes, shopping and playing a role in the formal Canadian economy. However, because of this blurred line between the private and public realm, LCGs and AGWs have become vulnerable workers in the Canadian labour market. Due to their “temporary worker status” (in the public realm), their “invisibility” within society (given their work in the private realm), and the conditions placed upon them through these labour programs, both domestic workers and SAWs are treated much differently from Canadians even though it is precisely the lack of Canadian workers willing to do these jobs that have brought Filipinas and Mexicans to Canada in the first place. Therefore, due to these factors and more it is clear to see that several parallels exist between LCGs and AGWs in Canada. In the next section, let us examine what is meant by “temporary labour” and how “temporary” is constructed in Canada’s TFWP.

II. WHO IS TEMPORARY AND WHO IS NOT?

TEMPORARY LABOUR IN CANADA

In Canada, over 150,000 foreign workers enter annually to fill labour shortages that the domestic population cannot fulfill (CIC, 2010a). Two popular avenues of foreign worker entry are through the LCP and SAWP (HRSDC, 2009). Employers from all types of businesses are eligible to recruit foreign workers if it is proven that: a suitable Canadian or permanent resident cannot fill the job, the foreign worker will not have a negative impact on the Canadian labour market, and the employer meets all other requirements and conditions for the program (CIC 2010b). Migrant workers enter Canada primarily for the purposes of work, having work permits from CIC to legally perform such activities. It is understood that once their work permit expires, workers will voluntarily leave the country. The main goal of the TFWP is to ensure that the employment of foreign workers responds to the “regional, occupational and sectoral skills and labour demands, while protecting employment opportunities for Canadians and permanent residents” (HRSDC, 2010a). To hire migrant workers, an employer must first apply to HRSDC for a Labour Market Opinion¹⁰ (LMO). Once a positive LMO is issued, the foreign worker must be assessed by CIC and issued a work permit before they are allowed to work and reside in the country¹¹. Canada Border Services Agency (CBSA) is the third federal department to play a role in the TFWP process as they screen migrant workers at border crossings and airports to ensure that admissibility requirements are met. Despite the roles of HRSDC and CIC prior to the arrival of foreign workers, ultimately CBSA has the final say on who may or may not enter the country (HRSDCb, 2010).

Nakache and Kinoshita (2010) emphasize that one main objective in Canada’s immigration policy is “to permit Canada to pursue the maximum...economic benefit of

immigration” and “to support the development of a strong and prosperous Canadian economy”. They argue that in addition to the entry of permanent residents, temporary labour migration is beneficial to the nation’s economic success (3). Similarly, the Office of the Auditor General (OAG) (2009) estimated that between 2002 and 2008, applications received for temporary foreign workers had increased by almost 125%¹² (28). Furthermore, the Maytree Foundation (2009) stated that in 2008 for the first time, the combined numbers of temporary workers and foreign students (272,520) surpassed the number of new permanent residents (247,202) entering the country (in Clark, 2009, A1). These statistics indicate that for nearly a decade, foreign workers have become increasingly important to the country’s labour and economic needs and it is evident that the supply of temporary labour is entering faster than ever before. Thus, one must ask: how temporary are Canada’s temporary workers?

NON-IMMIGRANT EMPLOYMENT AUTHORIZATION PROGRAM (NIEAP)

Programs geared towards bringing in foreign workers on a temporary basis have been in existence in Canada for decades (Nakache and Kinoshita, 2010, 4). Sharma (2006) stresses that migrant workers came to the forefront following the rise of neoliberalism within Canadian public policy during the late 1960s-1970s. Migrant labour – she argues – was authorized through a regulatory framework known as the *Non-Immigrant Employment Authorization Program* (NIEAP), introduced in 1973. Under the NIEAP, migrants are granted temporary access to Canada (i.e. student visas, tourist visas or work visas) through avenues that do not allow the option of permanent residency. Following the introduction of NIEAP, the Canadian state has successfully shifted its immigration policy from permanent settlement towards an increasing reliance upon “unfree, temporary migrant workers” (21). By unfree, Sharma (2006) explains that the conditions placed upon their work, living arrangements and mobility illustrate the limits to

their full freedom. The NIEAP makes migrants available to employers who prefer an efficient, flexible and global competitive work force that do not possess access to collective bargaining rights, social programs or protections (19-20). Trumper and Wong (2007) echo this sentiment and state that guest workers in Canada provide “just-in time labour” to meet perceived shortages in the labour market, however, while this labour is flexible from the employer’s point of view, it is quite a risky position for the worker (152).

Today, the NIEAP operates under Canada’s TFWP and the availability of other workers (a new batch of migrant workers) is so fundamental that it operates like what Sharma (2006) calls a “revolving door of exploitation” (105). Temporary foreign workers do not have the option to change the conditions of their work permits (i.e. hours or wages) without the approval and permission of an immigration officer and their employer. Therefore, the worker is bound to an environment of specificity: a specific employer, during a specific timeframe and to work in a specific function. According to HRSDC (2010b), foreign workers (including temporary ones) “have the same rights and protections as all Canadians” however in the case of LCP and SAWP participants, such knowledge is not widely known. As a result, workers are placed in what Vosko, MacDonald and Campbell (2009) term “precarious employment” within society. Precarious work is often equated with temporary work such as contract jobs and is characterized by paid work with “limited social benefits, job insecurity, low wages and high risks of ill-health” (2). Furthermore, it is shaped by employment status (self-employed or paid employment), the form of employment (temporary vs. permanent), social location – which I would like to include immigration status – and social context (Vosko and Clark, 2009, 27). Macdonald (2009) emphasizes that “precariousness” is created by specific job characteristics (i.e. for LCGs and SAWs their housing requirements, immigration status and low paid employment) but also by the

spatial context in which such work occurs (i.e. the private realm of the home). Therefore, it affects individuals in particular locations and shaped by spatial dynamics (211). So while LCGs and SAWs play vital roles in the homes and farmlands of many citizens and contribute to the national economy, as foreign workers they are still treated much differently than their Canadian counterparts.

DEFINING CANADIAN-NESS

Baines and Sharma (2006) explain that state practices in Canada have continuously re-organized the non-citizen status of various “Othered” populations in Canada through legislative changes to public policies. Historically, ideas of “Canadian-ness” and “citizenship” emerged with the colonization of Aboriginal societies by the French and British. Projects of capitalism and development forced a hierarchy of Canadian citizenship to be established and those recognized as Canadians were deemed entitled to certain things that Others were not (i.e. access to political power, resources distributed by the state, capital etc.). Baines and Sharma (2006) suggest that very little has changed and that the nation has come to exist in a relationship where people from the colonized South are believed to be subordinate to the white settler population (i.e. “Caucasian”, French or British) (210). They emphasize that this “sovereignty story” paints a picture of the Canadian state as a community authorized to exclude “Others”. This version however, ignores how intersecting factors such as racialization, class and gender hierarchies (including privileged access to entry to Canada, job mobility within the country, social programs, political participation etc.) have also played a role in the nation’s history (211). Such practices of exclusion not only identify those who are perceived as “un-Canadian” but more importantly, they create a belief that subordinate treatment on such members is acceptable. One place that exemplifies such beliefs is in the LCP and SAWP.

THE LCP & SAWP: TEMPORARY OR NOT?

In the aftermath of World War Two, the Canadian government created the domestic worker program in order to recruit displaced female Europeans and assist with caregiving work in Canada (Trumper and Wong, 2007). With the decline in government spending on public child care and the aging Canadian population, the LCP was created to assist families with domestic work and care for their children and elderly family members. Trumper and Wong (2007) emphasize that while domestic work was historically gendered – recruiting only females – it was also racialized. In the 1960s to mid-1980s, more and more women were hired from the Caribbean region and in recent decades, a shift in preference towards women workers from the Philippines has taken place. This evolution of the LCP illustrates a continuation of the racialized and gendered nature of caregiving work in Canada (Trumper and Wong, 2007). In 2005, approximately 77% of caregivers entering Canada were Filipina and the number of migrant domestic workers entering Canada's LCP between 2002 and 2006 has risen from 4,351 to 7,915 respectively (Valiani, 2009). The concentration of Filipina women in the LCP combined with the fact that there are no longer any European source countries for domestic workers means that a large number of caregivers under the LCP are now women of colour (Trumper and Wong, 2007, 152-153).

The living conditions and work hours of LCGs are similar to other temporary worker programs (like the SAWP) however a condition exclusive only to the LCP is access to permanent residency. In April 2010, new guidelines for the LCP were introduced including: caregivers now have four years from their date of arrival to complete 24 months of authorized full-time employment (or a total of 3,900 hours of full-time employment) before they are able to apply for permanent residency (PR). Additionally, once a PR application is submitted, a secondary

medical examination is no longer required (CIC, 2010c). Valiani (2009) emphasizes that permanent residency is a legal status that confirms the “formal right of protections offered through Canada’s Charter of Rights and Freedoms...it allows for family reunification or sponsorship to Canada of family members residing in other countries, as well as the freedom to live and work in any part of Canada” (2). The acquisition of permanent residency not only allows domestic workers to mobilize and reunite with their families – in many cases caregivers have left their children and family members behind to gain a better income¹³ – but it effectively changes their immigrant status from temporary to permanent. This suggests that contrary to other forms of temporary labour such as the SAWP, domestic workers have been given such program conditions because they are truly desirable “Canadians”. Thus, while the LCP is advertised as a federal labour importation program, beneath all the conditions and requirements lies an alternative entry way for immigration to Canada.

On the other hand, the SAWP is a similar federal program where workers are imported to fulfill labour shortages. HRSDC (2010a) notes that the SAWP brings “workers from Mexico and the Caribbean countries [to match them] with Canadian farmers who need temporary support during planting and harvesting seasons, when qualified Canadians or permanent residents are not available”. The program began as a bilateral program with the Commonwealth Caribbean countries but, in recent years the Mexican program has taken over its Caribbean counterpart in terms of workers. In 1985, Caribbean workers were the majority of participants in this program however by 2006, Mexico has dominated the program with close to 20,000 workers participating (Bauder, 2006; Preibisch, 2007). Prior to joining the program, the Mexican government searches for workers and screens them to ensure that they are poorer individuals and willing to accept the work conditions imposed upon them. Many participants have family members that depend

heavily on their remittances, and employment in the SAWP is a critical element for their survival back home (Basok, 2002; Hennebry, 2008; Preibisch, 2007). The continued existence of the SAWP, with region specific participants reflects the belief that many non-white labourers are needed to perform such work (Trumper and Wong, 2007, 158). Consequently, these racialized workers are granted access to the Canadian labour market (and some return year after year) on the premise that permanent residency and mobility within the country is not permitted. These migrant labourers are crucial to the global competitiveness of the Canadian state however, once their contracts expire, these workers are required to return to their home country (Basok, 2002). Contrary to the LCP, it is clear that SAWP workers are not perceived as future citizens, they are simply short-term, flexible labour for a temporary period of time in Canada and nothing more than that.

ALTERNATIVE ROUTES TO IMMIGRATION: WHO IS TEMPORARY AFTER ALL?

Nakache and Kinoshita (2010) stress that it is nearly impossible for foreign workers to change their immigration status from temporary to permanent. Such conditions appear only available for skilled workers or program specific workers such as the LCP. Interestingly, skilled workers entering Canada are granted permanent residency, family accompaniment work permits for their spouse and other liberties upon entry (32). On the contrary, only some of these rights are available to a few temporary workers (depending on the program they enter through). Furthermore, participants in the Canada Experience Class (CEC) program (created in September 2008) who are skilled temporary foreign workers and international students with Canadian degrees and Canadian work experience are eligible to apply for permanent residency from within the country after a short amount of time in Canada (CIC, 2010d; House of Commons, 2009, 12).

Another Canadian labour migration program that operates similar to the LCP, SAWP and CEC is the Provincial Nominee Program (PNP). The PNP is a federal-provincial agreement under which a province determines its own criteria for hiring foreign workers. First introduced in 1998, applicants are granted PR status if they meet federal health and security requirements, and this immigration channel runs separately from the traditional points system¹⁴. While the annual quotas are established for those entering through the FSWP and other immigration categories, PNPs are not allotted a maximum number of applicants, even though applications are on the rise. Moreover, PNP agreements do not require any approval from the federal government when new categories for applicants are created they are only required to inform CIC. Therefore, as Nakache and Kinoshita (2010) highlight two foreign workers with the same profile could have very different opportunities to settle permanently based on the province and program under which they have entered the country (35-36). While the majority of provinces and territories have PNPs – Quebec and Nunavut do not – most programs engage only skilled workers through the PNP process. Manitoba however, is the sole province where the PNP specifically targets low skilled workers. Temporary foreign workers are “considered a source of permanent immigrants, as their temporary status is but the first step along the path to permanent immigrant status” (Bucklaschuk, Moss and Annis, 2009, 66). Nowhere else in the country is this the approach to temporary foreign labourers. Gates-Gasse (2010) highlights that the CEC and PNP programs are significantly impacting the structure of the Canadian immigration system. By 2014, one third or more of all economic immigrants can be expected to earn their permanent residency through these two programs with almost all of them having lived and worked in Canada as temporary migrants or international students. Gates-Gasse (2010) emphasizes further that, “the federal government expects 25,000 new permanent residents through the CEC by 2014 and the PNP has

increased nationally...granting permanent residency to over 30,000 in 2008 compared to the 2,127 admitted in 2002.” Thus, while immigration streams such as the FSWP have been created as the entry way for future Canadians, the LCP, CEC and PNP illustrate that there are alternative routes to immigration into Canada, under the auspices of “temporary” labour programs.

The Canadian state continues to promote the importance of migrant labour within the country, and as a result racialized women and men predominantly from the global South (Philippines and Mexico) are migrating to respond to this demand. Foreign workers enter the LCP and SAWP with little power but major responsibilities since their family members are dependent on the income they make in Canada. Parreñas (2008) highlights that each year overseas Filipino workers generate \$10-\$12 billion USD in foreign currency through their remittances (4), while the World Bank (2009) estimates that workers contributed \$19 billion USD in 2008 alone. These remittances contribute approximately 11.8% to the gross domestic product of the Philippines and such a large percentage illustrates that maximizing remittances into the economy has become a national strategy for the Philippines (Castles, 2007, 24; Newland and Patrick, 2004, 11). Similarly in Mexico, the World Bank (2009) estimates that a total of \$25 billion in remittances were sent in 2008 and former Mexican President Vicente Fox has declared that in Mexico “migration is a necessity, not a choice” (Bacon, 2008, 26). Therefore, migrants are encouraged to work abroad so that remittances are sent directly to the hands of their families who will invest it back into the local economy. Moreover, this overwhelming sum that is transferred each year illustrates a remittance-dependent relationship between families back home, the government and the migrant worker. In the case of the Philippines, workers’ remittances have become so important that the state has termed migrants “modern day heroes of development” and continues to encourage their venture for employment abroad (Castles, 2007,

31). Thus, the exportation of labour has become a way of life within the Mexican and Philippine societies, not just a short term employment opportunity.

It is clear that the LCP, SAWP and other temporary labour programs in Canada are employer driven, and power remains in the hands of employers who request them and then dismiss workers once the labour needs have been fulfilled. Filipina LCGs and Mexican SAWs are ideal workers because they are willing to do jobs that Canadians do not want to do. They accept employment and living arrangements on the employer's property and their status as "temporary migrants" furthers their vulnerability as non-citizens in Canada. Although the LCP and SAWP are advertised as labour importation programs not immigration ones, it is evident that some programs do not fit this description. In fact, the LCP is a labour program but their presence within Canada as nurturers and homemakers make them potential Canadians in the eyes of the state and in the next section, I will elaborate on the gendered nature of these programs in more detail. However, for those in the SAWP who harvest and perform intense manual labour, they are seen as undesirable and simply short term, flexible labour.

Recent developments in various labour schemes such as the CEC and PNP illustrate that there is much potential for temporary foreign workers as future Canadians. Although SAWP workers return home at the end of their contracts, many re-enter Canada year after year to perform the same work for up to twenty years (Basok, 2002). The exclusion of agricultural workers to rights – specifically the option of permanent residency – open to other temporary foreign workers in the CEC and PNP suggests that the perception of the uninvited, non-citizen and subordinate "Other" still exists in Canada. The multiple programs involving temporary foreign workers in Canada have created a complex situation where several departments are dealing with labour shortages in their own way, rather than in coordination with one another. It is

clear that potential migrants have many avenues for employment in Canada, however what is unclear are the advantages of all these separate temporary labour programs. Such fragmentation of temporary labour at the federal and provincial level has resulted in a smorgasbord of foreign worker programs with no clear identification of who is truly temporary, and why certain groups are not.

III. GENDERED ROLES IN THE LCP AND SAWP

As discussed in the last section, the LCP and SAWP were created to address major labour shortages however, the existence of these programs more than four decades later indicates how (semi-)permanent workers have become in Canada. Participants in these two programs play a major role in society through their care work in the homes of many Canadians, and their work in the food industry throughout the country. Their presence in these spheres not only provides emotional support but also nourishment to a large part of the population. Nevertheless, one must ask: how have Filipinas and Mexicans become the dominant groups within the LCP and SAWP?

THE RISE OF FILIPINA AND MEXICAN WORKERS

According to CIC Facts and Figures (2010e), the Philippines and Mexico are among the top source countries for foreign workers in Canada. In 2000, Canada admitted 9,994 Mexicans and only 6,385 Filipinos as migrant workers, but in just under a decade these numbers have grown exponentially. By 2009, with 51,325 workers from the Philippines and 22,308 workers from Mexico, these two countries represent a large proportion of the Canadian temporary labour force (CIC, 2010e). For decades domestic work has been considered a female domain, and more particularly the caring of children and family members is seen as women's space. Combined with the global demand for caregivers and the ready supply of migrant women from areas of the global South, these workers have become a common feature within labour markets around the world. Sassen (2002) argues that the migration of women from the developing world to economically developed countries is a result of two sets of dynamics: global cities and survival circuits. "Global cities" include the businesses and lifestyles of professionals in the affluent West that generate the demand for low paid service workers. Nations struggling with debt and poverty – like the Philippines and Mexico – build networks and depend on migrant workers abroad

which illustrate the “survival circuits” back home (255). Spitzer and Torres (2008) highlight that out of the 36,640 men and women who entered the country under the LCP during 1993-2006, an overwhelming majority (83%) were Filipina women (10-12).

In Canada, many researchers have highlighted that foreign domestic workers have shifted from European descent, to Caribbean, and now to Asian females (Stasiulis and Bakan, 2003; Parreñas, 2008; Trumper and Wong, 2007). Similarly, in the case of AGWs, the preference of Caribbean men has been on the decline with the influx of Mexican workers. Trumper and Wong (2007) emphasize that temporary workers in Canada are racialized by skill level so while highly skilled workers tend to immigrate from the U.S and Europe, the lower skilled workers appear to originate from the Asia Pacific and Americas region. These findings fall in line with the representation of LCGs and SAWs in Canada, who for the most part originate from areas of the developing world and are found in the low skilled labour of domestic and farm work. Moreover, although the rationale for these two popular TFWPs has been to tackle labour market issues, such presence of these women and men of colour also creates ideas of who are suitable LCP and SAWP workers.

THE #1 CHOICE: FILIPINAS

For many years, the LCP¹⁵ was dominated by migrant women from the English Caribbean region. Similarly, the economic, social and political problems in this region forced residents to seek employment abroad (Stasiulis and Bakan, 2003). However, by the 1990s and onwards, migrant women from the Philippines became desirable candidates for the program. Spitzer and Torres (2008) note that over a thirteen-year period (1993-2006) almost all domestic workers who came to Canada were Filipina women (12). In Oishi’s (2005) research on globalization, state policies and labour migration in Asia, Filipinas are seen as the most in

demand employees because they are better educated than domestic workers from other countries. Approximately one third of Filipina caregivers have some college education and since language is one of the most important qualifications for employers, Filipina workers stand out because of their knowledge of the language. Thus, Filipinas – who are taught English in the Philippine education system – are the most preferred workers due to their proficiency in the language (51-52).

Oishi (2005) also emphasizes that the ideal domestic worker is also “a little dark” and simultaneously “civilized/westernized” in terms of hygiene and culture so that employers can feel somewhat superior to these workers, and comfortable in terms of sharing their home space with her. One recruitment agency notes that “Filipinas look much more pleasant, they are well dressed...and know how to take care of you, Filipinas are the number one choices for our clients” (53). Filipinas are seen as having good living habits and they are often Catholic or Christian which makes them more desirable for employment. Furthermore, aside from their “western” appearance, domestic workers must look reasonably attractive in the neighbour’s eyes and appear both trustworthy and unthreatening to their female employers (54-55). Consequently, such constructions of desirability for domestic workers create stereotypical qualities about the Filipino population and while on one hand, this may be beneficial for the export of labour from the Philippines, it also produces a hierarchy of preferred candidates based on country of origin, gender and other seemingly important attributes. Migrant-receiving countries such as Canada play a major role in the international migration of females through their immigration policies (Oishi, 2005) and in today’s globalizing world, while more and more people continue to mobilize for better opportunities, consequently these ideas about the “desirable” caregiver also spreads transnationally.

In Canada, Pratt's work (2004) on the Filipina caregiver community is very similar to Oishi's findings (2005) about the perceptions of suitable LCGs, and more specifically that Filipinas are regarded as hardworking, very good with children and compliant domestic workers. However, Pratt (2004) also emphasizes that within the domestic worker category, a hierarchy of preferred candidates based on country of origin takes place. While European women were called "nannies", Filipinas are constructed as "housekeepers" and this illustrates the ways that racialization positions women differently within the very same occupation (50). Additionally, depending on the type of work needed, specific "ethnicities" are believed to be more suitable for the job. One recruitment agency stresses "if you have a baby and you want someone to lick your home clean: Filipino girl...go for that." Seen as loving, patient, and very good with babies, several recruiters felt that Filipinas were poorly equipped to instill values on older children: "if you have kids 3, 4 years of age and up and you want interaction, you want them to go to the park...play arts and crafts, do things...you're better off with a European" (52-53). Kofman (2004) notes that domestic workers around the world are stratified by nationality, religion, racialized group and language skills, therefore skilled and educated women who work as domestic workers disrupt those categories (in Spitzer and Torres, 2008, 9). Although constructed as good workers yet unprepared for rearing among older children, Filipinas are also represented as university educated and such education is of significance in the recruitment of migrant domestic workers. Agencies search for caregivers with higher education, yet these credentials are converted to only two years of a Canadian university degree (61). Such lack of credential recognition has resulted in what Pratt (2004) calls "from registered nurse to registered nanny" where caregivers have limited experience for work opportunities post LCP which forces many to remain in the domestic work industry. As a result, the growing number of Filipina LCP workers

and the many who remain working in this occupation has created a stereotypical association of Filipina migrant women with domestic work regardless of their education, language or immigration status (Spitzer and Torres, 2008, 22).

MEXICANS: HARDWORKING, OBEDIENT & BROWN WORKERS

Preibisch and Binford (2007) emphasize that Canadian research on racism in temporary labour programs has identified racial discrimination as a fundamental factor in the class formation of the Canadian state. Governments, employers and even migrant recruitment agencies hold racialized and gendered preferences for migrants entering the country (8). Similarly, Persuad (2001) notes that while it is recognized that people from the developing world constitute a majority of contemporary migrants, current research has tended to underemphasize the racial and cultural factors that govern and regulate the Canadian labour market (in Preibisch and Binford, 2007, 6). It is no surprise then that, constructions of suitable workers also takes place within the SAWP, where Mexican men have become the most desirable candidates. Preibisch and Binford's (2007) work examined how Mexicans have come to the forefront in the SAWP over the past few decades. Similar to the LCP, Jamaicans and other English Caribbean migrants entered the program, but over time a shift in the country of origin for migrant labourers has taken place. One farmer who began using Caribbean workers but switched to Mexicans notes: "we talked to other growers...in the program already, and they said for the type of work that you're doing, the Mexicans are probably a little more suited to that type of agriculture" (17). A Canadian administrator emphasizes that "...Mexican workers were shorter so they had the field crops...[farmers] had West Indian men who were taller for the fruit trees so they didn't have to use a ladder, or break their backs from bending over for the vegetable crops" (18). Moreover, some farmers suggested that Mexicans were better workers than their Jamaican counterparts

because they were just hard workers: “Mexicans don’t discriminate between [these] types of work. They like more variety. They don’t like to dig evergreens, but give them a hoe and they will outwork Jamaicans every time” (18). Thus, due to their perceived dedicated work ethic and physical attributes, Mexican bodies have been constructed as naturally suited and exceptionally made for agricultural labour.

Numerous employers also identified “good” workers as hardworking, obedient and possessing the physical and emotional stamina to work until the end of their contracts. In addition, such workers were believed to be those who do not question employment practices or housing conditions (Preibisch and Binford, 2007). In many cases, Caribbean workers tended to question their rights and exercise them when necessary (i.e. break time) which resulted in negative experiences between farmers and their employees. One program officer stated: “[voicing rights] causes some employers to switch because a lot of them don’t want backchat”, which was believed to be predominant among Caribbean labourers (24). On the contrary, Mexicans were perceived as less interrogating, and due to their low or non-existent knowledge of English even if “backchat” existed among the workers, most employers often would not comprehend it, further supporting the Mexican group (Basok, 2002). Preibisch and Binford (2007) emphasize that many SAWP employers desire workers who come simply for the purposes of work, not those who exercise a social life in Canada and take parts in other relationships, they just want quiet, flexible and unquestioning workers. However, beneath such requests lie racialized and gendered ideological stereotypes that are crucial elements in the SAWP. Assumptions about migrant workers produce constructions of subjects who are “just like machines”, yet less deserving of the rights afforded to citizens (32). A liaison officer stated that racialization plays a significant role in the selection of Mexican workers over their Jamaican

counterparts, suggesting that the “Brown” Mexican worker is closer in complexion to the “White” Canadian and thus more acceptable as SAWP employees (29). While many temporary foreign agricultural workers are found predominantly in the provinces of Ontario and Quebec, there is still quite a large number of AGWs from coast to coast. The ethnic shift from Caribbean men to Mexican and recently Central American labourers suggest that “Brown” workers are much preferred over their “Black” counterparts and moreover, just how deeply rooted the views are on racialized workers (Trumper and Wong, 2007).

Binford (2005) emphasizes that in Canada and in the U.S, employers’ stereotypes about particular ethnic or racialized groups as well as their perception of Mexican docility and exploitability have played a significant role in the country’s foreign labour success (in Preibisch and Binford, 2007, 17). In some cases, such success has led employers that operate with a number of workers from different countries to create their own international labour strategy based on ethnicity and gender. One farmer uses Jamaican men for picking peaches, Mexican men for pruning crops, Mexican women for packing, and Vietnamese (both Canadians and migrants) for vineyard work. He argues:

We have the Mexican women who just strictly stay in the packing barn. I tried using Jamaicans in the vineyard and you know, you can call it stereotyping, but they don’t hold a candle to the Vietnamese. For tying and that, it’s unbelievable how fast they are, they’re just like machines, really good...Jamaicans are better peach pickers, I mean I could take the Vietnamese and put them in the field but they don’t like it, it’s a complete turnaround....I mean as fast as they are at tying, they’re just so small and petite that they have no arms, no strength (Preibisch and Binford, 2007, 18).

Such practices suggest that while all migrant workers are good workers, there appears to be some ethnicities with inherent traits that are beneficial to specific types of labour needed in the agricultural sector. This farmer’s rationale of using one group over another depending on tasks,

further implies a belief that while men and women should remain in “masculine” and “feminine” types of work, ethnicities should also stick to jobs in tune with their “natural” talents which appears to be most beneficial to the farmers who employ this low wage, hard working migrant labourforce.

COUNTRY SURFING

Canadian growers whether small family farmers or large-scale operations are capitalist enterprises and like many other businesses they are concerned about one thing: the bottom line. They find themselves entangled in a “cut-throat” global competition with agricultural operations all over the world which may benefit from longer or better growing seasons, government subsidies and access to cheap domestic or immigrant labour (Preibisch and Binford, 2007, 16). Foreign labour is extremely important to the agricultural industry because it provides a stable workforce where domestic labourers do not desire these jobs. Farmers have recognized such importance and note “...the workers are the backbone of my labour operation. They are by far the biggest component...if I did not have offshore labour then I would never survive” (Preibisch, 2007, 441). Furthermore, Ferguson (2007) stresses that seasonal farm work is difficult, dangerous, dirty, and unattractive to Canadians because better wages, conditions and upward mobility can be found in other sectors of the economy (190). Employers possess a significant amount of power over their employees in the SAWP program, and their ability to request workers whom they have hired in previous years for return, illustrates what Preibisch and Binford (2007) call “country surfing”. Growers surf through countries in a quest for the most docile, reliable and therefore exploitable labour force, regardless of their country of origin. Using essentialist discourses their surfing reveals a preference for Mexican workers because of the racial and beneficial talents/attributes that they possess (32).

Pratt (2004) notes that immigration, colonialism and domestic space – which I believe can also include the shared living space in the case of agricultural workers – are part of the production of borders that define workers as worthy or unworthy, competent or incompetent, skilled or unskilled. These classifications are intimately tied to the processes through which workers are both allocated to particular categories and assume specific occupational niches (66). For decades, the LCP and SAWP programs have been designed to address the labour shortages facing the Canadian state, but within these programs, it is apparent that constructions of ethnicity, gender, and suitable occupations have become the crucial factors for identifying desirable candidates. Such constructs have created an environment whereby Filipina women and Mexican men are idealized as the “best” workers for domestic and agricultural work. However, LCGs and AGWs are in occupations that place them with limited rights, unique employment/housing conditions and most importantly with temporary migrant status. Combined with the reality that they are women and men of colour, often with employers of Euro-Canadian descent and in jobs typically seen as feminine and masculine, it is difficult to ignore the significant ways in which ethnicity, gender and immigration status play a role in their positioning within the Canadian state.

IV. FUTURE TRAJECTORIES FOR THE LCP & SAWP

The construction of “temporary labour” and gendered and racialized constructions in the LCP and SAWP have a profound effect on the specific types of programs migrants (high-skilled vs. low skilled, country of origin, etc.) use to enter Canada. In this next section, given the forty years that the LCP and SAWP have existed, I examine the future trajectories of these programs. Some estimates project that Canada will experience a labour shortage of nearly one million people by the year 2020 and immigration is believed to be a critical element in maintaining population growth and a stable labour force for the country (Nakache and Kinoshita, 2010, 3). Given the various temporary labour programs in Canada (LCP, SAWP, CEC and PNP), it is clear that the TFWP is in a complicated state. In their own way, these programs address shortages but it is not clear whether the programs have actually been successful in securing long-term benefits for all parties involved (Hennebry, 2010). Surely Canada has gained economic rewards through its development of the agricultural sector, as it remains a major net exporter in six main commodities employing guest workers (flowers, tomatoes, berries, potatoes, tobacco and apples). In 2000, it was reported that these commodities totaled over \$800 million to the Canadian economy (Preibisch, 2007, 425-426). However, despite Canada’s gains, it is also important to examine whether these labour programs have also been beneficial for the participants involved.

GATEKEEPING

As described earlier, gatekeeping influences the experiences of LCGs and SAWs in Canada. Policymakers/legislators in both sending and destination countries, government visa officers and other immigration personnel (i.e. recruitment agencies) all play a role in the gatekeeping methods used by the state. In the process of migration, there are three forms that state intervention can take:

- 1) The state determines who is not eligible for entry to the social formation. Thus, it excludes people from entry into a country;
- 2) The state also determines who is allowed entry into a social formation;
- 3) Within the process of inclusion into [Canadian] society, the state determines how people will occupy sites in production relations, or the manner in which foreign-born persons are incorporated into sites in production relations (Satzewich, 1991, 35).

For domestic workers and SAWs, the Canadian state has determined that these temporary workers are eligible to enter the country (or social formation) only with the purpose of labour and for a specified period of time. Gatekeepers ultimately interpret and influence future policy changes that have a direct impact on the “socially and politically constructed needs and citizenship rights [of] families in the global North” (Stasiulis and Bakan, 2003, 63). Moreover, racialized and gendered ideological stereotypes within Canada’s foreign worker programs further contribute to the state’s gatekeeping mechanisms through their classification of desirable and unwanted labourers (Preibisch and Binford, 2007).

A prime example of gatekeeping in Canada is the federal government’s classification of the caregiver and agricultural worker programs. When navigating through government websites to find more information regarding the LCP and SAWP, these two similar programs appear to be classified under different jurisdictions. The LCP is found on CIC’s website (2010c) under “Working Temporarily in Canada”, and the available information indicates how to hire a caregiver, apply as a caregiver and other important and useful resources such as obtaining a LMO and the responsibilities of the employers and employees. There is very little indication about domestic workers’ eligibility for permanent residency and such information only becomes clear, in a box titled “IMPORTANT” indicating recent changes (April 2010) to the guidelines to apply for PR status within the LCP itself. Interestingly, when searching for the SAWP under CIC, there is absolutely no information available. It appears that when looking for SAWP related

information, it falls more in line with the department of HRSDC than CIC. Under the SAWP, the responsibilities of both employers and employees are clearly stated including the stipulation about “round trip airfare for the employee”, demonstrating that permanent residency is not an option and workers are expected to return home under this stream (HRSDC, 2010a). Although the information available through the federal departments websites regarding the LCP and SAWP may seem rather insignificant, the way in which these programs are classified under CIC and HRSDC identifies the fundamental difference between them (as perceived by the government). In reality, despite the fact that the LCP is illustrated as a labour program for caregiving shortages, as part of CIC’s programming the LCP is a doorway to immigration in Canada, it has an aspect of temporary labour however at its core it is an avenue for permanent immigrants. On the contrary, as categorized under HRSDC, the SAWP is simply a temporary worker program that is meant to fulfill the agricultural farm labour shortages and is not a potential avenue for permanent residents. These claims suggest that the purpose for the LCP is to bring in potential future Canadians, while for the SAWP it is simply to fill agricultural labour shortages on a “need-only” basis.

Interestingly, Valiani (2009) notes that despite access to applying for permanent residency LCPs still have difficulties securing PR status. Between 2003-2007, out of the total number of applications for PR status only 53% of caregivers were approved even though they are legally allowed to it (Valiani, 2009, 10-11). The 2009 Report on Temporary Foreign Workers and Non-status Workers in Canada acknowledges this fact and suggests that the all temporary foreign workers should “function together smoothly to provide a pathway to permanent residency” and this should be modeled on the method used in the LCP (House of Commons, 2009, 11). However, given the reality that only half of caregivers who are eligible are actually

approved for PR status, even if permanent residency were available to more workers, it is hard to foresee how many would actually be successful in obtain it. Thus it is clear that while the “prize” of permanent residency is a motivating factor for many temporary workers, the rejection of many applications (LCGs) and the denial of access for other workers (AGWs) illustrates the gatekeeping methods Canada exercises in excluding caregivers and SAWs from the nation’s “imagined community.”

A SHIFT TO PERMANENT RESIDENCY?

Canada’s guest worker program has become a permanent feature in the nation’s agricultural industry and Ferguson (2007) notes that this type of program will be the way that other industries (domestically and internationally) will function in the future (189). However, Hennebry (2010) emphasizes that the reality of the TFWP is that it is *not* an immigration program, nor was it ever designed to be (62). This is evident in the August 2010 regulatory changes concerning foreign workers in Canada. Citizenship and Immigration Minister Jason Kenney announced a number of changes to strengthen the program including a maximum four year period on temporary worker visas, and workers must now wait another four years before they are eligible to re-enter and work in Canada temporarily (CIC, 2011). However, the increasing number of permanent residents through TFWP avenues further illustrates the existence of a “two step migration process” (62). Temporary migrants have discovered that it is “administratively simpler” to apply for and obtain permanent residency if they have already been admitted as a ‘temporary’ skilled workers than to do the entire process from abroad (Papademetriou and O’Neill, 2004 in Nakache and Kinoshita, 2010, 30). Therefore, migrant workers enter into Canada and take a chance on applying for permanent residency within the country because it is believed to be much easier. Albiom (2009) stresses that temporary

migration has increasingly become a “transmission belt” to permanent migration (through the LCP, PNP and CEC) which has affected the way the TFWP works and interacts with other immigration programs in Canada (in Nakache and Kinoshita, 2010, 9). Mainly directed to higher educated and skilled workers, there is very little opportunity for lower skilled foreign workers to obtain permanent residency, especially those found in the SAWP. As a result, this two tiered system of foreign labour admission reinforces the message that skilled workers are welcome to settle permanently while the low skilled (with the exception of some like LCP and PNPs) are undesirable and expected to depart once their work permit expires (Nakache and Kinoshita, 2010, 35).

Baines and Sharma (2006) stress that the NIEAP is truly an employer driven program that allows employers to request migrant workers according to their short or long-term labour needs. It also permits state officials to apply restrictions upon workers while timing their arrival to current labour market conditions. The NIEAP has allowed Canada to “have maximal benefits of importing labour globally without having to finance the overhead costs of labour reproduction” (214-215). This implies that until Canadian employers no longer experience labour shortages, the demand for temporary foreign workers will not come to an end. Consequently, with the increase in applications under the TFWP, there is no end in sight. Canada’s ability to categorize migrant labourers as non-citizens/visitors is what allows this group to be used cheaply and unprotected by the state (Baines and Sharma, 2006). Skilled and unskilled workers apply for a spot in one of the several migrant labour programs available, but depending on which one they have entered through, permanent residency is an opportunity available to only some. Baines and Sharma (2006) emphasize that this relationship continues to exist based on two notions: (1) that it is legitimate for states to discriminate against foreigners; (2) that only citizens have any entitlement

to make claims against the state or receive its protection. Therefore, citizenship is used as a tool for the distribution of resources and privileges only allotted to a select few, even despite the economic and labour contributions for long standing or returning foreign workers (216).

Since 2006, the number of foreign workers admitted to Canada has surpassed the maximum number of immigrants granted permanent settlement each year. Approximately 363,494 temporary workers entered in 2008, totaling more than fifty percent above the annual target placed on the economic immigrant class¹⁶ (CIC, 2009, 49). The OAG (2009) notes that this trend is of great concern because while immigration targets are set for the FSWP, there are no limits on the number of foreign workers and international students admitted each year. Consequently, other immigration categories must modify their targets in order to accommodate the growing amount of foreign labour entering the country (12). Furthermore, while these sectors of immigration are calculated in terms of the absorptive capacity of the state¹⁷, the TFWP is excluded from these measures even despite its record growth. Should this practice continue Canada's ability to effectively respond to permanent resident and temporary labour demands will become increasingly difficult to manage, especially in the long run.

TRANSITIONAL WORKERS & FAMILY SEPARATION

Bucklaschuk, Moss and Annis' (2009) research highlights the possibilities for temporary migrants as permanent residents in Canada. In Manitoba, temporary foreign workers are perceived as a source of permanent immigrants and out of the 4.6% of immigrants they receive, 70% who land in this province do so through the PNP. Foreign workers are offered the opportunity to apply for PNP status after working in the province for six months, which conflicts with the idea of a "temporary migration program" and shifts their temporary status to permanent (64). One example is the case of Maple Leaf Foods who began hiring several foreign workers

from Mexico and elsewhere in 2001. Successful recruitment efforts at Maple Leaf Foods has resulted in the arrival of an estimated 1,000 newcomers to the province, and it is reported that more than half of these foreign employees have been approved for provincial nominee status while the remainder are in the process of applying. Upon receiving permanent status through the PNP (which may take approximately twelve to eighteen months after arrival), foreign workers are then allowed to bring their family members to Canada, a privilege that only high skilled workers in the TFWP and those entering under the FSWP are allotted. Therefore, in Manitoba, foreign low skilled workers are considered “transitional” as their temporary status is only one step along their path to permanent migration into Canada, while simultaneously contributing to the province’s immigration needs (Bucklaschuk *et al.*, 2009, 65). It must be noted that this transition from temporary to permanent under Manitoba’s PNP is much different than the transition under the LCP, where caregivers must work a required number of domestic work hours within a four year period even before being eligible for permanent residency. However, the Manitoba example illustrates that there is much potential within the temporary foreign worker population to participate in Canada’s “imagined community” and contribute to the nation’s immigration goals (especially those under the SAWP who return year after year). Consequently, the settlement and integration of low skilled workers like AGWs or an expedited process for LCGs are options that have yet to be replicated anywhere else in the country.

The exclusion of caregivers and agricultural workers from the Canadian “imagined community” extends further than just the access to permanent residency. Workers both in the LCP and SAWP often engage in temporary work in Canada because of poor employment opportunities in their home country and the growing dependency of family members on their income. The migration of individuals in the global South is “part and parcel” of family strategies

for survival and mobility. Migrant families have been found to pass on the tradition of migration to other family members resulting in a continuing reliance on migration to meet the family's needs (Asis, 2003, 105-106). Cohen (2000) states that family reunification has always been one of the main cornerstones in Canadian immigration policy. It "facilitates the process of social, economic and emotional adaptation to life into Canada" (81) However, since LCPs and AGWs do not share access to this resource, many are left separated from their families for several months or years at a time. For both LCGs and AGWs, neither program allows for family accompaniment despite how long one may work in Canada. For many caregivers they must complete the program and obtain permanent residency before family reunification can take place. While for agricultural workers, absolutely no option for family reunification exists. It has been reported that because of the physical distance apart from their families and the lack of access to telephones on the employer's properties, many workers sneak away in the middle of the night to walk to the nearest payphone (a substantial distance away) in order to connect and communicate with their loved ones back home (House of Commons, 2009, 45).

More recently, the Canadian government has also acknowledged this growing problem of family separation and noted that in the Filipino community, the entire process from the departure of the caregiver from their country of origin to reuniting in Canada can take an average of five years (House of Commons, 2009, 14). Others have highlighted that for most domestic workers the length of family separation falls between seven (7) to ten (10) years (Cohen, 2000, 83). In a study on the development of elementary school children with migrant parents in the Philippines, Battistella and Conaco (1998) found that those with an absent mother tended to be more angry, confused, afraid and different from their peers (235). Cohen (2000) stresses that it is Canadian policy that forces family problems upon workers in the LCP, the lengthy time in separation often

causes couples to split because of the difficulties associated with long distance family relationships. Children of LCP workers who are left behind are raised by their fathers (if present) or extended family members such as aunts, grandparents or cousins and this results in many feeling like “mom is a stranger” upon reunification (85-86). Furthermore, trauma, isolation and lack of integration in Canada have been reported experiences that many Filipino youth faced as a result of separation from one or more of their parents (House of Commons, 2009, 14). Moss, Bucklaschuk and Annis (2010) highlight that there is much concern around family separation and temporary foreign workers in Manitoba because of the strains and possible family breakdowns that separated families face. Family reunification is possible after two years but simultaneously the settlement and integration of the family once reunited is an important factor for the retention of immigrants in the province (35). So while foreign workers are denied access to permanent residency partially (LCGs and other programs) or entirely (SAWs), it is clear that the opportunity to work in Canada often comes at the cost of one’s family. The case of Manitoba illustrates that temporary workers are addressing the labour shortages faced by the province and that family is important in the long-term retention and integration of immigrants. However, what it also suggests is that not all families are regarded as equal and in the case of LCPs and AGWs, their families are not.

ARE TEMPORARY WORKERS REALLY THE SOLUTION?

Various researchers agree that a shift from economic immigrants to a focus on temporary workers is taking place in Canada (Baines and Sharma, 2006; Basok, 2002; Clark, 2009; OAG, 2009; Preibisch, 2007; Sharma, 2006). With little understanding of why measures to manage the influx of temporary migrants do not exist, it is difficult to identify what the long-term purpose is for migrant worker programs in Canada. On one hand the TFWP is addressing labour shortages

in various sectors, but on the other hand, it is an alternative route to permanent settlement for many under the auspices of “temporary labour”. What is clear is that despite this vagueness, the state will continue to admit LCGs and SAWs (as well as other foreign workers) to respond to employer’s demands. Consequently, as this process continues it is important to stress that the various programs under the TFWP are in need of reassessment. The existence of a two-step immigration process and the various forms of gatekeeping that restrict some foreign workers from the option of permanent residency are just some of the issues that illustrate the deep fractures within this labour importation system. For decades, agricultural workers have worked in Canada and returned year after year to fill shortages, however no such option of “transitioning” to permanent status has ever been available. More recently, the creation of the PNP and CEC have also highlighted a gap within the existing temporary worker programs leading one to ask: are Canada’s temporary foreign worker programs effectively addressing the short-term labour problems?

Despite official claims that the TFWP is “temporary”, in reality it has become a pervasive feature of the Canadian labour market (Sharma, 2006, Preibisch, 2007). The short sightedness in the future of these programs is also unfair to the majority of workers under the TFWP who are expected to spend years in the country without long-term options. Ultimately it illustrates Canada’s lack of consideration and what little value these workers have in a country so dependent upon them (Nakache and Kinoshita, 2010). If Canada’s main goal for immigration is to allow entry to immigrants who can fulfill shortages in labour, and assist in expanding the country’s population in the long term, then one must ask: how is the increase of temporary labour a viable option for the country’s needs? The TFWP appears to be a short-term solution with very little foresight for the future. It continues to increase the number of entrants each year,

but it is evident that this rise of temporary labour is not a practical policy option for the nation's development. In his immigration report of the 1990s, former Immigration Minister Bernard Valcourt emphasized:

Immigration has played a part in shaping the shared values that unite us as Canadians, strengthening a fundamental respect for diversity and human rights that has been part of Canada from the beginning. And throughout our history immigration has helped us build a thriving and competitive economy...Immigrants have come to Canada from all parts of the world...and they have brought with them a single unifying belief: a belief that Canada is a land of great opportunity (Jakubowski, 1997, 91).

Thus, if Canada is truly that land of great opportunity in which immigrants have contributed to its economic competitiveness, there should be something said for those who continue to sustain this notion. Workers in the LCP and SAWP exemplify a labour force that constantly balances their lives and responsibilities between Canada and their homelands, they are desirable to do the "dirty work" but not all are considered good enough to stay in the country. However, if their labour is in high demand and so coveted by the Canadian state, then why are conditional liberties placed upon different workers under the same foreign worker programs? Nakache and Kinoshita (2010) emphasize that Canada's rules on the legal status of migrants admitted for employment have been largely structured according to a policy designed to discourage low-skilled workers from integrating into Canada (39). Although the LCP is a unique program that does allow for permanent settlement, the existence of the PNP and CEC are relatively new and the progress of these programs remains under the radar. The PNP and CEC do incorporate permanent settlement into their program conditions, but for the most low-skilled foreign workers entering into Canada through programs like the SAWP, it is clear that the Canadian state has no desire to settle or integrate these major economic contributors in any way.

V. ROLES FOR SENDING AND RECEIVING NATIONS

After much analysis about Canada's TFWP and more specifically the LCP and SAWP, it is clear that there are several fractures within the country's existing temporary labour programs. This suggests that the current model is in need of assessment and modification in order to better address labour migration shortages. This section will examine the role that Canada and sending nations have in protecting temporary foreign workers, and what additional responsibilities should be considered for incorporation in the LCP, SAWP and TFWP programs overall. After all, if sending nations are encouraging work abroad, then acceptable protections for their workers should be a part of Canada's role in these labour programs.

JURISDICTIONAL FÚTBOL

The LCP is a national program supervised by the Canadian federal government while employment standards are administered and managed at the provincial level (Spitzer and Torres, 2008; Stasiulis and Bakan, 2003). As Grandea (1996) emphasizes, employment standards such as minimum wage, overtime, and compensation differs between provinces and therefore creates inconsistent conditions for caregivers across Canada (in Spitzer and Torres, 2008, 19). This administrative policy maze has created much difficulty for caregivers and depending on the province or territory these domestics enter through, the rights entitled to them as workers can vary (Stasiulis and Bakan, 2003, 122). In addition, issues such as excessive hours, sexual harassment, inadequate pay and poor living conditions are just a number of other violations that domestic workers face under the LCP (Pratt, 1999; House of Commons, 2009). Similarly, SAWs are often housed with several other workers in substandard housing that is usually located on the employer's land and isolated from any other form of society (Smart, 1997). The lack of separation between "home" and "work" for LCPs and AGWs blurs the line between what is

understood as personal space and work space. There are no official evaluators that regularly keep an eye on working and housing conditions and due to this vagueness of personal and employment space, LCGs and SAWs are quite vulnerable to their employers. Furthermore, since temporary foreign workers programs fall under federal policy, and are simultaneously managed by other federal departments as well as provincial and municipal levels of government, when problems do arise for these migrant workers, the responsibility is often passed off to the next department in a vicious cycle of passing the buck (Goldring, Hennebry and Preibisch, 2009). Hennebry (2010) terms this tangled web of players “jurisdictional fútbol” to illustrate the difficulty in mapping the programs along with the primary actors involved in the administration and management including domestic and international government departments, foreign consulates and the NGO representatives involved in the foreign worker programs (67). As a result, with very little knowledge on how to navigate this policy labyrinth and due to the lack of protection under Canadian law because of their “temporary status” and “invisibility”, both domestic workers and AGWs have limited visibility and power within Canadian society.

CITIZENSHIP & THE SOCIOLOGY OF DISGUST

Gardiner Barber (2006) defines citizenship as the relationship between people, governments and national territory that provide a framework for public status and the foundation for achieving loyalty of a state. However, in the case of pluralist societies like Canada, cultural identities and transnational loyalties often pose challenges to citizenship regimes (61). Multicultural policies are a crucial link in citizenship dynamics, on one hand they provide the means for immigrant receiving states to promote social tolerance on the part of its citizens, and on the other, they encourage civic engagement on the part of their newcomers. Nevertheless, such policies also reflect national differences and colonial histories that signal global inequities

in today's political economy and that some nations are simply targets for immigration (i.e. Canada) while others are exporters of labour (i.e. countries of the global South) (Gardiner Barber, 2006, 61). Li (2004) stresses that Canada's immigration problems are represented as a problem of too much diversity, and racialized newcomers are seen as endless intruders to urban and social spaces (in Gardiner Barber, 2006, 70). Baines and Sharma (2006) emphasize that the existence of the "lesser citizen" is central to the operation of citizenship in Canada. The construction and reproduction of a "Canadian citizen" activates the converse category of "non-citizen" and because of this racialized, gendered and class based discrimination is experienced by those with "lesser" citizenship (209). Canada prides itself on multiculturalism and the acceptance of immigrants into the country, yet the definition of citizenship appears to be particularly restrictive for disadvantaged groups like migrants (Gardiner Barber, 2006).

Satzewich (1991) highlights that what is absent in Canada are mechanisms whereby agricultural workers in the SAWP who have come to work in successive harvests, qualify for the right to settle in the country permanently. Some men have participated in the program since the early 1970s and are considered foreigners within Canada, without the right to enter and settle long term (115). However, Weston and Scarpa de Masellis (2003) assert that seasonal agricultural workers "can no longer be considered a minor part of the work force..." in fact should current trends continue, SAWP workers will account for more hours worked than their Canadian counterparts (in Preibisch and Binford, 2007, 11). Preibisch and Santamaria (2006) emphasize that temporary visas are further attempts by the Canadian state to institutionalize the supply of cheap and vulnerable workers into unprotected labour. Such programs allow the state to have low cost workers ready to supply various industries but at the same time, through the denial of citizenship these workers are more "reliable" than even the most "socially vulnerable"

Canadian workers. Employers are free to choose the gender and nationality that will supply them with labourers which places sending countries in competition with one another to provide the “best”, “productive”, “reliable” and “well behaved” workers that do not complain abroad (110-111). Moreover, candidates that are eligible for the SAWP must prove that they are economically destitute and lack assets such as education which are qualities that are completely opposite for those seeking permanent immigration status (112). Therefore, the Canadian state has created a situation whereby the economic competitiveness of the agricultural sector is maintained on the backs of migrants who never had a chance for residency from the beginning.

Anderson (2000) notes historically in the domestic worker environment middle-class women could be ‘domestic’ without being dirty, through the employment of domestic labour. The idealization of white middle-class women as “the pure, pious, moral and virtuous centre of the household” required binary stereotypes between the women and their functions such as pure/dirty, emotional/physical, madonna/whore, all expressed and reproduced in the employer/worker relationship (18). Anderson (2000) explains that domestic workers illustrated their inferiority by their physicality and dirt while on the contrary, the female employers proved their superiority through their femininity, daintiness and managerial skills. Furthermore,

the very hiring of a domestic worker lowers the status of the work she does – the employer has better things to do with her time. Moreover, while the housewife is acknowledged as manager and labourer, the domestic worker is simply a labourer, the “hands” who is managed by her female employer (20).

Isaksen (2002) emphasizes that people’s perception of dirt, is a reaction to ambiguity. It involves a reflection on the relation of order to disorder and defining or experiencing individuals as dirty is a dimension of social interaction (800). I would like to suggest that agricultural workers and more specifically Mexican agricultural labourers in “field crops” and jobs “closer to the ground”

are incorporated into these perceptions of “dirt”. Dirt is closely connected to the intense feelings of disgust, disease and danger and consequently, such images of danger then give rise to feelings of aversion and mistrust (Isaksen, 2002, 802). Therefore, when considering that Mexican SAWP workers are men of colour from a foreign country, working manual jobs in a dirty environment and act as the “hands” in farm labour, it is clear that these feelings of “disgust” contribute to their inferiority and undesirability as potential Canadian citizens. Furthermore, these images of “dirt” also imply that gendered and hierarchal forms of dirty work exist in Canada’s foreign worker programs. The Filipina nanny is “dirty” in relation to her female employer in the home, however when compared to the male Mexican agricultural labourer, he is believed to be much “dirtier” in status than the quiet, clean Filipina working in the tidy, orderly home.

BARRIERS TO PROTECTION

It is important to note that domestic workers did not always possess the option to apply for permanent residency. Macklin (1994) notes that in the first few years of the program (the 1950s), caregivers were admitted to Canada as landed immigrants after one year of domestic work. Then in 1973, changes to immigration policy classified domestics under “temporary worker visas” that could be renewed but had no access to permanent residency (16-17). It was not until 1981, more than a decade since the inception of the program that the policies were reversed and allowed domestic workers to apply for permanent residency (20). Community support and advocacy on behalf of the Caribbean and Filipino communities brought much attention to the reports of abuse and unfair practices experienced by caregivers (Hsiung and Nichol, 2010). As a result, community activism and the continuing attention placed on the LCP by the NGO community and Canadian society keep caregiver issues under scrutiny. Although there have been many strides towards better conditions in the LCP, there are still many more

advances to be made. Oishi (2005) highlights the key to protecting migrants abroad falls largely on destination states. It is important that receiving countries consider migrant workers like their own citizens and extend legal protections to them, especially domestic workers. The fundamental problem is that migrant women are often concentrated in occupations that are not protected by labour laws (i.e. domestic work) and are vulnerable to maltreatment as well as poor working conditions. Therefore, the protection of workers in these vulnerable occupations is extremely important for the “welfare of both national and migrant workers” (178-179). Migration issues are particularly sensitive politically, almost all countries have migrant workers on their territory who are being mistreated, but no state wants to be blamed or intervened by others for this occurrence (Oishi, 2005) nevertheless, migration and more specifically labour migration is not just a sovereignty issue but a gender, racialized, class, and human rights issue as well.

In a recent project “*Creating Opportunities for Temporary Workers and their Communities*”, the Foundation for the Americas (FOCAL) identifies the experiences of temporary foreign workers in Brandon, Manitoba. There is particular attention in this community due to the growing number of foreign workers entering the province from Central and Latin America under the TFWP. The majority of participants in this study (foreign workers) noted the dependency of their parents and family members as one of the top motivations for seeking employment abroad and sending remittances home. The lack of employment opportunities, a desire for a higher quality of life for themselves (and their family) and the possibility of bringing their family to Canada were identified as crucial factors in their decision to apply for the TFWP. However, once arrived, among other problems they encountered as temporary foreign workers, participants stressed the lack of English knowledge as the biggest challenge. They emphasized that they did not use community services because of their poor English skills and feared they

would be denied service, and that they experienced inadequate medical attention to work related injuries also due to language difficulties (McLaughlin, 2009, 3). Similarly, migrant SAWP workers are also ineligible for any training or access to immigrant serving organizations who offer English language training to newcomers (Hennebry, 2010). SAWs work an average of seven to nine years in Canada, with a number of workers who have returned to participate in the program for nearly twenty years (64). None receive any type of formal language training in English or French once in Canada, regardless of the province in which they are working. Additionally, others in the FOCAL project stressed that learning English prior to working abroad would be immensely beneficial and help workers feel better prepared for life in Canada (McLaughlin, 2009, 5). These experiences illustrate that language acquisition is extremely integral to settlement and accessing resources within the community, even if one's stay in Canada is only temporary. It would be unreasonable to expect an employee to perform well with very little understanding of the language used on the job site, especially if such employment required working with chemicals/pesticides and the task of reading instructions to operate machinery. So why does the state expect otherwise from temporary foreign workers? Without standard knowledge of any official language, Canada plays a direct role in the grievances experienced by foreign workers in the country as well as the long lasting injuries workers bring back home with them because of the inability to access and explain their situation to health care professionals in Canada.

Nakache and Kinoshita (2010) highlight that foreign workers who do not know their rights or are afraid of losing their jobs will most likely remain silent about complaints on the job. In Alberta, workplace site information is required to be posted for workers to understand their rights to compensation, and to inform them of the steps needed to begin the complaint process.

However, even though such information is available in fifteen (15) different languages, there is no legal requirement for employers to display them in any other language but English, even if another language(s) is used in the workplace (26).

Another barrier is the time limitation on work permits (Nakache and Kinoshita, 2010, 22). For example, caregivers are allotted four years to complete twenty-four months or 3,900 hours of full time domestic work (CIC, 2010c). In the event of abuse or mistreatment, the complaint process can take several months to resolve and effectively delay the caregiver's ability to work full time and complete the hours in time. Similarly, for AGWs, they are more likely to endure the maltreatment because of the few months they are working in Canada and the need to earn a substantial income for their dependents back home. Thus, even though a complaint process exists, it appears that the system works *against* foreign workers instead of for them. The rigidity of the work permit/visa is an additional obstacle, each permit is employer and time specific so if the temporary worker changes jobs, a new one must be granted under the new employer and occupation (which could take a number of weeks to process). Moreover, for those in the LCP and SAWP since accommodations are on the employers property, this also means that workers are without housing until a new permit is granted and because this falls under provincial jurisdiction, the federal government has little power to intervene (Nakache and Kinoshita, 2010, 39). Nakache and Kinoshita note (2010) that in the case of labour importation program agreements, the government of Canada is not party to the contract. Government departments such as HRSDC have no authority to intervene in the employer-employee relationship, or to enforce terms and conditions of employment (23). The state acts as a third party member removed from any responsibility in protecting workers, even though it is the state itself that encourages the importation of labour from abroad. Therefore, with little protection from the

Canadian state and no pressure from sending nations, it is of no surprise that temporary foreign worker issues and their grievances remain invisible on the federal agenda.

Gardiner Barber (2006) emphasizes that:

Migrants are not simply moved from one national container to another. The situation for many if not most migrants is messier than this both in terms of their acquisition (or not) of requisite travel documents and upon arrival in new destinations, their disposition to countries of birth contrasted with their new circumstances (73).

Both Canada and sending nations need to consider the migration experience these workers are facing and the possibility of citizenship for all temporary workers. If the state requests workers to commit months or years of their lives to contribute to the Canadian economy, then a win-win situation for both parties must be involved (McLaughlin, 2009). However, Pettman (1999) notes that home states are often unwilling defenders of citizens rights especially when dependent on remittances from workers abroad, and especially if there is very little regard for women's or worker's rights within the home nation (214). Therefore, if protections within one's country are inadequate, it is of no surprise that workers will endure poor working conditions abroad with little protection from their state. In November 2010, the International Labour Organization (ILO) declared Canada and the province of Ontario in violation of human rights for the thousands of migrant workers in the SAWP who have gone without collective bargaining rights for decades¹⁸ (UFCW, 2010). These foreign workers who harvest and gather food for Canadians have been denied the right to unionize and protect themselves when working abroad, and the international community has only now drawn attention to this grave violation in a country that prides itself on the preservation of human rights. In the end, the ILO ruled that the lack of promotion for collective bargaining for AGWs indicates a clear "impediment on freedom of association" and called on the Ontario government to "put into place machinery and procedures for the promotion

of collective bargaining in the agricultural sector”. Furthermore, throughout this process the ILO demanded to remain informed about the strides being made towards more equal rights for AGWs (Lancaster House, 2010).

Razack (2008) uses the term “race to innocence” to identify the belief that we are uninvolved in subordinating others. We (as people and individuals) fail to realize that we cannot undo our own marginality without simultaneously undoing all the systems of oppression (14). Through this perspective, Canadians’ “race to innocence” is evidenced by the assertion that they are not personally implicated in the genocide of Aboriginal peoples or the enslavement of African peoples (89). By positioning themselves in such a way, to an extent they imagine themselves distinctly different from Americans who are believed to have engaged in such horrible acts. However, while Canada perceives itself as a saviour to people of the Third World and an international symbol of a fair and just society through its immigration policies, the truth of the matter is that for caregivers, AGWs and many temporary foreign workers this is not the image of Canada that they face. Discriminatory practices based on their country of birth, colour of their skin, gender, nature of work and especially their temporary citizenship status within Canada illustrate that the state can take on a stronger role to ensure that foreign workers are treated equal to their Canadian counterparts.

VI. CONCLUSION

This research paper has examined Canada's growing temporary labour programs particularly the LCP and SAWP in much detail. While on the surface, the Canadian state is fulfilling its labour shortages through importation of workers from the global South in need of profitable incomes, it is clear that other dynamics are at play in these relationships. Temporary foreign labour continues to expand while programs addressing the labour scarcities are also growing in number. Possessing different conditions depending on the program (i.e. the option of permanent residency after a specific time for those in the LCP, CEC and PNP) it appears that participants are becoming less "temporary" and more "permanent" in Canada. Globalization has reconfigured not reduced the hierarchies of states and the exclusion of particular populations within society serve as a reminder that both citizenship and one's home state (as defined through citizenship) still matter (Pettman, 1999, 214). Politics, power relations and economic interests are entangled in the process of globalization and in the case of migration, racialization, gender and citizenship status also play significant roles. According to Pettman (1999) intensifying globalization processes and state transformations are highly gendered, women are already positioned in a particular way in relation to the state and citizenship that is markedly different from the positioning of men. Women have been caught between their productive and reproductive roles in ways that disadvantage them in a labour market that is segmented along lines of nationality, ethnicity, gender as well as class. Additionally, international processes including colonization and migration have created divisions within states and now with globalization these (dis)connections are compounded and make access to citizenship a crucial indicator of difference (212-213).

Using the intersectional feminist framework this MRP has illustrated the ways in which interlocking realms of power impact the migrant experience of LCGs and SAWs in Canada. Through examination of the two programs in more detail it is clear that one's temporary citizenship status has a profound effect on how caregivers and agricultural workers are perceived in Canadian society. With regards to the first research question, in Canadian TFWP discourse, "temporary" clearly identifies temporary workers as "non-citizens" and excludes them from the state's "imagined community" and the privileges it provides. The Canadian state exercises its preference in desirable citizens through the inclusion and exclusion of particular migrant groups. Gatekeeping and the administrative maze of foreign worker programs have created a system where some temporary foreign workers have been denied access to settlement entirely and others have not (Satzewich, 1991; Stasiulis and Bakan, 2003). Participants in the LCP, CEC and PNP all have access to permanent settlement in the country (after a certain period) however those in the SAWP – one of Canada's longest standing labour importation programs – do not share this benefit. As a result, while the TFWP is promoted as a labour scarcity solution not an immigration stream, beneath the guise lie alternative paths to immigration into Canada, but only for a select few candidates. So for those workers who return year after year like AGWs, this precarious employment and the importance of citizenship status leaves workers with little protections, access to resources and very limited opportunity from changing their temporary status to permanent.

Similarly, with regards to the second research question ethnicity, gender and language capabilities are additional systems of oppression at play for LCGs and SAWs in Canada. Working in typically "feminine" and "masculine" jobs, Filipina women have become perceived as the best in domestic work and Mexican men are the dedicated, hardworking labourers in the

agricultural sector. The belief that Filipinas and Mexicans are particularly good at caregiving and farm work because of traits such as education, English language, stature or their unquestioning nature has reinforced gendered and racialized stereotypes that assume that such characteristics are inherent to a specific gender and country of origin. Yet, these are also attributes that employers, recruitment agencies and researchers have all highlighted when discussing the preferred choice of LCGs and SAWs in Canada (Basok, 2002; Oishi, 2006; Pratt, 2004; Preibisch and Binford, 2007). Current Canadian immigration policies construct LCP and SAWP workers as non-citizens who are inferior to Canadians and as such are low-paid, low-skilled labourers with little opportunity for advancement. While traditionally it is women who experience the most marginalization within society, this MRP has illustrated that both Filipina domestic workers in the LCP and Mexican men in the SAWP suffer forms of discrimination, exclusion and marginalization based on various systems of oppression related to their racialized status, gender, country of birth, nature of work, language abilities and most importantly their temporary immigrant status. Regardless of their long term presence within the Canadian social landscape, caregivers and agricultural workers have been categorized as second class citizens and continue to be greatly marginalized by the Canadian state.

The Canadian government has rationalized the LCP, SAWP and other TFWPs as specially designed programs to “bring workers to Canada when there are not enough Canadians available to fill the positions” (Stasiulis and Bakan, 2003, 91). So these programs only exist because of the shortage in Canadian labour, and if this shortage were solved there would no longer be a need for temporary foreign labour. However, through deeper examination of this issue and in regards to the third research question of the long term goals for the LCP and SAWP this of course is not the reality. A deeper struggle lies beneath these programs where the demand

for cheap, flexible labour in Canada is needed and a ready supply of caregivers, agricultural workers and others from the global South are prepared to venture abroad at any cost. Therefore, one must ask: are the LCP and SAWP really achieving its goal of solving labour shortages? As the number of temporary foreign workers continues to rise year after year, it does not appear to be solving the problem, and could very well be contributing to the ineffectiveness of the TFWPs. Nakache and Kinoshita (2010) emphasize that it is important to address the TFWP needs at a systematic level. A multifaceted approach in protecting such workers in Canada and abroad with the cooperation of all actors involved in the TFWP is necessary (41). It is not clear how the TFWP addresses skills and labour market shortages, and the complex nature of the various foreign workers programs illustrates that although workers enter under the “temporary category” they are not all truly “temporary” in the country.

The OAG (2009) emphasized that the growth in temporary labour in Canada has been in response to the backlog of permanent residency applications and the delays in processing have forced employers to seek out workers in an alternative arena: the TFWP. However this is not an adequate solution. Now while I am not suggesting a complete removal of the temporary worker programs in Canada, I am advising some caution to the current approach. There is no simple solution the problem of temporary workers in Canada. Various dynamics are at play in the TFWP including racialization, discrimination, exclusion based on citizenship status and more. Therefore, whatever improvements are made must consider all these factors if steps forward are to be made within the TFWP. Canada’s history has been built upon immigrants and it will continue to do so in the future. Canada holds its international reputation as a fair and welcoming society very seriously, however after much examination of the LCP and SAWP it appears that we are not as just, inclusive and welcoming as we would like to think.

In regards to the final research question, it is clear that a responsibility on behalf of sending countries and Canada are necessary to the improvement of the LCP, SAWP and other programs under the TFWP. So, if the country's main goal for immigration is to allow entry to immigrants who can fulfill shortages in labour, and assist the country in expanding the population, then temporary labour is not a viable option for the country's needs. It removes responsibilities from the Canadian state since migrant labourers are only "guest workers" in the country and it does not address the long term needs for a country that requires permanent immigration for the nation's development. Moreover, the growing reliance of temporary foreign workers to address labour shortages in the country is simply an unsustainable approach for Canadian policy makers. A re-assessment of the current programs under the TFWP – especially the LCP and SAWP – is urgently needed to identify the effectiveness of the various programs and whether it is necessary to have numerous avenues to deal with the nation's "temporary labour shortages". Furthermore, in this assessment, consideration to opening up permanent residency to other temporary foreign workers including the SAWs (based on criteria of course) not just those in the skilled worker streams must be examined thoroughly. Additionally, the requirement of annual quotas based on foreign worker programs is another option that should be examined, the FSWP is given an annual quota to identify the state's maximum capacity for dealing with permanent immigrants yet no such requirement exists under the TFWP. It is evident that Canada has legitimate short term employment opportunities where temporary foreign labour is an ideal program however, we must find a balance between the nation's economic, labour and immigration demands and fair, just, and equitable employment conditions.

VII. RECOMMENDATIONS

After much discussion and analysis it is evident that fractures within these programs have contributed to the complex state of the LCP and SAWP. At the current rate, temporary foreign workers will become a larger proportion of the Canadian labour force and Canada needs to recognize and make a concerted commitment to fixing the TFWPs (including the LCP and SAWP). As this MRP has highlighted, the issue of temporary workers, discrimination and citizenship exclusion is a long-standing problem in Canada. Researchers and NGOs (MacLaughlin, 2009; Hennebry, 2010; Preibisch and Encalada Grez, 2010) have stressed many of these issues such as abuse, exploitation and citizenship status for years, yet very little progress has been made by the Canadian government. Additionally, some of the research used in this analysis dates as far back as 1991 (Satzewich, 1991), nearly twenty years ago which further indicates that these struggles are not new, they have simply multiplied into more complex and deeply rooted concerns. The longer the issue of temporary foreign workers remains untouched, the more challenging it will be to resolve it. Therefore, Canada needs to make a commitment to resolving the major flaws that exist in these programs while protecting the human rights of all foreign workers involved. Cognizant of these problems and more, here I provide a number of recommendations to address challenges in the programs and how to create a better functioning system.

- ***Reassess the Temporary Foreign Workers Program (TFWP), Canadian Experience Class (CEC) and Provincial Nominee Program (PNP).***

In their own ways, these programs are all trying to address various labour shortages within the country through the importation of labour. However, with all these competing programs, it has become unclear as to why the Canadian state needs so many foreign worker programs in order to reach the same goal. Furthermore, the access to permanent residency through the CEC and PNP, highlight that there is something more beneficial if applicants enter through these routes as opposed to others, and the existence of the “two step migration” process indicates that foreign workers also recognize the flaws within other labour programs (Hennebry, 2010; Nakache and Kinoshita, 2010). Therefore, an entire reassessment of these programs would strengthen Canada’s foreign worker schemes and lead to the removal of inefficient and problematic practices within them.

- ***Streamline administration and management of the Live In Caregiver Program (LCP), Seasonal Agricultural Workers Program (SAWP) and other programs falling under the TFWP***

Researchers have identified the administrative nightmare when dealing with the various federal, provincial and international departments involved in the LCP and SAWP (Hennebry, 2010; Nakache and Kinoshita, 2010; Pratt, 2004; Spitzer and Torres, 2008; Stasiulis and Bakan, 2003). This “jurisdictional fútbol” has contributed to many of the challenges with these programs, so streamlining the administration and management of them would alleviate much of the difficulties that workers, community organizations and researchers face when trying to navigate the proper avenues in these programs. Furthermore, coordination between departments on the provincial and municipal level needs to be strengthened as well, since

workers enter through these programs at a federal level but the day-to-day management falls under provincial and municipal jurisdiction.

- ***Quotas/Maximum number allowed through the foreign workers categories and the Provincial Nominee Program (PNP).***

Similar to quotas placed on the Federal Skilled Workers Program (FSWP) for economic immigrants and family reunification cases, there must be a maximum number of workers set annually for the TFWP. I would also extend this requirement to the PNP because even though it is a provincial program with no interference from the federal level, when dealing with the growing number of foreign workers and the side effect of underground illegal migration, having mechanisms such as quotas will allow the state to manage the temporary foreign worker populations better.

- ***Consider the extension of permanent residency for SAWP workers especially longtime returning agricultural workers***

The SAWP has been in existence for nearly fifty years and Satzewich (1991) highlighted the lack of permanent residency (PR) options for these workers nearly two decades ago. Very little appears to have changed and the rise of new temporary labour programs like the PNP and CEC indicate that the option of permanency is becoming readily available for foreign workers. Nakache and Kinoshita (2010) also emphasize the need for policies to assist long term temporary foreign workers like SAWs, and allow for the option of permanent residency (38). Bucklaschuk, Moss and Annis' research (2009) illustrates that much potential exists among the temporary foreign worker population to address labour and population shortages in Canada. Moreover, the House of Commons Report (2009) on Temporary Foreign Workers and Non-Status Workers also proposes this option and extends it to other foreign workers

who are currently exempt from accessing PR status. Thus, in order for Canada to live up to its international reputation as a fair and just society, granting PR status to long standing SAWP workers and opening up such options (like in the case of the LCP) would be a step forward.

- ***The Government of Canada needs to be party to the contracts in which several Canadian employers are engaging in.***

Canadian employers and non-Canadian employees are the sole parties of contracts under the various temporary foreign labour programs. While I am not suggesting that the government act as the main signatory to every single employment contract, I am recommending that the state develop practices to ensure that employers are legitimate, the contracts are entirely truthful and that foreign workers have adequate protections and resources available to them should their employment situation become deceptive. Workers come to Canada with a belief that Canada is a welcoming and fair nation so when workers are faced with discrimination, abuse and maltreatment, they not only blame their employer but they also include the Canadian state in this sentiment. If Canada is concerned about its reputation domestically and internationally, then stronger mechanisms to support this image would be extremely beneficial in these labour programs, starting with some accountability within employment contracts. Citizenship and Immigration Minister Jason Kenney has made a step forward in this regard with the recent decision (August 2010) of a two year suspension for employers who mistreat their temporary foreign workers however, we must be mindful of the next few years to see if this policy is effective after all (CIC, 2011).

- ***Strengthen labour agreements between Canada and participating sending nations in the foreign labour programs***

The SAWP is based on bilateral agreements with participating countries such as Mexico and Jamaica, however other programs in the TFWP fall under memorandums of understanding (MOUs) that carry less strength (Preibisch and Encalada Grez, 2010). As a result, if workers from specific countries are the “best” workers for specific labour in Canada (i.e. Vietnamese for tying grapevines) then sending nations should demand bilateral agreements with protection clauses for their workers abroad. These protections could include additional consulate offices in areas with a high number of foreign workers from a specific region. For example, Leamington, Ontario has become dominated by Mexican workers over the past few years that a Mexican consulate office has opened in the area. Additionally, in the Philippines, the Overseas Employment Administration (POEA) is currently working in collaboration with the Alberta government on targeting fraudulent recruitment agencies and warning applicants abroad (Nakache and Kinoshita, 2010). Such work illustrates that collaborative efforts can take place and can be further extended to issues such as employment rights and human rights violations for domestic workers, agricultural labourers and other foreign workers in Canada. Sending nations need to realize the value of their workers, by providing high standards of employment protections for workers inside the country and demanding the same standards abroad, the protection of these much needed workers can create a more harmonious relationship between nations.

- ***Flexibility in work permits***

Domestic workers enter Canada under a specific employer and if a caregiver desires a change in employers they must inform HRSDC and CIC of their changes in order to update their file and be issued a new work permit. In the SAWP, no such option exists, workers are required to remain under the one employer they are assigned to and this inability can (and has) led to abuse and mistreatment of agricultural workers. The ability for workers to escape poor working conditions or employers is an entitlement allotted to Canadian workers and this can be possible through something like a sector-wide work permit. Workers would be allowed to change employers but must remain employed in a specific sector (i.e. agricultural sector). This would allow workers to escape poor conditions but keep them within the sector that is experiencing a shortage of staff. If foreign workers are truly perceived as equal to their Canadian counterparts, then this option should be available for them to use if necessary.

- ***Stricter guidelines and monitoring for employers in both the LCP and SAWP***

It is clear that there are loopholes in the guidelines of the LCP and SAWP. Furthermore, the monitoring of employers, working conditions and living situations of caregivers and agricultural workers are non-existent and ambiguous at best. Given the employment and lodging of these workers in the private realm of society (employer's homes), and the lack of a "human resources" department for workers to access if necessary, it is evident that this is a particularly unique employment situation. In traditional jobs, co-workers, managers and human resources act as monitoring mechanisms to ensure safe and fair working conditions. However for those in the LCP and SAWP, this has never existed. So I suggest an investment in developing and implementing practices to ensure that employers and employees are

protected. This should include random “spot checks” of farms, homes and living quarters, inspections from health and safety workers in the lodging area of workers, one on one consultation with workers and more importantly, penalties for employers who abuse, exploit and mistreat their employees. Employer abuse (physically, sexually and mentally) has been repeatedly reported by workers in both the LCP and SAWP and adequate solutions to address these problems have yet to be implemented. However it must be noted that recent changes (August 2010) to the temporary foreign workers program are making strides towards stricter monitoring including “a more rigorous assessment of the genuineness of the job offer; and a two year prohibition from hiring temporary foreign workers for employers who fail to meet their commitments to workers with respect to wages, working conditions and occupation” (CIC, 2011).

- ***Language requirements and support for temporary foreign workers in Canada***

Immigrants entering Canada are required to have some knowledge of one of the nation’s official languages so why does this requirement not exist for all of our temporary workers? It appears that for those under the LCP and PNP, knowledge of English or French is required for admission into the program but this condition does not extend all programs in the TFWP (Nakache and Kinoshita, 2010, 7). McLaughlin (2009) and Hennebry (2010) have both highlighted the difficulties workers face with the lack of English proficiency and how such struggles have led to continued employer abuse, unattended medical injuries and more. In McLaughlin’s (2009) research on behalf of FOCAL, participants noted that the Colombian government included some English training in the pre-departure training that proved to be beneficial to their integration in Canada. Workers stressed a need for more training but no

resources were available once they arrived in the country. Hennebry (2010) stressed that “access to language training are development-friendly practices that could easily be implemented, but have not been anywhere on the agenda during the SAWP’s existence” (64). The acquisition of language training allows workers to be able to communicate and understand the situation in which they are working in much better. Furthermore, such power would also decrease the number of injuries left unattended and brought back to their home countries which have stopped some workers from being able to return to work abroad (Preibisch and Encalada Grez, 2010). Lastly, such language training can also be seen as an investment in Canada that is if these workers are seen as desirable future Canadians.

This MRP has identified a number of gaps within the LCP and SAWP as well as the TFWP in general. Some of these issues have been highlighted for years, but very little work to address them has occurred. While there are various ways to approach the challenges at hand, I believe these recommendations can provide a stronger, fairer and equally productive foreign worker program in Canada. It is evident that the Canadian state is dependent on these workers and in the case of some foreign workers, these labourers often become future Canadian citizens. Thus, if these workers are truly valuable to Canada and their home countries, then surely further work can be done to demonstrate their worth.

NOTES

¹ Emphasis made in original text

² For the purposes of this MRP the terms: global South, developing world and Third World will be used interchangeably to refer to the poorer nations which are predominately located in the Southern hemisphere.

³ For the purposes of this MRP the terms: global North and economically developed countries (EDCs) will be used interchangeably to refer to the richer nations of the world which are predominately located in the Northern hemisphere.

⁴ Historically, Canadian immigration policy focused on immigration from European nations however, the need for more immigrants led to an expansion of different regions of the world including: Asia, Africa and Latin America (Green and Green, 2004, 114).

⁵ I use this term in reference to Anderson's (2000) *Doing the Dirty Work? The Global Politics of Domestic Labour* which highlights that migrant women are essentially doing the dirty work in the homes of wealthy employers. I believe agricultural workers can be included in this concept given their repetitive and labour intensive work in fields and greenhouses throughout Canada.

⁶ Emphasis in original text

⁷ This refers to Rostow's stages of economic growth. The economic take off is seen as the transition period which is a precursor to the 'drive to maturity' whereby there is a decrease in poverty and a rise in the standard of living (Handelman, 2006, 260)

⁸ For the purposes of this MRP the terms: caregiver, nannies, domestics and LCGs will be used interchangeably

⁹ For the purposes of this MRP the terms: agricultural workers (AGWs) and seasonal agricultural workers (SAWs) will be used interchangeably

¹⁰ LMOs assess the impact such a worker would have on the Canadian job market

¹¹ In the provinces of Quebec and Manitoba, employers must also obtain a separate certificate issued by the province

¹² A jump of 148% more temporary foreign workers in Canada was also recorded in that same time period. Between 2002 and 2008 the number of temporary foreign workers (present on December 1) rose by an estimated 148 percent, from 101,259 to 251,235 (Nakache and Kinoshita, 2010, 4)

¹³ See Parreñas, R.S. (2001). *Mothering from a Distance: Emotions, Gender, and Inter-generational Relations in Filipino Transnational Families*. *Feminist Studies*, 27(2), 361-390 for more work on family separation for Filipina caregivers. For the Canadian context also see Pratt (2010) *Filipino Family Re-unification: After the Live-In Caregiver Program* at:

http://canada.metropolis.net/events/metropolis_presents/priority_seminar/presentations/pratt_panel2_e.pdf

¹⁴ Many immigrants enter Canada through Federal Skilled Workers Program (FSWP) using the points system where a number of characteristics such as age, education, knowledge of the official languages and so forth are assessed, however in the case of PNPs the points system is not used

¹⁵ The LCP is the latest iteration of the foreign domestic worker importation program, the previous program known as the Foreign Domestic Movement (FDM) up until 1992 targeted women from the English Caribbean. The FDM possessed different guidelines and eligibility than the LCP (Spitzer and Torres, 2008).

¹⁶ Approximately 250,000 new immigrants is the target placed on migrants entering the economic immigrant class

¹⁷ The absorptive capacity of the state refers to the maximum number of immigrants that Canada can manage and assist in immigration and settlement per year

¹⁸ For more information about this case (also known as the *Fraser v. Ontario*) can be found at:

http://www.lancasterhouse.com/about/headlines_dec8.asp

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