

The Ongoing Exploitation of Temporary Foreign Workers

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Introduction

The Government of Canada has issued work permits to over 300 000 Temporary Foreign Workers (TFWs) each year, for the past 5 years (Y Lu, 2020). Studies from 2015-2021, show exploitation exists at every stage of the Temporary Foreign Worker Program (TFWP). Recruiters, employers, lawyers/consultants, and the Government of Canada are all at fault for the ongoing exploitation TFWs face (Salami and Alaazi, 2018; Salami et al, 2019; Beatson et al, 2017). Studies about the TFWP often fail to consider the Canadian Government's role as an exploiter, instead focusing on the more direct exploitation employers and consultants enact. (Salami and Alaazi, 2018; Salami et al, 2019; Beatson et al, 2017; Landry et al, 2021; Robillard et al, 2018). Trailblazing research should examine the active role that the Government of Canada takes in exploitation, when it passes exploitative policy, and prevents positive reform.

Worker precarity

TFWs in Canada live precarious lives, with limited access to permanent residence and employment. This precarity stems from the fact that if a TFW stops working, or gets fired, they could be deported, or forced into undocumented status (Bhuyan, et al 2018). Worker precarity enables exploitation, coercion, and by extension, labour trafficking for many workers who enter Canada through the TFWP (Salami and Alaazi, 2018; Salami et al, 2019; Beatson et al, 2017; Landry et al, 2021; Robillard et al, 2018; Bhuyan et al, 2018; Vahabi and Wong, 2017; Strauss and McGrath, 2017). Workers experience exploitation across every stage of the TFWP beginning with recruitment. Some recruiters living in a TFW's host country will lie about the realities of the TFWP, speaking of untold opportunities and living conditions in Canada. In order to work in Canada, recruiters often charge upwards of \$30 000 for fees such as Labour Market Impact Assessment (LMIA) applications and plane tickets. These fees are legally required to be paid for by employers (Salami and Alaazi, 2018; Salami, et al, 2019). TFWs will often sell property, businesses, and spend their life savings, in order to live the experiences of the TFWP recruiter's lie of. This illustrates the limited information about the TFWP in worker's source countries.

Many TFWs are then exploited by employers. In some cases of employer exploitation, passports and IDs are taken away from TFWs in order to coerce them (Beatson, et al 2017). In many other cases, the threat of being fired, and by extension deported was enough leverage to force TFWs do whatever their employers said. This exploitation included, but was not limited to, wage theft, unpaid hours, unsafe work environments, and physical, psychological, and emotional abuses. Worker precarity is overwhelmingly the cause of these exploitations (Salami and Alaazi, 2018; Strauss and McGrath 2017). TFWs are forced to endure these exploitations because they have no other choice. Their precarious status means that if they choose to speak up and refuse the abuse, their employers can send them back to their source countries

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with no repercussions. Without an employer, TFWs have no right to stay in Canada, and will be required to go back to their source countries.

Not only are the consequences of deportation exacerbated by the exploitation they endured during the recruitment phase (Salami and Alaazi, 2018; Salami, et al, 2019), TFWs also face cultural and emotional barriers to their returns. Returning to their source countries is often seen as an embarrassment and a failure to themselves, and their local communities. They also often lose the ability to support their families, who were relying on them for financial support (Bhuyan, et al 2018). Contrary to working a temporary job, as Government of Canada assumes they will (Government of Canada 2021), TFWs most often use the TFWP as a means to achieve permanent residence status (PR status) (Robillard, et al 2018; Vahabi and Wong 2017; Bhuyan, et al 2018). The prospect of obtaining PR regularly became the primary motivator for TFWs to endure structural abuse in the program. Obtaining PR often meant a better life for the workers and their families, so a few years of exploitation became a reasonable price to obtain that life (Bhuyan, et al 2018).

Abuse of TFWs by their source countries also contributes to their precarity. Source countries have banned TFWs who attempt to unionize in Canada. This assists employers in exploiting TFWs because it contributes to workers' inability to garner collective bargaining rights and by extension, the ability to take a stand against their abusive employers (Binford 2019). Lawyers and consultants are another integral part of the TFWP that contribute to the exploitation and abuse of TFWs. Often, they are incompetent in addressing the needs of their TFW clientele, which is manifested in misinformation and mistakes while filing legal documents. Lawyers and consultants were also often found to be malicious, working with a worker's employer to assist with the exploitation (Salami and Alaazi, 2018). This contributes to worker precarity by leaving them with no reliable source of information or support, furthering TFWs dependencies on their abusive employers. TFWs are pushed into a state of subservient servitude where employers are able to exploit, coerce and abuse them with no repercussions. and the government of Canada has failed to make any meaningful change to combat it in the last 10 years (Beatson, et al 2017; Vahabi and Wong 2017).

Lack of Governmental Action/Supports

There is a dearth of articles about the exploitation of temporary foreign workers through the lens of Canada as an exploiter, however an element of it was contained in all articles in this review. An important finding in three of the selected articles was how human trafficking policy in Canada fails to address the unique experiences faced by TFWs, underscored by all victims of labour trafficking in Canada having been TFWs (Beatson, et al 2017; Bhuyan, et al 2018; Strauss and McGrath 2017). Labour trafficking is defined as coercion used to facilitate labour exploitation. That is an experienced faced by

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many TFWs, however the “threat of force” to recruit and/or bring people to Canada clause for human trafficking in Canada means that most cases never get prosecuted. Academic studies have shown that employers often threaten TFWs with violence and deportation in order to conduct wage theft, excessive work hours, unsafe conditions and harassment/assault, but there is a clear lack of knowledge and understanding of the temporary foreign worker program with officials, the public, and TFWs themselves (Beatson, et al 2017).

LMIA and work permit renewal processing times are often long enough such that TFWs current documents will expire, leaving them statusless (Salami, et al 2019). During this time TFWs are not allowed to work legally, leaving them with only two options. They can either try to live off their limited savings and wait it out, or they can work illegally, often subjecting themselves to being underpaid and exploited again. Both options put TFWs in a place of hardship and suffering (Salami, et al 2019). Deskilling is another issue with the temporary foreign program in Canada. Many TFWs come to Canada with secondary, graduate, and post secondary degrees. However due to the nature of the TFWP they are forced to do low-skilled work that they are overqualified for as TFW permits only allow for one type of work (contrary to what recruiters usually told them). Being forced to do the low skilled/low wage work is particularly harmful to TFWs as it becomes much harder to achieve PR status working in a low wage job. The situation becomes all the more exploitative when employers coerce TFWs to do this high skill work (eg. nursing) while still paying them as low skilled workers, the only work their contract allows for (Salami, et al 2019). In one study, participants go as far as saying Canada was the worst of the countries they had done temporary migrant work in, emphasising the deskilling and inhuman treatment in Canada’s program (Vahabi and Wong 2017).

In 2014 Jason Kenney, minister of employment for the government of Canada at the time, announced a series of reforms to the TFWP in an attempt to fix the issues and exploitations of the TFWP (Government of Canada, 2014). The reality of these reforms was that they only exacerbated the structural violence of the TFWP, and the abuses faced by TFWs. These reforms also normalized the losing of status for TFWs (Bhuyan et al, 2018). Instead of protecting workers, Canada continues to assist in the exploitation of TFWs, treating them like footloose capital rather than real people with real lives (Strauss and McGrath 2017). Taxation without representation is another example of the Canadian government exploiting TFWs. TFWs are forced to pay taxes towards policy like employment insurance without the ability to access it (Robillard et al, 2018).

It’s important to consider the Government of Canada’s motivations to make changes to the program. TFWs are unable to vote, and as long as the public is unaware of the exploitation, the government has no incentive to make positive reforms to the program. It does however, have incentive to please the employers who exploit TFWs, as the employers can, and will vote for the political party that is

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of most benefit for them. Policy that allows TFWs to be pushed into a state of subservient servitude where they are underpaid and overworked is of great benefit to employers. This is presumably why no positive humanitarian reform has been to the TFWP for the last 10 years. This lack of action is the most impactful abuse of the Canadian Government in the past 10 years. Despite experts consistently indicating the same problems, and suggesting similar sweeping changes as solutions (Salami and Alaazi, 2018; Salami et al, 2019; Beatson et al, 2017; Landry et al, 2021; Robillard et al, 2018; Bhuyan et al, 2018; Vahabi and Wong, 2017; Strauss and McGrath, 2017), Canada has made no meaningful progress besides a small errata to the still recent, and failing 2014 reforms.

Conclusion

Current literature overwhelmingly displays structural violence in the Temporary Foreign Worker Program. Worker precarity is the biggest factor that allows TFWs to be exploited. Incompetent bureaucracy and a lack of information about the program in the public, officials, and with TFWs themselves play a huge role in the exploitation as well. As such, structural change is needed to combat the exploitation faced by Temporary Foreign Workers. Policy concerning recruitment, work permits, LMIA applications, employer abilities, pathways to PR, lawyer/consultant credibility, EI, and human trafficking all need to be overhauled in order to address the unique experiences TFWs face. Knowledge translation efforts to teach this information to the public, politicians and TFWs must also be done to direct the government in the direction of positive change, and to teach TFWs of their rights and freedoms in Canada. This information is timely and important as the Government of Canada continues to employ over 300 000 TFWs a year, while refusing to make meaningful policy reforms to protect them from the obvious structural violence. Every day that goes by without reform, is another day where thousands of TFWs get coerced, exploited, and abused. Future research on the exploitation of TFWs should acknowledge this fact, and examine the topic through the lens of Canada as an exploiter.

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