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FOCUS ON LABOUR MOBILITY

Canada's highest court rules against farm workers

Kerry Preibisch

The Supreme Court upholds Ontario law denying agricultural workers collective bargaining rights.



Photo: Tania Liu

The United Food and Commercial Workers of Canada (UFCW) rallies on May 2, 2009 in Toronto.

On April 29, 2011 the Supreme Court of Canada delivered a devastating blow to Ontario's farm workers when it sided with the provincial government to continue denying them the right to join unions and bargain collectively. The decision from Canada's highest court constitutes a dead end, at least for now, to the decades-long legal battle to extend statutory labour rights protection and collective bargaining to farm workers, including the one-quarter to a third of this workforce composed of temporary migrant workers from Latin America and the Caribbean.

For 17 years, Ontario's agricultural lobby has tenaciously protected their industry from the threat of unionization, revived in 1994 when a New Democratic Party provincial government passed the Agricultural Labour Relations Act (ALRA) to extend trade union and collective bargaining rights to agricultural work-

ers. In 1995, a newly elected Conservative administration repealed the ALRA, prompting the United Food and Commercial Workers of Canada (UFCW) to take the Ontario government to the Supreme Court of Canada for violating freedom of association under the Charter of Rights and Freedoms. The Court agreed, obliging Ontario to draft new legislation. The resulting Agricultural Employees Protection Act (AEPA) allows farm workers to form associations, but not collectively bargain. After trying unsuccessfully to represent workers under the Act, the UFCW then challenged the constitutionality of the legislation in the Ontario Superior Court. In 2006, the judge dismissed the claim, leading the UFCW to take the Attorney General to the Ontario Court of Appeal which ruled in favour of the UFCW. The Ontario government subsequently appealed to the Supreme Court of Canada. The court upheld the law, ruling that the AEPA allows for "meaningful dialogue": while the Charter grants workers the right to form associations and to discuss work conditions with employers, it does not prescribe a particular model of collective bargaining or outcome.

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FOCAL Views: Temporary migration in support of development

More could be done to boost development outcomes in sending countries and ensure fairness for all workers.

Peak agricultural season in Canada is just around the corner, signalling the arrival of tens of thousands of temporary foreign workers to fill positions that are necessary for the Canadian economy but that most Canadians are unwilling to take. Picking peaches in the hot Ontario sun or pruning endless rows of fruit trees is not how many Canadians would consider spending a summer workday.

The Seasonal Agricultural Worker Program (SAWP) is one of the main components of the Temporary Foreign Worker Program (TFWP). Originally envisioned as a way to help Canadian farmers as well as to help countries of the Commonwealth Caribbean with labour surpluses, the SAWP has expanded to include Mexico, with more countries seeking to join. The TFWP has also expanded beyond agriculture to include construction, tourism and other industries under the Low Skill Pilot Project, for example.

The TFWP has become a model for a transparent, open and flexible regime that benefits both host and sending country. The strength of the system, its formality and regulation with strong participation from Canadian and sending governments, stands in sharp contrast to the informal and unregulated system in place in the United States. Problems with the Canadian model—there have been isolated reports of

unsuitable living conditions or inadequate compensation for job injuries for example—are more easily identified and addressed than in the United States and protections for migrants, while not perfect, are much stronger in Canada. In addition, benefits such as access to the Canadian health-care system and to the formal banking sector are important distinctions of the Canadian program.

One issue overlooked in current discussions about temporary labour is that of improving the development outcomes of participation in such programs. As originally conceived it was hoped the program would also benefit sending countries by injecting money into poor or less-developed communities. From time to time attempts have been made to realize this potential. Scotiabank developed a program to provide ATM cards and bi-national accounts for migrants from Mexico to allow easier remittance of funds back home. More can be done in this area such as matching savings programs for investments in small businesses, farms or mortgages by migrants in their home communities or programs to help migrants apply job skills learned in Canada to the creation of jobs back home.

The temporary nature of the program also causes problems. Some provinces and industries view the program as a route to solving the long-

term demographic decline and labour shortages they are facing. This has created some friction with sending countries that do not want to permanently lose sections of their labour force. It also creates misperceptions and uneven expectations about the program among migrants. In Canada, live-in caregivers have a direct path to applying for permanent residency, while other temporary workers do not even though both positions are classified as low-skill. This undermines the purpose of the points-system immigration regime in Canada and sets a dangerous precedent. It also raises a question of basic fairness in Canadian immigration policy.

But on balance and especially when compared to programs in other countries, the Canadian temporary migrant programs are something of which Canadians should be proud, but not complacent. It is now hoped more will be done to leverage development impacts.

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Canada's highest court rules against farm workers

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The court decision affects thousands of Latin American and Caribbean migrants and their families who earn their livelihood in Ontario, where two-thirds of migrant farm workers to Canada are employed. It is likely, however, that this strong endorsement of differential rights for farm workers will be felt nationwide. In essence, the court's judgment disregards the sharp power differential between agricultural workers and their employers. The court's perspective is at odds with social indicators that place farm workers at the bottom of Canada's occupational ladder, with fewer protections than other workers. Many analysts agree that degraded working conditions in agriculture are responsible for the labour shortages that have plagued the sector for over a century. Since 1966, such shortages have

been filled with temporary migrants, first through the Seasonal Agricultural Workers Program (SAWP), then the Pilot Project for Occupations Requiring Lower Levels of Formal Training (2002), and finally, the Agricultural Stream of the Pilot in 2011. From 264 migrants 45 years ago, these programs now bring some 35,000 international migrants to Canada annually for work in the farm and food industry.

While all farm workers have precarious jobs, migrants face additional challenges. Although they are accorded many of the same rights as Canadian citizens and permanent residents, they cannot enjoy these rights equally. For example, migrant farm workers are issued work permits that are valid only with a specified employer, which implies that dismissal is often synonymous with deportation. In addition

to being easily disposable, migrants have few, if any, opportunities to permanently immigrate to Canada.

The recruitment criteria of temporary migration programs also play a role in creating a more vulnerable workforce. Employers choose countries with high rates of poverty to supply them with migrants. Within those countries, participants are selected on political or economic grounds. Sending countries require applicants to have dependents, low education levels, and little or no assets. Additional mechanisms are implemented to compel migrants to fulfill the demands of their employers and return home at the end of their contracts, such as the employee evaluations required by Mexico and the forced savings scheme imposed by Caribbean countries.

Researchers, advocates and the media have demonstrated that migrant farm workers' vulnerability in the labour force is not merely theoretical. Migrants have been deported or prevented from returning to Canada for refusing unsafe work, becoming pregnant and defending their rights, among other reasons. Migrant-sending governments are often complicit in practices designed to subordinate workers to their employers. Most recently, evidence has emerged to corroborate allegations that the Mexican government blacklists union supporters. The Ontario government's refusal to extend the right to join unions and bargain collectively to farm workers—an increasing share of whom are international migrants—can only perpetuate and legitimize their marginalization in the labour force.

The Supreme Court ruling ends a lengthy and expensive legal campaign



Sin palabras



financed by Canada's largest private sector union, UFCW, but it may also mean a change of course for migrant rights activism and the politics of agriculture and food production in Canada. UFCW's failed legal bid to access a potential 80,000 members may lead to a refocusing of its current campaign for agricultural workers' rights. Apart from pushing for change through the courts, UFCW engages in a number of other strategies, including operating 10 agricultural worker centres nationwide, organizing workers and negotiating collective agreements in other provinces, and promoting public awareness. The legal defeat in Ontario may lead UFCW to scale back its activity in the province, including the four support centres, in favour of building their base elsewhere.

The setback in securing equal labour rights may also breathe oxygen into human rights campaigns that pressure the most powerful players in global supply chains—fast food companies and supermarkets—to adopt codes of conduct and pay fair food premiums that are passed to farm workers. This strategy proved successful for the Coalition of Immokalee Workers in Florida. Canada's growing reliance on migrant labour and the consequent exploitation endemic in temporary migration programs has given rise to a vibrant social movement around migrant rights (including migrant-led organizations) that may galvanize around a fair food campaign. While the Supreme Court decision closes the door on one battle, it is likely that another window is opening, one that may hold new promise for migrant activism and food politics in Canada.

Kerry Preibisch is Associate Professor at the University of Guelph specializing in international labour migration, global agro-food systems, and temporary migration programs.

Canada's growing temporary workforce: a worrying trend

Olivia Chow

Denying workers a route to permanent residency makes them more vulnerable to abuse.

Does Canada treat Mexicans arriving to Canada as nation builders or as economic units?

Judging by the number of temporary foreign workers coming from Mexico and other Latin American and Caribbean countries and the number of Canadian residents from these countries deported each year, it is clear that the Canadian government is mostly treating migrants as economic units and not as nation builders.

In 2010, 23,375 migrant farm workers from Jamaica, Mexico, Trinidad and Tobago, Barbados and eastern Caribbean states came to Canada under the Seasonal Agricultural Worker Program. As an illustration of the growth of temporary work requests, last year 116,120 Mexicans applied as temporary foreign workers to come to Canada, a 347.7 per cent increase over 2005.

These figures are part of a trend in the last six years that encourages employers to hire temporary foreign workers instead of paying Canadians a living wage. In 2009, 178,478 temporary migrant workers arrived in Canada, compared to only 153,498 permanent, economic class immigrants.

Even though Mexico is Canada's second-largest source country for temporary foreign workers, not a single Latin American country is among Canada's top 10 providers of permanent residents. Most migrant workers won't qualify under the present rules to come as permanent residents as they

either lack the funds to qualify as an entrepreneur, or lack the skills and education needed to come as economic immigrants.

A program established several years ago called the Experience Class gives migrant workers the illusion of being able to obtain landed immigrant status in Canada. But the program's design excludes most migrants from such opportunities. Only those with very highly specialized skills are allowed to stay in Canada permanently, and in 2009 there were only 2,544 successful applicants among the tens of thousands of temporary workers and students in Canada.

For many who seek a better income to support their families, the only option is to travel north as temporary migrant workers. Many want to bring their families to Canada, but under the present immigration system they have little chance of succeeding.

Even in the case of Mexico, Canada's North American Free Trade Agreement (NAFTA) partner, the Canadian government is sending out unwelcoming signals by imposing a visa for anyone who wants to visit Canada.

And while Canada is in desperate need of young families, children of temporary foreign workers are discouraged from joining or visiting their parents.

If Canada is truly welcoming of young families, those who have been in Canada for more than five years, have no criminal record and are gainfully employed should be allowed to stay here



permanently. Instead, Canada spends an exorbitant amount of money tracking down residents with precarious immigration status, arresting and detaining them, dragging them through the court system and then deporting them. Even those who have Canadian-born children are not exempt from this fate.

People without permanent status earn lower wages, and are often afraid to join unions. In fact, in Alberta and Ontario, migrant farm workers are not allowed to join unions. They are not given information about how to file complaints when there are labour and human rights violations. Even if these workers know their rights, most won't report abuse or unsafe working conditions because they are afraid of deportation with no chance of returning to Canada. Their dreams of bringing their families here keep them silent in the face of exploitation.

With tens of thousands of temporary workers here in Canada without their families and without their children, the chance of successful integration to the local neighbourhood is slim. As a result, the presence of migrant workers has occasionally resulted in jealousy and resentment by other workers who see them as depressing wages and taking "their" jobs.

Statistics Canada research shows Canada has one of the highest proportions of low-paid workers in the industrialized world. In many ways, the presence of such an extensive temporary workforce exerts pressure to keep wages low for all working families in Canada.

With a low birth rate and vast lands, Canada's economic growth is dependent on increasing the number of immigrants to Canada. Already, 43 per cent

of Canadian businesses report labour shortages; 14 per cent say they can't find enough low-skill and semi-skill workers.

If Latin American and Caribbean workers are good enough to work here, surely they are good enough to stay here permanently with their families, good enough to join unions and good enough to earn a decent wage.

That is why New Democrats are pushing for a reform of the immigration point system, so more can come as family members and permanent workers. For those already working in Canada, they should be given a chance to stay here as citizens through a reformed Experience Class program and a regularization of their immigration status.

Olivia Chow is a Member of Parliament and former NDP critic on Citizenship and Immigration.

PARLIAMENT

Government to reintroduce human smuggling legislation

According to Immigration Minister Jason Kenney, the Government of Canada plans to reintroduce a bill targeting human smugglers when Parliament resumes.

Bill C-49: An Act to Prevent Human Smugglers from Abusing Canada's Immigration System was introduced in response to the arrival of a cargo ship off the coast of British Columbia carrying 500 Sri Lankan refugees in August 2010. Human smugglers were said to be behind the operation.

The government claimed that Bill C-49 would toughen penalties for human smugglers and make it easier to prosecute them. Opposition parties denounced the bill, saying it was flawed and unconstitutional. Critics argued the bill penalized migrants who arrive via human-smuggling operations, since it imposed penalties such as detention of the foreign national and inability to apply for permanent residency for five years.

The bill died when the recent federal election was called.

With a majority government, the Conservatives no longer need the support of opposition parties to pass the proposed law.

"Criminal networks" are charging people "tens of thousands of dollars" to transport them to Canada illegally, Kenney told CTV's Question Period on May 22. "We know those operations are still going on in East Asia. So this legislation will come forward fairly early to try to deter them."



Présence accrue de travailleurs étrangers au Québec

René Mantha

(English translation follows)

Des pénuries de main d'œuvre persistantes ont compliqué la gestion des programmes en place.

Depuis le début des années 2000, la demande de main-d'œuvre étrangère en agriculture a considérablement augmenté au Québec. Les raisons sont fort simples : baisse de la natalité, amélioration de la situation de l'économie et des emplois, réduction du nombre de fermes mais augmentation des superficies cultivables des fermes restantes.

Les pénuries de main-d'œuvre saisonnière n'ont pas donné le choix aux agriculteurs québécois de faire appel aux travailleurs étrangers.

De 1974 à 2002, les producteurs agricoles québécois ont essentiellement employé des travailleurs du Mexique et des Caraïbes de l'Est dans le cadre d'accords bilatéraux tels que le Programme des travailleurs agricoles saisonniers (PTAS).

En 2002, un nouveau pays s'ajoutait par le biais d'un nouveau Projet pilote relatif aux professions exigeant un niveau réduit de formation : le Guatemala. Huit ans plus tard, les guatémaltèques étaient aussi nombreux en agriculture que les travailleurs mexicains au Québec pour un total combiné de 7,000 travailleurs.

À l'été 2010, la Fondation des Entreprises en Recrutement de Main-d'œuvre agricole étrangère (F.E.R.M.E.) a signé une entente de recrutement avec le gouvernement du Honduras afin de diversifier les sources de main-d'œuvre temporaire de la province. D'ici quelques mois, on devrait comp-



Photo: F.E.R.M.E.

ter près de 300 travailleurs honduriens sur les fermes québécoises. Il s'agit d'un projet pilote et si l'expérience est concluante, F.E.R.M.E. prévoit augmenter ce nombre.

Les besoins en main-d'œuvre devraient continuer de croître au cours des prochaines années, après des augmentations annuelles de 15 à 20 pour cent dans la dernière décennie. La demande concerne principalement les travailleurs peu qualifiés. Les possibilités d'emploi ne se limitent pas à l'agriculture et F.E.R.M.E. dessert des entreprises de secteurs autres à titre de projet pilote, projet qui demeure restreint malgré que la situation puisse changer dans le futur.

L'année 2011 a été marquée par des changements importants dans les relations avec les pays participants et avec

les gouvernements du Canada et du Québec. Les relations avec le Mexique ont été marquées par l'abandon de l'examen médical qui n'est plus obligatoire pour venir travailler au Canada et par l'autorisation du gouvernement mexicain à l'effet d'instaurer une nouvelle déduction sur le salaire des travailleurs de 2,16\$ par jour de travail pour des dépenses des employeurs reliées au logement. Or, cette déduction n'est pas encore appliquée car l'autorisation de toutes les provinces était requise et quatre provinces dont le Québec l'ont rejetée. Elles exigent que l'accord bilatéral soit modifié pour signifier que le logement offert aux travailleurs n'est plus gratuit. Si cette clause était modifiée, alors la déduction serait approuvée par les provinces récalcitrantes. Ce dossier sera remis à



l'ordre du jour lors de la prochaine réunion annuelle d'évaluation du PTAS au mois de novembre prochain à Ottawa.

On note un alourdissement des procédures et délais dans le traitement des demandes de main-d'œuvre étrangère, tant ici au Canada par Service Canada, qu'à l'étranger par Immigration Canada et plus particulièrement par l'Ambassade du Canada au Guatemala. C'est sans compter les procédures et exigences additionnelles mises de l'avant depuis 2010 par le ministère de l'Immigration et des Communautés culturelles du Québec. Des modifications aux formulaires et systèmes informatiques ont aussi compliqué les procédures et allongé les délais pour les autorisations.

Apparemment, les nouvelles procédures visaient à accélérer le traitement, mais depuis deux ans il est plus difficile que jamais de faire venir des travailleurs étrangers temporaires. Une demande dont le délai de traitement en agriculture était d'une durée maximale de huit semaines a été allongée jusqu'à 12 voire 14 semaines. Ces délais sont tout à fait injustifiés et au cours des semaines et mois à venir, F.E.R.M.E. reverra avec les autorités gouvernementales tous les formulaires, toutes les procédures et modalités d'application afin de mieux se concerter et ramener les délais à des durées acceptables. Il est difficile pour les producteurs agricoles de devoir encore justifier les pénuries de main-d'œuvre et d'observer des délais si longs alors que la durée moyenne des emplois temporaires est de seulement 20 semaines.

En ce qui a trait aux autres secteurs d'activités, les délais sont d'environ 16 semaines pour des emplois d'une durée moyenne de huit mois même si les permis de travail peuvent être émis pour une durée de deux ans.

En outre, il faut maintenant composer avec le nouveau règlement de Citoyenneté et Immigration Canada (CIC) qui limite à une durée maximale de quatre ans le séjour d'un travailleur étranger temporaire au Canada avant de devoir rester dans son pays pour une durée de quatre ans avant de pouvoir revenir au Canada. Ceci implique qu'il y aura plus de roulement de personnel dans les postes temporaires.

En terminant, il faut signaler que les besoins sont là et l'absence de ces travailleurs nuit définitivement au développement économique. Il faut un coup de barre sérieux afin que la mission des gouvernements soit mieux définie et que l'appareil gouvernemental canadien et québécois soit mieux adapté aux besoins des entrepreneurs canadiens et québécois. Nous avons besoin d'un rôle plus facilitateur et non de barrières administratives sous le prétexte qu'il faut mettre en place plus de contrôles. Il faut bien comprendre que nous parlons de travailleurs étrangers temporaires et non de candidats à l'immigration permanente. Depuis plus de 20 ans, les travailleurs étrangers temporaires venant au Canada retournent dans leurs pays dans une proportion de 99,5 pour cent. C'est évidemment un grand succès qui est reconnu par l'ensemble des partenaires.

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HUMAN RIGHTS

UN expert calls on Peru to take action against slavery

Peru must do more to combat slavery within its borders, said United Nations (UN) rights expert Gulnara Shahinian on May 20.

Shahinian, the UN's Special Rapporteur on contemporary forms of slavery, spoke after a 12-day fact-finding visit to the country. She said that while Peruvian authorities have "demonstrated a strong will to combat contemporary forms of slavery, a lot remains to be done".

A 2010 report by the U.S. Department of State estimated that several thousand people are subjected to forced labour conditions in Peru. It stated that Peru "does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so."

Shahinian focused on forced labour in logging and mining, domestic servitude and child labour. Slavery in domestic servitude is largely invisible, and many of the victims are young, female and unaware of their rights, Shahinian said. She also blamed the gold rush in the Madre de Dios region in Peru's southeast for bringing lawlessness, forced labour, and sexual exploitation of minors and adults. In the logging sector, residents of remote, indigenous communities are often bound by debt for equipment and loans that lock them into a cycle of poverty.

Shahinian recommends enforcing existing legislation, creating separate criminal sanctions for slavery, "developing comprehensive protection mechanisms" and "reintegration and compensation schemes for victims."



Foreign workers on the rise in Quebec

René Mantha

Persistent labour shortages are met with increasing recruitment delays.

Since the turn of the century, there has been a considerable increase in the demand for foreign labour in agriculture in Quebec. The reasons are quite clear: a sharp drop in birth rates, improvements in the economic and employment situation, a decrease in the number of farms but an overall increase in the amount of land suitable for cultivation on the farms that remain in operation. This shortage of seasonal labour has left Quebec agricultural producers with very little choice except to appeal to temporary foreign workers.

From 1974 to 2002, Quebec agricultural producers had been hiring workers from Mexico and the eastern Caribbean as part of such bilateral agreements as the Temporary Foreign Worker Program (TFWP).

In 2002 a new country, Guatemala, was added to the agreement as part of a new Pilot Project for Occupations Requiring Lower Levels of Formal Training (NOC C and D). Eight years later, there are almost as many Guatemalan agricultural workers in Quebec as there are Mexicans, making up a combined total of 7,000 workers.

In the summer of 2010, the Foundation for Entrepreneurs Recruiting Foreign Agricultural Workers (F.E.R.M.E.), signed a recruitment agreement with the Honduran government to diversify the sources of temporary labour in the province. In the months to come, there should be 300 Honduran workers on farms in Quebec. If the results of this experi-

mental pilot project are conclusive, F.E.R.M.E. plans to increase this number.

Labour needs should keep rising over the next few years as we have seen yearly increases of 15 to 20 per cent in the past decade. The demand for labour is mainly concerned with low-skill jobs, although employment opportunities are not solely limited to the agricultural sector. F.E.R.M.E. does provide labour for other business sectors as part of a pilot project which is currently limited but could grow in the future.

The year 2011 has seen some significant changes in relations between countries participating in bilateral agreements with the Quebec and Canadian governments. For example the medical exam formerly required for Mexican workers coming to Canada is no longer mandatory. The Mexican government has also authorized a new income deduction for temporary workers at a rate of \$2.16 per day to cover the employers' accommodation expenses. This deduction has not been applied, because the authorization of all the provinces is required and four provinces, including Quebec, have not yet accepted it. They have requested that the bilateral agreement be amended to clearly state that free accommodation is no longer offered. If this clause is amended, then the deduction will be approved by the remaining four provinces. The file will be updated at the next annual evaluation meeting of

the TFWP, to be held next November in Ottawa.

There have also been longer delays to process requests for foreign labour and the procedures have become increasingly cumbersome. This has been noted not only here at home in Canada with Service Canada, but overseas as well in dealings with Immigration Canada, and in particular, with the Canadian Embassy in Guatemala. Further, there are additional procedures and requirements that have been put in place by the Ministry of Immigration and Cultural Communities of Quebec. Changes made to the forms and computer systems have also complicated and increased delays for authorizations.

Apparently, the new procedures aim to expedite the process, but over the past two years it has become more difficult than ever to get temporary foreign workers into the country. A request for a labour permit in the agricultural sector used to take a maximum of eight weeks and now it may take up to 12 or even 14 weeks for a request to be processed. These delays are not at all reasonable and in the upcoming weeks and months, F.E.R.M.E. and government authorities will work to improve dialogue. Forms and application procedures will be reviewed to bring those processing delays down to a more acceptable waiting period. It is difficult for agricultural producers to have to justify the labour shortages and then sit through such long delays in processing their requests when the



Photo: F.E.R.M.E.

Those left behind: Impacts of migration on Guatemalan women

Christine Hughes

Migration brings unexpected change in home communities.

In the spring of each year, as the farming communities in the highlands of Guatemala welcome the arrival of life-giving rains, many also experience the departure *al norte* of migrants bound for temporary agricultural work in Canada. Since 2003, mostly male Guatemalans have filled over 15,000 positions in Canada's labour-hungry agricultural industry. This labour migration has garnered increasing attention, but critical and supportive commentaries alike have largely overlooked the experiences of actors who are integral to these migration processes: the women that migrant men leave behind.

Research conducted in 2010 with migrant-sending households in Guatemala found that the daily lives of the women who stay behind change in ways that pose considerable burdens and have the potential to disrupt, but mostly reinforce patriarchal gender relations.

According to Citizenship and Immigration Canada, over 4,000 Guatemalan men worked in low-skill agricultural operations in Canada in 2010. They participate in Canada's Pilot Project for Occupations Requiring Lower Levels of Formal Training (NOC C and D), part of the Temporary Foreign Worker Program. The International

average employment period for this type of temporary work is only about 20 weeks.

As far as activities in other employment sectors are concerned, delays in processing requests average around 16 weeks for a job with an average employment period of eight months in cases where two-year work permits may be issued.

Moreover, the industry has to deal with new regulations set in place by Citizenship and Immigration Canada (CIC), which limit temporary foreign workers to a maximum of four years of work in Canada before having to return to their home country, where they must stay four more years before being allowed to return. This implies that there will be more rotation of staff in temporary jobs.

To conclude, it must be made clear that the labour needs are there and that the shortage of this type of temporary worker is definitely detrimental to economic development. There needs to be a serious shake-up so that the governments' goals are

more clearly defined. Moreover, the structure of the Canadian and Quebec governmental systems must be better adapted to meet the needs of business owners. Authorities need to play the role of facilitators instead of putting up more administrative obstacles under the pretext that more controls need to be put in place. It must be clearly understood that we are talking about temporary foreign workers and not candidates for permanent immigration. For the past 20 years, temporary foreign workers coming to Canada have returned to their home countries at a rate of 99.5 per cent, which is considered a great success and is widely recognized by all participating partners.

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Organization for Migration (IOM) and private producer agencies in Canada help to facilitate the migration of Guatemalans, whose contracts range from four months to two years.

Work in Canada is lucrative for most Guatemalan labour migrants. However, gendered analyses of migration direct us to ask about the impacts felt by women left behind, whose social reproductive labour enables men's migration. What hardships do they face? Aside from sharing in economic benefits from their partners' migration, might the absence of their husbands result in empowerment and greater independence for them in patriarchal contexts?

A 2006 IOM evaluation of this labour migration project suggests that it "contributes to improving the situation of women," in part because non-migrating female partners take up new roles and responsibilities that result in increased household power vis-a-vis their husbands. However, interviews conducted with some of these women in an indigenous farming village revealed a more complex situation in which male control in gender relations has largely continued.

Three trends emerged in women's experiences in their husbands' absence. First, new or intensified roles and responsibilities were added to women's already full days. These included assuming some of the departed men's farm work or managing day-labourers, handling finances and making purchases that usually would fall under men's purview, on top of single-handedly caring for their children.

Other research has asserted that such increases in household management tasks are empowering or desirable for women. However, women in

this particular village gave the impression that they felt at best ambivalent. More often, they felt burdened by their partners' migration, citing stress and fatigue. One woman said, "I have a bit more control over everything, and I have more to take care of as well... I have to think about how to do everything." Instead of being empowering, women described these periods without their husbands as times that they "got through" or "resigned themselves to." Another woman encapsulated her feelings by saying: "He suffers there and I suffer here." Women tended to be content with roles and responsibilities reverting to "normal" when their husbands returned.

Interviews revealed a more complex situation in which male control in gender relations has largely continued.

The second issue that arose was continued or increased control and surveillance of women by migrant men and in-laws that curbed their independence and authority over household affairs. For instance, during telephone communication migrant men would often instruct women on such matters as how to handle remittance monies, and women would inform men on household-related actions they had taken. Some women's in-laws would manage remittances or direct them on certain decisions. Representatives at the municipal women's office suggested matter-of-factly but critically

that these actions are aimed at preventing women from usurping too much of men's power over household affairs during the migration period.

The third trend in the research, restrictions on women's mobility, relates to increased control over their lives. Some women said they hardly left the house while their partners were away, citing not only increased childcare responsibilities, but also the community's tendency to gossip and question women's faithfulness. One woman said, "people here don't think about the fact that they [the men] are suffering there, but rather about what they [the women] are doing here." Judith Adler Hellman, in her 2008 book *The World of Mexican Migrants*, describes this context as a shame culture "in which people —for better or for worse— mind each other's business."

These overall patterns in non-migrating women's experiences neither account for exceptions and nuances nor do they show how some women resisted controlling circumstances. For instance, a few women strategized to keep certain activities secret from their husbands. This is not to say that migration disrupted gender ideologies to any significant extent, however. Rather, it tended to reinforce forms of male privilege.

These findings suggest research should be more attentive to the experiences and perspectives of non-migrating female partners, to counter the migrant-centric accounts in labour migration literature. At the policy level, the Guatemalan government could consider providing support to women left behind. Leith Dunn and Heather Gibb provide illustrative examples of social work supports in the Jamaican context in the *Canadian*



Development Report 2010. Finally, community women's groups in Guatemala, perhaps with funding from Canadian sources, could be more attentive to the needs of non-migrating women by offering discussion groups or childcare opportunities.

There is no end in sight to the desire among Guatemalan families to improve their condition through labour migration to Canada. Policy-makers and researchers cannot overlook the burdens that non-migrating women bear in providing vital support to men's migration, and by extension, to the Canadian economy. Nor can analysts assume that men's migration is a universally positive or empowering experience for female partners. Needs assessments could be done and supports put in place to ensure that the benefits from labour migration to Canada do not accrue at the expense of Guatemalan women's quality of life.

Christine Hughes is a PhD candidate in sociology at Carleton University in Ottawa. Issues raised in this analysis are further explored in her forthcoming dissertation and a chapter authored in the forthcoming book, Legislated Inequality: Temporary Migrant Workers in Canada, edited by Patti Lenard and Christine Straehle, to be published by McGill-Queen's University Press in 2012. She can be reached at: chughes@connect.carleton.ca.

MIGRATION RESEARCH TOOLS

FOCAL launches new research tool to visualize migration

In February 2011, FOCAL launched the web-based mapping tool, Mapping Migration from the Americas (www.mappingmigration.com), providing researchers with a simpler and more dynamic way of accessing migration data collected both in Canada and in Latin America and the Caribbean (LAC).

The Mapping Migration from the Americas project maps the flow of temporary foreign workers from six countries in the LAC region to Canada, along with key complementary information such as labour market and development indicator data.

Labour flows from LAC to Canada have been increasing over the past decade. In 2010, Canada attracted more than 182,000 temporary foreign workers in both skilled and low-skill occupations. Many of these workers came from traditional source countries such as Jamaica and Mexico, but an increasing number of temporary workers are arriving from Colombia, El Salvador and Guatemala.

"There is a need to better understand the nature and changing patterns of temporary foreign worker flows to Canada from the LAC region, but also to better understand the social and economic impacts of migration both in Canada and in sending countries. [The maps] will also allow user groups such as government agencies, policy-makers and migration experts and organizations to better understand



the relationship between migration and development," says FOCAL Project Manager, Tandy Shephard.

This is the first time migration data has been mapped utilizing Geographic Information System (GIS) technology to display the spatial distribution of temporary foreign workers across Canada and in sending countries.

Since the launch, researchers such as Evelyn Encalada Grez, author of FOCAL's recent policy brief *Vulnerabilities of female migrant farm workers from Latin America and the Caribbean in Canada*, have made use of the data in their research.

The project thus far has mapped migration flows from Colombia, El Salvador, Guatemala, Jamaica, Mexico, and Trinidad and Tobago. This interactive mapping tool allows this migration data to be layered and crossed with other datasets. Users can zoom in for detail or pan across maps, perform refined searches and sort results using the query function. FOCAL has made the maps available for public use in publications, presentations and educational materials, if properly referenced.



Réforme fédérale et maintien sous silence des travailleurs migrants victimes d'abus au Canada

Eugénie Depatie-Pelletier

(English translation follows)

Les récents changements en immigration renforcent la vulnérabilité des travailleurs migrants.

Le 1er avril 2011 sont entrés en vigueur de nouveaux amendements à la section du Règlement sur l'immigration et la protection des réfugiés qui encadre les programmes d'admission de travailleurs étrangers sous statut légal temporaire, désormais préférés aux programmes d'immigration par l'administration fédérale (voir Figure 1). La réforme assurera que seuls les employeurs avec offre d'emploi authentique soient autorisés à embaucher ces travailleurs sous permis de travail, sans toutefois réduire la vulnérabilité tant décriée de ces travailleurs.

Au contraire, les travailleurs étrangers temporaires seront dorénavant pénalisés en cas d'abus par l'employeur ou par leur agence de placement et, ainsi, seront maintenus sous silence ceux d'entre eux dont les droits et libertés sont bafoués. Par ailleurs, l'administration fédérale niera officiellement à ceux d'entre eux occupant un emploi « peu spécialisé », après leur quatrième année au Canada, le droit de continuer à participer au développement socio-économique du pays — même si leur employeur est encore réellement affecté par une pénurie de travailleurs.

Plus précisément, au lieu de minimiser la vulnérabilité des travailleurs migrants temporaires face à leurs employeurs, les modifications feront en sorte qu'ils seront jugés fautifs, perdront immédiatement leur droit de travailler au Canada et risqueront la déportation vers le pays d'origine (et la perte de l'ac-

cess au statut permanent si employé à titre d'aide familiale) si le gouvernement fédéral apprend et confirme que leur employeur a violé les conditions du programme d'emploi telle que l'obligation de respecter la législation applicable en matière de travail ou de recrutement. De plus, si l'on se fie au communiqué émis par Citoyenneté et immigration Canada (CIC) le 23 mars dernier, le gouvernement fédéral jugera également fautif tout travailleur étranger temporaire ayant payé les services d'une agence de placement ou d'un consultant en immigration non autorisé par la loi, et niera par le fait même leur droit de travailler au Canada, même dans le cas où ils auraient été eux-mêmes victimes de fausses représentations.

Permis lié à l'employeur et non-accès à la justice

Les systèmes provinciaux visant à protéger les droits de la personne et les droits des travailleurs, auxquels est limitée la protection des droits des travailleurs étrangers temporaires vu le non-interventionnisme de CIC et de Ressources humaines et Développement des Compétences Canada (RHDCC), demeurent basés sur le dépôt d'une plainte officielle contre l'employeur. Toutefois, compte tenu des risques encourus en cas de renvoi par l'employeur (notamment la perte du droit de travailler au Canada), les travailleurs étrangers temporaires placés

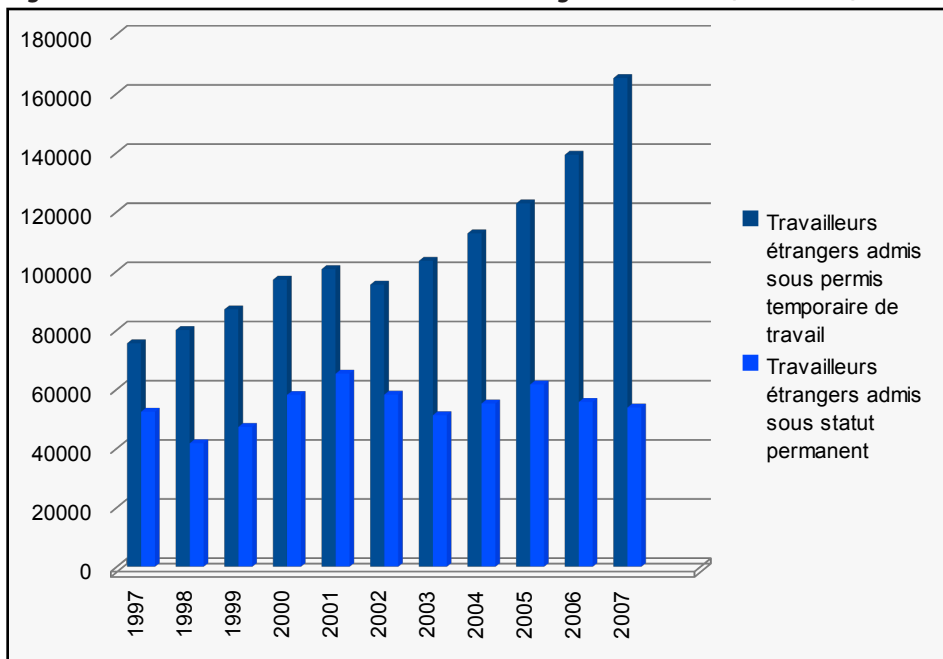
sous permis de travail lié à l'employeur, sous menace implicite ou explicite de déportation, refusent généralement de porter plainte contre leur employeur en cas de violation de droits.

Aussi, en mai 2009, le Comité permanent sur la citoyenneté et l'immigration (CIMM) de la Chambre des Communes du Canada a déposé un rapport dressant une liste de recommandations au gouvernement fédéral afin que soit minimisée la vulnérabilité des travailleurs étrangers temporaires. En particulier, le CIMM y notait que le permis lié à l'employeur donne à ce dernier « énormément de pouvoir sur son employé » et recommandait de le remplacer par un permis lié à une province et un secteur d'emploi spécifiques. Il expliquait aussi de quelle façon l'obligation de résider chez l'employeur rend le travailleur étranger temporaire vulnérable et recommandait en conséquence l'abolition de ce type de condition, imposée notamment au sein du Programme des travailleurs agricoles saisonniers et pour les travailleurs admis pour emploi à titre d'aide familiale.

Les rares travailleurs étrangers temporaires en emploi peu spécialisé renvoyés injustement par leur employeur qui ont par le passé obtenu un soutien communautaire suffisant pour porter plainte ont vu les limites de leur capacité financière à rester au Canada sans travail, de leur détermination à vivre séparé de leurs enfants et époux ou de leur droit de résider au Canada être at-



Figure 1: Admissions annuelles de travailleurs étrangers au Canada (1997-2007)



Source: CIC Faits et Chiffres 2008

teintes avant de réussir à obtenir justice et réparation. Le CIMM avait d'ailleurs recommandé au gouvernement fédéral d'accorder la possibilité de demander le statut permanent à tous les travailleurs étrangers temporaires au Canada, peu importe le type d'emploi occupé, ce qui permettrait finalement un accès réel à la justice en cas de violation de droit subie au pays.

Le gouvernement a toutefois décidé de continuer à nier aux travailleurs étrangers temporaires en emploi peu spécialisé la possibilité de demander le statut permanent et ce, malgré le fait que la majorité des pénuries de travailleurs comblées par ces derniers ne sont pas de nature temporaire, mais au contraire constantes sinon croissantes au Canada. Par exemple, le nombre de travailleurs étrangers temporaires employés à titre d'aides familiales a quadruplé entre 1996 et 2006 alors que le nombre venant dans le cadre du PTAS a doublé, passant tous deux à plus de 20 000 en 2006 (voir Figure 2, p. 15).

Au lieu de reconnaître leur apport per-

manent à la société canadienne, et plutôt que d'imposer aux employeurs une limite au nombre de renouvellements annuels autorisés pour l'embauche de travailleurs sous permis temporaire, le gouvernement fédéral vient de décider de pénaliser les travailleurs étrangers temporaires ayant quatre années d'expérience de travail au pays, en leur interdisant l'accès au marché du travail canadien durant quatre ans. Cette nouvelle mesure ne s'applique pas toutefois aux travailleurs admis sur la base d'un accord international (tel que le PTAS).

Hypocrisie fédérale

Tant et aussi longtemps que les permis de travail seront liés à l'employeur, il sera faux d'affirmer que les travailleurs étrangers temporaires sont protégés au pays au même titre que les travailleurs canadiens. Aussi, tel que le rappellent depuis plusieurs années notamment les Travailleurs Unis de l'Alimentation et du Commerce du Canada, tant et aussi longtemps que l'admission de

travailleurs étrangers temporaires sera autorisée par RHDCC dans des secteurs d'emploi provinciaux où la négociation collective n'est pas protégée, telle l'industrie agricole en Ontario, ou non couverts par la législation en matière de santé et sécurité au travail, tel le secteur des services domestiques au Québec, il sera hypocrite d'affirmer que les employeurs autorisés à embaucher ont d'abord fait un « effort » pour employer de la main-d'œuvre canadienne.

Finalement, tant et aussi longtemps que la grille de sélection pour l'immigration ne reflètera pas tous les besoins du marché du travail canadien et donc que les travailleurs étrangers temporaires en emploi peu spécialisés n'auront pas la possibilité de demander la résidence permanente, le système régulant l'admission de travailleurs étrangers temporaires sera systématiquement abusé par les employeurs canadiens et utilisé pour des pénuries de travailleurs non temporaires, au détriment de l'emploi des Canadiens et de la qualité des conditions de travail au pays.

Eugénie Depatie-Pelletier est coordonnatrice du sous-axe de recherche sur les travailleurs étrangers temporaires du REDTAC-immigration/CÉRIUM. Elle complète actuellement son doctorat à la Faculté de droit de l'Université de Montréal sur les programmes de travailleurs étrangers temporaires en emploi peu spécialisé au Canada. On peut accéder à ses principales publications ou lui écrire sur sa page: http://www.cerium.ca/_Depatie-Pelletier-Eugenie.



Federal reforms and the silence of abused migrant workers in Canada

Eugénie Depatie-Pelletier

Changes to immigration policy reinforce the vulnerability of migrant workers.

On April 1, 2011, amendments to the Immigration and Refugee Protection Regulations came into effect, changing admission programs for legally recognized temporary foreign workers —now the option preferred by the federal government over permanent immigration programs (see Figure 1, p. 13). The reforms will ensure that only employers with a genuine job offer will be authorized to hire temporary foreign workers through a work permit. However, they do nothing to reduce the long-decried vulnerability of these workers.

In fact, temporary foreign workers will be further penalized in cases of federal recognition of an abuse by the employer or placement agency and, therefore, those whose rights and freedoms are violated will be encouraged to keep silent. Moreover, the government will officially revoke the right of temporary foreign workers occupying “low-skill” jobs to continue their participation in the socio-economic development of the country after their fourth year in Canada —even if their employer still faces a labour shortage.

More specifically, rather than reducing the vulnerability of temporary foreign workers at the hands of their employers, the amendments imply that workers will be deemed non-compliant, and will lose their right to work in Canada (and could face deportation to their home country or lose their access to permanent resident status if employed as live-in

caregivers), if the federal government learns and confirms that their employer has violated conditions of the employment program, such as the obligation to respect applicable work- and recruitment-related legislation. In addition, according to a news release issued by Citizenship and Immigration Canada (CIC) on March 23, 2011, the federal government will also deem non-compliant any temporary foreign worker who has paid for the services of a placement agency or of an immigration consultant not authorized under the law. The government will deny workers the right to employment in Canada on these grounds even if they were victims of false representation.

Work permits tied to employers and non-access to justice

The provincial systems intended to protect human and workers' rights —to which the protection of temporary foreign workers' rights are limited, given the hands-off approach of CIC and Human Resources and Skills Development Canada (HRSDC)— still depend on the act of filing an official complaint against the employer. Given the losses and risks associated with being fired by their employer (most importantly the end of the right to work in Canada), and therefore implicit or explicit threats of deportation, temporary foreign workers hired under work permits tied to the employer often prefer not to file a complaint against an

employer's violation of their rights.

In response to this situation, the House of Commons Standing Committee on Citizenship and Immigration (CIMM) issued a report in May 2009 that outlined recommendations to the federal government in order to minimize the vulnerability of temporary foreign workers. In particular, the Committee's report noted that a work permit tied to a specific employer gives employers “considerable power over the employee” and recommended it be replaced by a work permit linked to a province and a specific job sector. It also detailed the ways in which the obligation of residing with the employer put the temporary foreign worker at risk and consequently recommended the elimination of such conditions, imposed primarily within the Seasonal Agricultural Worker Program (SAWP) and for workers admitted as live-in caregivers.

In the past, the few temporary foreign workers in low-skill jobs who were unjustly fired by their employers and have obtained sufficient community support to file a complaint have, prior to obtaining justice and reparation, reached the limit of their capacity to survive financially in Canada without the right to work, of their determination to live apart from their loved ones, or of their right to be on the Canadian territory. The Committee further recommended the federal government grant all temporary foreign workers the possibility of requesting perma-



nent residency regardless of the type of work performed, which would at the minimum ensure a possibility of meaningful access to the justice system should their rights be violated while in the country.

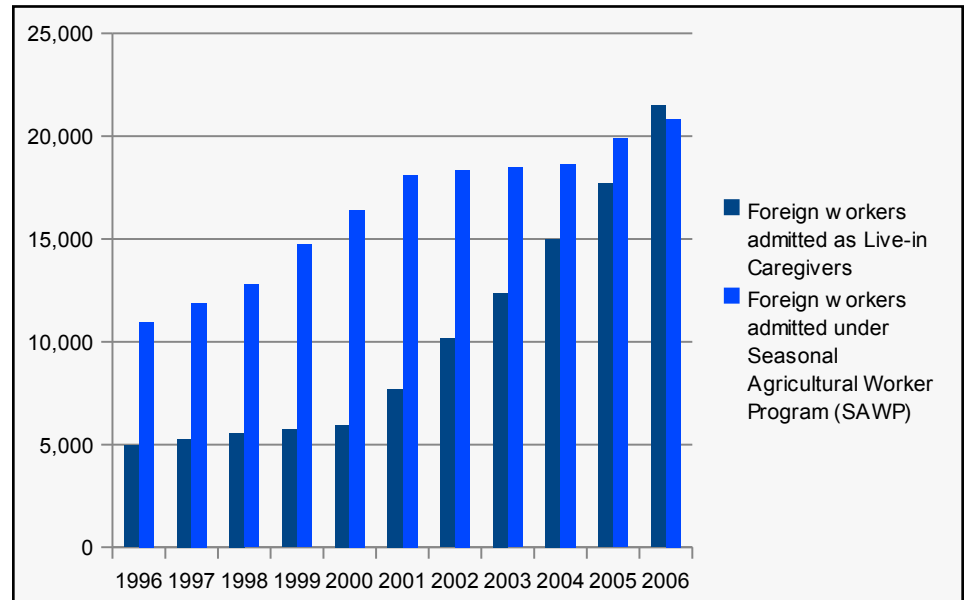
Nevertheless, the government decided to continue denying temporary foreign workers occupying low-skill jobs the possibility of requesting permanent residency, despite the fact that the majority of labour shortages these workers fill are not of a temporary nature, but rather are constant if not on the rise in Canada. For example, the number of temporary foreign workers employed as live-in caregivers quadrupled between 1996 and 2006, and the number arriving via the SAWP doubled: both programs totalled more than 20,000 in 2006 (see Figure 2).

Instead of recognizing their permanent contribution to Canadian society or imposing a limit to employers on the number of authorized annual renewals for hiring foreign workers on a temporary work permit, the federal government recently decided to penalize the foreign workers themselves after four years of work experience in Canada, by denying them further access to the Canadian labour market for four years. These new measures do not apply, however, to workers admitted through an international agreement (such as the SAWP).

Federal hypocrisy

As long as work permits are tied to the employer, temporary foreign workers will not receive the same protection as their Canadian counterparts. As organizations such as the United Food and Commercial Workers Canada have pointed out, as long as HRSDC continues

Figure 2: Number of foreign workers employed in Canada as live-in caregivers or under the SAWP on Dec. 1, 1996-2006



Source: Eugénie Depatie-Pelletier 2007

to authorize the admission of temporary foreign workers to provincial job sectors where collective bargaining is not protected (e.g. the agricultural industry in Ontario) or that are not covered by workplace health and safety legislation (e.g. the domestic services sector in Québec), it is hypocritical to assert that employers authorized to hire these workers have first made an "effort" to hire Canadian workers.

Finally, as long as the selection criteria for immigration do not reflect all of the Canadian job market's needs and, consequently, that temporary foreign workers in low-skill jobs do not have the option of requesting permanent residency, the system regulating the admission of temporary foreign workers will be systematically abused by Canadian employers and used to address non-temporary labour shortages, to the detriment of Canadian employment and the quality of working conditions in this country.

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Una nueva era de migración temporal mexicana en Canadá

Ofelia Becerril Quintana

(English translation follows)

El crecimiento del programa no está beneficiando a los trabajadores temporales.

La reunión de abril de 2011 entre los gobiernos de México y Canadá—que culminó con la firma de un nuevo memorándum, la aprobación de modificaciones a las normas migratorias, y el diseño del Plan de Acción Conjunto—ha reabierto la discusión sobre las bases del acuerdo bilateral y el futuro de la movilidad laboral temporal de migrantes mexicanos hacia Canadá.

En 2010 trabajaron en el marco del Programa para Trabajadores Agrícolas Estacionales (SAWP, por sus siglas en inglés) 15,809 trabajadores mexicanos, en comparación con 203 en 1974. Sin embargo, con los desplazamientos recientes de trabajadores temporales a través del Proyecto Piloto para Ocupaciones que Requieren Menores Niveles de Formación (NOC C y D), es evidente que las condiciones de trabajo se han deteriorado aún más, el empleo temporal es cada vez más precario, las políticas de migración y empleo temporal están en proceso de desregulación, y se han diversificado los desplazamientos según género, grupos étnicos, clase y estatus migratorio.

En su fase actual el SAWP presenta un vertiginoso dinamismo, al incrementarse el número tanto de migrantes mexicanos y caribeños como de empleadores (2,000 aproximadamente) que participan en el programa. Para el caso mexicano, la demanda de empleo se ha expandido en nueve provincias canadienses y el reclutamiento de trabajadores tiene lugar en todos los estados de México. Hoy la contratación laboral se reparte principalmente en tres provincias (53 por ciento en Ontario, 20 por ciento en Quebec y

19 por ciento en Columbia Británica). A diferencia de hace casi cuatro décadas, los migrantes mexicanos se emplean en un mayor número de procesos productivos, cuentan con amplias trayectorias laborales, cumplen contratos de trabajo de más tiempo, constituyen un grupo de trabajadores estable y se distribuyen de manera más extensa en la geografía rural de Canadá. Los migrantes, tanto hombres como mujeres, provienen principalmente del Estado de México (18 por ciento), Tlaxcala (13 por ciento), Veracruz y Puebla (7 por ciento), y Guanajuato y Michoacán (6 por ciento).

Si bien las trabajadoras migrantes constituyen sólo un cuatro por ciento del total de los trabajadores del programa, también es posible observar una tendencia creciente y constante de empleo femenino mexicano en la agricultura canadiense. En 2010, 609 trabajadoras mexicanas fueron contratadas en el marco del SAWP, en comparación con las 37 incluidas por primera vez en el programa en 1989. Mientras los hombres están dispersos en nueve provincias, la mayor inserción laboral de mujeres se da en la región de Niágara y el área de Leamington, en Ontario. No obstante ni en la literatura ni en la agenda política ha sido atendida de manera suficiente la problemática específica de las trabajadoras mexicanas. Gran parte de los trabajadores son casados en tanto que las trabajadoras son madres solteras, mujeres divorciadas, separadas o viudas, incluso con hijos pequeños. El género, entendido como un sistema social, moldea los patrones, procesos y experiencias de migración tanto de hombres

como de mujeres, como sostiene Pierrette Hondagneu-Sotelo en su artículo publicado en 2008. Por ello es importante considerar las implicaciones que tiene el hecho de que los trabajadores dejen a sus hijos con sus esposas mientras que las trabajadoras los dejan con la abuela, la hermana o la hija mayor. El número y edad de los hijos tiene repercusiones en los arreglos y compromisos que los migrantes de ambos sexos y sus grupos domésticos tienen que hacer para reorganizar su vida durante su ausencia, pero para las mujeres es más difícil porque la decisión de migrar depende de la negociación que hagan con algún familiar para dejar resuelto quién desempeñará las funciones de cuidado de los hijos y trabajo doméstico mientras que ellas están en Canadá. Las cambiantes posiciones generacionales también han realineado tanto la vida diaria de los migrantes mexicanos como el mercado laboral en Canadá; hoy en algunos casos, ya están participando en el programa dos generaciones de trabajadores, el padre y el hijo, la madre y la hija.

Por otra parte, el Proyecto Piloto NOC C y D funciona desde 2004 como un permiso de trabajo otorgado por el gobierno federal canadiense que permite al migrante mexicano trabajar para empleadores autorizados que requieren mano de obra de baja cualificación en la industria de la agricultura, la construcción, la manufactura y los servicios. Mediante este mecanismo, el gobierno de Canadá legaliza y regula una acción de empleo que ya estaban llevando a cabo varias empresas al contratar temporalmente a trabajadores extranjeros.



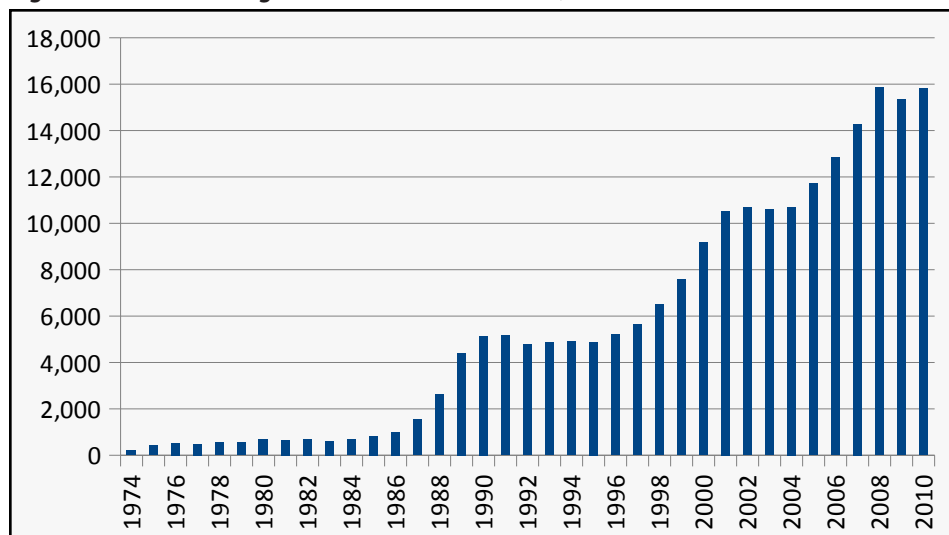
Regulación y desregulación

Las recientes políticas migratorias de empleo temporal de trabajadores mexicanos en Canadá están basadas en estrategias más generales que pueden explicarse con lo que algunos autores han llamado "gloves-off economy" según argumentan Annette Bernhardt, Heather Boushey, Laura Dresser y Chris Tilly en su estudio de 2008. Dichas políticas y procesos migratorios temporales en el marco del SAWP y del Proyecto Piloto se orientan hacia procesos de regulación de regímenes laborales flexibles que implican la organización del trabajo basándose en el género, la raza, la clase, la etnia, la nacionalidad y el estatus de migración, y de desregulación de los procesos de reclutamiento que conllevará la movilización de instituciones federales y provinciales, reclutadores, agencias privadas canadienses, intermediarios mexicanos y redes sociales. Estas nuevas modalidades de reclutamiento de fuerza laboral latina, caribeña y filipina, entre otras, permitirán que los empleadores canadienses puedan contratar cada vez más a migrantes temporales sin ninguna vigilancia ni control de parte de los gobiernos respectivos. Así, está emergiendo una nueva era de la migración temporal en Canadá, que podría compararse con lo que está ocurriendo también con los migrantes temporales en Estados Unidos.

Los procesos de desregulación del empleo temporal se han fortalecido a partir del Proyecto Piloto. Sin embargo, aún se desconoce el impacto que tendrá dicho proyecto en ambos países. Al parecer, está teniendo tanta importancia que dentro de pocos años el flujo migratorio de mexicanos temporales hacia Canadá que generará será tan importante o más que el flujo de trabajadores migratorios del propio SAWP.

El Proyecto Piloto NOC C y D se ha institucionalizado desde julio de 2004. En

Figura 1: Número de migrantes mexicanos del SAWP, 1974-2010



Fuente: Secretaría del Trabajo y Previsión Social, México

2009 participaron las siguientes provincias: Alberta (51.2 por ciento de los trabajadores), Quebec (16.4 por ciento), Columbia Británica (10.3 por ciento), Ontario (8.4 por ciento), Saskatchewan (4 por ciento), Manitoba (3.1 por ciento), Nueva Escocia (2.1 por ciento), y Nuevo Brunswick, Isla del Príncipe Eduardo, Terranova y Labrador, Nunavut, Territorios del Noroeste y Yukon (4.46 por ciento en conjunto, en orden de importancia). Si en 2006 participaron 12,304 migrantes, en 2009 fueron 30,488 migrantes temporales de distintos países; en síntesis, hubo un incremento de un 40 por ciento, según datos del Ministerio de Recursos Humanos y Desarrollo de Competencias de Canadá.

En el Proyecto Piloto NOC C y D el período de contratación de los migrantes temporales extranjeros es mayor que en el SAWP, pues puede ir de uno hasta dos años. Además, las condiciones de trabajo son distintas ya que el empleador no está obligado a proporcionar vivienda para el trabajador y el estatus temporal del migrante cambia, pero no puede aspirar a vivir permanentemente en Canadá.

La expansión del trabajo temporal para extranjeros en Canadá no se ha visto reflejada en el incremento de la calidad del

empleo tanto para los migrantes mexicanos como para los migrantes caribeños, guatemaltecos y filipinos. Por el contrario, las políticas migratorias de regulación del trabajo y de la vida de los trabajadores temporales y las políticas de desregulación de los mecanismos de reclutamiento laboral apuntan a un escenario donde las condiciones de trabajo no se verán mejoradas, en particular en cuanto a bajos salarios, inseguridad laboral, irregularidad del empleo temporal, y estándares de empleo, vivienda y salud. Los sistemas de trabajo temporal se basan en formas flexibles y estrategias del uso del género, la raza, la clase, la etnia, la nacionalidad, el estatus de ciudadanía y la migración para reducir el salario en industrias altamente competitivas como las que participan en el SAWP y el Proyecto Piloto.

Ofelia Becerril es Profesora e investigadora en Antropología en El Colegio de Michoacán en México. Es investigadora principal en el proyecto trinacional "Trabajo transnacional, políticas laborales de género y organización familiar. Mujeres transmigrantes temporales de México a Estados Unidos y Canadá". Está interesada en las condiciones de trabajo de los trabajadores agrícolas temporales.



A new era of seasonal Mexican migration to Canada

Ofelia Becerril Quintana

The growth of the program is not to the benefit of temporary foreign workers.

The April 2011 meeting held between the governments of Canada and Mexico—which ended with the signing of a new memorandum, the approval of amendments to immigration regulations, and the design of the Joint Action Plan—has reopened discussions on the basis of the bilateral agreement and the future of temporary labour mobility for Mexican workers coming to Canada.

Under the Seasonal Agricultural Workers Program (SAWP), 15,809 Mexican workers were employed in 2010, compared to 203 in 1974. However, with the recent influx of temporary foreign workers under the Pilot Project for Occupations Requiring Lower Levels of Formal Training (NOC C and D), it is clear that working conditions have continued to deteriorate, temporary employment is increasingly precarious, immigration and temporary employment policies are being deregulated, and mobility has been diversified by gender, ethnic group, class and immigration status.

In its present phase, the SAWP is experiencing a dramatic rise in activity with the increase in the number of both Mexican and Caribbean migrants and of employers (approximately 2,000) participating in the program. In the Mexican case, the demand for work has increased in nine Canadian provinces, and workers are recruited from all Mexican states. Today, workers are hired to work mainly in three provinces (53 per cent in Ontario, 20 per cent in Quebec and 19 per cent in British Columbia). Compared

to almost four decades ago, Mexican workers are employed in a larger number of productive processes, they have greater labour possibilities, fulfill longer-term contracts, constitute a stable group of workers and are distributed throughout a larger area in rural Canada. They come mainly from the State of Mexico (18 per cent), Tlaxcala (13 per cent), Veracruz and Puebla (7 per cent), Guanajuato and Michoacan (6 per cent).

Although female temporary foreign workers constitute only four per cent of all the workers in the program, their employment in the Canadian agricultural sector has been growing at a constant rate. In 2010, 609 female Mexican workers were employed under SAWP, compared to the first 37 female participants in the program in 1989. While men were dispersed throughout nine provinces, women were mainly employed in the Niagara region and the Leamington area in Ontario. However, the particular situation of female Mexican workers has not been adequately dealt with either in the literature or in the policy agenda. A large proportion of the male workers are married, while the female workers are generally single mothers and divorced, separated or widowed women, with children whom they are still raising. Gender, understood as a social system, shapes immigration patterns, processes and experiences for both men and women as Pierrette Hondagneu-Sotelo maintains in her article published in 2008. Therefore, it is important to consider the implications of the fact that male workers leave their children with

their wives, while female workers leave children in the care of a grandmother, aunt or the eldest daughter. The number and age of the children have repercussions on the arrangements and commitments that migrant workers and their domestic units have to make to reorganize their lives during the migrant's absence, but it is more difficult for women because their decision to migrate depends on the negotiations that they can make with some family member who will look after the children and take on other domestic responsibilities while they are working in Canada. Changing generational positions have also realigned the daily lives of Mexican migrants as well as the labour market in Canada. Today in some cases, two generations of workers—fathers and sons, mothers and daughters—participate in the program.

Alternately, the NOC C and D Pilot Project, in place since 2004, functions as a work permit granted by the Canadian federal government that allows Mexican migrants to work for authorized employers who require low-skill labour for the agricultural, construction, manufacturing and service industries. Through this mechanism, the Canadian government legalizes and regulates an employment activity that several companies were already carrying out by hiring temporary foreign workers.

Regulation and deregulation

Recent migration policies relating to temporary employment of Mexican

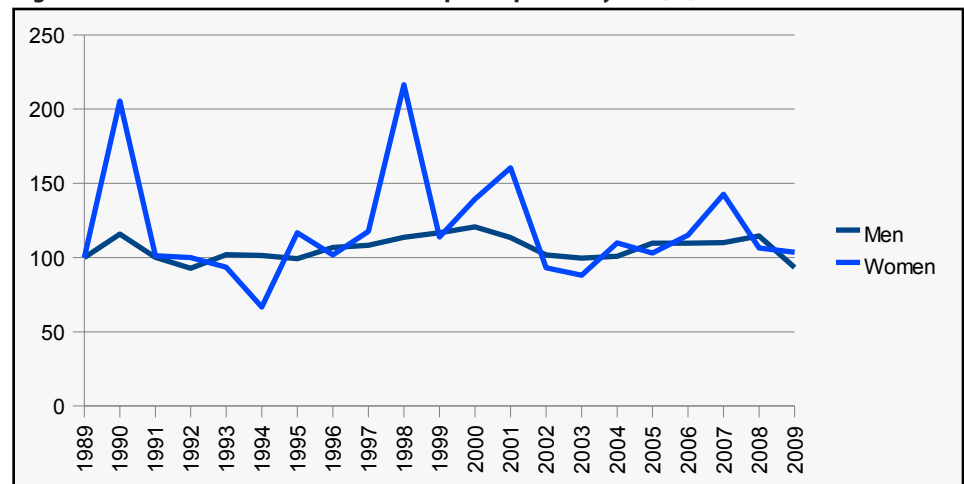


workers in Canada are based on more general strategies that can be explained by what some authors have called the “gloves-off economy,” according to Annette Bernhardt, Heather Boushey, Laura Dresser and Chris Tilly in their 2008 study. Such temporary migration policies and processes under SAWP and the NOC C and D Pilot Project aim to regulate flexible employment regimes that involve the organization of work based on gender, race, class, ethnic group, nationality and immigration status, and deregulate recruitment processes, which will lead to the mobilization of federal and provincial institutions, recruiters, private Canadian agencies, Mexican intermediaries and social networks. These new methods of recruiting Latin American, Caribbean and Philippine labour will increasingly enable Canadian employers to hire temporary foreign workers without any supervision or control by respective governments. Thus, a new era of temporary migration in Canada is emerging and can be compared to what is occurring with temporary foreign workers in the United States.

The deregulation of temporary employment has been strengthened by the NOC C and D Pilot Project. However, the impact of this project in both countries is still unknown. It seems to have gained enough momentum that within a few years the seasonal migration of Mexicans to Canada under the NOC C and D Pilot Project will match if not exceed the seasonal migration of workers under the SAWP.

The NOC C and D Pilot Project has been institutionalized since July 2004. In 2009, the following provinces participated: Alberta (accounting for 51.2 per cent of workers), Quebec (16.4 per cent), British Columbia (10.3 per cent), Ontario (8.4 per cent), Saskatchewan (4

Figure 2: Increase and decrease in SAWP participation by sex (%)



Source: Secretariat of Labour and Social Welfare, Mexico

per cent), Manitoba (3.1 per cent), Nova Scotia (2.1 per cent), and New Brunswick, Prince Edward Island, Newfoundland and Labrador, Nunavut, the Northwest Territories and the Yukon (4.46 per cent combined, in order of importance). In 2006, 12,304 temporary foreign workers were employed. By 2009 that number had increased to 30,488 workers from different countries. In summary, there was an increase of 40 per cent over the period, according to data from Human Resources and Skills Development Canada.

Compared to the SAWP, the length of the contract period is greater under the NOC C and D Pilot Project since it can be from one to two years. In addition, working conditions are different since the employer is not obligated to provide housing for the worker. The temporary status of the foreign worker changes, but the program does not offer the possibility of living permanently in Canada.

The growth of temporary employment programs for foreign workers in Canada has not reflected an increase in the quality of employment either for Mexican workers or for Caribbean, Guatemalan or Philippine workers. On the contrary, the combination of migra-

tion policies that regulate the employment and lives of temporary foreign workers and policies that deregulate labour recruitment mechanisms leads to a scenario where working conditions are not improved, in particular with regard to low salaries, labour insecurity, irregularity of seasonal employment, and employment, housing and health standards. Temporary employment systems are based on flexible models and use strategies related to gender, race, class, ethnic group, nationality, citizenship and immigration status in order to reduce salaries in the highly competitive industries that participate in the SAWP and the NOC C and D Pilot Project.

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ANNOUNCEMENTS

FOCAL set to launch Governance, Development and Public Opinion: A View of the Hemisphere project

The Canadian Foundation for the Americas has created a new, online interactive mapping tool to allow policy-makers and others to visualize relationships between governance and development by contrasting public opinion and government development data collected in Latin America. This project will inform public policy in the hemisphere through increasing understanding of the interrelation between key governance and development indicators among policy-makers, government bodies, experts, civil society in the hemisphere and Canada. Please visit the FOCAL website later in June to view the maps.

New policy brief: The Juancito Pinto conditional cash transfer program in Bolivia: Analyzing the impact on primary education

Ernesto Yáñez, Ronald Rojas and Diego Silva

In Bolivia, although primary education enrolment rates are high, major gaps persist for those who face higher opportunity costs to study. To address this situation, a conditional cash transfer program known as the Bono Juancito Pinto was designed for primary school students in 2006. The *ex ante* impact analysis presented in this policy brief suggests that the program has led to an increase in enrolment levels and reduced income inequality, yet its impact on poverty remains low. The paper is available in English (<http://bit.ly/jYn742>), French (<http://bit.ly/lm20qg>) and Spanish (<http://bit.ly/l3fqWd>).

FOCAL developing new mobile version of website for easier access on smartphones and tablets

FOCAL is making improvements to the mobile version of its website. A more streamlined appearance will provide direct access to essential FOCAL content and will minimize data consumption. Once the mobile version has been launched, users with smartphones and tablets will be automatically redirected to the mobile site. Users will have the option to switch back to the standard version to see the full FOCAL website.

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