

Migration and the Canadian Labour Market

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REVIEW ESSAY / NOTE CRITIQUE

Migration and the Canadian Labour Market

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Leah F. Vosko, Valerie Preston, and Robert Latham, eds., *Liberating Temporariness?: Migration, Work, and Citizenship in an Age of Insecurity* (Montréal and Kingston: McGill-Queen's University Press, 2014)

Mary Romero, Valerie Preston, and Wenona Giles, eds., *When Care Work Goes Global: Locating the Social Relations of Domestic Work* (Farnham: Ashgate, 2014)

Luin Goldring and Patricia Landolt, eds., *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (Toronto: University of Toronto Press, 2013)

THE 2015 FEDERAL ELECTION CHANGED the tenor of the debate about Canadian immigration policy in unexpected ways. The Liberal Party's pledge to admit 25,000 Syrian refugees did not at first seem a vote winner; after terrorist attacks in Paris in November of that year, pollsters claimed that a majority of Canadians opposed Liberal leader Justin Trudeau's plans. At the same time, however, Trudeau's promise seemed to resonate with Canadians eager to see their country lauded again – after the “dark days” of Stephen Harper's government – as an upholder of human rights. By December of 2015, following the election and the Liberal Party's victory, the same polls showed that the majority of Canadians favoured the policy of accepting Syrian refugees.

This focus on refugees marked a change from one year earlier in the character of the discussion over migration policy. While the Harper government's treatment of asylum seekers and refugees had garnered some attention beyond activist circles prior to the election, it was economic migration – in particular, the expansion of programs to admit temporary foreign workers (TFWs) – that had received the most coverage in 2014 and 2015. The number of Temporary Foreign Worker Program (TFWP) work permit holders had increased from

around 14,000 in 1995 to a high of over 112,000 in 2009,¹ and there was vigorous debate at the provincial and local levels about the need for “foreign” workers – especially after controversies over employers’ preferences for TFWs. Yet during the election campaign, the issue – including the impacts of reforms to the TFWP in 2014 – largely disappeared from view. Following the Liberals’ victory, the new government tacitly admitted that temporary migration remains a largely unresolved issue when it announced a parliamentary review of the TFWP in February 2016.

Employers have long argued that the need for migrant workers stems from labour-market shortages in sectors and occupations that citizens shun, or in remote locations without adequate populations of workers. The massive expansion of temporary migration from the mid-2000s, however, went beyond the jobs that “Canadians won’t do” (like low-paid agricultural and care work). Migrants were increasingly being admitted to work in sectors such as accommodation and food services, with no path to permanent residence or citizenship. After the 2008 global financial crisis, this expansion was concomitant with higher unemployment and more precarious employment across Canada, leading to pressure on the federal government when the media reported that employers were hiring migrant workers over job-seeking Canadians.² Reforms implemented in 2014 were intended to mollify a restive public unhappy with the idea of citizens being passed over for jobs, but failed to address this confluence of insecure employment and insecure legal status in the Canadian labour market.

The three books discussed in this essay grapple with the epistemological and empirical dimensions of migration and insecurity in Canada. Building on a Canadian tradition of rich scholarship on the political economy of migration, each offers a different conceptual starting point for doing so. In what follows, I provide a brief overview of each volume and then focus on their joint contribution to the analysis of the political economy of the Canadian labour market (or labour markets). I conclude with thoughts on the strengths, and some weaknesses, of this contribution.

All three volumes are edited collections and each is organized around a conceptual “hook” on which the chapters, many of them geographical and topical case studies, hang. These “hooks” might be characterized as mid-range theories that connect to macro-level accounts of socioeconomic change (globalization, financialization), but loosely. This loose connection facilitates a diversity of approaches and empirical analyses within each collection and is in keeping with the contemporary suspicion of “grand theorizing.” The approach

1. Citizenship and Immigration Canada, *Canada Facts and Figures: Immigration Overview, Temporary Residents* (Ottawa 2015), 5.

2. Kathy Tomlinson, “McDonald’s Accused of Favouring Foreign Workers,” *CBC News*, 14 April 2014, <http://www.cbc.ca/news/canada/british-columbia/mcdonald-s-accused-of-favouring-foreign-workers-1.2598684>.

is also aligned with much empirically driven – though often qualitative – critical migration research. This way of addressing the important question of how to understand the relationships between labour, migration, and insecurity (including exploitation) offers epistemological flexibility and derives strength from heterodoxy, but it also faces limitations.

All three volumes address, at a fundamental level, the relationship between migration and insecurity in contemporary labour markets; however, they focus on what we might think of as different dimensions of this relationship. *Liberating Temporariness?* takes the expansion of temporary employment, temporary residency status, and limited social rights – what its introduction refers to as the institutionalization of temporariness – as the starting point for “problematizing the binary of permanence/temporariness” and for exploring “the liberation of temporariness itself from the effects of the framings and social structures that render it harmful.”³ The goal is to question how temporariness and permanence are defined in and through their institutionalization and to therefore problematize permanence as *the* solution to temporariness as insecurity. In other words, ways of addressing temporariness are not exhausted by socially and politically constructed forms of permanence like permanent residence for migrant workers and standard jobs for precarious workers. Rather, the editors ask the question: “Can temporariness as a status, life condition, or identity be freed from the limits imposed on it by permanence?”⁴ This approach resonates with Judith Butler’s theorization of precarity as a common vulnerability (“a vulnerability to the other that is part of bodily life”) and with Leah Vosko’s work on precarious employment, which questions the normative and theoretical dualism that posits the standard employment relationship as the solution to insecurity in the wage relation.⁵ It is also a way of conceptualizing both temporariness and the struggles against the insecurity associated with temporariness as multidimensional; these struggles cross categories of identity and experience and relate to paid and unpaid work, mobility and migration, political and social rights, and legal status.

The editors identify three domains of daily life around which the contributions to the volume are organized: security, work, and settlement. But a key logic is the questioning of “territorialized and permanent understandings

3. Robert Latham, Leah F. Vosko, Valerie Preston & Melissa Bretón, “Introduction: Liberating Temporariness? Imagining Alternatives to Permanence as a Pathway for Social Inclusion,” in Leah F. Vosko, Valerie Preston & Robert Latham, eds., *Liberating Temporariness?: Migration, Work, and Citizenship in an Age of Insecurity* (Montréal & Kingston: McGill-Queen’s University Press, 2014), 5.

4. Ibid, 3.

5. Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2004), 27; Leah F. Vosko, *Managing the Margins: Gender, Citizenship, and the International Regulation of Precarious Employment* (Oxford: Oxford University Press, 2010); Leah F. Vosko, *Precarious Employment: Understanding Labour Market Insecurity in Canada* (Montréal & Kingston: McGill-Queen’s University Press, 2005).

of national citizenship” as the solution to the problems of temporariness across these domains – understandings that are by their nature exclusionary.⁶ The domain of security is particularly salient for exploring the limitations of permanence grounded in citizenship institutionalized at the scale of the nation-state, as illustrated in the chapters by Yasmeen Abu-Laban, on Arab Canadians’ “liminal” relationship to citizenship, and Mike Larsen, on the Harper government’s use of security certificates. The global expansion of temporary migration programs (also called circular migration or guest workers programs), however, makes the domain of employment equally important, as shown in chapters by Emily Gilbert and Christina Gabriel, among others. In addition to the section themes, the book has a further organizational logic in its focus on policies, artefacts, and modes of contestation, and how temporariness is both regularized and disrupted. The question of contestation is a key one for the editors and contributors: how to contest temporariness as insecurity without valorizing permanence is the most difficult question tackled in this book. The particular challenge of grounding the conceptual and theoretical critique of the valorization of permanence in an everyday praxis that also seeks to make life better for migrants is highlighted without being resolved – what Larsen refers to as “an unfinished politics.”⁷

This evocation of unfinished politics resonates with the concepts of non-citizenship and precarious legal status in Goldring and Landolt’s collection. They argue that noncitizenship is the underresearched Other in debates over migrant vulnerability, a “residual category of citizenship” in dualistic conceptions of belonging.⁸ Noncitizenship should, instead, be understood as part of an assemblage that connects citizenship with conditional and precarious legalities as well as illegality. Their volume documents the ways that precarious legal status and conditionality together shape the experiences of noncitizens in Canada, which connects with critical perspectives on both illegality and substantive citizenship. In their framework, noncitizenship is conceptualized as an assemblage but experienced as the constant negotiation of “chutes and ladders” of status and rights. The chapters document both the assemblage and the experiences of negotiation, from migration policy and law (in chapters by Salimah Valiani and Delphine Nakache) to experiences of housing pathways (Priya Kissoon) and access to health care and medical treatments (Paloma E. Villegas and Alan Li). What these contributions highlight is that the problems of noncitizenship, like temporariness, are not “solved” by individual changes

6. Latham et al., “Introduction,” 17.

7. Mike Larsen, “Indefinitely Pending: Security Certificates and Permanent Temporariness,” in Vosko, Preston & Latham, eds., *Liberating Temporariness*, 93.

8. Luin Goldring & Patricia Landolt, “The Conditionality of Legal Status and Rights: Conceptualizing Precarious Non-Citizenship in Canada,” in Luin Goldring & Patricia Landolt, eds., *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (Toronto: University of Toronto Press, 2013), 5.

in status that leave the assemblage intact. As Cynthia Wright argues at the end of her chapter, migrant trajectories do not reach an end point with regularization but rather continue to challenge contemporary regimes of national citizenship and sovereignty that actively produce precarious legal status and conditionality even as they bestow citizenship upon the lucky few.

That regimes of noncitizenship are actively sought and supported by capital is highlighted by Valiani and Nakache. Those with precarious legal status are de facto precarious workers, even if they have the same labour rights and employment protections on paper as worker-citizens. The way that precarity crosscuts these domains shapes the labour market for all workers, while also connecting insecurity in employment with insecurity in other areas, such as housing, education, and health care.⁹ Importantly, while regimes of non-citizenship were pioneered in sectors like agriculture and domestic work, in which the rights of workers are already delimited in significant ways, these regimes have since been broadened under the auspices of the TFWP.¹⁰ In other words, the benefits of noncitizenship for capital – wage suppression, labour control, deportability, significant curtailments of collective organization and collective bargaining – are extended to sectors not previously characterized to the same extent by precarious employment. This creates a two-tier or dual labour market in which legal status not only becomes a significant determinant of conditions of incorporation, but also affects the size and conditions of both segments.

As the volume edited by Romero, Preston, and Giles highlights, however, paid care work remains a key site in which these processes are negotiated, established, and contested. The editors refer to the globalization of care work as a relation of structural dependence, which also applies to migrant work more generally. Importantly, Romero points out that this relation is also fundamental to the social reproduction of class.¹¹ The social construction of gender (as discussed in the chapter by Judy Fudge) and that of class are thus fundamentally imbricated with each other and with the construction of national identity (Susanna Rosenbaum's chapter carefully unpicks the tangled relationships between "Americanness," middle-class identity, the racialization of immigrant workers, and notions of success in childrearing). The reliance of the state and capital on migrant workers to solve the crisis of care of their own making

9. Kendra Strauss & Siobhán McGrath, "Temporary Migration, Precarious Employment and Unfree Labour Relations: Exploring the 'Continuum of Exploitation' in Canada's Temporary Foreign Worker Program," *Geoforum* 78 (2017): 199–208, doi:10.1016/j.geoforum.2016.01.008.

10. See, for example, Patti Tamara Lenard & Christine Straehle, *Legislated Inequality: Temporary Labour Migration in Canada* (Montréal & Kingston: McGill-Queen's University Press, 2012); Judy Fudge & Fiona MacPhail, "The Temporary Foreign Worker Program in Canada: Low-Skilled Workers as an Extreme Form of Flexible Labor," *Comparative Labor Law and Policy Journal* 31, 5 (2009): 101–139.

11. See also Bridget Anderson, *Doing the Dirty Work? The Global Politics of Domestic Labour* (New York: Zed Books, 2000), 124–125.

is both reinforced and undermined through the creation of two-tier labour markets, as documented by Deirdre Meintel, Sylvie Fortin, and Marguerite Cognet in their discussion of home healthcare workers. The authors use the concept of the gift to consider how workers reconcile relatively high job satisfaction with low pay and insecure conditions, while providing evidence of stratification within the sector along the lines of gender and country of origin. Chapters by Conely de Leon and Maya Shapiro seek to move beyond the rather rigid categories suggested by segmentation theory, however, to point to the complex migration paths and strategies of resistance that highlight the agency of migrant care workers.

A strength of this collection is that it takes seriously the multiscalar nature of the processes associated with the evolution of the “new international division of reproductive labour.”¹² Chapters by Bridget Anderson, Mary Romero, and Shapiro, among others, provide insights into subjective, embodied, and emotional effects of both migration and paid care work, while at the same time highlighting the ways that the institutionalization of this international division of reproductive labour occurs and is contested. Jennifer Fish’s chapter on the relationship between domestic organizing in South Africa and the development of the *Domestic Workers Convention, 2011* (No. 189) illustrates that these scalar processes are not unidirectional, in the sense that agency is not solely exercised at the meso and macro levels; domestic workers and their allies shape the development of national and international policy in ways that are active, not solely reactive. This is an important corrective to the perception that migrant domestic workers are either part of an undifferentiated reserve army of (reproductive) labour or, conversely, rational individuals striving to maximize individual utility. The reality, illustrated in all three collections, is that migrant workers strive to reconcile competing needs (for employment, income, familial and community reproduction, and enhanced opportunities) under conditions of structural inequality that actively subordinate those needs to the requirements of capital accumulation, class reproduction, and the maintenance of white privilege.

In this sense, the three books taken together provide empirical evidence and theoretical perspectives that are more than the sum of their parts. By that I mean that the effect of reading them is not simply cumulative: an enlarged and more thoroughly evidenced picture of subordination, exploitation, and agency, as valuable as that may be. They strongly impress upon the reader the complexity of the politics that attend migrant struggles, which cannot be addressed through a straightforward promotion of the model of the citizen-worker. Academic work sometimes adds complexity for its own sake – I’ve had community activists challenge me on the idea that “complexifying” a set of

12. Mary Romero, Valerie Preston & Wenona Giles, “Care Work in a Globalizing World,” in Mary Romero, Valerie Preston & Wenona Giles, eds., *When Care Work Goes Global: Locating the Social Relations of Domestic Work* (Farnham: Ashgate, 2014), 4.

issues adds value to one's analysis! But some of the most interesting chapters in these three books do the work of unpacking processes and categories that are often taken for granted or black-boxed. Anderson's exploration of how the fluidity of immigration categories is coproduced by families, employers, and migrants themselves and Julie E.E. Young and Judith K. Bernhard's chapter on notions of risk in the ethics review process in Canadian universities are good examples.¹³ Both open up to scrutiny *categorization as a process*, which should give us pause to reflect on political or epistemological strategies that depend on the construction of new categories.

One of the first things that these collections impress upon the reader, especially when taken together, is the robust state of critical research on migration in Canada. This robustness derives in part from linkages with different strands of political economic thought, including feminist political economy, out of which important work on precarious employment, unfree labour, social reproduction, and migration emerged. The different emphases of these volumes – on temporariness, precarious legal status, and the globalization of care work – signal the multidimensional nature of migration-related processes that cannot comfortably be accommodated (without reductionism) within a single, overarching theoretical framework.

At the same time, however, a challenge posed by these volumes is precisely the question of how to relate the different conceptual frameworks to one another and to broader macro-level processes – socioeconomic, geopolitical, and legal – that enmesh the Canadian nation-state, Canadian workers, and migrant workers in Canada. Capitalism, as Nancy Fraser has recently argued, is a concept and analytical category (in the sense of how *capitalist* is applied to actually existing social formations) that is both necessary and insufficient as it is often applied.¹⁴ Attention to the role and nature of reproductive labour is still seen as the domain of feminist research and not central to the functioning of capitalism. At the same time, labour geographers, for example, have noted that migration and migrant workers remain understudied in “mainstream” labour studies. The question of how work of the kind represented in these collections can therefore enrich and challenge how we conceptualize capitalism and what it stands for in our analyses – especially in relation to labour, value, and the functioning of labour markets – is an important one but is addressed tangentially rather than directly. While the impulse to avoid “grand theorizing” is understandable, research on migration needs to be positioned as central to rather than a side project of analyses of capital as a social relation and the

13. Bridget Anderson, “The Magic of Migration, Immigration Controls and Subjectivities: The Case of Au Pairs and Domestic Worker Visa Holders,” in Romero, Preston & Giles, eds., *When Care Work Goes Global*, 79–94; Julie E. E. Young & Judith K. Bernhard, “Confidentiality and ‘Risky’ Research: Negotiating Competing Notions of Risk in a Canadian University Context,” in Goldring & Landolt, eds., *Producing and Negotiating Non-Citizenship*, 305–316.

14. Nancy Fraser, “Behind Marx’s Hidden Abode,” *New Left Review* 86 (March 2014), 55–72.

evolution of regimes of accumulation. This is partly a methodological issue (scaling up case-study-based empirical research, the challenges of comparative work), partly a disciplinary one, and partly a conceptual one. From this perspective, however, these volumes offer much on which other scholars can build. They are also a spur for labour scholars to think critically about analyses of migration, precarity, and reproduction in our approaches to a broad range of contemporary labour-market phenomena.