

Beyond the Drive-Thru Window: Canada's TFWP and How it Enables Precarious Working Conditions in the Fast-Food Sector

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Introduction

Canada introduced its Temporary Foreign Worker Program (TFWP) in 1973. Since then, the program has evolved to meet labour market needs, and there now exist several different programs catering to entry-level positions. As the use of the program accelerated in the early 2000s, a large amount of the positions were “low-skilled.” The program is designed to fill positions where there is a lack of domestic labour available. A large proportion of positions in this category are in the fast-food sector. While some of these businesses are small and independent, some are giant franchises that dominate Canadian fast food. Although migrant workers work in all parts of Canada, Ontario, British Columbia, and Alberta are particularly popular locations. This research paper aims to answer the following question: How does the TFWP foster exploitation among migrant workers, as well as a “race to the bottom” for Canadian workers? The nature of TFWPs enables a toxic work environment and labour market for both migrant and Canadian workers. Although the program is designed to allow foreign workers access to permanent resident status and ease the stress of Canadian employers, it is evident that it leads to precarious working conditions. Particularly, fast-food workers in the Western provinces are exploited at the hands of these programs, resulting in a “race to the bottom” at home.

Literature Review

I draw on the perspectives of Robin Maynard (2016), Geraldina Polanco (2016 and 2019), and Sue Ferguson and David McNally (2014) to support this argument. While Polanco explains the realities faced by migrant workers within the TFWP, Ferguson and McNally highlight what it is about these programs that make migrant workers “unfree.” Maynard’s approach is theoretical, as she conceptualizes Canada’s deep-rooted issues of racism in a colonial context. Polanco (2019) goes beyond merely explaining the TFWP process, instead focusing on capitalism’s role in this and the commodification of mi-

grant workers.¹ This chapter reveals not only the tangible precarity present in the fast-food sector but also how the TFWP distorts Canadian’s perspective of migrant workers. Through the discussion about what makes a migrant worker appealing to a potential employer, there is a clear process of dehumanization taking place. Furthermore, Polanco adds a layer as to how this affects Canadian workers in the long run, resulting in a “race to the bottom.” Ferguson and McNally explain the TFWP’s roots in capitalism and the aspects of it that contribute to the phenomenon of “unfree labour.” Although each author criticizes Canada’s image as a safe haven for migrant workers, Maynard does so more directly. Maynard ensures that Canada’s colonial history is not forgotten and reminds readers how this racist narrative lingers today. In questioning Canada’s liberal image, there is more opportunity to discuss the precarity of migrant workers’ conditions. Although the approach is concentrated on the black experience, Maynard does an excellent job of comparing the conditions created by the TFWP to modern-day slavery. If we stop depicting the migrant worker experience as a privilege, as freedom, or as asylum, the realities of the detrimental impacts of the TFWP become evident.

TFWP and Labour Exploitation

The TFWP is designed in a way that rewards employers for abusing the system. Not only is there no system of checks and balances, but temporary foreign workers are put in a position where they have no choice but to endure their precarious conditions. Programs for migrant workers catered to domestic work and agriculture in Canada are some of the most common, yet jobs in the “low-skilled” stream of employment have been increasingly occupied by temporary foreign workers. Specifically, there has been a recent influx of temporary foreign workers within the fast-food sector. Although programs such as the Atlantic Immigration Program (AIP), which are targeted to more rural areas, now exist, a large majority of temporary foreign workers are directed out west (Alberta and British

Columbia) and to Ontario. Many franchises that are Canadian favourites take part in the TFWP, including big household names like McDonald's and Tim Hortons. An employer can fill up to 10% of their current staff with temporary foreign workers, which is why, although small businesses also take part in the TFWP, their stake in the process is much smaller than the bigger franchises. The TFWP is attractive to employers because of the exploitative assets it provides. Ferguson and McNally argue further that the disposability and status of migrant workers demonstrated by Canada's programs promote the precariousness of migrant labour.²

Employers get away with exploiting temporary foreign workers in several ways including underpaying them, scheduling them for long hours, providing no benefits, improper training, exposing them to a dangerous working environment, or even via direct harassment. The TFWP creates a dangerous environment for workers, as there are virtually no safeguards in place to protect them from instability. Temporary foreign workers cannot just leave a position as a Canadian worker can, nor do they have the power to report their employer for malpractice. The recruitment and application process, itself, is problematic and plants the seed for exploitation. Many temporary foreign workers are recruited by illegitimate agencies that charge high fees, require the employee to pay for application charges (which is supposed to be the employer's duty), and do not correctly outline specific aspects of the TFWP, such as accurate timelines for waiting.³ Another reason why the TFWP is problematic is that it is not an automatic golden ticket to Permanent Residency. The worker is dependent on the employer for their permanent residency application, as the worker requires a nomination and quite a bit of paperwork from their employer.⁴ This forces temporary foreign workers to endure exploitation because it is too risky to speak up. Another layer to this is the restrictions placed on work permits for temporary foreign workers, as employees are tied to a single employer and cannot change occupations freely. A temporary foreign worker cannot simply switch jobs; they must go through a process to have their work permit switched to another employer, putting their chance at attaining permanent residency on the line. By reporting problems within the workplace, temporary foreign workers run the risk of losing their work permits and even their immigration status.⁵ Although the TFWP lays out a set of expectations for employers, there are hardly any regulatory practices in place to ensure that employers are complying with the rules.⁶

Employers' ability to exploit temporary foreign workers involves a process of dehumanization, commodification, and de-skilling. During recruitment, temporary

migrant workers are often "sold" based on personality traits. Over time, personality traits are associated with specific nationalities. Using data from Tim Horton's in Alberta and British Columbia, 78% of temporary migrant workers from 2005-2010 were from the Philippines.⁷ This preference for Filipino workers has become commonplace for Canadian employers, as they are portrayed as docile, hardworking, and known for speaking strong English.⁸ Employers can essentially "shop" for their ideal candidate, effectively objectifying temporary foreign workers and creating an environment where exploitation is a given. What makes these workers such great candidates are not only their personality but also their education levels. A large proportion of temporary foreign workers hired in the fast-food sector are far too overqualified for the job. Because the TFWP caters to low-skilled positions, temporary foreign workers often set aside their preferred occupation in hopes of achieving permanent residence status sooner. This process of deskilling internalizes a feeling within the migrant worker that they are less capable and worthy on Canadian soil, which further explains the level of exploitation that occurs. Temporary foreign workers are highly aware of how they must settle for jobs below their skill level: "I don't feel good because I finished university education. But here what kind of job can I find? Only Tim Horton's...or McDonald's...or factory jobs?"⁹ Catherine Bryan and Pauline Gardiner Barber refer to permanency as "carrot and stick," where it is commonly used as both a prize and punishment in establishments like Tim Hortons.¹⁰ This yields higher productivity and resilience in comparison to Canadian workers, as temporary foreign workers are essentially competing to "upskill" into positions like shift supervisor or manager.¹¹ Often, a temporary foreign worker's proper upskilling does not occur. Take Sara from Polanco's (2016) chapter in *Unfree Labour?*, as it describes her experience as an educated accountant from China who immigrated to Vancouver.¹² Sara would end up working at Tim Hortons for years, as it was the only place that would hire her.¹³ Being in a perpetual state of limbo and waiting for an upgrade, whether it be in a job position or status, "migrants-in-waiting" become "migrants-out-of-time".¹⁴ Embodying your true identity is not worth the risk as a temporary migrant worker, and it is safer to play along with assigned stereotypes than it is to risk showing any agency.

The toxic environment created by the TFWP, and employers outlined so far contributes to the deteriorating physical and mental conditions of temporary foreign workers. Prolonged stress caused by the temporary nature of the TFWP is damaging to the worker's mental health, while work-related injuries due to unsafe conditions affect the worker's physical body. Working in the fast-food

sector, for example, can be very physically demanding. Tasks like stocking freezers, mopping floors, taking out the garbage, etc., are expected to be completed at an unreasonably fast pace by an overworked body.¹⁵ While the demographics for age and gender of those participating in the TFWP in Alberta and British Columbia are somewhat evenly dispersed, there is a large proportion of older women that fall into the fast-food sector.¹⁶ A study conducted by Farah Ahmad reveals the increased risk that South Asian women have of work-related musculoskeletal disorders, as a direct result of low-paid and gendered jobs that they often fall into upon participating in Canada's TFWP.¹⁷ This research is an example of collective precarity taking place in Canadian workplaces, a phenomenon that became apparent during the COVID-19 pandemic when businesses like those in the fast-food sector were deemed "essential." Those working in fast food were expected to risk their health for the sake of their job, and a number of these workers were temporary foreign workers. The case study and theoretical lens of "the collective working body" used in Sri Lanka by Shyamain Wickramasingha and Geert De Neve can be applied to the Canadian case as well.¹⁸ Government expectations for the continued operation of drive-through and food delivery services united fast-food workers into a precarious body, as each individual involved was exposed to the virus daily and shamed upon contracting it.¹⁹ This theme of a collective working body is felt throughout the TFWP, as temporary foreign workers are homogenized into the same forms of precarity.

The Race to the Bottom at Home

Although the precariousness created by the TFWP affects temporary foreign workers firsthand, the program does not achieve this without impacting the work environment more generally. The "race to the bottom", in this case, refers to the impact that exploiting migrant workers has on Canadian workers and their work environment. Employers have fewer incentives to hire a Canadian if they can, instead, get away with exploiting a temporary foreign worker through low wages and overtime hours. Moreover, employers allow the working conditions in the fast-food sector to deteriorate, the more temporary foreign workers are employed. Safeguards that were once staples in the work environment are now overlooked due to temporary foreign workers' unfamiliarity with standards and inability to raise concerns. This harms the Canadian work environment that was previously strictly regulated, making it hard to attract Canadian workers to the fast-food sector as a viable form of employment. When temporary foreign workers make up a large part of the fast-food sector's employee population, are labelled

as "low-skilled," and are publicly exploited, the notion of being associated with the fast-food sector as a Canadian is undesirable.

Adverse effects caused by the TFWP also impact Canadian residents, specifically in the form of lower wages and poorer working conditions. Because the TFWP allows exploitation by the employer of the migrant worker, an employer is less likely to hire a Canadian at a wage higher than what they can get away with paying a temporary foreign worker. The aim of this argument is not to side with the narrative that "immigrants are stealing Canadian jobs" but rather to recognize the role of the scapegoat that temporary foreign workers are subjected to. While it is true that many Canadian employers abuse the TFWP and hire foreign workers instead of Canadians, it is the structures that promote this behaviour that are at fault.²⁰

Attempts have been made to mitigate the abuse of the system, such as the requirement implemented in 2014 that the unemployment rate must be below 6% in the region where the temporary foreign worker is being hired. This requirement has since been changed and increased hiring of temporary foreign workers despite rising unemployment rates continues to be an issue. The government turns a blind eye to this issue as temporary foreign workers promote economic activity while minimizing social costs, and protecting the economy.

The most common way that employers abuse the TFWP is by hiring temporary foreign workers in positions where there is no labour shortage or where the labour shortage is not big enough to warrant the number of migrant workers hired. Research conducted by the C. D. Howe Institute displays the potential link between rising unemployment rates in Western Canada and the increased number of temporary foreign workers in this region.²² Hiring conditions for temporary foreign workers are constantly fluctuating, but the more that they ease up, the more employers neglect the Canadian workforce. The government benefits from the exploitative nature of the TFWP as well, as the state does not owe a temporary foreign worker any benefits that are afforded to citizens. Rising unemployment rates are a sign that Canadian workers are struggling to find jobs, and perhaps it is this unfair competition they face with temporary foreign workers that is contributing to this problem.

Another factor contributing to this "race to the bottom" at home is the harmful effects that the TFWP has on the fast-food sector's image. Because the TFWP lowers the wages and working conditions of the fast-food sector, what was once considered a respectable job with appropriate pay now becomes unwanted. Technically, the TFWP is in place to fill labour shortages, which inherently implies that these jobs are not wanted by Canadians. To be asso-

ciated with the fast-food sector is to subject yourself to exploitation, and it is becoming increasingly known that the people fulfilling these jobs work hard yet are underpaid. Ruth Simpson's article about embodying dirty work explains the tainting that takes place, both morally and socially, when migrant exploitation is permitted: "While such work is routinely rejected by Indigenous workers, due to poor conditions and pay, migrants are nevertheless often subject to 'moral taint' based on perceptions that they are 'stealing' jobs".²³ The TFWP is actively lowering employment legitimacy within the fast-food sector. As time goes on, we will continue to see a degradation of wages and working conditions, where the only people willing to fulfill these jobs will be temporary foreign workers who have no other choice. The fast-food sector is a growing component of our society and has the potential to foster a healthy work environment under Canadian labour laws, making it frustrating to witness the detrimental effects of the TFWP.

Conclusion

Canada's TFWP is a prime example of the deep-rooted racism that still exists as a result of our colonial past. That governments allow the hyper-exploitation of temporary foreign workers to unfold so clearly is a shocking reali-

zation. The precariousness experienced by temporary migrant workers in the fast-food sector is no longer invisible, and little is being done to remedy the deterioration of the Canadian workplace. The current form of the TFWP is no more than an archetype of modern-day slavery, as the exploitation and subjugation of racialized workers is supported by state policies.²⁴ If change is going to be made to the TFWP, to improve working conditions and promote equality, there are deep-rooted issues that need to be addressed at home. The harm caused by the TFWP is felt by Canadian workers, as well, as the "race to the bottom" at home is a concept that is beginning to actualize within the fast-food sector. Improvement will need to come in the form of easing the process to reduce stress, creating a sense of security instead of temporariness, providing state support through benefits, and creating a sense of community so that temporary foreign workers are welcomed.²⁵ Temporary foreign workers are becoming a vital part of Canada's workforce, and it is time we start treating them as such. We now rely on the work of a temporary foreign worker almost every day, whether it be while getting gas, shopping for groceries, or through the drive-through window. This is a call to reach beyond the drive-through window and to consider how we as Canadians can do better.

Notes

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