Racism, Discrimination and Migrant Workers in Canada: Evidence from the Literature

Summary report

Policy Research, Research and Evaluation Branch

Nalinie Mooten
July 2021

BACKGROUND

The impact of the nine and a half minute video of George Floyd, being murdered by a police officer in May of 2020, cannot be understated. It was a significant moment in the history of "race" relations —not just in the United States, but internationally as well, including Canada.[1] In response, the leaders in the federal government, federal public service, and senior executives at Immigration, Refugees and Citizenship Canada (IRCC) renewed their commitment to addressing racism and discrimination in very clear terms:

– But we also have work—lots of work—left to do in making our own institutions free of systemic racism and bias.
—Ian Shugart, Clerk of the Privy Council and Secretary to the Cabinet

– Respect and inclusion are essential to who we are as an organization and what we expect of you as individuals. Fostering an environment that allows everyone to engage fully and authentically is an important part of that inclusion. That is important to uphold across the public service, but there are few corners in this institution where a commitment to racial equality is as important as here at IRCC.
—Catrina Tapley, Deputy Minister of IRCC
—Caroline Xavier, Associate Deputy Minister of IRCC

– As a Department and as a sector, we have the privilege of serving a diverse clientele from all walks of life, and from all corners of the globe. With that privilege comes a profound responsibility to ensure that racial and social justice are present in everything that we do: from how we treat our clients, how we staff our teams, to addressing systemic barriers that exist in the programs we manage…GBA+ analysis is not a box we get to check and move on; it's a responsibility we have as policy makers to bring inclusivity by design for all groups and people we may impact. This is an ongoing and iterative process that we need to engage in with open hearts and minds, consistent with our shared values of mutual respect, equality for all peoples, compassion and inclusion.
—Marian Campbell Jarvis, Assistant Deputy Minister, Strategic and Program Policy Sector
—Natasha Kim, Former Associate Assistant Deputy Minister, Strategic and Program Policy Sector

This summary report provides an overview of some of the key findings from a much larger report of the same name. The space for that report was, in large part, created as a result of the words above, and the initiative of a few members of the Research and Evaluation Branch.

---

[1] "Race" is used in quotation marks throughout the text to highlight its socially constructed nature (see Section 1).

INTRODUCTION

The primary objective of the report is to identify potential markers of racism and discrimination in immigration programming and policymaking impacting migrant workers in Canada, most specifically participants in the Seasonal Worker Agricultural Program (SAWP), the Caregiver Streams[2] and the International Mobility Program (IMP).[3] The report reflects a review of decades of work and recent findings by academics, governments, non-governmental organizations, provincial human rights commissions, parliamentary committees, journalistic sources and other stakeholders. It, therefore, includes both academic sources and "grey literature." Though not a literature review in the strict sense, it closely grounds its findings and overall evidence on the above-mentioned sources.

The author is cognizant that by focusing on racism, there is an inherent lack of focus on other grounds that can be the basis of discrimination, such as age, ability status, religion, sexual orientation, gender identity, and others. The intent is not to undervalue the importance of these other grounds, as there are examples of discrimination on the basis of these grounds in IRCC's policies and programs (see, for instance, El-Lahib and Wehbi, 2011). However, in order to keep the scope of this work within the theme, time and resource constraints of the project framework, it is explicitly focused on racism, with references to gender, class, geography and migration status, although clearly acknowledging that the characteristic of intersectionality will enrich the analysis.

This summary is divided into three sections, which are similar, but not identical to the sections of the full report.[4] Section 1 provides a review of the concepts of racism and discrimination in order for the reader to have clarity about the findings in the paper. Readers familiar with these concepts may choose to skip to Section 2, which explores racism and discrimination in Canadian immigration history. The first two sections provide the conceptual tools for delving into the subject-matter of migrant workers and racism, which is the focus of Section 3.

> "Race" is biologically meaningless. However, racial differences are still perceived to be real.
>
> Racialization is the socio-political process that attributes social significance to "race" by giving meaning to physical characteristics. Therefore, "racialized" people are defined in relation to a dominant (White) norm.

---

[2] The Caregiver streams may be referred to as "Live-in Caregiver Program" (LCP) or "Caregiver Program" in the wider literature. In this paper, "Caregiver Streams" will be used to refer to the changes made to the LCP post-2014.

[3] In this paper, the term "migrant workers" refers exclusively to individuals who are commonly identified as temporary foreign workers in Canada. Migrant workers work and live in Canada on a time-limited basis either under the Temporary Foreign Worker Program or the International Mobility Program.

[4] Although this Summary Report highlights some key items from the Full Report, readers may find that investing the time to review the Full Report in some detail will provide a considerably stronger appreciation of the issues at hand.

SECTION 1: RACISM AND DISCRIMINATION

PART 1: RACISM

Racism is an ideology that values one group over others, based on the belief in the presumed biological, intellectual and cultural inferiority of certain racial groups.[5] Scientific racism supports the belief that racial groups can be ranked in a hierarchy based on phenotypical markers (skin colour, eye shape, etc.). Although scientific racism has been discredited,[6] the concept of "race" has persisted as a socio-political construct. Fleras (2017, 36) explains, "…race matters not because it's biologically real, but because people perceive it to be real or act as if it were real, with often deadly consequences." Social scientists have coined "racialization" to better reflect the social construction of the term "race." Li (2001, 78; see also Miles, 1989, 76) refers to "racialization" as a process by which peoples of colour are marked by a social signifier that attributes special significance to their physical characteristics: through this process of differentiation, it is only racialized peoples that are designated as "racial;" that is, they are defined in relation to a dominant (White) norm.

> Systemic racism exists when institutions, which appear to develop neutral-based rules, consistently and inadvertently exclude racialized peoples because these rules reflect the norms and experiences of the dominant group (Nnorom, 2021). In other words, the norm by which institutions operate was not devised with racialized individuals in mind. In Fleras' words (2017), systemic racism can perpetuate disadvantage by "seemingly benign practices."

Racism may be expressed through the assertion of prejudices, such as stereotypes, that is, the attribution of fixed characteristics – whether positive or negative – to certain groups. Racist ideas are expressed when such stereotypes (lazy, criminal-like, etc.) are used to justify disparities in a wide array of socio-economic indicators for Black, other racialized, and Indigenous peoples.[7] Conversely, anti-racist ideas stress that the root causes of racial disparities stem from history, structures, practices and policies that produce such outcomes – a concept known as systemic racism. Systemic racism is not a "one-off" process, nor is it solely about individual relationships. The system routinely and cumulatively produces disproportionate outcomes for Black, other racialized and Indigenous peoples (see Lawrence and Keleher, 2004). Systemic racism is embedded in institutions, practices and policies to such an extent that it can become "the normal way of doing things" (Ontario Human Rights Commission – OHRC).

Of particular relevance to this report (see Sections 2 and 3), Bolaria and Li (1988, 7) suggest that racial classifications justified the association of specific "races" with free or cheap labour, and in so doing, sanctioned labour systems such as slavery and indentureship (also known as indentured labour),[8] which have been described as discriminatory practices (see Henry, 2004).

---

[5] It is not possible to convey the complexity of the definitions that embed racism in this summary (see Section 1 of the full report and its bibliography).

[6] This belief emerged in the context of European extension and has its roots in Enlightenment thought. Phenotypes are "biological expressions of group inferiority as related to "race" (O'Loughlin, 1999 cited in Nestel, 2012, 5).

[7] Examples of such ideas may include the following, "Indigenous peoples are unemployed because they are lazy," or "there is an over-representation of Black people in the criminal justice system because they are prone to violence."

[8] Indentured labour was a system of bonded labour that followed the abolition of slavery, but retained some of its working conditions (for more readings in the context of migrant workers, see Bolaria and Li, 1988, 162 and 164).

In Canada, scholars have identified the presence of specific forms of racism depicted by, among other patterns, dissonance between multiculturalism and the evidence of racialized disparities across an array of socio-economic spheres; and increased acts of violence and discrimination against racialized peoples (see Galabuzi, 2006; Henry and Tator, 2005; Triadafilopoulos, 2021).

PART 2: DISCRIMINATION

Much of the literature points to the key idea that systemic racism and systemic discrimination embody a parallel process of producing systemic disadvantage for racialized peoples. Accordingly, systemic discrimination is more than interpersonal discrimination, or how we treat one another on a personal level (e.g. micro-level discrimination). Bias or stereotypes are captured as significant factors contributing to systemic discrimination.[9] In line with this reasoning, the OHRC (2021) stresses that the purpose of anti-discrimination laws and policies "is to prevent … the imposition of disadvantage, stereotyping, or political or social prejudice."

> Discrimination may be built into an organization's behaviour, practices and policies. This can lead to a genuine disadvantage for some people… This is called systemic or institutional discrimination. Organizations and institutions have an obligation to be aware of these forms of discrimination.
>
> When systemic discrimination is found to exist, an organization must change its practices.
>
> OHRC

Paramount to systemic discrimination is the concept of substantive equality.[10] It constitutes one of the more significant concepts in the development of responses to discrimination and inequity of marginalized groups, e.g. those not part of the norm (see Dauvergne, 2013; MacKinnon, 2011; Sheppard, 2010).

In line with substantive equality, applying neutral norms and policies to otherwise differently situated populations may inadvertently reinforce disadvantages. Sheppard (2010, 21) provides an example of "adverse effect discrimination":

– For example, if domestic workers are excluded from labour standards regulation, the legislation on its face may not discriminate on the basis of race, gender, or national or ethnic origin. However, if we assign the gender, race, and national and ethnic origin of domestic workers, who are largely women who have migrated from developing countries, the discriminatory impact of the differential treatment of domestic workers is clear [emphasis added]. Facially neutral categories, in this instance, may have disparate effects on groups traditionally protected in human rights laws.

Some authors (see Joppke, 2005) argues that immigration policies cannot be discriminatory if they have neutral, non-ascriptive, criteria. Others (see Reitz and Borjas cited in Boucher, 2020, 1534) note that if race- or gender-based outcomes are not the explicit policy aim, the policies cannot be deemed discriminatory. However, much of the literature coheres on the point that discrimination can be indirect and have adverse effects.

---

[9] Relatedly, systemic discrimination has been associated with biases and barriers encountered by racialized peoples in accessing an array of social goods – though access may seem universal.

[10] According to the Department of Justice (2021), "…the Supreme Court has consistently [emphasis added] characterized the guarantee of equality as substantive."

> Immigration policies can be discriminatory even if they are not based on the intentional and explicit exclusion of certain groups.
>
> Ellermann and Goenaga, 2019

Based on legal scholarship (see, for instance, Galloway, 2019), the following questions may be helpful in assessing the systemic impact of discrimination, including for migrant workers:

- How do decisions impact the whole of society?

- Do they reinforce historical disadvantage, prejudices, stereotyping and ignore substantive equality?

- Do they promote xenophobia and weaken the *Charter's* core values?

- Are policies discriminatory in their outcomes, e.g. do they disproportionately impact a "race," "gender," and/or a specific group of ethnic/national origin etc.?

> While section 6 of the Charter – which refers to the right of every citizen "to enter, remain in and leave Canada" – allows for a distinction between citizens and non-citizens (see also Joppke, 2005), that right is not, in all cases, a blanket justification for treating non-citizens without attention to already existing vulnerabilities.

From an anti-racism lens, retracing the continuum of racism in the history of immigration policies provides the tools to grasping present-day biases, and the legacies of racism, that may underpin current immigration policies and programs, including those related to migrant workers in Canada.

PART 1: TURN OF THE CENTURY UNTIL WORLD WAR II

Before World War II, Canada explicitly developed racist immigration policies, in line with scientific racism. This time period is commonly referred to as the building of "White Canada" or the "Keep Canada White" era,[11] and overtly favoured British and Northern European immigration in order to preserve the cultural typography, or white British "character," of Canada. Hawkins (1989) writes in this regard, "This period of history and indeed the whole lengthy episode of White Canada is often downplayed, or clothed in discreet silence."

> The total exclusion of Chinese migrants was advocated by many, including the Trades and Labour Congress, the Retail Merchants Association of Canada, and the Ku Klux Klan of Canada.

Whenever labour market needs could not be met by preferred immigrants,[12] racialized migrants were called upon to work in Canada for specific amounts of time, such as for the construction of the Canadian Pacific Railway (CPR). The CPR is often cited as an emblematic precedent to temporary migrant programs with references to indentured labour; separation from family members and the coexistence of cheap "migrant labour" with "anti-immigrant myths" and stereotypes (Venkatesh, 2019, 86).[13]

> Section 38 (c) in the *Immigration Act of 1910* stipulated that "race" was a legal ground for prohibiting undesirable [racialized] categories of immigrants. The *Act* was longstanding, implementing the "White era" of Canadian immigration policies.

The belief in the inferiority of racialized peoples was enshrined in, and thus sanctioned by, Canadian law. For instance, a clause - Section 38 (c) - in the *Immigration Act* of 1910 gave the government the authority to exclude the entry of immigrants "belonging to any race deemed unsuitable to the climate and requirements of Canada [racialized peoples] or immigrants of any specified class, occupation, or character." The aim of the *Act* was to limit immigration to "healthy, white, preferably British or American agriculturalists" (Triadafilopoulos, 2012, 31). Jakubowski (1997, 17) explains, "From the *Immigration Act* of 1910 up to and including the *Act* of 1952, Section 38 (c) was the principal instrument through which the implicit White Canada policy in immigration was implemented." Accordingly, immigration was limited to those deemed "desirable," that is, immigrants constructed as "preferred races" (Thobani, 2007, 17).

---

[11] This phrasing is commonly found in the literature. See Glasbeek (1997); Hawkins (1989); Jakubowski (1997); Thobani (2007) and Triadafilopoulos (2012).

[12] Potential migrants were ranked into categories, with "preferred" immigrants being drawn from Great Britain, the United States, France and, to a lesser extent, Northern and Western Europe (Jakubowski, 1997, 12).

[13] The *Chinese Immigration Act* of 1885 instituted the "head tax," with exemptions for merchants and diplomats. In terms of stereotypes, Chinese workers were depicted as unclean, deprived of morality, and as a threat to Canadian health and safety.

> A rationale grounded on the Canadian climate, present in the 1910 *Act*, became the longstanding grounds for the exclusion of racialized peoples, constituted as "non-assimilative," from permanent settlement to Canada.

In the context of the *Komagata Maru* incident,[14] Canadian courts upheld in 1914 that Asian immigrants were part of a "non-assimilative race," and following this logic, noted that their "customs" would disturb the "well-being of society."[15] Black people were excluded – through formal and informal measures – from subsidized settlement opportunities based on the racist rationale that they were not suited to Canada's climate and prone to social conflict. (These beliefs were sustained, albeit more informally, through the 1960s to the 1970s).[16] The exclusion of Chinese migrants culminated in the *Chinese Immigration Act* of 1923. Scholars note that, "such discrimination was systematic and legal, and was rationalized by an ideology which advocated the superiority of whites against non-whites" (Bolaria and Li, 1988, 109).

By the end of 1920, most racialized peoples, Continental Europeans and Jews,[17] were categorically excluded from Canada. By the end World War II, immigration, guided by preferential policies that supported the exclusion of racialized peoples, had reached an all-time low in Canada.

PART 2: POST-WORLD WAR II PERIOD

A major shift in Canadian immigration policy occurred in the aftermath of the Holocaust, the denunciation of scientific racism by the United Nations and the enunciation of global human rights principles (Triadafilopoulos, 2007, 3). Joppke (2005, 49) writes that "race was outlawed as a legitimate ordering principle of world order." Accordingly, it became untenable for Canada, and similarly-situated nations, to maintain overt discriminatory immigration policies. The *Immigration Act* of 1952 replaced the term "race" with "ethnic group," and upheld section 38 (c) which, as noted, was instrumental in implementing the "White Canada policy." The continuing thread of racism was accompanied by official statements in support of the exclusion of racialized groups.[18]

> It is not by accident that coloured British subjects other than negligible numbers from the United Kingdom are excluded from Canada… they do not assimilate readily and pretty much vegetate to a low standard of living… many cannot adapt themselves to our climatic conditions.
> Director of Immigration Branch, 1958

---

[14] The *Komagata Maru* was a ship transporting 376 passengers from Punjab province in British India. It set anchor in Vancouver harbour in 1914 and stayed for approximately two months. The owner of the ship argued that, as British citizens, passengers had the right to disembark in Canada. However, passengers were not admitted to Canada, by order of the Canadian courts.

[15] See the *Continuous Journey Stipulation* (1908) that primarily impacted immigrants from India and Japan and the *1907 Gentleman's Agreement* with Japan.

[16] Thobani (2007, 15 and 109) points out that the citizenship and immigration legislation that distinguished between "preferred" (initially British and French, and thereafter other European nationalities) and "non-preferred" (Asians, Africans and Caribbeans) "races" prevailed until the 1960s and 1970s.

[17] For more details, see Abella and Troper (2017) and their book *None is Too Many: Canada and the Jews of Europe, 1933-1948*.

[18] "High-level bureaucrats made thousands of decisions each year via order-in-council, a legislative instrument that is implemented without legislative or judiciary oversight. The 1952 *Immigration Act* gave the Minister of Citizenship and Immigration the power to use order-in-council to admit or exclude any group or individual notwithstanding the *Immigration Act* and Regulations, including clauses defining the (in)admissibility of groups by national and racial origin, and extensive use was made of this power" (Elrick, 2020, 6; Hawkins, 1988).

In 1967, complete deracialization occurred with the emergence of a universal admissions policy known as the points system, formally ending the "Keep Canada White" era (Thobani, 2007; Triadafilopoulos, 2012).[19] The points system was entrenched in the *Immigration Act*, 1976-77. "According to the Director of Immigration, W. R. Baskerville, the purpose of the change was to "abolish racial discrimination from [Canada's] policy," while making it clear that "we shall still give preference in our selection of immigrants to those countries which have traditionally supplied our immigrants" (in Triadafilopoulos, 2007, 13).

> The official policy of immigration selection based on race, ethnicity, or place of origin ended via a pair of Orders-in-Council in 1962 and 1967, but a number of scholars have cautioned that while these reforms represented a transformative shift in Canadian immigration policy, they did not in fact usher in complete 'deracialization'.
>
> Dunsworth, 2018

Further, historians indicate that discrimination continued in such realms as: "the geographical distribution of immigration offices; immigration officers' use of discretionary powers… and via the preference given under the points system to highly educated French- or English-proficient candidates… more likely to hail from predominantly white 'developed' countries" while studies indicate the "central role of race in the structure and operation of guestworker programs [temporary migrant worker programs], both before and after the 1960s reforms" (Dunsworth, 2018, 567-8). Elrick (2020), based on admissions and deportation appeals data, shows that the points system emerged as the result of a policy process that sought to "manage" "race" around class lines, rather than uproot it from immigration policy.

While there is a tendency to dissociate temporary migrant worker programs from the points system, they are, in fact, considered to be two sides of the same coin (see Sharma, 2006): temporary migrant worker programs - constituted of (racialized) workers considered "low-skilled" (i.e., classed) - emerged around the same time as the points system.

> The interviewing of officers at the time revealed their description of immigrants from the Caribbean as "childlike, indolent, lazy and stupid." Satzewich (1989) suggests that this was not dissimilar from the eighteenth and nineteenth century racist stereotypes used to justify slavery and colonization.

A Domestic scheme for caregivers was consolidated in 1955, while the SAWP emerged in 1966, both exclusively composed of Caribbean workers. Both programs are considered to have their roots in racism. According to Satzewich (1988, 196; see also Sharma, 2006), "It is clear … that the… Department of Citizenship and Immigration saw the incorporation of Caribbean workers as unfree migrant labour both as a method to resolve a labour problem and as a method that would prevent 'black' settlement in the country." In the case of the Caribbean Domestic Scheme, "race" and gender coalesced to produce racialized and gendered stereotypes of Black Caribbean women as inherently promiscuous. This was accompanied by the belief that Caribbean women's close relatives were "of poor quality" and by beliefs in their "supposed libidinous natures" (Satzewich, 1989, 92).

---

[19] See the White Paper on Immigration (1966) and also Regulation 20. Criteria based on race were replaced with universal eligibility criteria grounded in human capital, that is, education, work experience, and language ability, among others. Triadafilopoulos (2007, 1) writes, "Applicants' ethnic and racial backgrounds were no longer to be considered in determining their eligibility for admission into Canada."

Black women had to undergo a medical testing for veneral disease, linked to the racist idea that they were naturally promiscuous, with further gynecological examinations upon arrival.

Arat-Koc, 1997; Bakan and Stasiulis, 1997.

In the eyes of scholars, temporary migrant worker programs emerged as a solution to filling-in labour market needs while still managing the intake of racialized peoples, whose growing presence in Canada alarmed Parliament (see Sharma, 2006, 22 and 89).[20] The Non-Immigrant Employment Authorization Program (NIEAP), the precursor to the Temporary Foreign Worker Program (TFWP) emerged in 1973. By 2004, three-quarters of labour-based immigration originated from the TFWP.

---

[20] By 1977, source regions in Asia, the Caribbean, Latin America and Africa consisted of over 50% of annual flows of Canada's immigration intake, while they represented a small fraction between 1946 and 1966 (Triadafilopoulos, 2007, 1-2).

SECTION 3: MIGRANT WORKERS — RACISM AND DISCRIMINATION

This last section delves into the theme of migrant workers in Canada today, in relation to racism and discrimination. Three programs are scrutinized: the SAWP, the Caregiver Streams, and the International Mobility Program (IMP). The consensus in the literature stresses that "race" still matters in Canadian temporary migrant worker programs post-1967.

PART 1: THE SEASONAL WORKER AGRICULTURAL PROGRAM (SAWP)

As noted, the literature notes that the SAWP traces its roots to racism. Apart from an extension of eligible countries, the design of the SAWP has not changed since its inception in 1966. Today, the program has an exclusive representation from Mexican and Caribbean workers. Racism and discrimination, as per the literature, are linked to a number of issues that range from labour and social considerations to selection practices that are grounded in racist/stereotypical beliefs.[21]

> Bauder (2008), Dunsworth (2018), Goldberg (2009), Marsden (2011), Perry (2012), Preibisch (2010), Satzewich (1989, 1990, 1991, 2007) and Venkatesh (2019) unanimously assert that the SAWP is based on racist immigration policies that eventually culminated in its creation.
>
> Perry (2012) notes that the SAWP is a "relic of Canada's racist and colonial past, one that continues uninterrupted in the present age of statist multiculturalism" and refers to "the history of overt racism in which the program is rooted."

Another scholar observes, "The result of the temporary foreign worker program since its inception has been the creation of a distinct and racialized labour force within Canada in which workers are extremely vulnerable to exploitation and face specific barriers to accessing social benefits" (Marsden, 2011, 51). According to research, the exploitation and barriers to accessing a myriad services, buttressed by the processes of racialization and migrantization[22] that sustain them, constitute discriminatory practices reminiscent of indentured labour in which workers were bound to a specific employer and had few mobility rights.[23]

> In this regard, the indenture system was preferable to slavery for employers, because they could rotate the healthy and productive labour force, either through hiring new indentured workers or through renewing old contracts, and discard unproductive workers.
>
> Bolaria and Li, 1988

Bolaria and Li (1988, 30) link social exclusion and inequities to the concept of institutional racism which they say "systematically exclude subordinate members from equal participation in society" while Faraday (2012, 5-6) writes that exploitation for migrant workers in low-wage occupations, including the SAWP, is not "anecdotal," but rather "systemic" and "degrading."[24] To illustrate the discriminatory undertones of the program, Bauder (2008, 100-101) states that

---

[21] Dunsworth (2018, 568) explains that migrant selection, devolved to employers, constitutes one of the ways in which "race" continues to matter post-1967. Preibisch (2010, 418) writes that, "Employers are able to specify the sex and nationality of their employees, a practice in conflict with human rights legislation at the provincial and federal level." Further, employers' narratives on migrant labour may centre on racial stereotypes to organize labour tasks.

[22] When racialized peoples enter Canada through a temporary migrant worker program, scholars note that a process of "migrantization," at the intersections of "race," class, entry class, and country of origin, takes place.

[23] See also debates around the employer-specific permit, also known as closed work permit (Lynch and Aceytuno, 2021). See Perry, 2012; Ramsaroop, 2000 and most scholars researching the SAWP.

[24] This process has been linked to terms such as "dehumanization" and "disposability" in the literature (Stasiulis, 2020).

migrant agricultural workers "are more vulnerable and exploitable than Canadian workers; they can be treated in ways not allowed by Canadian standards; they are not permitted to switch employers; and they can be threatened with deportation." Further, the seasonality of the program has been deemed to stem from the climatic unsuitability rationale – in addition to the belief in innate aggressiveness – that stressed that as a "race," Black people could not assimilate to Canada, and were not suitable candidates for permanent settlement.

Satzewich and Liodakis (2007, 166) provide a helpful synopsis of the program in its relation to racism:

> – An example of institutional racism is the Caribbean and Mexican [SAWP] … The program originated because there was a shortage of labour to fill seasonal jobs in Ontario in the mid-1960s. Some government officials believed that black workers were racially suited for backbreaking labour under the hot sun and so justified the program in part on the basis of racist beliefs about the innate capacities of black people. Further, government officials thought that while black workers were useful as sources of temporary labour, they were not good as potential Canadian citizens because their presence in Canada would cause the emergence of a "race relations" problem. Although these racist ideas no longer explicitly sustain or justify the program, it is arguably a continuing example of institutional racism in Canada [emphasis added] because it had its origins in racism.

Retracing the trajectory of the SAWP, as well as its precariousness for migrant workers, Venkatesh (2019) writes that the program "became a permanent fixture of the immigration system and has sustained the agricultural sector with precarious, unfree labour, for the past 51 years. Workers come year after year to work on Canadian farms, spending most of their lives in Canada away from their families, without any prospect of permanent settlement."

PART 2: CAREGIVER STREAMS

The Caregiver Streams, whose participants are mainly women from the Philippines, add a gender dimension to the migrantization process. Recently, reforms have removed the compulsory "live-in" component[25] as well as instituted an occupation-specific work permit (as a replacement to the previous employer-specific work permit), which have been deemed positive developments that mitigate exploitative practices within the streams. However, the literature points out that newly emerging barriers have exacerbated access to the caregiver streams themselves and restricted access to permanent residence – the latter described as "guaranteed" and "automatic" prior to 2014 due to the absence of systemic barriers.[26] Indeed, through the Live-in Caregiver Program – the program spanning 1992 to 2014 – had its challenges (for instance, criticisms of the compulsory live-in component as well as the closed work permit), thousands of caregivers were admitted through this unique pathway (see Banerjee and Hiebert, 2021).

---

[25] Caregivers were required to "live-in" with their employers until the 2014 reforms.
[26] In other words, it is difficult to benefit from the positive reforms if caregivers cannot "get in" in the same way as they used to, or if affording independent housing is not attainable (see Tungohan, 2016; Dangzalan, 2020; Keung; 2021; Siyuan, 2018).

In addition to structural reforms (added cap as well as new language and education eligibility criteria) that characterize the 2014 and 2019 streams, historical and current processes of racialization and gendering have been highlighted throughout the literature. "Black Caribbean domestic female workers "were another group that historically were treated as hyper-exploitable and disposable migrant labour" (Stasiulis, 2020, 35). Like their predecessors, migrant caregivers today are typically highly educated and experience processes of deskilling. Gender-specific forms of discrimination[27] have been noted as well as the stereotyping of Filipino women as inherently versed to caregiving.

> They can be called upon at any time … to do virtually any type of chore, ranging from putting the children to sleep in the middle of the night, to walking the pets, to shovelling snow, to painting walls, to entertaining guests at midnight.
>
> Grandea and Kerr, 1998

What is more, the amplification of the devaluation of feminized domestic labour exacerbates gender stereotypes which is an aspect of indirect discrimination. In line with the literature on global care, the "global migration of gendered care work" is represented by a highly vulnerable workforce in which "class-based" and "racialized privilege" remain embedded in notions of domestic servitude, characterized by disproportionate relations of power between professional women of the North and their families and global (racialized) maids and nannies (Ehrenreich and Hochschild, 2004). Lightman et al (2021, 3) refer to "racialized labour hierarchies" rooted in the history of migrant care work aligned with the intersectional lens of "race," gender, class, entry class and geographic origin that are informed by "systems of domination" such as racism and sexism.

PART 3: INTERNATIONAL MOBILITY PROGRAM (IMP)

Vosko (2020, 2) writes that "much less is known under the employment authorized by the IMP." While the majority of IMP participants have open-work permits, and therefore greater labour mobility, genuine mobility and access to workplace protections remain as yet unsubstantiated in research with growing indications that labour violations and processes of racialization and gendering are indeed taking place. Scholars note that despite its association with higher-skilled workers from high-income countries (which is not always the case) the IMP poses the risk of (re)producing abusive conditions, usually attributed to the TFWP, in specific sub-programs with disproportional participation of workers from India and China, in which uneven global relations come to exacerbate exploitative conditions associated with historical racism and processes of migrantization and exclusion (Chartrand and Vosko, 2020).

---

[27] Sexual harassment constitutes a gender-specific form of discrimination.

SUMMARY

The report concludes with a summary of key messages embedded in the wider literature:

- Most scholars argue that discrimination may be measured by the outcomes policies produce, not only their purported neutrality and objectivity; in other words, if they reinforce historical bias towards certain groups; perpetuate socio-economic disadvantage, prejudice and stereotyping; and disproportionally impact racialized persons, they may be discriminatory.

- As per the scholarship, Canada has the right to discriminate with regards to immigration (section 6 of the *Charter*). However, this right is not absolute and should not diminish core *Charter* values and human rights. Such values include reciprocal respect, substantive equality, respect for human dignity and caution as to whether laws and policies may augment xenophobia, and/or stereotypes, and enhance historical disadvantage based on "race," or other grounds.

- The time period from the turn of the twentieth century until the Second World War is commonly referred to as the building of "White Canada" or the "Keep Canada White" era. It was primarily bolstered by beliefs in scientific racism which shaped immigration policy.

- The formal "deracialization" of Canadian immigration policy began in the 1960s, which saw the introduction of the points system, and the parallel emergence of temporary migrant worker programs. The rationale behind these programs was to address labour market needs. These programs were composed of "low-skilled" racialized workers, who were considered unsuited for permanent settlement by reason of their innate nature and inability to adjust to the Canadian climate.

- Most scholars observe that the SAWP has barely changed since its 1966 inception, except for an extension of participating countries. They also argue that the racist roots underpinning its creation continue to impact, and potentially inform, the current policy formation of this program as well as the disproportionate numbers of racialized and classed participants.

- Most scholars underline the intersectionality (e.g. gender, class, entry class, country of origin, "race") that impacts integration outcomes for migrant caregivers, most of whom are Filipino women. Scholars note that social groups' identities, such as "race, gender and class" and "migration status" coalesce with the racialization and gendering of caregiving work.

- Scholars argue that the disparities and inequitable processes between the global North and the global South that are associated with globalization, are replicated on a microcosmic level (that is the household) through the processes of migration, as noted by research on migrant caregivers.

- The SAWP and the Caregiver Streams reveal discriminatory practices with regards to labour practices and access to services that impact short- and long-term health – processes that have been exacerbated by the COVID-19 pandemic. They also reveal a pattern of subordination of migrant workers to Canadian employers.

- There is a nascent and growing literature on "race" and the IMP, which cautions against some of the exploitative features of the TFWP being replicated in some of the subprograms of the IMP, primarily constituted of participants from China and India. These subprograms are subject to less scrutiny and monitoring than the TFWP, and are considered to reflect historical racism.

- The literature coheres on the point that the issues of racism and discrimination have certainly not disappeared when it comes to programs and policies related to migrant workers in Canada. More than this, the fact that these modern-day programs continue to reflect their roots in the explicit racism and discrimination of Canada's immigration history suggests that greater reflection and remedial action on the part of the federal government may be warranted.

SELECTED BIBLIOGRAPHY

Abella, I. & Harold Troper. 2017. *None Is Too Many: Canada and the Jews of Europe, 1933-1948*. University of Toronto Press.

Arat-Koc, S. 1997. "From 'Mothers of the Nation' to Migrant Workers." In: Bakan, A. and Daiva Stasiulis (eds.), *Not one of the Family: Foreign Domestic Worker Policy in Canada*. University of Toronto Press. 53-80.

Banerjee, R. & Daniel Hiebert. 2021. *Leveraging Human Resources for Long-Term Prosperity: Expanding Pathways to Permanence for Lower-Skill Temporary Workers in Canada* (Policy Paper). Toronto: Ryerson University.

Bauder, H. 2008. "Foreign Farm Workers in Ontario (Canada): Exclusionary Discourse in the Newsprint Media." *Journal of Peasant Studies* 35(1): 100-118.

Bolaria, B.S. & Peter S. Li. 1988. *Racial Oppression in Canada* (2nd ed.). Toronto: Garamond Press.

Boucher, A.K. 2020. "How Skill Definition Affects the Diversity of Skilled Immigration Policies." *Journal of Ethnic and Migration Studies* 46(12): 2533-2550.

Calliste, A. 1994. "Race, Gender and Canadian Immigration Policy: Blacks from the Caribbean, 1900-1932." *Journal of Canadian Studies* 28(4): 131-148.

Chartrand, T. & L. F. Vosko. 2020. "Canada's Temporary Foreign Worker and International Mobility Programs: Charting Change and Continuity among Source Countries." *International Migration* 59(1): 1–22.

Dangzalan, L.J. 2020. "Canada Needs a Permanent Fix for its Abuse-Prone Caregiver Programs." November 3. *Globe and Mail*.

Dauvergne, C. 2013. "How the Charter Has Failed Non-Citizens in Canada: Reviewing Thirty Years of Supreme Court of Canada Jurisprudence." *McGill Law Journal* 58(3): 663-728.

Dunsworth, E. 2018. "Race, Exclusion, and Archival Silences in the Seasonal Migration of Tobacco Workers from the Southern United States to Ontario." *Canadian Historical Review* 99(4): 563-93.

El-Lahib Y. & Samantha Wehbi. 2011. "Immigration and Disability: Ableism in the Policies of the Canadian State." *International Social Work* 55(1): 95-108

Ellermann, A & Agustín Goenaga. 2019. "Discrimination and Policies of Immigrant Selection in Liberal States." *Politics and Society* 47(1): 87-116.

Ellermann, A. (ed.). 2020. Special Issue on "Discrimination in Migration and Citizenship." *Journal of Ethnic and Migration Studies* 46(12): 2463-2601.

Elrick. J. 2020. "Bureaucratic Implementation Practices and the Making of Canada's Merit-Based Immigration Policy." *Journal of Ethnic and Migration Studies* 1-19.

Faraday, F. 2012. *Made in Canada: How the Law Constructs Migrant Workers' Insecurity*. Toronto: Metcalf Foundation.

Fleras, Augie. 2017. *Unequal Relations: A Critical Introduction to Race, Ethnic, and Aboriginal Dynamics in Canada* (8th ed.). Toronto Pearson.

Galabuzi, G-E. 2006. *Canada's Economic Apartheid: The Social Exclusion of Racialized Groups in the New Century*. Canadian Scholars' Press.

Galloway, D. 2019. "Immigration, Xenophobia and Equality Rights." *Dalhousie Law Journal* 42(1): 17-48.

Goldberg, D.T. 2009. *The Threat of Race: Reflections on Racial Neoliberalism*. Malden, MA: Wiley, Blackwell.

Grandea, N. and Joanna Kerr. 1998. "Frustrated and Displaced: Filipina Domestic Workers in Canada." *Gender and Development* 6(1): 7-12.

Hawkins, F. 1988. *Canada and Immigration. Public Policy and Public Concern*. Toronto: McGill-Queen's University Press.

Hawkins, F. 1989. *Critical Years in Immigration: Canada and Australia Compared*. Montreal: McGill-Queen's University Press.

Henry, F. 2004. Concepts of Race and Racism and Implications for OHRC Policy. www.ohrc.on.ca/en/book/export/html/8978

Henry, F. & Carol Tator, 1999. "State Policy and Practices as Racialized Discourse: Multiculturalism, the Charter, and Employment equity." In Li, P.S (ed.), *Race and Ethnic Relations in Canada*. Toronto: Oxford University Press.

Henry F. & Carol Tator. 2005. *The Colour of Democracy: Racism in Canadian Society*. 3rd edition. Thomson Nelson.

Hochschild, A.R. 2004. "Love and Gold." In: Hochschild, A.R., Barbara Ehrenreich (eds). *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*. New York: Henry Holt. 15-30.

Jakubowski, L.M. 1997. *Immigration and the Legalization of Racism*. Fernwood Publishing Halifax.

Joppke, C. 2005. *Selecting by Origin: Ethnic Migration in the Liberal State*. Cambridge: MA: Harvard University Press.

Keung, N. 2021. "Nanny State? Hardly. Canada Has Left its Foreign Caregivers in a Stalled System that's Derailing Lives, Critics Say." March 27. *Toronto Star*.

Lawrence, K. & Terry Keleher. 2004. *Race Forward: For the Race and Public Policy Conference*. Washington, D.C.: The Aspen Institute.

Li, P.S. 2001. *The Racist Subtext in Canada's Immigration Discourse*. University of Saskatchewan.

Lightman, N., Rupa Banerjee, Ethel Tungohan, Conely de Leon & Philip Kelly. 2021. "An Intersectional Pathway Penalty: Filipina Immigrant Women Inside and Outside Canada's Live-in Caregiver Program." *International Migration Review* 00:1–20.

Lynch, J. and Jorge Aceytuno (FairSquare). 2021. *Fair Recruitment of Migrant Workers*. IB-SST Expert Series. May 12.

MacKinnon, C.A. 2011. "Substantive Equality: A Perspective." *Minnesota Law Review* 383: 1-27.

McDevitt, Neale. 2021. *Systemic Racism Impacting the Health of Canada's Black Population: Dr. Onye Nnorom Delivers Keynote Address at Opening Ceremony of Black History Month*. Montreal, QC: McGill reporter.

Marsden, S. 2011. "Assessing the Regulation of Temporary Foreign Workers in Canada." *Osgoode Hall Law Journal* 49 (1): 39-70.

Miles. R. 1989. *Racism*. London: Routledge.

Nestel, S. 2012. *Colour Coded Health Care: The Impact of Race and Racism on Canadians' Health*. Toronto: Wellesley Institute.

OHRC. When is Differential Treatment Discriminatory? www.ohrc.on.ca/en/policy-discrimination-against-older-people-because-age/4-general-principles

Perry, J. A. 2012. "Barely Legal: Racism and Migrant Farm Labour in the Context of Canadian Multiculturalism." *Citizenship Studies* 16(2): 189-201.

Preibisch, K. 2010. "Pick-Your-Own Labor: Migrant Workers and Flexibility in Canadian Agriculture." *International Migration Review* 44(2): 404–441.

Ramsaroop, C. 2000. *Why Fighting Racism is Central to Migrant Worker Organizing*. Toronto: Justicia for Migrant Workers.

Sarvasy, W. & Patrizia Longo. 2004. "The Globalization of Care." *International Feminist Journal of Politics* 6(3): 392-415.

Satzewich, V. & Nikolaos Liodakis. 2007. *Race and Ethnicity in Canada: A Critical Introduction*. Oxford University Press.

Satzewich, V. 1989. "Racism and Canadian Immigration Policy: The Government's View of Caribbean Migration, 1962-1966." *Canadian Ethnic Studies/Etudes Ethniques au Canada* 21(1): 77-97.

Satzewich, V. (ed.). 1991. *Racism and the Incorporation of Foreign Labour: Farm Labour Migration to Canada since 1945*. London; New York: Routledge.

Satzewich, V. 1990. "Rethinking Post-1945 Migration to Canada: Towards a Political Economy of Labour Migration." *International Migration* 28: 328-346.

Satzewich, V. 1988. "The Canadian State and the Racialization of Caribbean Migrant Farm Labour 1947–1966." *Ethnic and Racial Studies* 11(3): 282-304.

Sharma, N. 2006. *Home Economics: Nationalism and the Making of 'Migrant Workers' in Canada*. Toronto: University of Toronto Press.

Sheppard, C. 2010. *Inclusive Equality: The Relational Dimension of Systemic Discrimination in Canada*. McGill-Queen's University Press.

Siyuan, H. 2018. *Culprits of Exploitation: An Anti-Oppression Examination of Canada's Caregiver Program* (Thesis). Ottawa: University of Ottawa.

Stasiulis, D. 2020. "Elimi(Nation): Canada's "Post-Setter" Embrace of Disposable Migrant Labour." *Studies in Social Justice* 14(1): 22-54.

Stasiulis, D. and Abigail B. Bakan. 2005. *Negotiating Citizenship: Migrant Women in Canada and the Global System*. University of Toronto Press.

Thobani, S. 2007. *Exalted Subjects: Studies in the Making of Race and Nation in Canada*. Toronto: University of Toronto Press.

Triadafilopoulos, T. 2012. *Becoming Multicultural. Immigration and the Politics of Membership in Canada and Germany*. Vancouver: UBC Press.

Triadafilopoulos, T. 2013. "Dismantling White Canada: Race, Rights, and the Origins of the Points System." In: Triadafilopoulos, T. (ed) *Wanted and Welcome? Policies for Highly Skilled Immigrants in Comparative Perspective*. New York: Springer. 15-38.

Triadafilopoulos, T. 2007. "Dismantling White Canada: Race, Rights and the Origins of the Points System." Draft Paper prepared for the Workshop on Policy Failure at the 2007 Meeting of the Canadian Political Science Association. 1-25.

Triadafilopoulos, T. 2021. "The Foundations, Limits, and Consequences of Immigration Exceptionalism in Canada." *American Review of Canadian Studies* 51(1): 3:17.

Tungohan, E. 2016. *Changes to the Temporary Foreign Worker Program and Caregiver Program*. York University. May 16. Policy Brief Prepared for the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

Tuyisenge, G. & Shira Goldenberg. 2021. "COVID-19, Structural Racism, and Migrant Health in Canada." *The Lancet* 397: 650-652.

Venkatesh. V. 2019. "Confronting Myths: Agricultural Citizenship and Temporary Foreign Worker Programs." *International Journal of Migration and Border Studies* 5(1-2): 82-98.

Vosko, L. F. 2020. "Temporary Labour Migration by any Other Name: Differential Inclusion under Canada's 'New' International Mobility Regime." *Journal of Ethnic and Migration Studies* 1-24.