

Foreign Migrant Workers in Alberta

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Introduction

Policy changes driven by Alberta's oil boom of the 2000s have resulted in unprecedented growth in the use of foreign migrant workers. At present, foreign migrant workers comprise as much as 8% of Alberta's workforce. This paper explores why employers have dramatically increased their use of foreign migrant workers as well as how and why the government has supported employers in this effort.

Alberta's experience with temporary foreign workers (TFWs) suggests that growing reliance on foreign migrant labour appears to disempower both migrant and Canadian workers. Foreign migrant workers have limited ability to realize their rights due to employment precarity and social isolation. Canadian workers face competition from less expensive and more docile foreign migrant workers, thereby heightening the consequences of resisting employer demands. These outcomes are consistent with the neoliberal prescription for restructuring the labour market, a prescription that Alberta's oil-boom appears to have accelerated.

Migrant Workers in Canada

Worldwide, approximately 200 million workers are employed outside of their home country.¹ Many migrants engage in employment-related geographic mobility (E-RGM), undertaking extended travel from places of permanent residence for the purpose of, and as part of, employment.² The temporary nature of E-RGM differentiates it from cases of migration involving permanent relocation, although E-RGM may entail temporary residency that lasts for significant periods of time.³ In Canada, Alberta's oil-boom has attracted tens of thousands of foreign and Canadian migrant workers to the province.⁴ Only a small portion of Alberta's foreign migrant worker population is directly employed in the tar sands. More foreign migrant workers are employed in related fields (e.g., construction). And even more migrant workers are performing service-sector jobs opened up by Canadian workers moving to jobs in or associated with the oil sector.⁵

Canadian governments have facilitated E-RGM for citizens via interprovincial credential recognition arrangements (e.g., the Red Seal program) and labour mobility agreements.⁶ For foreign nationals, the federal government operates several programs permitting non-citizens employment in Canada, such as the temporary foreign worker (TFW) program. This program allows employers to recruit foreign nationals to work in Canada on a temporary basis if the employer can demonstrate no qualified Canadian citizens are available to perform this work. In 2002, the federal government extended the program to include lower skilled workers (i.e., National Occupational Code classifications C and D). In 2006, the government established a list of "occupations under pressure" for Alberta and British Columbia, which reduced employer requirements for receiving Labour Market Opinions (LMOs), which grant permission to hire TFWs.⁷ In 2012, the federal government dramatically reduced the turn-around time for LMOs and amended wage rules to allow employers to reduce TFW wages.⁸

The TFW program specifies the location, the occupation and the employer for whom a TFW can work.⁹ In this way, the program significantly restricts TFWs' labour mobility.¹⁰ Restricted labour mobility compounds the effect of other characteristics of migrant foreign workers (e.g., limited knowledge of the laws, institutions and labour market, social isolation, language barriers and limited financial resources) that make them vulnerable to exploitation by their employers or labour brokers. Such exploitation often manifests itself in unpaid wages, dangerous work, and inadequate housing.¹¹ Bauböck differentiates among migrant workers on the basis of their freedom of movement and the

extent of their equality with permanent residents and citizens, suggesting five “classes” of migrancy.¹²

The growth in migrant workers can also be seen as a shift in Canada’s immigration policy, away from multiculturalism citizenship to differential exclusion¹³ or partial citizenship¹⁴, where migrants are granted access to certain aspects of citizenship (e.g. labour market) but excluded from other legal, political and economic rights. This situation creates a class of “transnational” workers, who are full citizens of neither the source or destination country¹⁵. Sharma notes that focusing on workers’ citizenship status masks the racist nature of Canada’s migrant worker programs.¹⁶

In addition to limited labour mobility and difficulty realizing employment rights, many migrants also experience heightened labour insecurity “...characterized by limited social benefits and statutory entitlements, job insecurity, low wages and high risks of ill health”.¹⁷ Employment precarity may further limit the willingness of migrant workers to exercise workplace rights and may reduce direct and indirect labour costs.¹⁸ For example, employers in Alberta’s petroleum sector have adopted a just-in-time model of staffing that offloads significant costs to workers.¹⁹

Migrant Workers in Alberta

Alberta has a long history of domestic and foreign E-RGM in agriculture.²⁰ From 1975 to 1982 and beginning again in 1998, Alberta also saw significant E-RGM caused by oil-driven economic booms. The majority of migrant workers during these booms came from other Canadian jurisdictions and, when the booms ended, migrants often returned to their home province.²¹ The boom of the 2000s was different in a number of ways. First, while there was still significant inter-provincial migration of Canadian workers, net interprovincial migration began declining in 2006 and was effectively zero by 2009.²² Second, this reduction in interprovincial migration of Canadian workers was offset by significant growth in both permanent immigrants and temporary foreign workers.²³

Between 2000 and 2011 (inclusive) there were approximately 230,000 TFWs admitted to the province, with nearly 165,000 admitted between 2006 and 2010 (see Table 1). Alberta’s “stock” of TFWs (i.e., the number of TFWs on December 1 of each year) rose from 15,714 in 2005 to 65,618 in 2009 before falling slightly in 2010 to stabilize at about 58,000. Not captured by these numbers is the (according to anecdotal reports) rapidly growing number of non-status (i.e., illegal) foreign migrants in Alberta. These include TFWs who stayed on after the expiration of their work permits as well as other foreign nationals who are working without a permit.

Table 1. Alberta TFWs Entries and Stock, 2000-2011²⁴

	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
TFW Stock	10,366	10,730	11,374	13,132	15,714	21,985	37,068	57,561	65,618	57,681	58,228
TFW Entries	11,392	10,011	9,191	10,546	12,679	18,507	29,288	38,994	28,545	22,992	25,542

This rate of increase in Alberta TFW stock has been much greater than in other Canadian provinces and includes a significant increase in the use of unskilled TFWs.²⁵ Before the 2002 and 2006 policy changes, TFWs were found working as university teachers, scientists, specialist technicians and entertainers. TFWs that arrived between 2005 and 2008 were more likely to be coming to work as cooks, clerks, cleaning staff, construction labourers and truck drivers.²⁶ In effect, there has been a significant shift downward in the skill level of the work that TFWs are being recruited to perform.

The growth in migrant workers was justified by employers and policy makers as necessary to address pressing labour shortages due to the economic boom. The TFW program was lauded as being responsive to employer demand and thus highly elastic. As the boom cooled, employer demand would ebb, which federal Immigration Minister Jason Kenney predicted would “translate into decreased number of temporary foreign workers.”²⁷ In the third quarter of 2008, Canada entered a recession, with unemployment rising during the last couple months of 2008 and 2009, only beginning to drop again in mid-2010. The provinces with the biggest booms – British Columbia and Alberta – witnessed the largest climb in unemployment rates.²⁸

Yet the predicted reduction in TFW stock did not happen. New entries of TFWs declined in 2009 and 2010, but the number of TFWs remains relatively stable, not far off the all-time high of 65,000 TFW in 2009. One explanation for their persistence is that employers, while reducing demand for new TFWs, are retaining existing TFWs despite unemployment among Canadian workers.²⁹ This shift suggests an important structural change in Alberta’s labour market: the addition of a permanent class of guest workers concentrated in the service sector with restricted labour mobility and other rights.

Worker Rights under the TFW Program

TFWs legally possess the rights guaranteed to all employees by Alberta’s employment legislation. As noted by then-Minister of Human Resources and Employment Iris Evans:

Ms Evans: ...In our department we offer foreign workers the same protection that other employees have working in this province, not only in occupational health and safety but by making sure that deductions are properly taken from their cheques, that employment standard complaints are followed up on in the same fashion. We hold workshops for employers, so they know what our expectations are.³⁰

These protections include minimum terms and conditions of employment under the *Employment Standards Code*, such as a minimum wage, maximum hours of work, overtime and vacations. They also include the rights to know, participate and refuse unsafe work under the *Occupational Health and Safety Act* and Code. TFWs are eligible for workers’ compensation benefits if injured, and possess the right to unionize under the *Labour Relations Code*. Despite possessing the same rights as Canadian workers, TFWs face two challenges to realizing these rights.

The first challenge (shared by all workers) is that enforcement of Alberta’s employment laws is mostly complaint-driven. Complaint-driven enforcement in Canada has been criticized for addressing only a minority of actual violations.³¹ The literature also suggests that workers frequently do not complain, when they perceive complaining to be ineffective.³² Alberta has a poor record of enforcing its employment standards and occupational health and safety laws.³³ Consequently, complaint-driven regulation has created a culture of non-compliance in Alberta, wherein workers routinely do not receive statutory entitlements.³⁴

The second challenge (unique to TFWs) is how TFWs’ circumstances limit their ability to realize their rights. The knowledge TFWs have of employment rights is limited and often provided by their employer. TFWs may also face significant language barriers and be socially isolated making them unable to access support systems. TFWs are also beholden to their employers for both their salary and their right to remain in the country, making complaint a high-stakes situation. All of these factors create additional barriers to TFWs accessing a complaint-driven enforcement system.

Not surprisingly, the increasing use of TFWs was soon followed by complaints of

exploitation and violation of worker rights. The list of such violation is long and includes substantial differences between promised and actual job descriptions, wages and other working conditions, unpaid overtime as well as other breaches of employment standards, and substandard housing often combined with excessive rent owed to the employer. TFWs also face racism and threats of deportation, illegal and exorbitant broker fees and misleading promises about permanent residency and citizenship.³⁵ That said, TFWs are not entirely helpless and some TFWs have successfully resisted these employment practices.³⁶

The Utility of Migrant Workers

TFWs come to Alberta because employers find them to be desirable employees. Some employers say that TFWs are necessary to alleviate domestic labour shortages.³⁷ It is enlightening to probe when this domestic shortage arose and why. Hiller's analysis of previous booms—when labour demands were met via interprovincial migration—suggests that E-RGM reflects combination of “push” and “pull” factors.³⁸

During the boom of the 2000s, there was a large surge in TFW entries beginning in 2006, reflecting employer recruitment efforts in the prior year.³⁹ Net interprovincial migrant began falling in 2007. This suggests that growth in TFW usage preceded declining inter-provincial migration. Further, interprovincial migration declined, despite relatively high unemployment in traditional “sending” regions—a situation that has historically been an important “push” factor.⁴⁰ This suggests that changing “pull” factors may have contributed to declining interprovincial migration. For example, while wages continued to increase in during the mid-2000, Alberta's cost of living increased even faster and workers frequently had difficulty securing housing.⁴¹ This dynamic broadly accords with neo-classical economic analyses of the TFW program which conclude the program distorts regional labour market patterns by suppressing inter-regional labour mobility from provinces of higher unemployment to areas of low unemployment.⁴²

Taken together, this evidence suggests that there was no absolute shortage of domestic workers, although inducing them to come to Alberta was increasingly expensive. It also suggests that employers may have viewed TFWs as a means of loosening the labour market and thereby containing wage demands.⁴³ Increasing the TFW workforce may also increase worker compliance due to limited labour mobility and access to employment rights.⁴⁴ Further supporting the substitution hypothesis is a number of instances during the 2008/09 recession when Alberta employers continued to employ TFWs while laying off Canadian workers.⁴⁵ It is not possible to prove cost containment was the main reason employers increased their use of TFWs, but the evidence is suggestive.

A slightly more nuanced employer explanation for growing use of TFWs is that there is a skills shortage in Canada. There are two reasons to doubt this explanation. Some employers have openly admitted that they game the LMO system in order to access lower-cost TFW.⁴⁶ More concerning is that there has been a significant shift in the TFW population: the proportion of TFWs in skilled jobs is declining while the proportion of TFWs in unskilled jobs is increasing.⁴⁷ Presumably it should be possible to engage any number of Canadian workers in unskilled work, assuming attractive wages and working conditions. Yet, instead, employers have sought large number of low-skilled TFWs.

There is some evidence to suggest that employers find TFWs desirable for their compliance and willingness to cede to employer authority. Alberta construction employers viewed TFWs as harder working, more willing to accept overtime and additional work, less likely to question or challenge and more appreciative of working

conditions.⁴⁸ These same employers reported that they were looking to TFWs as a long-term solution for their labour needs, in part because TFWs were seen as more compliant and also because they helped curb concerns about “high wages” in the sector.

Finally, hiring TFWs may be intended to reduce the labour market power of domestic workers. The impact of the growing number of migrant workers on Canadian workers is largely unstudied.⁴⁹ The availability of alternate sources of labour may undermine the militancy of organized labour to some degree. This certainly has been the case as employers have sought to displace unionized construction workers with non-union workers as well as workers who are members of employer-dominated “unions”.⁵⁰

The labour market experience of migrant workers broadly accords with neoliberal prescriptions of increasing efficiency and flexibility in the workforce. It is easier for governments to impose such an industrial restructuring on migrant workers than it is on Canadian workers due to (1) migrant workers’ lack of political power and (2) the perception that being allowed to work in Canada is a charitable act, for which migrant workers should be grateful.⁵¹ Once a low-cost workforce with minimal rights has been established, employers can use it to threaten the job security of Canadian workers and thereby undermine resistance to such restructuring.

Government Support for Migrant Workers

It is broadly accepted that government labour policy must mediate between the potentially conflicting demands of production and social reproduction.⁵² On the one hand, government must facilitate the capital accumulation process by allowing employers to produce goods and services in a profitable manner to encourage private investment. On the other hand, government must maintain its own legitimacy with the electorate as well as the legitimacy of the capitalist social formation. The operation of capitalist systems often negatively affects workers, who comprise the majority of the electorate. If enough workers experience low pay, poor working conditions, and workplace injury, they may lose confidence in a particular government or in the capitalist social formation.

Between 1971 and 2012, the Progressive Conservative government of Alberta managed these competing demands by (marginally) accommodating the demands of workers⁵³ while broadly continuing labour policies established by the former Social Credit government (1935-1971). These policies have favoured the interests of employer (in particular, the interests of the oil-and-gas and related industries) by facilitating union avoidance and repression combined with minimal enforcement of the limited statutory rights granted to workers.⁵⁴ The growing use of TFWs supports production but may threaten social reproduction. The government has managed the threat to social reproduction primarily by (incorrectly) framing TFWs as necessary, posing no threat to Canadian workers and facing no threat of exploitation.⁵⁵

Government MLAs began by noting that Alberta was experiencing a labour shortage due to both an aging workforce and a hot economy. Migrant workers were mooted as the only solution to this shortage. While Alberta did experience a significant labour shortage during the 2000s, TFWs were not the only solution.⁵⁶ The labour market may have returned to equilibrium as rising wages attracted more workers and/or employers reduced demand for workers.⁵⁷ The government could also have moderated the pace of oil sands development and provincial infrastructure spending, thereby dampening labour demand. This option was aggressively rejected.⁵⁸ That MLAs continued to advocate for TFWs during the recession of 2008 (despite rising domestic unemployment) further undermines this “there is no alternative” rationale and gives credence to the suggestion

that the government supported loosening the labour market to dampen wage demands, thereby benefitting employers.

MLAs attempted to deflect resistance to importing foreign workers by positing that TFWs do not threaten Canadian jobs. Specifically, they asserted that the federal LMO system only allows TFWs when there are no qualified Canadian workers available, TFWs are more expensive than domestic workers, and TFWs will return to their home country when the demand ends.⁵⁹ There is significant evidence that the LMO system is not necessarily robust and can be gamed by employers.⁶⁰ Evidence from 2009 and 2010 show that the TFW program was not as elastic as promised and that the TFW program allowed employers to retain TFWs when laying off domestic workers.⁶¹ Further, it is not clear that migrant workers are more expensive than domestic workers.⁶² Of greater concern is that temporary workers do not appear to be temporary. They have largely displaced internal migrants as a source of workers and a large, seemingly permanent class of unskilled migrant workers has emerged.⁶³ Further, there is mounting anecdotal evidence that a large number of foreign migrant workers (up to 100,000) have not returned “home” and remain as non-status immigrants.⁶⁴

Finally, MLAs sought to deflect criticism that the TFW program was resulting in exploitation of the TFWs by their employers by noting that TFWs have the same rights as Canadian workers.⁶⁵ As set out above, migrant workers face a variety of barriers to realizing their rights and an absence of complaints does not mean an absence of violations.⁶⁶ Further, there is clear evidence of widespread violations of Alberta employment law affecting TFWs.⁶⁷ Substantive response to criticisms of exploitation was limited to minor regulatory adjustments (e.g., restrictions on recruiting fees) and educational initiatives aimed at employers and TFWs (e.g., a TFW “hotline”).

Advancing employer-friendly labour-market policies is consistent with both past Alberta labour policy. It is also a common feature of petro-states, which frequently use large numbers of guest workers.⁶⁸ Yet, using demonstrably invalid narratives to justify employers’ use of TFWs entails political risk for a government that relies upon politically conservative voters for electoral support.⁶⁹ That the government has become, in effect, an apologist for employer recruitment practices and thus appears to sanction the substitution of foreign workers for domestics requires explanation.

One explanation is that Alberta’s energy and construction sectors are very influential in Alberta politics⁷⁰ and are very supportive of increasing access to TFWs.⁷¹ Leaders in these sectors have direct access to policy makers, significant political clout, and have been successful in ensuring the government looks after their interests.⁷² Such a highly concentrated, organized and influential capitalist class may be able to compel employer-friendly policy and leave politicians few options for maintaining legitimacy other than specious justifications.

An alternate (but not necessarily mutually exclusive) explanation is Conservative MLAs may view the migrant worker issue as relatively non-threatening. Although there was substantial opposition to the use (and abuse) of TFWs, opponents of TFWs did not mount a credible political threat to the Conservative government.⁷³ Indeed, the only threat that has emerged is from the right-wing Wild Rose Alliance party, which has a fundamental similar approach to the issue of TFWs. Indeed, the Conservative party’s 2012 election promised both greater access to foreign workers and weaker labour laws, particularly in the construction sector.⁷⁴ Specious justifications combined with stifling dissent,⁷⁵ a booming economy, and politically timed sops to labour groups may be adequate to manage this issue.⁷⁶

It may be, then, that the risks associated with increasing TFWs numbers are low and the potential rewards are high, thereby emboldening the government to favour the interests of capital. Another factor is that those who are most affected (i.e., migrant workers) can't vote. One of the assumptions in the analysis above is that the growing use of TFWs reflects an important change in Canadian policy and employer behaviour. Sharma suggests that this assertion is only true in the short-term; a historical examination of migrant labour suggests western governments have engaged in racist social policy throughout history.⁷⁷

Effect of Growing Migrancy on Democracy

Growing use of TFWs has a number of potentially negative effects on democracy in Alberta. At present, at least 3% of Alberta workers (and perhaps as much as 8%) have no political voice because they are not citizens.⁷⁸ In this way, lawmakers are less accountable to foreign migrant workers.⁷⁹ One implication of this dynamic is that there both are few political consequences associated with the exploitation of these workers and there are few political rewards associated with protecting them.⁸⁰ Not surprisingly, both employers and the Conservative government expect an increase in the number of TFWs during the next five years. This suggests that Alberta will have a large, vulnerable and growing group of workers with no political relationship to the state in which they work.

Growing use of foreign migrant workers also creates a two-tiered labour market, populated by citizen-workers and non-citizen-workers.⁸¹ Justifying the negative experience of TFWs as being based upon their lack of citizenship undermines the notion that there are basic labour and human rights that all governments must meet and enforce. Creating tiers of workers (who bear different rights) opens the door to denying rights on other bases (e.g., cost effectiveness). Further, Canadian workers also have their ability to enforce their rights undermined by the growth in TFWs. Loosening the labour market allows employers to credibly threaten workers who resist employer demands or participate in legitimate union activities with replacement. While overt threats of termination for union organizing are illegal, subtle threats of plant closings and layoffs are much harder to effectively police. Indeed, simply the presence of a replacement pool may cause workers to behaviour in a more compliant manner.

A docile labour force may also facilitate further weakening of worker rights. For example, the government has moved to expand the secondary labour market by making child labour increasingly accessible to employers.⁸² In 2011, the state also introduced a two-tiered minimum wage for servers in this industry at the behest of employer lobby groups.⁸³

A subtler effect of growing migrancy is that the state is increasingly ceding control over immigration to industry. The expansion of provincial nominee programs (wherein employers nominate workers to permanent residency) means that an increasing portion of newcomers are being selected based upon their utility to industry, rather than other factors (e.g., refugee status, non-employment desirability, family reunification). Recent changes to the immigration system by the federal government to facilitate transferring TFWs to permanent residency and the creation of a new skilled trades class further entrench industry's influence over immigration.⁸⁴ These changes to the TFW program by the federal government are consistent with how Gulf oil states and Asian tiger economies have sought to contain migration via programs that intentionally preclude long-term residency and family reunion.⁸⁵

Beyond labour policy, the presence of significant numbers of differentially excluded residents weakens social cohesion important for healthy democratic communities. For the migrant workers, their contingent presence in the community and their conflicted community identities (for home and destination communities) weaken their connection to geographic community⁸⁶, and their ownership of only partial citizenship rights marginalizes them from important community participation, creating a form of “institutionalized uncertainty”⁸⁷. Researchers into social cohesion have argued that this form of marginalization undermines the development of shared values, equal opportunity, trust and reciprocity that is important in building cohesive communities⁸⁸. Indeed, the presence of TFWs as economic competitors to Canadian workers, without accompanying social and political commonalities, can cause permanent residents to see migrant workers as part of the “other” whose interests are in competition to and in conflict with their own, thus undermining any potential for social solidarity.⁸⁹

Conclusion

As expected, Alberta’s oil boom has triggered a significant influx of migrant workers. Unlike previous booms, however, post-2000 migrants are increasingly likely to be foreign nationals, rather than interprovincial migrants. Foreign migrant workers are profoundly vulnerable to exploitation because of restrictions on their labour mobility and access to other employment rights. While the prevalence of foreign migrant workers has increased throughout Canada, the growth of TFW use in Alberta has been disproportionately high. Alberta’s oil economy appears to be at least partly responsible for that increase.

The government has managed the resulting exploitation of these workers primarily through messaging efforts and, to a lesser extent, by providing minor regulatory improvements. This suggests that the state has adopted the role of apologist for employer staffing decisions which directly damage migrant workers and indirectly damage domestic workers. The creation of an underclass of guest workers has been rapid and has profound implications for democracy.

In a narrow sense, the presence of large numbers of migrant workers possessing only limited citizenship rights weakens the labour power of all workers in the province by thrusting into the labour market a group of highly vulnerable, contingent, and racialized workers. More broadly the construction of a marginalized class of transnational workers undermines important social and community bonds that form an important part of the democratic fabric.

Further, TFWs, by softening labour shortages caused by rapid construction of tar sands capacity, deflect public attention away from more fundamental questions regarding Alberta’s economic and political priorities. By focusing on TFWs as the “solution” to labour shortages, and assuring that TFWs pose no threat to Albertans, the government neatly sidesteps the thornier debate about the pace of tar sands production and the desirability of building an economy around non-renewable energy. There are, of course, a wide range of tools at the government’s disposal to narrow political debate to issues amenable to the oil industry. The use of TFWs, and the narratives built around them, serve as one mechanism to constrain public policy debate, at the expense of democracy in the province.

The case of migrant workers in Alberta and the manner in which it is defended by the Alberta government demonstrates the power and influence of energy corporations on Alberta’s economy and politics. This may provide support for the broader thesis that Alberta has become a petro-state. But it is also an example of the processes employed by the energy industry to entrench, deepen and solidify their grip on Alberta politics. The

widespread use of migrant workers is not only an outcome of petro-politics, it is part of the process of constructing petro-politics. The construction of a permanent class of contingent, marginalized, racialized migrant workers becomes a necessary part of ensuring docile, reluctant workers who perceive their interests as aligned with those of their multinational employers.

¹ Crowley, H., and M. Hickman. "Migration, Postindustrialism and the Globalized Nation State: Social Capital and Social Cohesion Re-examined." *Ethnic and Racial Studies* 31, no. 7 (2008): 1222-1244.

² Green, A. "Is Relocation Redundant? Observations on the Changing Nature and Impacts of Employment-Related Geographical Mobility in the UK." *Regional Studies* 38, no. 6 (2004): 629-641; Temple Newhook, J., B. Neis, L. Jackson, S. Roseman, R. Romanow, and C. Vincent. "Employment-Related Mobility and the Health of Workers, Families, and Communities: The Canadian Context." *Labour/Le Travail* 67 (2011): 121-155.

³ Edmonston, B. "Measuring the Effect of Immigration on Population Growth." In *The Demography of Migration*, 29-72. The Netherlands: Springer-Verlag Publishing, 2010; Edmonston, B. "Internal Migration." In *Canada's Population Situation*, 190-206. Montreal: McGill-Queen's University Press, 2011.

⁴ Hiller, H. *Second Promised Land: Migration to Alberta and the Transformation of Canadian Society*. Montréal: McGill-Queen's University Press, 2009; De Guerre, K. *Temporary Foreign Workers in Alberta's Oil Sector*. Sussex: Sussex Centre for Migration Research, University of Sussex, 2009. In 2007, there were approximately 24,300 migrant workers employed in the Regional Municipality of Wood Buffalo (the administrative region surrounding Fort McMurray) which comprised 26% of the RMWB population. Approximately half of these workers were from other provinces and 3% of these workers came from outside of Canada. Mech, M. "A comprehensive guide to the Alberta oil sands". Green Party of Canada, 2011. http://www.greenparty.ca/sites/greenparty.ca/files/attachments/a_comprehensive_guide_to_the_alberta_oil_sands_-_may_2011.pdf

⁵ Foster, J. "Making Temporary Permanent: The Silent Transformation of the Temporary Foreign Workers Program." *Just Labour* In press (2012). In this way, Alberta's most recent oil boom intensified an existing trend towards an increasing use of foreign migrant workers. See also Foster, J. and A. Taylor. "Permanent Temporary-ness: Temporary Foreign Workers in Alberta's Construction Trades". Canadian Industrial Relations Association Annual Conference. Fredericton, New Brunswick, June 2011. Previously, demand for workers was met via accessing domestic migrants, often from Atlantic Canada. See Hiller, *Second Promised Land*.

⁶ In 2006, Alberta signed the Trade, Investment and Labour Mobility Agreement (TILMA) with British Columbia facilitated interprovincial movement among regulated professions. This was expanded to include Saskatchewan in 2009 when the three provinces signed the New West Partnership Trade Agreement (NWPTA).

⁷ Fudge, J., and F. McPhail. *The Temporary Foreign Worker Program in Canada: Low-skilled Workers as an Extreme Form of Flexible Labour*. Working Paper 45. Melbourne: Centre for Employment Law, University of Melbourne, 2009. http://celrl.law.unimelb.edu.au/files/Fudge_working_paper_2009.pdf.

⁸ Human Resources and Skills Development Canada. Temporary Foreign Worker Program: Backgrounder. Ottawa, 2012.
http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/communications/background.shtml These changes include shortening turn-around time on LMOs for high-skill occupations to 10 business days and allowing employers to pay up to 15% less than the regional median wage in high-skilled occupations and 5% less than the regional median wage in low-skill occupations if an employer can demonstrate that its Canadian workers also receive such wages. These changes have occurred at the same time as the federal government has increased in the age at which Canadians can receive Old Age Supplement payments and tightening of the rules around Employment Insurance benefits. Critics charge this is an effort to make more workers available to employers in order to loosen the labour market. Alberta Federation of Labour, "Harper's low-wage agenda laid bare with EI changes." May 24, 2012. Edmonton.
<http://www.afl.org/index.php/Press-Release/harpers-low-wage-agenda-laid-bare-with-ei-changes.html>

⁹ Trumper, R., and L. Wong. "Temporary Workers in Canada: A National Perspective." *Canadian themes/Themes Canadiens*, no. Spring (2011): 83-89 identify a series of restrictions on the rights of migrant workers that form core characteristics of the TFW program, including work permits tied directly to employment status, restriction of labour mobility rights by requiring formal permission to change employers or working conditions, and prohibition on applying for work permits or changing immigration status from within the country. See also Sharma, N. "Freedom to Discriminate: A National State Sovereignty and Temporary Migrant Workers in Canada." In *Citizenship and Immigrant Incorporation*. 163-183. New York: Palgrave Macmillan, 2007. In addition to the temporary foreign worker program, Canada also has programs specific to agricultural workers (Seasonal Agricultural Workers Program - SAWP) and live-in caregivers (Live-in Caregiver Program - LICP).

¹⁰ Wong, L.T. "Canada's Guestworkers: Some Comparisons of Temporary Workers in Europe and North America." *International Migration Review* 18, no. 1 (1984): 85-98; Martin, P. *Managing Labor Migration: Temporary Worker Programs for the 21st Century*. Geneva: International Institute for Labour Studies, 2003; Abella, M. "Policies and Best Practices for Management of Temporary Migration". Turin, 2006.
http://www.un.org/esa/population/migration/turin/Symposium_Turin_files/P03_SYMP_Abella.pdf.

¹¹ Wilkinson, M. "Out of Sight, Out of Mind: The Exploitation of Migrant Workers in 21st-century Britain." *Journal of Poverty and Social Justice* 20, no. 1 (2012): 13-21; Otero, G., and T. Preibisch. *Farm Worker Health and Safety: Challenges for British Columbia*. Burnaby: Simon Fraser University, 2010; Pastor, M. and S. Alva. "Guest Workers and the New Transnationalism: Possibilities and Realities in an Age of Repression." *Social Justice* 31, no. 1-2 (2004): 92-112.

In Canada, workers report difficulty utilizing the labour rights they do have, although there are instances where TFWs do exercise such rights, despite the risk. Nakache, D., and P. Kinoshita. *The Canadian Temporary Foreign Worker Program: Do Short-term Economic Needs Prevail over Human Rights Concerns?* Institute for Research on Public Policy, 2010; Valiani, S. *The Shift in Canadian Immigration Policy and Unheeded Lessons of the Live-in Caregiver Program*. Ottawa, 2009; Alberta Federation of Labour. *Entrenching Exploitation: The Second Report of the Alberta Federation of Labour Temporary Foreign Worker Advocate*. Edmonton: Alberta Federation of Labour, 2009.

But see also Foster, J. and B. Barnetson. "Justice for Janitors in Alberta: The Impact of Temporary Foreign Workers on an Organizing Campaign." *Journal of Workplace Rights* 13(1) (2012): In press.

¹² Bauböck, R. "Temporary Migrants, Partial Citizenship and Hypermigration." *Critical Review of International Social and Political Philosophy* 14, no. 5 (2011): 665-693. TFWs fall primarily into Bauböck's guest-worker category, where there is controlled admission conditioned upon return to their home country. These workers typically have limited mobility and equality. TFWs selected for the provincial nominee program transition towards permanent residence and fuller rights. Similarly, some migrants (e.g., nannies) may be admitted as guest workers with initial temporary status but who expect to eventually become permanent residents with full mobility rights and equality. TFWs who have stayed after their permits have expired are irregular migrants with no right to be in the country. They may experience greater (albeit illegal) mobility but are much less able to realize employment rights. Finally, Bauböck identifies migrants with citizenship status who have full movement and legal rights, such as interprovincial migrants.

¹³ Castles, S. (2000). *Ethnicity and Globalization: From Migrant Worker to Transnational Citizen*. London: Sage.

¹⁴ Vosko, L. (2010). *Managing the Margins: Gender, Citizenship, and the International Regulation of Precarious Employment*. New York: Oxford University Press.

¹⁵ Castles, S. and M. Miller. (2009). *The Age of Migration: International Population Movements in the Modern World* (4th edition). New York: The Guilford Press.

¹⁶ Sharma, N. *Home Economics: Nationalism and the Making of "Migrant Workers" in Canada*. Toronto: University of Toronto Press, 2006. Migrant workers, often from the global south, are accorded the fewer and/or different rights accorded migrant workers is often attributed to their lack of citizenship. Emphasizing citizenship status obscures that migrant workers are predominantly from the global south and, thus, members of ethnic, cultural and/or linguistic minorities. In this way, differential treatment is systemically racist. Sharma also helpfully notes that using migrant workers to generate wealth is an extension (and refinement) of long-standing colonial practices of wealth appropriation by western countries.

¹⁷ Vosko, L. "Precarious Employment: Towards an Improved Understanding of Labour Market Insecurity." In *Precarious Employment: Understanding Labour Market Insecurity in Canada*, 3-42. Montreal: McGill-Queen's University Press, 2006. P. 4

¹⁸ Wilkinson "Out of Sight, Out of Mind"; Bernstein, S., K. Lippel, E. Tucker, and L. Vosko. "Precarious Employment and the Law's Flaws: Identifying Regulatory Failure and Securing Effective Protection for Workers." In *Precarious Employment: Understanding Labour Market Insecurity in Canada*, 203-220. Montreal: McGill-Queen's University Press, 2006.

¹⁹ Ferguson, N. "From Coal Pits to Tar Sands: Labour Migration Between an Atlantic Canadian Region and the Athabasca Oil Sands." *Just Labour* 17 (2011): 106-118.

²⁰ Danysk, C. *Hired Hands: Labour and the Development of Prairie Agriculture, 1880-1930*. Toronto: University of Toronto Press, 1995; Thompson, J. "Bringing in the Sheaves: The Harvest Excursionists, 1890-1928." *Canadian Historical Review* 58, no. 4 (1978): 467-498; Thompson, J., and A. Seager. "Workers, Growers and Monopolists: The 'Labour Problem' in the Alberta Beet Sugar Industry During the 1930s." *Labour/Le*

Travailleur 3 (1978): 153-174; Laliberte, R. "The 'Grab-a-Hoe' Indians: The Canadian State and the Procurement of Aboriginal Labour for the Southern Alberta Sugar Beet Industry." *Prairie Forum* 31, no. 2 (2006): 305-324; Laliberte, R., and V. Satzewich. "Native Migrant Labour in the Southern Alberta Sugar-beet Industry: Coercion and Paternalism in the Recruitment of Labour." *Canadian Review of Sociology and Anthropology* 36, no. 1 (1999): 65-85.

²¹ Hiller, H. *Second Promised Land*.

²² Alberta. *2010 Annual Alberta Labour Market Review*. Edmonton: Government of Alberta, 2011.

²³ Alberta. *Alberta Immigration Progress Report 2011*. Edmonton: Government of Alberta, 2011.

²⁴ Alberta. *Alberta Immigration Progress Report 2011*.

²⁵ Foster, "Making Temporary Permanent."

²⁶ Foster, "Making Temporary Permanent".

²⁷ Kenney, J. Quoted in Interview with the Honourable Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism. *Canadian Issues/Themes Canadiens* Spring: (2010): 10-13

²⁸ From 2008 to 2009, unemployment climbed 36%, or by 400,000 people. While the recession was relatively short-lived in Canada, its initial impact was quite deep, with employment dropping at a faster rate than in any post-war recession. Cross, P. "How Did the 2008-2010 Recession and Recovery Compare with Previous Cycles?" *Canadian Economic Observer* January 2011. <http://www.statcan.gc.ca/pub/11-010-x/2011001/part-partie3-eng.htm>

²⁹ Discussion in the Alberta legislature provides anecdotal support for this argument. For example, see Alberta, Alberta Hansard, 16 March 2009 (Mr. Goudreau, PC), pp. 393-4 and Alberta, Alberta Hansard, 5 May 2009 (Mr. Goudreau, PC), p. 964.

³⁰ Alberta, Alberta Hansard, 8 March 2007 (Ms. Evans, PC), p. 20. For a fuller discussion of this assertion, see Barnetson, B. and J. Foster. "Political Justification of Employment-Related Geographic Mobility in Alberta." Working paper. Edmonton: Athabasca University (2012).

³¹ Adams, R. "Employment Standards in Ontario: An Industrial Relations Systems Analysis." *Industrial relations/Relations Industrielles* 42, no. 4 (1987): 46-64. There is substantial evidence of widespread violations of employment standards in Canada. Ontario. *Annual Report of the Auditor General*. Toronto: Government of Ontario, 2004. noted that between 40% and 90% of proactive inspections (varying by sector) found violations of minimum standards. Arthurs, H. *Fairness at Work: Federal Labour Standards for the 21st Century*. Ottawa: Labour Standards Review Commission, 2006 found similar rates of non-compliance federally, with 25% of federal employers not in compliance with most obligations under Part III of the federal act and 75% not in compliance with at least one provision.

³² Weil, D., and A. Pyles. "Why Complain? Complaints, Compliance and the Problem of Enforcement in the US Workplace." *Comparative Labor Law & Policy Journal* 27, no. 1 (2005): 59-92 found relatively little relationship between complaint and compliance levels under the *US Fair Labor Standards Act* and the *Occupational Health and Safety*

Act. That is to say, complaints were not a good predictor of actual levels of violations within industries, with complaint levels often far below violation levels. For example, on average, Weil and Pyles found 130 overtime pay violations for every complaint filed, with some industries seeing over 800 violations per complaint. And there were, on average, 120 injuries for every health and safety complaint pursued by a regulator. Worker propensity for triggering enforcement can be explained by workers' assessment of the perceived costs and benefits of triggering enforcement. When a tipping point is reached, complaints commence. The cost-benefit calculus of workers can be affected by several factors. The perceived costs (high) and benefits (low) of complaints may result in relatively limited complaint activity.

³³ Barnetson, B. "The Regulation of Child and Adolescent Labour in Alberta." *Just Labour* 13 (2009): 29-47; Barnetson, B. "Effectiveness of Complaint-driven Regulation of Child Labour in Alberta." *Just Labour* 16 (2010): 9-24; Barnetson, B. "The Validity of Alberta Safety Statistics." *Just Labour* 19 (2012): In Press. That said, Alberta goes out of its way to mask this poor record by generating statistics that suggest most Alberta employers are compliant with its laws. Barnetson, B. "Performance Measures in Alberta's Labour Programming." *Canadian Political Science Review* 2, no. 1 (2008): 35-50. For example, Alberta annually reports that approximately 98% of its employers have not been subject to an employment standards complaint. This statistic is misleading in two important ways. First, it assumes that an absence of complaints means there were no violation. Second, it bundles complaints by employer, so 4000 complaints against a single employer would only be recorded as a single employer having a complaint filed against it. In these ways, this statistic constructs "compliance" in ways that consistently over-represents the degree of compliance with Alberta's employment standards laws. For a similar discussion of the validity of occupational health and safety statistics, see Barnetson, B. "The Validity of Alberta Safety Statistics."

³⁴ Barnetson, B. "Worker Safety in Alberta: Trading Health for Profit". Working Paper. Athabasca University, Edmonton. 2012. This reflects that employers know they face little chance of being caught violating the law and few (or no) penalties associated with doing so. By contrast, the costs associated with complying with the law may cause them to be relatively disadvantaged compared to non-compliant competitors.

³⁵ Alberta Federation of Labour. *Temporary Foreign Workers: Alberta's Disposable Workforce*. Edmonton: Alberta Federation of Labour, 2007; Alberta Federation of Labour. *Entrenching Exploitation: The Second Report of the Alberta Federation of Labour Temporary Foreign Worker Advocate*. Edmonton: Alberta Federation of Labour, 2009.

³⁶ Foster and Barnetson. "Justice for Janitors in Alberta."

³⁷ Cook, D. "Piecing together the labour puzzle," Alberta Construction Magazine. May 2007, <http://www.albertaconstructionmagazine.com/articles.asp?ID=408>; Vanderklippe, N. "Gearing up for a new labour crunch", *Globe and Mail*, May 22, 2011. <http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/gearing-up-for-a-new-labour-crunch/article2031520/>

³⁸ Hiller, *Second Promised Land* suggests that the propensity of individuals to engage in inter-provincial migrancy must be understood as a combination of push and pull factors. Individuals must both be motivated to exit their home community (push factors) and motivated to enter their destination community (pull factors). Push factors including the need to seek employment and, more importantly a sense of dissatisfaction with life in

their home community. Pull factors included employment prospects in the destination community as well as the desirability of the destination (e.g., ability to find and integration into a social community, availability of housing).

³⁹ Alberta. *2010 Annual Alberta Labour Market Review*.

⁴⁰ Canada, "Indicators of well being: Unemployment rate," Ottawa: Human Resources and Skills Development Canada, 2012. http://www4.hrsdc.gc.ca/.3ndic.1t.4r@-eng.jsp?iid=16#M_1 notes that, nationally, the unemployment rate was 6.3% in 2006. Unemployment in Atlantic Canadian provinces in 2006 (historically an important source of interprovincial migrants) ranged between 7.9% and 14.7% was appreciably higher than this. Similar rates prevailed in 2005 and 2007. This suggests there was no absolute shortage of potential interprovincial migrants, particularly for unskilled jobs. Rather, there was a localized shortage of workers in Alberta that failed to attract interprovincial migrants for some reason.

⁴¹ Alberta, Economic Spotlight: Measuring Wage Growth in Alberta. May 21, 2008. Edmonton: Alberta Finance and Enterprise. <http://www.assembly.ab.ca/lao/library/egovdocs/2008/altd/167225.pdf> notes that average weekly earnings grew by 4.9% in 2006, down from 5.2% in 2005. At the same time, inflation rose by 3.9% in 2006, up from 2.1% in 2005. Alberta also experienced a severe housing shortage at this time, with workers in Edmonton living in tents in campgrounds and the river valley.

⁴² Gross, D. "Temporary Foreign Workers in Canada: Does a Policy with Short-Term Purpose Have a Long-Term Impact on Unemployment?" *Canadian Issues/Themes Canadiens*, no. Spring (2010): 107-111 and Gross, D., and N. Schmitt. *Temporary Foreign Workers and the Persistence of Regional Labor Market Disparities*. Metropolis BC, 2010.

⁴³ Canada has a long history of tapping into secondary sources of labour to loosen the labour market. This includes the use of women during both world wars: See Crompton, S. and M. Vickers, "One hundred years of labour force". *Canadian Social Trends*. Summer (2000). 1-13. Canada has also used various sources of migrant labour in agriculture: see Basok, T. *Tortillas and Tomatoes: Transmigrant Mexican Harvesters in Canada*. Montreal: McGill-Queen's University Press, 2002; Danysk, *Hired Hands*. Barnetson, "Effectiveness of complaint-driven regulation of child labour in Alberta" suggests that Alberta has facilitated the use of child and adolescent workers by service-sector employers. In this way, there are often several secondary labour markets.

More recently, Paul Douglas, the head of PCL Construction indicated a desire for governments to create "incentives" for unemployed workers in other provinces to move to Alberta. Lampier, G., "PCL boss says it's time to overhaul Alberta Labour Relations Code" *Edmonton Journal*, March 22, 2012, <http://blogs.edmontonjournal.com/2012/03/22/pcl-boss-says-its-time-to-overhaul-alberta-labour-relations-code/>. This broadly mirrors comments made by Ken Barry, the chair of the Edmonton Chamber of Commerce: "It seems there is not a compelling enough reason to get somebody who has grown accustomed to whatever lifestyle they have, through EI (employment insurance) or whatever, to move across the country." Cooper, D. "New chamber chairman sets sights on labour shortage." *Edmonton Journal*. February 4, 2012. <http://www.edmontonjournal.com/business/chamber+chairman+sets+sights+labour+shortage/6102150/story.html>. One interpretation of these comments is that business leaders

expect federal politicians to pressurize workers to move from communities with limited employment prospects. It is unclear the degree to which the 2012 changes to the Employment Insurance scheme will cause workers to do just that.

⁴⁴ Cook, D. "Piecing together the labour puzzle," Alberta Construction Magazine. May 2007, <http://www.albertaconstructionmagazine.com/articles.asp?ID=408>; Vanderklippe, N. "Gearing up for a new labour crunch", *Globe and Mail*, May 22, 2011. <http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/gearing-up-for-a-new-labour-crunch/article2031520/>

⁴⁵ Barnetson and Foster, "Political justification of employment-related geographic mobility in Alberta".

⁴⁶ Foster and Taylor, "Permanent Temporary-ness" interviewed recruiters for construction employers who admitted to manipulating the LMO process. This manipulation included conducting "paper" (i.e., insubstantial) recruitment campaigns for Canadian workers efforts designed to fail as well as applying for an LMO only after a foreign worker had been successfully recruited.

The Auditor General of Canada, 2009 Fall Report of the Auditor General. Ottawa, Author, 2009 identified a number of shortcomings with the federal LMO system, including a lack of consistency in LMO decisions (including inadequate information to support an opinion), a lack of verification of whether the job offer is genuine (e.g., the employer exists, can pay the wages offered, and that there is a need for the worker) and no follow-up to ensure employers comply with the terms and conditions of the LMO. The decision to issue some LMOs in 10 business days exacerbates this concern about adequate screening; essentially the federal government must accept the word of an applicant, with little meaningful investigation of the file.

⁴⁷ Foster, "Making Temporary Permanent".

⁴⁸ Foster and Taylor "Permanent Temporary-ness"

⁴⁹ There has been very little research into the Canadian labour market effects of a sizeable, long-term migrant worker program reaching into multiple industry sectors. What research that has been done examined the labour market outcomes of TFWs themselves shows TFWs fare better than landed immigrants because they more aptly fit employer needs. See Warman, C. *The Earning Outcomes of Temporary Foreign Workers in Canada*. Working paper. Kingston: Queen's University Economic Department, 2009.

⁵⁰ Historically, employers have sought to reduce the power of Alberta unions, particularly the building trades. This included a significant push to create "double-breasted" construction companies in the 1980s. See Gereluk, W. "Alberta Labour in the 1980s." In *Working People in Alberta*, 173-204. Edmonton: Athabasca University Press, 2012. In the 1990s and 2000s, employers have sought to replace unionized construction labour by developing non-union labour brokers and contracting with employer-friendly "unions". See Foster, J. "Revolution, Retrenchment, and the New Normal: The 1990s and Beyond." In *Working People in Alberta: A History*, 205-242. Edmonton: Athabasca University Press, 2012.

Business leaders continue to seek such changes. For example, the head of PCL Construction Paul Douglas stated in 2012 "A number of alternative unions are present now and our legislation hasn't really adapted to that. And until we do we won't be able to

provide the same level of certainty, the same level of mobility and so on that our two neighbouring provinces have.” Lampier, G., “PCL boss says it’s time to overhaul Alberta Labour Relations Code” Edmonton Journal, March 22, 2012, <http://blogs.edmontonjournal.com/2012/03/22/pcl-boss-says-its-time-to-overhaul-alberta-labour-relations-code/> .

The 2012 Progressive Conservative election platform promised to prohibit unions from fining members who work for non-union employers or employers who sign contracts with non-signatory unions as well as allowing employers to opt out of the existing trade-based construction labour relations regime. These provisions advantage employer friendly unions such as the Christian Labour Association of Canada as well as non-union labour groups such as the Merit Contractors Association. See Progressive Conservative Party. *Alberta by Design: Election Platform 2012*. Edmonton: Author, 2012.

⁵¹ Sharma, *Home Economics*.

⁵² Tucker, E. “The Determination of Occupational Health and Safety Standards in Ontario, 1860-1982.” *McGill Law Journal* 29 (84 1983): 260-311. Tucker, E. *Administering Danger in the Workplace: The Law and Politics of Occupational Health and Safety Regulation in Ontario, 1850-1914*. Toronto: University of Toronto Press, 1990.

⁵³ For a fuller discussion of how Alberta labour policies under the Conservative government and employer friendly, see Barnetson, “Worker Safety in Alberta.

⁵⁴ A detailed analysis of efforts by the Social Credit government (1935-1971) to undermine organized labour to encourage investment by American oil companies and discourage communism is available in Finkel, A. *The Social Credit phenomenon in Alberta*. Toronto: University of Toronto Press, 1989.

⁵⁵ Barnetson and Foster. “Political Justification of Employment-related Geographic Mobility in Alberta.”

⁵⁶ Alberta. *2010 Annual Alberta Labour Market Review*.

⁵⁷ Anderson, B. and M. Ruhs. “Reliance on Migrant Labour: Inevitability or Policy Choice?” *Journal of Poverty & Social Justice* 20, no. 1 (February 2012): 23-30.

⁵⁸ CBSR. (2009). Stakeholder relations in the oil sand. Calgary: Canadian Business for Social Responsibility; Foster, J. “Labour, Climate Changes and Alberta’s Oil Sands.” *Our Times*, 2007. http://ourtimes.ca/Features/article_19.php.

⁵⁹ Barnetson and Foster, “Political Justification of Employment-related Geographic Mobility in Alberta.”

⁶⁰ Foster. “Making Temporary Permanent”; Taylor and Foster, “Permanent Temporaryness”; Alberta Federation of Labour. *Entrenching Exploitation*.

⁶¹ Foster. “Making Temporary Permanent”; Barnetson and Foster, “Political Justification of Employment-related Geographic Mobility in Alberta.”

⁶² While recruitment costs may be higher for migrant workers, those costs are often offset through enhanced flexibility for the employer, higher productivity, and opportunity for cost recovery through employment standards violations, informal work arrangements and excessive charges for accommodation. Facilitating union avoidance may further reduce the cost of migrant labour.

⁶³ Foster. "Making Temporary Permanent"; Alberta. *Alberta Immigration Progress Report 2011*; Alberta. *2010 Annual Alberta Labour Market Review*. When faced with this criticism, the provincial government blames the federal government. This approach is politically convenient (and perhaps partially correct) but ignores the province must shoulder some responsibility for the result of a migrant-based labour market policy. If there had been more training of domestic workers and employment regulation made Alberta workplaces more attractive to internal migrants and marginalized groups, these negative outcomes might not have occurred. These options are, however, more expensive than simply expanding the TFW program.

⁶⁴ Bouzek, D. *The Truth About Alberta's Temporary Foreign Worker Project*. Edmonton: Alberta Labour History Institute, 2012.

⁶⁵ Barnetson and Foster, "Political Justification of Employment-related Geographic Mobility in Alberta."

⁶⁶ Barnetson. "Performance Measures in Alberta's Labour Programming."

⁶⁷ Alberta Federation of Labour, *Entrenching Exploitation*; Foster and Barnetson, "Justice for Janitors in Alberta."; CBC. 2010. Temporary foreign workers treated poorly, NDP charges. March 17. Edmonton.

<http://www.cbc.ca/news/canada/edmonton/story/2010/03/17/edmonton-temporary-foreign-workers-ndp-reports.html> There is no evidence supporting MLAs' assertions that employee or employer ignorance lies at the root of these violations; an equally plausible explanation is that employer's economic interests create an incentive for violations that are enabled by TFWs' dependence on employers for residency.

⁶⁸ Karl, T. "Oil-led Development: Social, Political, and Economic Consequences." *Encyclopedia of Energy*. Elsevier, 2004.
<http://politicalscience.stanford.edu/sites/default/files/documents/KarlEoE.pdf>.

⁶⁹ It is difficult to substantiate the claim that Conservative party supporters oppose growth in TFWs, in part because Conservative supporters are not a homogenous group. Identifiable groups include the business community (which has actively supported growth in TFWs) and rural Albertans. The Conservative party has typically gone out of its way to cater to the interests of its supporters. For example, MLAs have resisted including farm workers within the ambit of occupational health and safety legislation for decades. See Barnetson, B. "The Regulatory Exclusion of Agricultural Workers in Alberta." *Just Labour* 14 (2009): 50-74. This suggests that opposition to TFWs may be limited or muted or both. The recent departure of many social conservatives to the Wild Rose Alliance party may be important in this regard.

⁷⁰ Alberta. *The Alberta Economy*. Edmonton: Alberta Economic Development Authority, 2012.01.12. <https://aeda.alberta.ca/albertaeconomy/Pages/default.aspx>. Energy is the single largest sector of the economy, responsible for 23.4% of GDP in 2009. When combined with finance and real estate (14.6%) and construction (10.6%)—both sectors closely linked to activity in the energy sector—these three largest sectors comprise nearly half of Alberta's economic activity. Petroleum and petroleum products accounted for 77% of Alberta's exports in 2009.

⁷¹ Bouzek, D. *The Truth About Alberta's Temporary Foreign Worker Project*. Edmonton: Alberta Labour History Institute, 2012.

⁷² The relationship between the conservative party and Alberta's oil industry is detailed in Nikiforuk, A. *Tar Sands: Dirty Oil and the Future of a Continent*. Vancouver: Greystone Books, 2008. More recent information reveals that, between 2004 and 2010, the Conservative party received approximately \$15 million in donations. This comprises 65% of all political donations in the province but excludes donations made directly to constituency associations. The largest corporate donors were oil and construction companies. Timmons, L. "Political donations from 2004 to 2010 or man people love giving money to the Tories" Edmonton Journal. March 23, 2012. <http://blogs.edmontonjournal.com/2012/03/23/political-donations-from-2004-to-2010-or-man-people-love-giving-money-to-the-tories/>.

⁷³ In 2005, there were petitions opposing expansion of the TFW program tabled in the Alberta legislature with over 5000 signatures on them. Barnetson and Foster, "Political Justification of Employment-Related Geographic Mobility in Alberta." Yet no meaningful opposition coalesced. Karl, "Oil-led development" notes that the distribution of oil rents often buys political acquiescence in petro-states. For example, Alberta's oil boom meant domestic workers had full employment and did not broadly view TFWs as a threat.

Research underway suggests that contradictory responses (particularly among the labour movement) diffused effective opposition. Some labour leaders, especially in construction unions, initially framed TFWs as "threats" to Canadian workers who undermined Canadian's "right" to "first" choice of jobs. By contrast, other labour leaders and many community groups framed TFWs as "vulnerable" workers needing government protection emerged. The power of these competing narratives ebbed and flowed over time, but appears to have reduced the political threat that Alberta's already weak and divided labour movement could mount.

⁷⁴ Progressive Conservative. Alberta by Design: Election Platform 2012. Edmonton: Author, 2012. See note 50 above on weakening labour laws. This platform also promised lobbying to increase the number of Alberta workers eligible for the federal National Immigrant Nominee Program and expand the size and scope of the TFW program.

⁷⁵ Karl, "Oil-lead development" notes that petro-states often use their resources to repress political dissent. There are numerous examples of this sort of behaviour wherein Conservative MLAs have pressured various groups and individuals to not complain about government policy or funding decisions by threatening to withhold funding or otherwise punish complainants. Recent examples include school boards, municipalities, and physicians. See Rusnell, C. "School board gets warning letter from Tory MLA" CBC Edmonton, March 2, 2012.

<http://www.cbc.ca/news/canada/edmonton/story/2012/03/02/edmonton-hector-goudreau-letter.html>; Kleiss, K. "Pork-barrel politics over municipal funding? Not us, angry Conservatives say" Edmonton journal. February 15; CBC, "Alberta doctors bullied by bosses, panel finds. CBC Edmonton, February 22, <http://www.cbc.ca/news/canada/edmonton/story/2012/02/22/edmonton-health-quality-council-report.html>; Rusnell, C., "Councillor alleged intimidation by Tory MLA". CBC Edmonton. October 14, 2011. <http://www.cbc.ca/news/canada/edmonton/story/2011/10/14/edmonton-intimidation-johnson-shaw-allegations.html>

⁷⁶ Karl, "Oil-lead development" notes that petro-states often use largess to prevent the development of opposition groups. This may explains the tendency of the Progressive

Conservative government to buy labour peace. Some examples that jump immediately to mind include a multi-year settlement with the United Nurses of Alberta in 2004 on the eve of an election, a lucrative 2007 deal addressing teacher pensions in exchange for five years of labour peace (following politically damaging strikes in 2002 and 2007), failed efforts to negotiate another such deal with the Alberta Teachers' Association before the 2012 election, the immediate settlement of long-standing hospital support services bargaining following a wildcat strike by Alberta Union of Provincial Employee members in 2012 and settlement of contract negotiations with the Alberta Medical Association on the eve of the 2012 election.

⁷⁷ Sharma, *Home Economics*.

⁷⁸ Alberta's workforce was approximately 2 million in 2010. There were approximately 60,000 TFWs in 2010, thus the 3% figure. Including other types of temporary workers (students and recent graduates, live-in care givers, agricultural workers and up to 100,000 non-status migrant workers) is the basis of the 8% figure.

⁷⁹ Karl, T. "Oil-led Development: Social, Political, and Economic Consequences" identifies this relationship in petro states, noting that between 50 and 90% of private-sector workers in Gulf petro-states are foreigners and receive significantly lower wages than nationals.

⁸⁰ As noted in Barnetson and Foster, "Political Justification of Employment-related Geographic Mobility in Alberta", there are political risks associated with migrancy. But the state has sought to mitigate these via careful messaging. Further, Alberta's oil-driven economy is (at the time of writing) booming, meaning that there is near full employment among Canadian workers and there are adequate government revenues to meet most demands for public services.

⁸¹ While citizenship forms the official basis of this division, Sharma suggests that emphasizing citizenship obscures the racist basis of this distinction. That is to say, migrant workers—those with the least labour mobility and the least ability to access employment rights—are also disproportionately members of visible ethnic minorities. There are no definitive statistics about the ethnic or racial identities of TFWs and non-status migrant workers in Alberta, but large numbers of TFWs come from the Philippines, Mexico, India, South Korea, China and Taiwan. Alberta. *Alberta Immigration Progress Report 2011*. Whatever the intention of the government might be, the effect of this dynamic is racist.

⁸² Shultz, L. and A. Taylor. "Children at Work in Alberta." *Canadian Public Policy* 32, no. 4 (January 1, 2006): 431-441. In 2005, the government expanded the occupations that adolescents (aged 12 to 14) can engage in to include the restaurant and food services industry. The only supervision provided by the state is the requirement for parental permission and the completion of a hazard assessment (requirements that are widely violated, and neither validated nor enforced). There is widespread violation of these minimal requirements by employers. See: Barnetson, "Effectiveness of Complaint-driven Regulation of Child Labour in Alberta."

⁸³ Barnetson, B. "Two-tier minimum wage." Labour and Employment in Alberta. June 2, 2011. <http://albertalabour.blogspot.ca/2011/06/two-tier-minimum-wage.html>.

⁸⁴ Citizenship and Immigration Canada. "Economic Growth and Prosperity the Focus of Immigration Changes", News Release, April 20, 2012.

⁸⁵ See: Abella, M. "Asian Migrant and Contract Workers in the Middle East." In *The Cambridge Survey of World Migration*. Cambridge: Cambridge University Press, 1995; Skeldon, R. "Trends in International Migration in the Asian and Pacific Region." *International Social Science Journal* 165 (2000): 369-382; International Organization for Migration. *World Migration 2003: Managing Migration - Challenges and Responses for People on the Move*. Geneva, 2003. As argued by Castles, S. "Back to the Future? Can Europe Meet Its Labour Needs Through Temporary Migration?" Working Paper No. 1. University of Oxford, 2006, the long-term success of such policies is unclear, particularly given the historical difficulty governments have had compelling TFWs to leave the country when their work permits expire. Over time, such workers become enmeshed in society and gain various political and social rights.

⁸⁶ Vergunst, P. 2009. "Whose Socialisation? Exploring the Social Interaction Between Migrants and Communities-of-Place in Rural Areas." *Population, Space and Place* 15(3):253-266. Retrieved December 8, 2011; Castles and Miller, *The Age of Migration*.

⁸⁷ P. 311 Anderson. "Migration, Immigration Controls and the Fashioning of Precarious Workers." *Work, Employment & Society* 24(2) (2010):300-317.

⁸⁸ Jenson, J. (2002) Social Cohesion in Canada and Europe: The Same or Different? Presentation, *Canadian Policy Research Networks*. Accessed November 2011 at: www.cprn.org; Green, A., J. Gemen Janmaat and C. Han. Regimes of Social Cohesion. Centre for Learning and Life Chances in Knowledge Economies and Societies, Research Paper 1, Institute of Education, London, 2009.

⁸⁹ Gibbs, H. Social Cohesion, International Competitiveness, and the "Other": A Connected Comparison of Workers' Relationships in Canada and Mexico. In R. O'Brien (ed), *Solidarity First: Canadian Workers and Social Cohesion*, 38-62, Vancouver: UBC Press, 2008.