

Keshra Hines

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Chizuru Ghelani, TA

Precarious Migrants: the Effect of Globalization and Neoliberalism

From the earliest stages of migratory history in Canada, migrant recruitment has been undertaken as a method to supplement labour shortages in the country (Martinez, Hanley, and Cheung 4). Today, the rising aging population around the world, alongside workforces that are “no longer willing to undertake difficult and often low-paying jobs such as ... caregiving,” has resulted in the rising need for long-term care workers (Law Commission of Ontario (LCO) 14; Browne and Braun 16). Developed nations have, once again, turned to migrant workers to address these needs (16), particularly through women. The surge in the transnational migration of women in search of work is largely a feature of the economic impact of globalization (16). However, in this time of increased migration as a means to access work and resources, a simultaneous imposition of restrictive immigration policies has occurred as well (Anderson, Sharma and Wright 5). According to Yasmeen Abu-Laban and Christina Gabriel, immigration policies in Canada have been “underpinned by a particular reading of globalization” that is informed by neoliberal ideals (47), which in turn affects immigration policy. Official Canadian discourse on immigration policy frames it as a policy that is efficient and compassionate, supporting the reunification of family and admission of refugees (Goldring, Bernstein and Bernhard). Canadian immigration policy, however, capitalizing on the uneven effects of global systems of inequality, works in the interest of upper class migrants, while simultaneously exploiting and marginalizing certain other migrants, such as domestic workers under the

Caregiver Program (formerly the Live-in Caregiver Program). Following a brief historical overview of foreign domestic labour recruitment, this paper will analyze Canadian policy on this program, looking at the conditions under which domestic worker migrants are permitted into and live in Canada through a critique of the interrelated issues of globalization, precarity, and neoliberal citizenship. First, I will be analyzing the impacts of globalization and its unequal effects on sending and receiving nations, which contributes to the precarious conditions of migrants in Canada. Following this, I will evaluate how neoliberalist ideals of citizenship, in connection to globalization, aid Canada's nation-building project, which constructs unequal boundaries of citizenship and also marginalizes migrants. Please note that this paper does not attempt to determine the intent behind Canadian immigration policy and practice, but rather analyzes its effects.

Throughout Canadian history, it is argued that live-in domestic work has been viewed as one of the least desirable occupations for women (Macklin 15; Oxman-Martinez, Hanley, and Cheung 4). Soon after Confederation, the Canadian government began promoting domestic work as viable option for British women, with a subsidized cost of passage (Macklin 15). Eventually, possible source countries were expanded to include other European women as well (15). The failure of the Canadian government to attract and retain migrant women in the domestic work sphere, alongside more women entering the workforce, meant the demand for "preferred" European domestic workers could not meet supply (Macklin 15; Hodge 62). In the early 1950s, the Canadian government began to accept "non-preferred migrants" from the Caribbean, under the Caribbean Domestic Scheme (Hodge 62). Although this program was abandoned in the late 1960s, Audrey Macklin argues that certain elements resurfaced in later policies, such as the live-in requirement rendering them vulnerable to exploitation (16). This scheme was followed by the

Foreign Domestic Movement (FDM) Program, which: required applicants to have related experience or training; did not give workers the same employment standards as other workers; threatened deportation if they left the job within two years; and was also “conditioned by criteria” intended to measure their ability to integrate in Canada (Macklin 20). This was followed by the Live-in caregiver program (LCP), which required living in the employers home, education standards, and formal training or experience requirements (Macklin 26). Under the Caregiver and Live-in Caregiver Program, migrants are allowed to find temporary employment in Canada with the possibility of securing future permanent resident status (Government of Canada – “Archived - Improving Canada's Caregiver Program”). The current program, now the “Caregiver Program,” no longer requires – but still allows – the live-in component (Government of Canada – “Archived - Improving Canada's Caregiver Program”).

Abigail Bakan and David Stasilius argue that the objective of categorizing domestic work as a temporary entrance into Canada was to create “an indentured or captured labour force, at low cost to the Canadian government, who were unlikely to quit regardless of how exploited their work and living situations” (34). As a result of the unequal effects of globalization and capitalism, many third world or underdeveloped countries are forced to migrate to find work. Programs such as the live-in caregiver program have enabled the Canadian government to capitalize on, and thereby reinforce, the economic inequalities of globalization that cause this migration (Hodge 60).

Globalization, according to Colette Browne and Kathryn Braun, is the “complex world transformation whereby the mobility of capital, organizations, ideas, discourses, and peoples has taken an increasingly global or transnational form” (18). Stasilius and Bakan argue that the socio-political construction of the domestic worker is replicative of the “unequal and exploitive

features of global relations” between developed and underdeveloped states (40). Furthermore, the global economic inequalities between nations such as Canada, a receiving country of domestic worker migrants, and the Phillipines, a large source country for these migrants, “create an ideal situation for the operation of the Live-in Caregiver Program” (Hodge 64).

Economic conditions in underdeveloped countries has forced many individuals to seek to enter developed nations in search of other opportunities, even if this requires a substantial deskilling in employment, which has resulted in over-representation of migrants from source countries in the Global South (Stasilius and Bakan 40; Goldring, Berinstein, and Bernhard). The Philippine government, for example, relies heavily on remittances sent back from domestic workers overseas, and has put training programs in place to encourage the exportation of labour (Browne and Braune 19). Stasilius and Bakan argue that the uneven relationship between the source and receiving countries are inherently reflected in the unequal status of the employer and employee, the citizen and the ‘non-citizen’ (42). Furthermore, the admissions of migrants as temporary residents with only the possibility of improved status is precarious by nature. Entering Canada under such conditions undoubtedly places migrants in a position vulnerable to exploitation.

In 2014 the Government of Canada made changes to the Live-in Caregiver program, asserting it “values the contribution caregivers make to Canadian families,” and that removing the live-in requirement will “provide more options to caregivers in Canada” (Government of Canada – “Archived - Improving Canada's Caregiver Program”). A Government factsheet on the Temporary Migrant Workers Program states that most temporary workers are limited to a period of four years of work in Canada, with the opportunity to apply for permanent residency “if that is their desire” (Citizenship and Immigration Canada). According to government rhetoric, limiting

the amount of time temporary migrants may work in Canada “encourages them to [apply]” (Citizenship and Immigration Canada). The language used in policy and other government communication reflects a positive acceptance and security of migrants that practice does not.

Luin Goldring and Patricia Landolt state that the situation of all non-permanent residents is one of precarity (117). According to the Law Commission of Ontario, precarity is characterized by lack of continuity, low wages, lack of benefits, as well as greater risk of injury and ill health (10). Under the previous caregiver program migrants were forced to live with their employers; such restrictions and conditions under which they were forced to work often left them prone to abusive employment situations as a result of fear of deportation or denial of immigrant status due to their precarious employment situation (Hodge 62; LCO 11). Such abuse or exploitation could include wrongful deduction of wages, unpaid overtime, and could even go as far as physical and sexual abuse. Such fear also often prevented them from accessing legal services they were entitled to (LCO 11). Within the live-in program, employers held a “great deal of discretionary power,” of the worker, whereas the employee had “no reprieve from her ascriptive status” (Macklin 14-15).

For many, the decision to risk continued employment by resisting exploitation had consequences that went beyond just personal unemployment (Faraday 27). For example, in “Profiting from the Precarious: How Recruitment Practices Exploit Migrant Workers,” Fay Faraday states that remittances from migrant Filipino workers across the world account for approximately 10% of the Philippines annual gross product; it is also estimated the one-third to half of the domestic population is dependent on these remittances as well (26). Thus, consequences of job loss affect more than just the individual, but also their families, communities, and even country (26).

Under the current Caregiver program, domestic workers are to live outside of the employers home, unless both parties agree on a live-in arrangement. As stated previously, the Canadian government has positioned this as providing “more options” to caregivers. The end of the live-in requirement is said to reduce vulnerable situations such as low pay, poor working conditions, “or worse,” until they are eligible to receive permanent residency status, and is also supposed to result in an increase in wages. (Government of Canada – “Archived - Improving Canada's Caregiver Program”). This positioning, however, effectively erases the inherent precarity in temporary legal status.

The 3900-hour work requirement needed with same employer to apply for permanent residency can result in migrant’s reluctance to leave an abusive employer or unsafe working conditions. Furthermore, figures show that after the implemented changes, Labour Market Assessment applications, needed to switch employers, had a ninety percent rejection rate between January and March 2015 (Tungohan). Application rejections also forces the workers to stay in exploitive situations in order to achieve permanent residency status (Tungohan), which furthers their precarious conditions.

Under the “improved” program, there are now two pathways to permanent residency: a caring for children pathway, and a caring for people with high medical needs pathway (Government of Canada – “Archived - Improving Canada's Caregiver Program”). Both pathways still require a two-year work period and language requirements, but now also call for “a Canadian post-secondary education credential of at least one year or an equivalent foreign credential” (Government of Canada – “Archived - Improving Canada's Caregiver Program”). 2,750 caregivers will be admitted under both streams each, capping admissions at 5,500 a year (Black).

Under this program, caregivers will no longer have what Debra Black describes as “universal access to permanent resident status.” This further entrenches their precarious status in that both their current *and* future status is not secure. Furthermore, the education requirement is difficult to achieve while working full-time, as required by program. Foreign credentials are also often unrecognized, an issue many women have faced upon migration (Hodge 63). The current system, though claiming to value workers contributions, effectually makes the path to permanent residency even more unattainable for domestic workers.

In discussing precarious legal status, Luin Goldstein, Carolina Berinstain and Judith Bernhard identify the importance of “locating discussions of citizenship and immigration status in the context of tendencies toward neoliberal citizenship and nation-building” (6). They also argue that rules regarding attaining citizenship shape the way immigrants are incorporated and how minority groups are treated in multicultural societies (24). Alongside the increase in amount and diversity of global migration is an increased inclination towards limiting the rights of, and obligation toward, “outsiders” (Stasilius and Bakan 29). Similarly, Bridget Anderson, Nandita Sharma, and Cynthia Wright argue:

Fewer people are now given a status that comes with rights (e.g., “permanent resident” or “refugee”) and more and more are legally subordinated (e.g., through the status of “illegal”) or are forced to work in unfree employment relations (including through the status of “temporary foreign worker.”) (6).

Joseph Carens further illustrates the link – or, more specifically the lack of a link – between legal permanent residency and non-permanent residency. He states that liberal democratic states admit tourists and other short-term visitors who are usually able to share the same civil rights as citizens of the nation for the (legal) duration of their trip, which he argues

challenges the idea that stable and secure rights always rest on citizenship status (420).

Neoliberal ideas of citizenship have transformed the boundaries of social membership, where long-term residence within a nation no longer coincides with social rights within that nation (Bhuyan and Smith-Carrier 2). Canada's temporary worker program is a prime example of this; the live-in program, once providing a path to permanent residency, still required at minimum two years of non-permanent status, and now comes with no insurance of status nor the full rights that come along with it.

The ideal neoliberal citizen is to be self-sufficient and entrepreneurial in character (Bhuyan and Smith-Carrier 6) – what some have called a “designer immigrant.” Abu-Laban and Gabriel state that the Canadian case suggests that the selection of immigrants into Canada has been “premised on the perceived needs of the Canadian economy” (48). Similarly, the Canadian Government's Economic Action Plan 2015 “confirms the Government's commitment to ensuring that the Temporary Foreign Worker Program continues to *promote Canada's economic and labour market interests*” [emphasis added] (Government of Canada – Action Plan). As such, Canada aspires to attract immigrants who are educated, skilled, and seemingly self-sufficient; a people with privileges of class that “embody the very spirit of neo-liberalism” (Abu-Laban and Gabriel 48, 52). Such immigration controls, however, create relations of domination and subordination (Anderson, Sharma, and Wright 8). Domestic migrant workers in Canada experience this in relationship dichotomies on employer-precarious employee as well as citizen-non-citizen levels.

As a result, current immigration policy has virtually rendered many, such as women, lower classes, and other such marginalized groups as “undesirable” (Abu-Laban and Gabriel 52). Macklin describes this precarious, non-permanent status as a “destabilizing phenomenon” of

simultaneous inclusion and exclusion, where economically “undesirable” migrants are at the same time admitted into Canada, but prohibited from political membership; employed, but often excluded from employee protection laws; and, although decreasingly so, a resident in a home, but not a part of the family (13-14). Immigration policy on who gets let in and on what terms – or status – has, as Anderson, Sharma, and Wright have stated, left “no room for migrants’ subjectivities, engagements, and actions.” (8). They are, rather, “constructed as objects of control, rescue, and redemption rather than as full human beings” (8).

In conclusion, this paper has analyzed the ways in which the Canadian government’s Caregiver program, under its current and previous changes, has been greatly impacted by globalization’s unequal effects on developed and less developed nations. The effects of globalization, such as low wages and lack of resources in developing countries, and a need for low-skilled, low-wage labourers in others has resulted in the precarious status and working conditions migrants live under in Canada. This relationship dichotomy, especially exemplified in the Philippines and Canada, is reflected in the relationships between employer and employee and citizen and non-citizen as one of dominance and subordination. Neoliberalism has contributed to this through the construction of the ideal neoliberal citizen who is self-sufficient and entrepreneurial, economically beneficial to the nation. The domestic worker, on the other hand, then comes to epitomize the opposite: she is reliant on the nation to provide her with a job market and services, and on her employer for employment. Thus, the domestic worker, like other “low-skilled” labourers such as agricultural workers, appear to be antithetical to Canada’s ideal citizen.

Government discourse on temporary migrants, however, is relayed in a positive and welcoming manner. One might see Canada's assertion that it "values the contribution caregivers make to Canadian families," as valuing the *contributors*, however current immigration policy and practice suggests that it is their economic benefit – providing cheap labour in jobs Canadians do not want – rather than the individual contributing that is of value. This view is exemplified in the precarity of their status; those seen as more beneficial to Canadian society have more direct paths to permanent residency and citizenship.

A senate report on social inclusion and cohesion also states that, despite its vulnerabilities, "Canada has been quite successful in integrating immigrants" (22). Considering such sentiments of the Canadian government, there appears to be a disjuncture between its views on immigration and the reality of temporary migrant workers. While on the one hand, the government believes it successfully integrates immigrants, on the other, it has policies in place, such as temporary work permits resulting in precarious and exploitive conditions that shape migrant incorporation into Canadian society. Immigration policy that is built on the precarity of migrant workers unavoidably leads to their exclusion, and thus not full incorporation, on social, political, and economic levels as a result of their lack of access to services, whether due to legal denial or fear of possible repatriation or employer retaliation.

"And what then are we to make of the state that admits foreigners for the very purpose of furnishing families with live-in servants?" (Macklin 13). Now without the live-in requirement, what, then, are we to make of the nation that furnishes itself with precarious and disposable labour? Regardless of the intent behind immigration policies and practices, in order to truly integrate immigrants in Canadian society successfully, strides must be taken in removing the precarious and unjust conditions migrants face.

Works Cited

- Abu-Laban, Yasmeen and Christina Gabriel. "Selling(out) Diversity in an Age of Globalization." *Daily Struggles: the Deepening of Racialization and Feminization of Poverty in Canada*. Canadian Scholars Press: 2008, 47-57.
- Anderson, Bridget, Nandita Sharma and Cynthia Wright. "Why No Borders?" *Refuge* 26.2 (2009): 5-18. Web.
- Bhuyan, Rupaleem, and Tracy Smith-Carrier. "Construction of Migrant Rights in Canada: is Subnational Citizenship Possible?" *Citizenship Studies** (2011): 1-40.
- Black, Debra. "New rules for federal live-in caregivers program." *Toronto Star*. *Toronto Star*, 28 Nov 2014.
- Browne, Collette and Kathryn L. Braun. "Globalization, Women's Migration, and the Long-Term-Care Workforce." *The Gerontologist* 48.1 (2008): 16-24.
- Carens, Joseph H. "Live-in Domestic, Seasonal Workers, and Others Hard to Locate on the Map of Democracy." *The Journal of Political Philosophy* 16.4 (2008): 419-445.
- Stasilus, Daiva K., and Abigail B. Bakan. "Foreign Domestic Worker Policy in Canada and the Social Boundaries of Modern Citizenship." *Live-in Domestic, Seasonal Workers, and Others Hard to Locate on the Map of Democracy*. University of Toronto Press: Toronto. 1997. 29-48.
- Government of Canada. "Temporary Foreign Worker Program." 1 Oct 2012.
- Citizenship and Immigration Canada. "Fact Sheet — Temporary Foreign Worker Program." *Government of Canada*, 1 Oct 2012.
- Faraday, Fay. "Profiting from the Precarious: How recruitment practices exploit migrant workers" *Metcalf Foundation*, Apr 2014. 1-97. Web.

- Goldring, Luin, Carolina Berinstein and Judith Bernard. "Institutionalizing Precarious Immigration Status in Canada." In M. Doucette, ed. CERIS Working Paper Series. 61 (2007). 1-40. Web.
- Goldring, Luin and Patricia Landolt. "The Impact of Precarious Legal Status on Immigrant's Economic Outcomes." *IIRP Study*, No.35. Institute for Research on Public Policy. Feb 2012.
- Government of Canada. "Archived - Improving Canada's Caregiver Program." 31 Dec 2014.
- Hodge, Jarrah. "'Unskilled Labour:' Canada's Live-in Caregiver Program". *Undercurrent* 3.2 (2006): 60-66. Web.
- Law Commission of Ontario "Vulnerable Workers and Precarious Work." Toronto: Dec 2012.
- Macklin, Audrey. "On the Inside Looking In: Foreign Domestic Workers in Canada." *Maid in the Market: Women's Paid Domestic Labour*. Wenona Giles and Sedef Arat-Koc, eds. Fernwood Publishers: 1994, 13-39.
- Oxman-Martinez, Jill Hanley and Leslie Cheung. "Another Look at the Live-in-Caregivers Program." *Centre de recherche interuniversitaire de Montréal sur l'immigration, l'intégration et la Dynamique Urbaine*, Sep 2004. 1-29. Web.
- Standing Senate Committee on Social Affairs, Science and Technology. "In from the Margins, Part II: Reducing Barriers to Social Inclusion and Social Cohesion." *Parliament of Canada*, June 2013. Web.
- Tungohan, Ethel. "Abuse and Barriers Increase Under New Caregiver Program Regulations." *Rabble.ca News for the Rest of Us*. *Rabble.ca*, 3 Sep 2015.