Elimi(Nation): Canada's "Post-Settler" Embrace of Disposable Migrant Labour

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ABSTRACT   *This article utilizes the lens of disposability to explore recent conditions of low-wage temporary migrant labour, whose numbers and economic sectors have expanded in the 21st century. A central argument is that disposability is a discursive and material relation of power that creates and reproduces invidious distinctions between the value of "legitimate" Canadian settler-citizens (and candidates for citizenship) and the lack of worth of undesirable migrant populations working in Canada, often for protracted periods of time. The analytical lens of migrant disposability draws upon theorizing within Marxian, critical modernity studies, and decolonizing settler colonial frameworks. This article explores the technologies of disposability that lay waste to low wage workers in sites such as immigration law and provincial/territorial employment legislation, the workplace, transport, living conditions, access to health care and the practice of medical repatriation of injured and ill migrant workers. The mounting evidence that disposability is immanent within low-wage migrant labour schemes in Canada has implications for migrant social justice. The failure to protect migrant workers from a vast array of harms reflects the historical foundations of Canada's contemporary migrant worker schemes in an "inherited background field [of settler colonialism] within which market, racist, patriarchal and state relations converge" (Coulthard, 2014, p. 14). Incremental liberal reform has made little headway insofar as the administration and in some cases reversal of more progressive reforms such as guaranteed pathways to citizenship prioritize employers' labour interests and the lives and health of primarily white, middle class Canadian citizens at the expense of a shunned and racialized but growing population of migrants from the global South. Transformational change and social justice for migrant workers can only occur by reversing the disposability and hyper-commodification intrinsic to low-wage migrant programs and granting full permanent legal status to migrant workers.*

KEYWORDS   migrant labour; disposability; decolonizing settler colonialism; intersectionality

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Introduction

> Societies now treat migrants less as a sustaining resource than as temporary hyper-extractive labor, potential nuisance, moral challenge, burden, or threat. There is little reason…to show social commitment, loyalty, or responsibility. Citizenship is a far-off consideration. (Goldberg, 2015, p. 120)

During much of this century, Canada has engaged in a profound transformation in its migration and citizenship policies, evidenced particularly strongly in its rising reliance on temporary migrant workers. Precarity, conditionality and illiberal norms have diluted and supplanted permanence and the promise of inalienable citizenship in how large numbers of migrants are selected and governed.[1] Among the most significant reforms, offsetting decades of settler-style immigration has been the shift in the relative importance of temporary migrant workers *vis à vis* immigrants granted permanent residence upon entry, with the sharpest increases occurring among low-wage, "low-skill" temporary workers in an expanding range of economic sectors and occupations (Faraday, 2014; Walsh, 2014).[2] In 2008, for the first time, a greater number of temporary foreign workers (TFWs) came to Canada than new permanent residents; in some provinces, this shift occurred earlier (e.g., 2006 in Alberta; see Alberta Federation of Labour, 2007).[3] While permanent migration and citizenship have long been

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[1] Precarious citizenship status refers to a range of non-citizenship or less-than-full legal citizenship statuses in a given nation-state. On the one hand, citizenship status, like pregnancy, is an either/or proposition. But citizenship and non-citizenship "exist on a spectrum, involving a pool of rights that are variously offered, denied, or challenged, as well as a set of obligations that are unequally demanded" and are a product of active negotiation involving numerous state and non-state, individual, collective and institutional actors (Stasiulis & Bakan, 2003, p. 2; see also Goldring & Landolt, 2013, p. 3). "Conditionality" as defined by Landolt and Goldring "denotes the material and discursive conditions that must be met to acquire and exercise the formal or substantive right to remain present within a national territory and/or to access entitlements and social goods, including the labor market" (2015, p. 857).

[2] According to the Parliamentary Standing Committee whose mandate it is to examine the Temporary Foreign Worker Program, "the high-wage stream is comprised of positions where the wage rate offered to the temporary foreign worker is at or above the provincial/territorial median wage, while the low-wage stream encompasses those positions with wages that are below the provincial/territorial median wage" (Standing Committee on Human Resources, Skills & Social Development & the Status of Persons with Disabilities, 2016, p. 3). "Low wage" is often conflated with "low skill" occupations that were earlier (in 2002) defined as those occupation classified as NOC 'C', requiring no more than high school education or two years of job-specific training, and NOC 'D', requiring no prior training or education (Foster, 2012, pp. 25-26).

[3] The numbers of TFWs entering Canada (at all skill levels) reached a historic high in 2012, with just under 200,000 new entrants, before plummeting in 2015 to 90,000 (Office of the Auditor General of Canada, 2017, p. 4). Major reforms and steep application costs were introduced to the TFW program in 2014, in response to criticisms of Conservative TFW policies that displaced precarious (e.g., older, female) Canadian workers in the service industries, and which substantially deterred employers from hiring temporary, and especially low-wage migrant workers. Thus, the numbers of approved low-wage TFW positions tumbled from 58,502 in 2013 to 10,980 in 2015 (Standing Committee on Human Resources, Skills & Social Development & the Status of Persons with Disabilities, 2016, p. 7). Nonetheless, the "stock" or number of

considered a "cornerstone of Canadian immigration policy since Confederation" (Pendakur, 2000, p. 3), temporary recruitment of foreign populations, regarded as unfit to settle and mingle with or assimilate to the culture, values and institutions of *bona fide* "white" settlers has also a long history in meeting Canada's labour market demands (Stasiulis & Jhappan, 1995, p. 97). In the first decades of the 21st century, such non-settler migrant labour, whose undesirability as settlers is co-constituted through intersections of race, class and gender, as well as other social and political identifiers, frequently exceeds permanent settler migration.

This article explores low-wage temporary migrant labour through the lens of disposability, an analytical framework that frequently informs Indigenous scholarship on the continuous and devastating violence and neglect of Indigenous lives, health and well-being under white settler colonialism. A central contention is that "disposability" or rendering into "human waste" is a form of discursive and material relation of power underlying settler colonialism that creates and reproduces invidious distinctions between the value of "legitimate" Canadian settler-citizens (and candidates for citizenship), and the lack of worth of Indigenous peoples and undesirable migrant (and racialized) populations residing in Canada, often for long periods of time. Intrinsic to settler colonialism is a "logic of elimination," a drive to reduce Indigenous peoples who are regarded as an obstacle to the appropriation and settlement of land (Wolfe, 2006; see also Coulthard, 2014; Day, 2015). However, this eliminatory project also pertains to the racialized migrant populations from the global South sought for their capacity to provide flexible, malleable and cheap labour, yet deemed unfit for settler citizenship. As will be briefly discussed later in this article, there are parallels as well as important distinctions in the technologies of disposability applied to temporary migrants as compared to Indigenous peoples.[4]

Drawing upon the "European truism" about guest workers, who despite state intentions, proved that they were "here for good" (Castles & Kosack, 1984), Siematyicki suggests "there is nothing more permanent than a temporary foreign worker" (2010, p. 63). In this article, I refine this argument in discussing how the permanency of temporary worker programs in Canada, constituting a significant and permanent labour market tool (Foster, 2012), is built on the assumption that there is nothing more indispensable *and* disposable than a temporary worker. The hyper-exploitation and disposability of low-wage, migrant labourers is consistent with Canada's foundation as a white settler colonial society wherein the fitness for national membership is

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migrant workers present in Canada (on December 1st, including those whose stay extends beyond a single year), climbed steadily from 89,746 in 2000 to 310,000 in 2015 (Alini, 2018).

[4] As the topic of this article is temporary low-wage labour migrants from the global South, I acknowledge that I do not do justice to the distinctive character of the settler colonial eliminatory project as linked to land, sovereignty and culture of Indigenous peoples and the powerful resistance to which it has given rise, which is compellingly conveyed in the writings of Indigenous scholars.

based on proximity to certain norms that are associated with European settlers and that are racialized, gendered and class-bound. The question of "who benefits" from the recruitment of highly exploited and yet disposable migrants is complex, but includes employers in food production and a growing number of sectors facing barriers in recruiting labour locally, the state, a host of profit-making intermediaries, white middle and upper class citizens, and also wealthier segments of Canada's multi-racial citizenry, some of whom represent the successful, "bootstrap" good-immigrant narrative (Kwak, 2018).

As Evelyn Nakano Glenn (2015, p. 60) submits, "settler colonialism's response to undesirable exogenous others has often swung…between the poles of 'elimination' and coercive 'exploitation'." Both exploitation *and* elimination are intrinsic to low-wage temporary migrant worker schemes, with the pernicious consequence that low-wage migrant labour is disposable yet indispensable. While migrant activists and critical scholars have long sought to strengthen the employment protections and rights (e.g., to health and social benefits and family reunification) of temporary migrant workers, my contention is that the oft-mentioned yet under-analyzed disposability of low-wage TFWs has lent an inherent instability to the very partial and often unattainable rights and employment protections of TFW programs. Legislated protections for migrant workers are rendered inaccessible through regulatory neglect or blatant violation by host and sending states and employers, and because of migrants' overriding fears of potential dismissal and repatriation. Unlike citizen-workers, migrant workers are not a Canadian electoral constituency or priority among Canadian politicians, making whatever gains they have made more easily reversible and expendable according to the government of the day.

This article is organized into three analytical sections and a conclusion. First, I provide some background on shifts and emerging patterns in the recruitment of temporary workers to Canada. Second, I engage with theoretical perspectives that examine the disposability of humans, with an eye to producing a synthetic framework that can deepen our understanding of the conditions that generate temporary (low wage) migrant labour, particularly as it has been recruited and organized during the 21st century in Canada. Marxian and other political economy theories of forced labour and the impact of neoliberal globalization on the mobility of populations are key to understanding the dynamics of human disposability as applied to migrant labour. Zygmunt Bauman's chilling analyses of the production of human waste frames such disposability as "an inevitable outcome of modernity" (2004, p. 5) with racialized national borders serving as a key site where authorized violence against those marked as disposable occurs (Razack, 2017, p. 3). The dynamics of human disposability in Canada are also illuminated by its own historical "logic of [human] elimination" as a white settler society (Wolfe, 2006). Thus, rather than seeing the proliferation of low-wage temporary migrant labour forms of recruitment as a departure from

or the end to settler immigration (Dauvergne, 2016), I contend that it represents a recent reiteration of the "dual logic" of settler colonialism – driven to dispossess Indigenous peoples *and* to develop mixed settler/disposable labour systems (Coulthard, 2014; Day 2015, p. 113; Galabuzi, Wallis & Sunseri, 2010). I conceptualize "human disposability" as a settler colonial technique of governing Indigenous peoples and unfree racialized migrant labour, with a focus on elaborating its applicability to the latter. The recruitment of select racialized and gendered groups as indispensable yet disposable labour to develop infrastructure and specific economic sectors and to aid in social reproduction has a long history, which will be briefly touched upon here.

In the third section, I suggest that like parallel concepts developed by scholars to understand migrant labour – e.g., their cheapness, flexibility, precarity, and unfreedom – the disposability of migrant labour is multi-dimensional and processual involving several sites, technologies, and actors populating the "space of flows" that contribute to inhumane conditions that hasten injury, chronic illness, deportability and even death of migrant workers (Castells, 2001; Sargeant & Tucker, 2009). Much of the documentation of migrant disposability has occurred in live-in caregiving and particularly agricultural work, which has recently expanded in numbers of TFWs even during periods where there has been a contraction in other program streams.[5] It is here that many migrant labour activists, journalists, academics, and a film-maker have sought to bring attention to the dehumanizing work and living conditions that waste away the bodies, minds and souls of migrant workers from countries such as Mexico, Jamaica, Guatemala, and Barbados (Hennebry, 2010; Lee, 2016). The medical repatriation of ill and injured workers, absence of subsequent, post-employment health care, and deaths of some of these workers resulting from hazardous workplace and living conditions, comprise important steps in rendering waste to these migrant workers (Orkin, Lay, McLaughlin, Schwandt & Cole, 2014). Under the Trudeau Liberal government, there have been new measures introduced to uncover and impose fines on employers found to be non-compliant with the regulations of temporary migrant programs. My analysis of government data on non-compliant employers indicates how priority is given to the assumed adverse impact of migrant worker employment on jobs for Canadian citizen workers and to maintaining employer access to a vulnerable and disposable migrant labour force, rather than to addressing the root causes of these vulnerabilities.

In the conclusion, I address how the disposability of TFWs, which is at the core of low-wage migrant worker programs, has implications for the framing

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[5] Thus, while the number of TFW positions approved through a Labour Market Impact Assessment (LMIA, a type of labour market screening) decreased from 163,035 position in 2013 to 90,211 positions in 2015, the number of approved positions in the area of "primary agriculture" increased from 45,366 to 53,303 (Standing Committee on Human Resources, Skills & Social Development & the Status of Persons with Disabilities, 2016, p. 7).

of justice and human rights campaigns undertaken in migrant worker self-advocacy and by migrant justice organizations.

Reforms to Temporary Migrant Worker Programs

While contemporary "temporariness" in migrant status intrinsically suggests the possibility of disposability regardless of migrant skill level (Stasiulis, 2008), temporary employment-related migration is highly hierarchized. The criteria by which migrants are judged to be fit candidates and on probation for future citizenship as opposed to temporary and expendable labour reflects their positionality in a matrix of social relations that includes North-South divisions in the global economy, race, gender and class, and the kinds of capitals they possess. Thus temporary migrant worker schemes in Canada include, at one extreme, highly valorized knowledge workers and other bearers of prized cultural capital who have the means to take advantage of opportunities in the global economy and whose permanent residence is supported by employers and state authorities (Prokopenko & Hou, 2018, p. 9). At the other extreme, propelled by employer demand for greater access to low-wage, low-skill workers, it embraces those who are recruited solely for their ability to withstand exhausting, and often dehumanizing working and living conditions but who are socially unwelcome and deemed unfit, and/or lacking in key attributes such as education credentials and official language fluency as entrance fees for joining the "inner circle of national membership" (Walsh, 2014, pp. 597-598).

The dramatic increase in the numbers of TFWs relative to permanent immigrants has been accompanied by a reversal in the relative proportion of high skill to low skill migrants. Whereas in the 1990s, migrant worker programs favoured high-skill occupations, such that in addition to the long-standing (purportedly low-skill) streams for seasonal agricultural workers (SAWP) and live-in-caregivers (LCP), roughly two-thirds of TFWs were high-skilled workers.[6] Since 2002, with the introduction and substantial expansion of the "Stream for Lower-Skilled Occupations" in the Temporary Foreign Worker Program (TFWP) (Prokopenko & Hou, 2018), employer-driven recruitment of workers with time-limited visas have been channelled to food processing plants, the hospitality and tourist sectors, fast food restaurants, construction, and nursing homes, joining the longer-standing schemes for seasonal agricultural workers and private family caregivers. This has substantially increased their presence in economic sectors "at the sharp

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[6] Thus in 2005, the top occupational groupings for which LMOs (Labour Market Opinions, then a requirement for granting employers leave to import TFWs) favoured high skill occupations in the arts (musicians, film producers, directors, technical film-related occupations), and specialist physicians. In contrast, by 2008, the top occupations had shifted to low wage occupations involved in food production and service, construction and cleaning; only the fifth highest remained higher skilled (musicians and singers) (Foster, 2012, p. 29).

end of de-regulated labour markets in jobs characterized by low wages, insecurity and obfuscated employment relations" (Anderson, 2010, p. 300).

The intensification in the employment of low-wage migrant workers has led to the proliferation of what legal activist-scholar Fay Faraday terms "zones of exceptionality" within a quilted labour market with patchworks of differential rights and pockets of permanent precarity (Faraday, 2016, pp. 7, 31). Low-wage migrants who move into the most precarious forms of low-paid work originate from countries in the global South, and they enter labour market sectors that are both racialized and gendered (e.g., female caregivers from the Philippines, predominantly male Mexican and Caribbean seasonal agricultural workers; see Foster, 2012, p. 29).[7]

Low-wage workers, also designated as "low-skill," play fundamental roles in the Canadian economy and society, such as caring for children, the elderly, and the chronically ill, and harvesting crops and processing food. A great many also perform work in harsh, nasty and often debilitating conditions rejected by Canadian workers and their living situations are often equally hazardous to their health as their working conditions (Hennebry, 2010, p. 74). Employers in sectors such as agriculture frequently complain that they are unable to find local workers willing to undertake the dirty, difficult, and often dangerous work on offer and that their preference is to hire temporary foreign workers (Alberta Cattle Feeders' Association, 2017; VanRaes, 2018). The latter often become the *only* workforce to remain in these jobs, albeit largely driven by fear of job termination and resulting loss of legal status.

While protected by employment standards in most (provincial/territorial) jurisdictions, these protections in many cases exist in name only, so significant are the barriers to access them and the pressures placed on fearful workers to refrain from reporting their violation (McLaughlin, Hennebry & Haines, 2014). Protective measures in all jurisdictions are accompanied by lax oversight. Migrant worker contracts enforce an inordinate dependence of workers on single employers to whom they are tied through exclusive work permits and on unscrupulous recruiters, immigration consultants and employment agencies who exact illegal and financially crippling fees from workers (Faraday, 2014, p. 36; 2016, p. 47; Tomlinson, 2019). Language and cultural barriers, enforced physical isolation, chronic indebtedness, and fear of deportation increase this dependence (Foster, 2012, p. 25). The precarity created among low-wage migrants by the laws and policies of Canadian and provincial governments begs "the fundamental question of why broad classes of workers who have historically played a significant role in building Canada

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[7] While in 2000 prior to the expansion of the TFWP, almost 58% of TFWs originated in developed countries (United States, Australia, the United Kingdom, Japan), by 2009, less-developed countries (Philippines, India, China and Mexico) made up almost 54% of the TFWs' origins (Foster, 2012, p. 29). By 2018, the top five source countries for TFWs to Canada by Labour Market Impact Assessments (LMIAs, that had supplanted the LMOs) were Mexico, Jamaica, Guatemala, India and the Philippines (Employment & Social Development Canada, 2019a).

are now, in law, generally ineligible for pathways to permanent residence and citizenship" (Faraday, 2012, pp. 15-16)? So striking is this trend that in a recent book, immigration law scholar Catherine Dauvergne (2016, p. 2) nostalgically opines that along with other restrictive reforms, the shift to temporary labour migration in Canada spells the demise of "settlement" and the end of an "era of settler societies." Such nostalgia for past permanent residence immigration policies, while critical of the unsettling effects on migrants of restrictions on permanent residence, also renders immigrant settler policies "innocent of the violence and dispossession" that led to the establishment of the settler colonial state (Simpson, 2014, p. 25).

In seeking to make sense of this dramatic (albeit volatile, tap-on, tap-off) policy shift, normalizing temporary migration to Canada, many migration scholars apply a "precarity" lens to define the specific vulnerability and exploitability of low-wage migrant workers in terms of a nexus between precarious legal/immigration status and precarious employment conditions (Faraday, 2014; 2016, pp. 31-32; Fudge, 2012; Landolt & Goldring, 2015; Marsden, 2011). Others have turned to Marxist political economy frames to describe the proliferation in Canada of "unfree labour" schemes whose chief politico-legal mechanisms are temporary migratory status and employer-specific permits (Bakan & Stasiulis, 2012; Choudry & Smith, 2016; Sharma, 2006; Walia, 2010). In contrast to these highly elaborated analytical frameworks that have deepened our understanding of the specific assemblage of structural forces, abject material conditions, discourses, institutions, policies and actors that have created and justified the hyper-exploitation experienced by temporary low-wage migrant workers, the "disposability" of migrant labour appears in most scholarship as a descriptive term (Byl, 2011; Choudry & Smith, 2016, p. 5; Walsh, 2014, p. 585). Little analytical attention has been devoted to how low-skill migrant workers, multiplying across economic sectors and swelling in numbers, are rendered "disposable" through the policies and practices of a network of (receiving and sending) governments, employers, and an industry of third-party recruiters. Similarly, scant analysis exists of how such disposability may mark them as distinctive from or similar to other groups of vulnerable populations, either in close proximity (e.g., Indigenous communities) or occupying the contemporary global economy.

Disposability of Migrant Workers Theorized

Different theoretical literatures – Marxist-inspired analyses of labour and specifically unfree labour, Bauman's (2004) "outcasts of modernity," and settler colonialism as an ongoing rather than merely historical structure (Glenn, 2015) – provide distinctive and overlapping lenses through which to view an under-analyzed aspect of the conditions of low-wage, temporary

migrant workers in Canada.[8] Each of these frameworks, while insufficient in themselves, offer important insights into the rendering of temporary migrant workers into redundant "human waste" – a process that is antithetical to the "permanency," successful integration, and "contributions" to the nation of its immigrant population of highly diverse origins that form strands of the official narrative about Canadian multiculturalism and nation-building.

Marx's critique of capitalism and his labour theory of value provide a key starting point for understanding the contemporary disposability of low-wage migrant workers (Yates, 2011). Under capitalism, value is rooted in labour, specifically its unique capacity to produce value. But labour also takes on the form of a commodity and as such is consumed and can be disposed like other commodities when it is no longer needed. Indeed, disposability, a process whereby workers can be hired and fired – individually and *en masse* – to meet the demand of capital accumulation, is at the core of Marx's notion of the industrial reserve army of labour (Marx, 1990, pp. 784-785). Mechanization reduces necessary labour time even as it increases the pace and intensity of work; the new efficiency means less labour is required, thus reducing formerly active labour into a "kind of waste excreted from the system of production and wages" into unemployment and underemployment, and also "separated partially or fully from domains of capitalist exchange and social life" (Yates, 2011, pp. 1688-1689, 1679). Disposability in Marx's and contemporary Marxian writings thus refers to two distinct processes – *expendability* (producing the reserve army of labour) and the *wasting away of the health, bodies and lives* of workers. For Marx, capitalism "squanders human beings, living labor, more readily than does any other mode of production, squandering not only flesh and blood, but nerves and brain as well" (Marx, 1991, p. 180, cited in Yates, 2011, fn. 11).

Marxian perspectives such as Yates (2011) posit the disposability of labour as immanent to capitalism as a totalizing mode of production, pointing to the necessity of human labour and the rendering of humans into waste as

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[8] This is not an exhaustive survey of literatures that might assist in enriching our understanding of different dimensions of disposability of migrant workers. Thus, Perry (2012, p. 197) draws upon Foucault's analysis of biopower and state racism to illuminate the bio-political significance of the Canadian Seasonal Agricultural Workers wherein racialized workers from the global South, deemed the "inferior race," cultivate life-giving, health-enhancing food for the Canadian population, considered a population whose lives are worthy of sustaining. Another literature that contributes to an understanding of human disposability in migrant labour migrations focuses on what Kevin Bales (2004) refers to as the "new slaves" who constitute "disposable people" in the globalized neoliberal economy. The significance of Bales' framing for analysis of temporary migration to Canada is not to deem all "low-skilled" temporary worker programs as equivalent to the "new slavery." Nonetheless, clear instances of enslaved temporary workers in Canada exist; duped by and indebted to unscrupulous recruiters by the promise of good jobs and permanent residence, many such workers are without status or money and sometimes imprisoned by traffickers (Tomlinson, 2019). Rather, the same forces (e.g., boundless supply) that render modern slaves vulnerable to slavery and disposability, also severely curtail the costs of maintaining temporary migrant workers and augment their deterioration and disposability.

contradictory yet necessary dynamics for continued capital accumulation. Marxian perspectives have also offered incisive analyses of the various phases of global capitalism – particularly in the global South – that have led to the contemporary worldwide prevalence of temporary contract migration. Especially significant has been the now common wisdom that much migrant labour, designated as "low skill," is "unfree labour" and does not conform to the legally autonomous, formally non-coerced labour that Marx identified as the labour form upon which capitalism is quintessentially dependent (Bakan & Stasiulis, 2012; Choudhry & Smith, 2016; Miles, 1987; Sharma, 2006). This has led to fertile analyses of the assemblage of political upheaval, neoliberal economic policies, and financial, military and environmental conditions that have "freed" from sustainable livelihoods an estimated one billion plus people in the global South to function as a burgeoning "relative surplus population" (Davis, 2006; United Nations Human Settlements Programme, 2003), a small portion of whom are then recruited as "unfree" migrant labour by wealthier states only to be made vulnerable to retrenchment and expulsion.[9] Indeed, the TFWP can be understood as exploiting the broader context of cataclysmic economic, social, environmental and political changes in the global South pushing people out of rural livelihoods into urban slums and then out of their home countries, leading to "the internationalization of what Marx called the 'reserve army of labour'" (Calugay, Halhaire & Shragge, 2016, p. 154).

In a second and highly influential framework of human disposability – Zygmunt Bauman's analysis of the production of "wasted lives" – attention is paid to the production, culture and flow across borders of "impoverished human waste," as an inescapable outcome of modernization, "order-building" by states, and capitalist economic progress "that proceeds through degrading and devaluing older ways of making a living" (2004, p. 5). Whereas previously, and coinciding with colonialism, superfluous people would be transported from colonizing countries to (e.g., settler) colonies, the reverse traffic of the "flotsam and jetsam of planetary tides of human waste" epitomizes modernity. In a developed-society context where economic security of citizens has eroded and with the shrinking and disappearance of the "social state" and the social safety net, new "legitimation formulas" emerge (Bauman, 2004, p. 90). Unauthorized migrants and asylum seekers (from distant parts of the globe unloaded into "our own backyard") are an easy target for demonization that accompanies nationalist campaigns promoting security and safety of citizens through mobilization of feelings of public anxiety, risk and insecurity (Bauman, 2004, pp. 55-56). They "provide governments with an ideal deviant other"; indeed, Bauman "is tempted to say

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[9] I am unable to do justice of this large body of scholarship on the conditions rife for human disposability in what is often blandly described as "migrant-sending countries." For a recent illustrative analysis of the ongoing devastating effects of neo-liberal globalization that have resulted in a sustained process of production of unfree migrant labour in the Philippines, see Spitzer and Piper (2014).

that were there no immigrants knocking at the doors, they would have to be invented" (Bauman, 2004, p. 56).

While the rendering into waste of "excessive, redundant" mobile populations is the outcome of complex social processes involving many actors (public and private interests including smugglers and traffickers), Bauman gives priority to the (destination) nation state, which holds exclusive monopoly, based on its "fictional" and even "phantom-like" claims to sovereignty over performing the task of "sifting out, segregating and disposing of the waste of order-building" (Bauman, 2004, p. 33). Drawing on Agamben's (1998) ancient Roman legal notion of *homo sacer*, which empties human and divine value from the lives among those so designated, Bauman contends that under modernity, it is the uncontested monopoly of the contemporary nation-state that presides over the construction and regulation of distinctions between "citizen and *homo sacer,* belonging and exclusion, useful (=legitimate) product and waste" (2004, p. 33). Realizing the central role of the state (in sending, transit and destination countries) in the active oversight, rejection, incarceration, deportation and speeding up of the biodegradation of bodies is important in recognizing states' culpability in human rights violations and in the destruction of human beings.

While Bauman's analysis has been insightfully utilized to convey the callous disregard for or invisibility of the deaths of "irregularised travellers" and asylum seekers at borders (Spijkerboer, 2017) and in immigration detention centres (Razack, 2017), it is notable that Bauman himself includes economic migrants in his analysis of the flow across borders of "impoverished human waste." He suggests that economic migrants who manage to land on affluent shores are met by such accusations as "sponging," holding to "disreputable habits and creeds," and more recently (especially if they are Muslim), charges of terrorist conspiracy. It is possible that some theorists have paid scant attention to the disposability of economic migrants because they hold to a distinction between a population that serves an economic purpose (e.g., as a reserve army of labour) and the "redundant," whose only purpose is to make modernity possible through their disposability and who are "always on their way to becoming waste" (Razack, 2017, p. 3). This is where the Marxian insight of the double-nature of labour under capitalism is germane – the necessity of human labour and the relegation of humans as waste as contradictory yet necessary dynamics for continued capital accumulation. As Bauman argues, states seek to "find a balance between two blatantly contradictory yet equally vital postulates of airtight borders and of access to cheap, undemanding docile labour" (p. 61).[10]

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[10] Although the notion of "airtight borders" is a myth, it serves a key ideological function of dehumanizing the "flotsam and jetsam of planetary tides of human waste" (Bauman, 2004, p. 57) and of justifying governance centred on securitization. This has seen European and North American governments supplementing tightened border control regulations with a frenzied construction of border walls, barbed wire-topped fences, and the deployment of militarized surveillance, including drones (Stasiulis, 2018).

Disposability in Canada's White Settler Colonialism

Canadian social justice scholarship has seen a notable resurgence in interest in the framework of settler colonialism (Stasiulis & Yuval-Davis, 1995) for illuminating "ongoing colonialism, the dispossession of Indigenous lands, and the actual/attempted elimination of Indigenous peoples" in order to inform and support movements for Indigenous resurgence (Snelgrove, Dhamoon & Corntassel, 2014, p. 2; see also Simpson, 2014). Key to understanding the concepts of "white settler society" and "settler colony" is their status as historical constructs and hegemonic myths about the nation, "consigning distinctive roles in production, reproduction and nation-building to indigenous and different groups of European and non-European women and men" (Stasiulis & Yuval-Davis, 1995, p. 8). The generative power of these myths includes "their utility for multinational corporations who have profited immeasurably from the appropriation of indigenous lands and from the cheap and divided labour of racially, ethnically and gender-segmented labour markets" (Stasiulis & Yuval-Davis, 1995, p. 8). As Glenn (2015, p. 67) aptly argues, settler colonialism is not merely a past historical event, but rather serves as an ongoing structure that can reveal the "underlying systems of beliefs, practices, and institutional systems that undergird and link the racialization and management" of Indigenous peoples and subjugated racialized migrant populations and their descendants. It is also "a framework that is amenable to intersectional understanding because it is widely understood that colonial projects simultaneously structure, race, class and sexual relations between colonists and the colonized" (Glenn, 2015, p. 55).

The template for disposability of humans in white settler colonial states such as Canada was set by the eliminatory projects of colonial authorities and settler elites to reduce, remove, assimilate and erase Indigenous peoples, with appropriation of land rather than proletarianization serving as the primary motive (Coulthard, 2014) for "eliminating the native" (Snelgrove et al., 2014, p. 13).[11] Decimation of Indigenous peoples by various forms of still unprecedented genocidal violence, as well as the repeated refusals of Indigenous peoples to be assimilated to settler colonial ways (Simpson, 2014), meant that colonial and capitalist elites had to look elsewhere for labour. Indigenous peoples were dispossessed of their lands and confined to reserves, wrested from their sovereign administration, and presumed through various racist, patronizing tropes to hold dispositions unsuited to work the land or take up work in urban areas. In this sense, Indigenous peoples were treated as disposable and ultimately in an expanding capitalist economy *not* indispensable. Settler colonial elites were thus compelled to seek bulk foreign

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[11] It is important to acknowledge, however, that in Canada for two centuries (1670-1870), settler colonialists also sought and depended upon Indigenous labour for their successful exploitation of natural resources and survivability. Indeed, the knowledge and labour of Indigenous (both male and female) peoples proved decisive to profitability during two centuries of the fur trade (Stasiulis & Jhappan, 1995, pp. 101-104).

labour to build transportation infrastructure, and for the development of multiple and successive natural resources for export, and eventually, industrialization through import substitution (Stasiulis & Jhappan, 1995, p. 97).

From the beginning, however, the recruitment of populations from abroad was bifurcated between those whose assumed moral character, civilization, and physical appearance, judged through specifically white British and northern Eurocentric lenses, made them "exalted subjects" fit to populate the nation (Thobani, 2007), and those prejudged (through a variety of often sexualized Orientalist, anti-Black, etc., racisms, each with their own distinctive genealogy) as being "unassimilable" – i.e., not merely embodying serious deficits but rather lacking the innate capacity to be remolded into acceptable settler-citizens. In the second category, and at the bottom of an implicit racial/ethnic ranking, were various groups of migrant men and migrant women (rarely both and rarely family units) who were recruited solely for low-wage, back-breaking labour and under conditions that ravaged the health and well-being of workers. The epistemic exclusion from the process of building and joining the "Canadian nation" rendered these migrants deemed unfit for settlement both cheaper than Euro-Canadian workers and expendable. As "settler culture valorized the heteropatriarchal [white] family as the moral foundation" of Canadian society (Glenn, 2015, p. 65), the refusal of family migration to migrants from Caribbean and Asian countries acted both as a form of negative eugenics and another marker of their disposability. The assumption here was that if their families were not granted access, these migrants would be more likely to return to their country of origin once their labour was no longer required. The supposition that some migrants with civilizational deficits were unfit and would *not* settle made it easier to justify the imposition upon such workers of multiple forms of political, cultural, and spatial exclusion, and methods of labour discipline rejected by settler-workers. Reinforcing the Othering of those recruited solely for their flexible labour was the exclusion from tangible benefits accorded by the state to the national citizen-subject "in the form of proprietorial access to land, citizenship, mobility, employment [options], social citizenship" (Thobani, 2007, p. 21) and other (e.g., civil and political) rights, including the right to mobilize, dissent and struggle against inhumane and illegal conditions.

Historical Precedents for Disposable Migrant Labour

The entry into what is now western Canada beginning in 1858 of thousands of Chinese peasants and workers, driven from rural China by war, rebellion and poverty, bore many of the hallmarks of a temporary migrant labour movement. Some of this army of male labourers took up a variety of types of work on the Canadian west coast, toiling as labourers, cooks, laundrymen,

teamsters, domestic servants, and providing auxiliary services to mining communities (Chan, 1983, 2013; Creese, 1988). Like contemporary foreign workers, Chinese labourers were governed by discriminatory legislation and employer practices: the head taxes imposed upon them, reaching a historic high of $500 in 1923, followed by an almost complete ban on immigration; the prohibitive costs and ultimate ban against bringing in spouses and children; restrictive covenants in some cities such as Vancouver, with respect to purchase of property; indenture with specific employers and debt bondage to recruiters; wages significantly (sometimes 50%) lower than for white workers; and barriers imposed to citizenship acquisition and access to professions. All of these measures clearly demarcated the Chinese as cheap, unfree and disposable labour, rather than as permanent residents or national subjects. The logic of disposability was wretchedly transparent in the high numbers (600) of estimated deaths among the 15,000 Chinese railway workers in 1880-1885, and eugenics-informed legislation "protecting" white women from workplace interaction and intimacy with Chinese men in the isolated male bachelor societies.[12]

The bulk labour of male Chinese workers is but one of several significant historical precedents for temporary migrant worker schemes in Canada, that established niches in the labour market, filled through recruitment of foreign workers made vulnerable and considered disposable through their positioning as poor, racialized, from the global South, and often gender-segregated. Black Caribbean female domestic workers were another group that historically were treated as hyper-exploitable and disposable migrant labour. As summed up by Agnes Calliste (1994, p. 132), Canada's immigration policy regarding Blacks "was structured by a dialectic of economic, political and ideological relations: employers' demand for cheap labour to do unskilled and domestic work was set in tension with the state's desire to exclude blacks as permanent settlers." Nonetheless, unlike many affluent states (e.g., in Europe), Canada for the most part "eschewed guest worker programs for most of the twentieth century, [recruiting] migrants as permanent settlers and future citizens" (Walsh, 2014, p. 584).

The contemporary shift in immigration policy from a policy of overwhelmingly permanent immigrant settlement toward increasing reliance on unfree, temporary workers can be traced to the 1973 precursor to today's temporary work programs known as the Non-Immigrant Employment Authorization Program (NIEAP). The NIEAP relied on legal differences

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[12] While these early Chinese migrants frequently remained in Canada and are part of Canada's historical narrative regarding early "settlers," the legal scaffold of tight controls and restrictions governing their work and lives, and sometimes a total disregard for the conditions that were to protect their health and lives, are strikingly similar to modern-day policies and practices governing contemporary unfree, racialized migrant workers. So too are the discourses and emotive responses from white Canada that blocked integration of this so-called "Yellow Peril" with an admixture of "intense fear, hatred and demonization" (Pon, Coloma, Kwak & Huynh, 2017, pp. 5-6).

organized among citizens, immigrants (permanent residents) and migrant workers to ensure employer access to an unfree migrant workforce. Migrants were regulated in this program through a foreign work visa assigning them to a specified employer, stipulating the workers' occupation, residence, length and terms of employment in Canada, and the expectation of immediate exit from the country upon expiration of the labour contract (Sharma, 2006, p. 19).

Elaborating on the sites and technologies of "disposability" inherent in the burgeoning in temporary migrant schemes and numbers of workers, especially in low wage sectors of the labour market, is important to elucidate the obstacles to achievement of rights and equality with citizen-workers. Once disposability alongside hyper-exploitability are accepted as the underlying principles driving Canada's low-wage temporary worker programs, the idea that significant and long-lasting change can occur merely or primarily through lobbying and incremental reform processes is seriously brought into question.

Sites and Technologies of Migrant Disposability

While all nation-building involves forms of exclusion of populations deemed as unqualified for national subjecthood and citizenship, there is an inherent dynamic of elimination of Indigenous peoples and disposability of racialized migrant bodies in Canadian nation-building, linked to Canada's foundations as a white settler colony. The technologies of disposability are not identical for Indigenous people and migrants. For instance, the "technology of erasure" through cultural assimilation practiced on Indigenous peoples (Glenn, 2015, p. 68) is not executed for temporary migrant workers who unlike (permanent resident) immigrants are ineligible for settlement or integration services (Stasiulis, Hughes & Amery, 2011; Alberta Federation of Labour, 2007). Similarly, migrant workers but not Indigenous peoples may face legal deportation (see below on "medical repatriation"), although both populations are subject to forms of spatial containment. Migrant workers may be spatially confined and hidden or invisibilized (e.g., in private family households or on farms), whereas many Indigenous peoples are confined on reserves, rendering both populations as out of sight and out of mind. Both types of confinement are also frequently linked to exposure to water- and air-borne harmful toxins. Rather than moving toward some form of "post-settler" form of governmentality, the normalization and expansion in recruitment of temporary low-wage migrant labour renews and reproduces the white settler colonial logic of dividing populations between worthy settler-citizens, and disposable subhumans.

In the construction of migrant disposability, the role of law, especially Canadian immigration law, but also provincial employment law, is critical here in securing the link between temporary status and disposability (Fudge,

2012; Marsden, 2011, 2018). The disposability of temporary migrant labour is constantly reproduced in law: a wobbly legal scaffolding of migrant worker temporariness, protections, omissions and implicit threats, reflecting the interests of receiving and sending states (intent on migrant remittances), and often masking the free reign given to employers and unregulated intermediaries such as labour recruiters and immigration consultants.

One way of outlining the processes of disposability that shape and constrain every aspect of migrant workers' lives is to examine the sites, technologies, and discourses of migrant labour disposability. For instance, Razack (2017) documents how "waste disposal" of immigrant detainees occurs in prisons that serve as immigration detention centres, while Spikjkerboer (2017) argues that the border and security laws of states compel unauthorized migrants to evade border controls, resulting in deaths. For legally employed temporary migrants, there are several sites, technologies and corresponding sets of powerful stakeholders that contribute to their disposability. These sites include, first, the transborder space of recruitment, migration and contract employment, where the chief actors are various authorities in sending and receiving states (including sub-national states), labour brokers, and employers. As discussed below, the workplace, accommodation, transportation modes, inadequate health care system, and the repatriation to sending countries all constitute additional key sites for disposability of temporary migrant workers. Both an excess of action (tight regulation of workers) and deliberate inaction (in protection of workers' safety and rights, tracking and punishment of non-compliant employers) reproduce the disposability of migrant workers.

Inherent in the admission and legal status of all temporary worker programs is the notion of "temporariness," which is typically understood as a residency of short duration and limited rights, carrying with it an implicit possibility of removal.[13] As Rajkumar, Berkowitz, Vosko, Preston & Latham (2012, pp. 485-486) point out, temporariness in migrant worker schemes exists along a continuum, offering "privileged forms of temporariness" to the "high skilled" and "restricted forms of temporariness" for the "low skilled." The former may be "temporarily temporary" while the latter are "permanently temporary." This means that regardless of time spent working in Canada, the vast majority of low skill workers entering through temporary work schemes remain tied through their work permits to individual employers. They never attain the status of permanent residents and are denied such rights as security of presence, family reunification, eligibility for

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[13] In April 2011, under the Harper Conservative administration, temporary residence and removal became institutionalized in the "four-in, four-out" rule for temporary migrant workers. Under this rule, temporary foreign workers who worked in Canada for four years were not eligible to become temporary foreign workers again unless they are out of Canada for four additional years. Under the Trudeau Liberal government, this rule was rescinded, which lengthened the time workers could legally be in Canada, yet provided no pathway to permanent status.

settlement and access to most social welfare services. The circumstances of their work and housing conditions (e.g., caregivers "hidden in the household," agricultural workers housed far from main roads) render them concealed and segregated, and shape their exclusion from integration in the local communities where they work and live (Basok, 2002; Binford, 2013; Hennebry, McLaughlin & Preibisch, 2016; Stasiulis & Bakan, 2003).

The living conditions for low-wage migrant workers are by no means uniform and conditions of residence, within the discretionary control of employers vary. Factors such as the very limited non-work hours for migrants, the material deprivation and unhygienic conditions of much employer-provided accommodation (particularly for seasonal agricultural workers), predispose neighbours living in the same communities to fear and avoid social interaction with migrant workers. In a 2013 open letter to the Mayor of Leamington, the activist group Justicia for Migrant Workers (J4MW) remarked upon the open hostility from members of the city council shown towards Jamaican migrant workers, disparaging their use of public libraries, alleging that too many "loiter" downtown and are "lewd" to local women, and criticizing the growth of "ethnic businesses" catering to migrant workers. J4MW argued that these negative and fearful attitudes of city councilors reflect forms of racial stigmatization, and familiar racialized, sexualized tropes of dangerous black men, that are designed to segregate migrant workers as much as possible from "the white citizens" of the community (J4MW, 2013).

Disposability, while frequently undefined, is linked to temporary migrant worker deportability. Harsha Walia, for instance discusses how these two conditions of migrant workers are interlinked in arguing that, "[t]he condition of being *deportable* assures that migrant workers can be super-exploited, as well as being readily *disposable*, especially during moments of labour unrest or economic recession" (2010, p. 79, emphasis added). In other words, disposability is here regarded as carrying through with termination of employment and actual removal of workers to their country of origin when migrants resist deplorable conditions or when structural conditions worsen. Deportability, endemic among migrant workers who are "permanently temporary" pertains more to the overriding threat of involuntary removal to sending countries than to the actual practice of deportation (Basok, Bélanger & Rivas, 2014, p. 1394). Deportability constitutes "one of the main disciplinary techniques" assuring compliance among workers to accept harmful and inhumane conditions in working and living conditions and to surrender their autonomy and endure injury and illness, pain and fear (Basok et al., 2014, pp. 1395, 1405).

As Basok et al. argue, many migrants fear deportation regardless of whether they are legally in the country on a temporary worker visa or contract or if they are working without authorization, but this deportability is experienced in a variety of ways and also variably enforced (2014, p. 1399). Notably, they suggest that "it is not the frequency of deportation, but its

possibility that keeps unauthorized migrants anxious, fearful and disciplined" (p. 1399). Citizen-workers by contrast are conspicuously free of this particular source of fear, anxiety and discipline, although they may experience many sources of employment precarity. As I suggest below, disposability permeates many other sites in migrant journeys that exemplify and heighten the disposability of temporary migrant workers. As (live-in) caregivers and seasonal agricultural workers together account for about two-thirds of all low-wage migrant workers, virtually all from global South countries such as Mexico, the Philippines, and Jamaica, examples are drawn from these two sectors to illuminate the logic of migrant disposability (Faraday, 2016, p. 30).

Health Deterioration Linked to Job, Transport, and Living Conditions

The job site offers an array of sector-specific conditions that hasten the physical and mental health deterioration of temporary migrants. Among those most often noted in scholarly and community-based research on live-in caregivers, where the workplace and housing are combined and provided by the employer are: non-payment of earned wages and overtime; long work hours and being on call 24 hours a day; exhaustion; substandard and unhealthy housing (e.g., unventilated laundry and basement rooms or sharing a child's room), insufficient and poor quality food; lack of privacy; employer surveillance; sexual abuse; inability to take sick leave; isolation and loneliness linked to separation from family; sexual and racial harassment; and vulnerability to false accusations of theft (Spitzer & Torres, 2008, pp. 15-16; Stasiulis & Bakan 2002, pp. 252-253; Vahabi, Wong & Lofters, 2018, pp. 592, 596). Live-in caregivers experience an absence of control and autonomy in most aspects of their lives, stemming from the curtailment by employers of their movements, family life, visitors, time off, cooking, and use of space. Conditions affecting caregivers' physical and mental health show variation across employing households, and it is difficult to generalize on the basis of small samples of research interviews or self-reporting questionnaires (Carlos & Wilson, 2018; Vahabi, Wong & Lofters, 2018). Nonetheless, the evidence is strongly suggestive of a high prevalence of physical and mental health decline among caregivers since arriving in Canada (e.g., 43% of 30 respondents working in the Greater Toronto Area (GTA) reported a decline in physical health and 30% reported poor mental health; Vahabi et al., 2018, p. 595).[14] Another study that interviewed 21 LCP Filipina migrants in the GTA

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[14] The most common conditions reported as post-arrival health issues in Vahabi et al.'s study were: "urinary tract infection, high blood pressure, intestinal/stomach problems and respiratory illnesses" (2018, p. 595). The literature (oddly) refers to such health decline as the "healthy immigrant effect,… i.e., migrant workers arrive healthy as indicated during [mandatory] pre-departure medical screening; [subsequently] their health status declines" while they are working

(Carlos & Wilson, 2018) discusses the prevalent violation of the federal government LCP requirement of employer-provided third-party health insurance in the first three months prior to LCP migrant eligibility to join the (Ontario) provincial health plan. In this study, only one-quarter of participants were provided such mandated health care. Those not covered by insurance jeopardize their health by failing to seek medical care when injured or ill until their provincial insurance kicks in.

Given the hazardous conditions and punishing pace of work associated with agricultural work,[15] it is unsurprising that local residents routinely reject jobs on farms because of health and safety concerns (Preibisch & Hennebry, 2011, p. 1034). Cattle industry and other farmer associations regard temporary foreign workers as a "lifeline" filling vital positions rejected by Canadian candidates in the "midst of an acute labour crisis" (Alberta Cattle Feeders' Association, 2017). As Hennebry (2010, p. 73) observes, the significant increase in seasonal agricultural workers in the last 25 years has meant that a growing share of occupations linked to the Canadian food system with high rates of workplace injury, work-related illness and death are taken up by racialized migrant workers from the global South. Among the most serious health risks facing migrant farm workers are: viral, respiratory, neurological and physical illnesses stemming from unprotected handling of and exposure to pesticides and chemicals, musculoskeletal injury, contact with food and water-borne diseases associated with fertilizers, repetitive stress injuries, gastroenterological issues, sexual health conditions, and mental health concerns (Hennebry, 2010, p. 75; McLaughlin, Hennebry & Haines, 2014, p. 2; Orkin et al., 2013; Pysklywec, McLaughlin, Tew & Haines, 2011).

While farm workers, regardless of their citizenship status, experience many of these agricultural health risks, the level of risk is greatly amplified in the case of migrant workers. In Ontario, where roughly half of agricultural migrant workers are recruited, protection under the Occupational Health and Safety (OHS) Act came late to agricultural workers, introduced only in 2006. In their 2010-2012 interviews with 100 migrant (primarily Mexican and Jamaican) farmworkers with self-reported health issues or injuries, and 64 stakeholders (e.g., employers, government officials and migrant advocates), McLaughlin et al. (2014, p. 8) found that while there were reported improvements in the health and safety of some workplaces since the adoption of the OHS, there was limited evidence of improved training and protection in many agricultural worksites. Echoing earlier (pre-OHS coverage) studies that found that less than one-quarter of migrants working in Ontario and BC with pesticides and farm machinery had received formal training (Hennebry & Preibisch, 2012; Russell, 2003), only 13% of the 100 migrant Mexican and

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and residing in Canada (Vahabi et al., 2018, p. 596). Agricultural seasonal workers recruited into the SAWP must also pass such medical screening prior to arrival in Canada.

[15] "Between 1990 and 2012, there were 2,324 agriculture-related fatalities in Canada, an average of 101 fatalities each year" (United Food & Commercial Workers Union Canada, 2018, p. 1).

Caribbean workers had received training in safe pesticide use. While 75% were given gloves, less than five percent were provided with a mask or other personal protective equipment. In a scene starkly illuminating the divide between non-citizen workers and citizen workers in documentary film maker Min Sook Lee's (2016) *Migrant Dreams*, shot in Leamington Ontario, unprotected migrant workers are spraying pesticides in a greenhouse while a supervisor walks in, completely suited-up and masked.

Migrant farmworkers commonly work 63-65 hours per week (in contrast with the standard Canadian 40 hour week), at a punishing pace, in extreme weather, with exposure to toxic chemicals, and under pressure to exceed digitally monitored targets (McLaughlin et al., 2014, p. 5; Hennebry et al., 2016, p. 529). Earlier studies have found illness and injury rates to be approximately 25% for Mexican workers and Jamaican workers, with one-third of the Jamaican workers reporting a long-term disability as a result of illness or injury from working in Canada (Binford, 2013; Russell, 2003). Researchers identify a myriad of reasons for the intensified risks of injury, illness and death doing farm work among agricultural migrant workers. They include the jurisdictional quagmire stemming from joint governance through federal immigration programs and provincial legislation, wherein certain protections such as health insurance and OHS are promised by the federal SAWP but are within the purview of the provincial jurisdiction, where they are most often poorly administered or completely ignored.

In addition, researchers cite the multiple barriers that exist to seeking health care and worker's compensation including: fear of termination; loss of wages or other punitive consequences from employers; lack of independent transportation; language and cultural-related barriers; absence of knowledge of the health care system, insurance coverage or worker's compensation claim system; long work hours and limited clinic hours; and worker reluctance to lose paid work hours (Orkin et al., 2014). Seasonal agricultural workers are covered by provincial health insurance upon entry in Ontario, yet only about 20% carry an OHIP card; those who enter through other low-wage migrant programs, such as migrant caregivers, have a three-month probationary period. In their survey of nearly 600 migrant farm workers in Ontario, Hennebry et al. (2016, pp. 529-530) found that, despite the ubiquity in debilitating health problems, with over half of workers citing exhaustion, back pain and muscle fatigue, less than one quarter reported seeing a doctor or indeed receiving information about use of the health care and insurance system, and 93% did not know how to access workplace safety insurance. Most of those who were injured or ill postponed medical visits (Hennebry, 2010, p. 76). McLaughlin et al. (2014, p. 13) argue that a major barrier to structural and policy reforms that might promote long-term migrant worker health is the ease with which employers can replace older, injured and ill workers with "younger, fitter, healthier workers at the beginning of each season" – in other words, their disposability. As discussed below, fear of deportation following injury or illness has a real substantive basis in the

practice of medical repatriation from Canada to the migrants' home countries (Orkin et al., 2014).

A high level of carelessness for the safety of agricultural migrant workers on the part of employers and farmworker intermediaries (such as farm labour contractors) is evident in road transport – another common site for injury and deaths among migrant agricultural workers. In 2012, 10 Peruvian farmworkers were killed in a collision near Stratford, Ontario, between a van carrying the workers and a flatbed truck (Barnes, 2013, p. 656). Barnes (2013) reports on a spate of transportation-related deaths and injuries of migrant farm workers from the global South. Particularly notable were the rising number of bicycle deaths (many hit-and-run) among Mexican workers in the Leamington area, with its "lack of adequate bike paths along the rural roads between farms and commercial centers" (Barnes, 2013, p. 654).

Living conditions of migrant farm workers, usually on employers' property, have repeatedly been identified in migrant surveys and media reports as hazardous to health (Hennebry, 2010, p. 74). Housing is regularly described as "dilapidated, unsanitary, overcrowded and poorly ventilated" (Preibisch & Hennebry, 2011, p. 1035). Hazards of deplorable living conditions and toxic workplaces merge as workers are provided untreated water, inadequate toilet facilities and living quarters in close proximity to pesticides and fertilizers (Hennebry, 2010, p. 74). As Hennebry suggests (2010, p. 75), while not all migrant worker housing is inadequate, a lack of consistency exists because of a dire under-regulation and absence of federal guidelines regarding accommodation and amenities for migrant farm workers, a conclusion similarly reached in a "Primary Agriculture Stream Review" commissioned by the Canadian government (Employment & Social Development Canada, 2019b). Employers resist the suggestion of standardized housing requirements, however, worrying that a potential national standard would increase their costs, leaving the federal government resigned to accepting that this matter is too "complex" to be nationally regulated (Employment & Social Development Canada, 2019b).

Medical Repatriation

The practice of "medical repatriation" of migrant farm workers, who develop health problems or injuries that prevent them from continuing work, crystallizes the disposability of low-skill migrant workers. Through rare access to Canadian government records related to repatriation for medical purposes of injured and ill migrant farm workers during 2001-2011,[16] Orkin

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[16] Records on the repatriation of migrant farm workers are administered by "Foreign Agricultural Resource Management Services, a federally incorporated non-profit corporation authorized by Employment and Social Development Canada" (Orkin et al., 2013, p. 193). Such records are not normally available for public or academic examination, but were brought to light when they were

et al. (2014) found that 787 repatriations to Barbados, Mexico and other home countries occurred among 170,315 migrant farm workers in Ontario (4.62 repatriations per 1000 workers). The most commonly identified diagnostic reasons for repatriation were for medical or surgical reasons, including musculoskeletal (strained, broken or severed upper and lower extremities), gastrointestinal-related illnesses and external trauma, including poisoning. While approximately 97% farm workers are male, three medical repatriations were attributed to pregnancy of female migrant workers. Only a tiny fraction (1.3%) of medical repatriations resulted from migrant workers' requests. Many migrant workers, fearing termination or repatriation, continue to work with serious health concerns, while others leave their workplaces but resist deportation in the fear that they will be unable to access health care in their home countries (Orkin et al., 2014). Migrants who have fallen ill or are injured face pressure to return home by representatives of their sending-country government agencies. When they seek medical care, time off to recover, or are hospitalized, many migrants are fired and sent home or not invited back the following season (Hennebry et al., 2016, p. 531). As Orkin et al. (2014, p. 196) argue, medical repatriation is "at once an occupational health event, an international deportation and a termination of employment" that is uniquely imposed upon migrant workers: "[t]here are perhaps no other Canadian occupational settings where workplace injuries and illnesses…[ ]…result in employment termination and deportation without further medical care or income security." Indeed, the Canadian Labour Congress "has identified repatriation provisions in [SAWP] contracts as the employer's bluntest tool to suppress workers' rights" (Orkin et al., 2014, p. 196)

The disposability of migrant workers continues once they have been deemed too ill or injured to work. Their provincial health care expires when their employment is terminated or their contracts expire, and they are normally shipped home to deal with under-resourced health care systems in their home countries. Common outcomes such as chronic illnesses, terminal conditions and deaths are unmonitored and far from Canadian public consciousness. The case of Sheldon McKenzie, a Jamaican farm worker who in January 2015 sustained an ultimately fatal head injury at work in a tomato farm in Leamington illuminates this end-stage of the disposability cycle for low-wage migrant workers. His relatives in Toronto fought pressure from a Jamaican consulate liaison officer to ship him home and began the process of application of a humanitarian visa to permit him to remain until his untimely death in a Windsor hospital (Marchitelli, 2016). His cousin remarked of the prevalent practice of medical repatriation of injured migrant farm workers: "It's worse than slavery – they dispose of them" (Marchitelli, 2016). The indifference and absence of monitoring by the Canadian government regarding health outcomes following medical repatriation and the absence of

entered into evidence during a Human Rights Tribunal of Ontario hearing concerning the death of Ned Peart, a migrant farm worker.

inquests into migrant deaths are further indicators of the routine treatment of racialized migrant workers from the global South as disposable sub-human units of production. Such deaths are deemed unworthy of investigation, and at least within Canada's borders, the loss of migrant lives is rendered invisible, ungrievable and undeserving of memorialization (Butler, 2004).

Holding Non-Compliant Employers Accountable?

Until recently, employers of temporary workers faced few consequences for non-compliance with labour and health-and-safety laws. A 2017 report by the federal auditor general chastised the TFWP for its lack of oversight. As a result, in 2018 the Trudeau government stepped up employer inspections and the online naming and shaming of non-compliant employers (Wright, 2018). [17] While Immigration, Refugees and Citizenship Canada's website "List of Ineligible Employers," established to identify employers in breach of provincial laws protecting TFWP workers had listed only one employer in August 2017 (Wright, 2018), this number jumped to 168 as of time of writing (May 2019; see Immigration, Refugees & Citizenship Canada, 2019). Of these 168 non-compliant employers, 11 of whom were identifiably in the primary agriculture section, the reasons for non-compliance were not listed for 52 employers, most of whom faced a one- to two-year ban on hiring temporary workers. The most commonly listed provision breached by employers was the reported failure to provide the inspector with documents (57); the next most common (47) was failure to match pay or working conditions or actual job listed on the offer of employment. While monetary penalties varied in amount, ranging from $500 to (the second highest amount of) $16,000, the median monetary penalty was a paltry $1000 imposed upon 36 employers.

  The highest fine of $54,000 (plus a one-year ban) was levied against Cape Breton-based Kameron Coal Management Ltd., whose breach of the TFWP program was *over*-paying American workers in comparison to the rates that had been advertised locally. Interestingly, here the severest punishment was meant to protect local Canadian workers, rather than exploited migrant workers. This concern with the impact of the TFWP on citizen-workers is consistent with a major focus of the federal auditor general's report, where the program is critiqued for allowing (usually lower-paid) international workers to take jobs that out-of-work Canadians could fill (Press, 2017). Thus, Canadian government efforts to deter the use of foreign workers as a preferred workforce have been accompanied by polarizing nativist discourses

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[17] On-site inspections by Employment Social Development increased seven-fold in one year, with 1,340 on-site inspections reported to have been launched and in various stages of completion by May 2018 (Wright, 2018).

that pit Canadian settler-citizens against temporary and non-status foreign workers.

An important instance of this was the Harper government's 2014 clamp-down on temporary migrant workers through its "Putting Canadians First" rhetoric, that not only involved significant set-backs for migrant worker rights but also legitimized the hostility and suspicion of migrant workers on the part of Canadian workers. Under the Liberal Trudeau government, the federal auditor general's report criticized the caregiver stream of the TFWP for providing "an immigration loophole for families to reunite in Canada, rather than fill a labour shortage" (Press, 2017), reiterating the portrayal of migrant live-in caregivers as "system cheaters," first voiced by former Conservative Immigration Minister Jason Kenney (Gaucher, 2019), and conveniently ignoring an explicit, long-standing objective of the former Live-in Caregiver Program – namely to provide a pathway to permanent residence for those who had fulfilled two years of live-in caregiving (Stasiulis & Bakan, 2002). While two of the 17 reasons for non-compliance listed on the non-compliant employer website spoke directly to breaches of the live-in caregiver program, including the non-provision of "private and furnished living space in the home," none of the 168 non-compliant employers were identifiably participating in the migrant caregiver program and there were no breaches listed under the two explicitly caregiver non-compliance breaches. Thus, the recent increased monitoring and public visibility given to employers who are seen to violate provisions of the TFWP have reinforced rather than undermined divisions between Canadians and disposable Others and done little to foster equitable conditions in the treatment of the two workforces.

Conclusion: Implications of Migrant Disposability for Migrant Worker Justice

> Kristina Torres, 28, came to Canada from the Philippines under a federal live-in caregiver program that she said has left her feeling "disposable" and less than human. (Thompson, 2016)

Commenting on the sea change in government migration policy favouring temporary migration, Byl (2011, p. 96) remarks that the astonishing rise in TFWs "indicates a clear shift in government policy, which has occurred without public debate, without a clear analysis of TFW programs or the outcomes of such programs. Canada has acquired a guest worker program that rivals those of the United States and Europe and it appears that most Canadians are completely unaware of this fundamental change in how we deal with people wishing to come to Canada" (2010, p. 96). Given that low-wage migrant workers are tied to employer-specific permits, threats of termination and repatriation are powerful disciplinary strategies. These

migrants endure painfully long separations from their families and often cannot return home because of the debt bondage to unscrupulous recruiters and because of the compulsion to send home remittances (Vahabi et al., 2018, p. 592). Ill health, injury, and pregnancy result in termination or non-renewal of work permits, denial of or delay in medical treatment (as provincial health insurance is dependent upon valid work visa) and repatriation. The assumed disposability of low-wage migrant workers has led to a growing and deep divide between "two Canadas": the first populated in the majority by white, middle class Canadians, governed by a combination of liberal democratic and neo-liberal principles (in tension with each other); and the second (the proliferating "zones of exceptionalism") governed by illiberal and neo-liberal principles. Socially and sometimes physically segregated from the first Canada, an entirely different and inhospitable Canada is experienced by low-wage migrant workers from the global South.

The expanded preference for "permanently temporary" labourers from the global South over immigrants with pathways to citizenship reflects the status of temporary labour schemes as an enduring labour market tool intended to provide maximum flexibility and profitability for employers in a growing number of sectors in the Canadian economy (Keung, 2017). This trend is in keeping with a shift in global North countries "from macroeconomic policies to multiple micro programmes directed at specific labour market niches" relying piecemeal on increasing the number of temporary foreign workers to fill permanent labour shortages (Barnes, 2013, p. 657). The augmented receptivity among employers and public officials towards expanding temporary foreign worker programs is not accompanied, however, by a welcoming environment in the wider community for those recruited through these programs.

Unlike permanent residency, temporary migrant schemes rely upon the endless supply in poorer countries of younger, fitter and healthier workers, who undergo pre-migration health screening, permitting employers to regularly terminate, repatriate and rehire new workforces. Every site in the multiple phases of the circular migratory process and work sojourn of low-wage temporary workers (pre-departure, travel, workplace, living conditions, return) has been associated with health vulnerabilities, inordinate stress and degradation of the physical and mental well-being of workers, resulting in a high incidence of chronic injuries, terminal illnesses and uninvestigated deaths. Fear of termination by employers for daring to show human frailties and seeking treatment for injury or illness further hastens the likelihood of deportation to sending countries.

Migration scholars and advocates have suggested the inappropriateness for vulnerable migrant workers of the one-size-fits-all Canadian health care system designed for permanent residents and citizen workers and the need for more transnational forms of migrant health and safety, and health care through coordinating access to information, training, and year-round insurance between sending and receiving countries (Hennebry et al., 2016, p.

535). The continuous stalling and lax administration of reforms that would free workers to seek more beneficial paths to workplace safety and health (such as delinking employment contracts from individual employers) reflects the historical foundations of Canada's contemporary migrant worker schemes in an "inherited background field [of settler colonialism] within which market, racist, patriarchal and state relations converge" (Coulthard, 2014, p. 14).

Intrinsic to nation-building in settler colonial states is a "logic of elimination," that continues to draw upon racialized, North-South, class and gendered stereotypes regarding migrant fitness for and exclusion from citizenship and justifies a revolving door of disposable labourers. The human degradation within the Seasonal Agricultural Worker Program, now in operation for over half a century, is less a "relic of Canada's racist and colonial past" (Perry, 2012, p. 189) than a contemporary iteration of this settler colonial logic.

Migrant activists have fought for decades to make small gains in the iniquitous conditions of temporary migrant work with respect to wages, benefits, worker autonomy, and right to family life, and to stem and reverse the deterioration in some of these legislated conditions and *de facto* exemption from worker and human rights protections.[18] The marked expansion in temporary migrant work sectors and numbers, and the narrowing of paths to permanent residence over the last couple of decades raises significant social justice flags. As Sarah Marsden has argued "the effects of less-than-permanent residence on migrants should be of concern to a liberal democracy that purports to maintain equality rights for those within its territory" (2011, p. 2l1). Greater visibility, recognition, and democratic scrutiny of the inhumane conditions that literally degrade and destroy migrant bodies and lives may bring much needed and more urgent pressure to examine the very premises of government temporary worker programs that deem it appropriate to use and discard human beings for the sake of corporate profit, and cheaper food and privatized care for Canadian citizens.

Various organizations seeking change on behalf of migrant farm workers, migrant caregivers and other low-wage temporary workers advance different frames (e.g., combatting precarity, ending unfree labour) and employ a rich array of practices and strategies to advocate for the labour and human rights of migrant workers, including public protests, legal education, assisting individual cases, and (federal and provincial) legal and policy reform. The most far-reaching demand sought over several decades by coalitions of self-

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[18] In 2014, under the Harper Conservative government, the right of migrant caregivers to apply for permanent residence in Canada was restricted, as a cap of 5,500 permanent residents annually among migrant caregivers was imposed, introducing new uncertainty and vulnerability among all those admitted into this program. The Trudeau Liberal government has introduced new requirements (e.g., application for a LMIA) for migrant caregivers to remain in Canada following expiration of two-year work permit, adding new costs and time to seeking permanence in Canada (McKiernan, 2019).

organized migrant worker groups and their allies continues to be permanent residence status for all migrant workers upon arrival. In the interim, the Migrant Worker Alliance for Change seeks "the creation of open or occupation specific work permits that are not reliant on employers and that would allow workers to move freely between jobs and workplaces and work for any employer in a sector" (Migrant Worker Alliance for Change, 2019).

The implicit premise of much advocacy is that lobbying governments will incrementally and eventually reduce or eliminate the hazardous conditions of temporary migrants; this evinces a faith in liberal democratic institutions that from time to time bears fruit, but about which many migrant justice organizations are legitimately skeptical, even as they engage in such advocacy in tandem with other strategies seeking in effect to end temporary migrant worker schemes. Incremental reform strategies fail to recognize the changed market conditions in Canada and globally wherein precarious work has been on the rise since the 1980s in the form of temporary, seasonal, casual and contract labour, and the so-called "gig economy" (Kalleberg, 2009). Provincial Conservative governments are riding the tides of anti-immigrant and racist sentiments in Canada, especially prevalent among conservative voters, to impose punitive and exclusionary ("Canadians first") policies against migrants and asylum seekers.[19] Recent shifts towards more disciplinary and less justice-based migrant worker policies illustrate how unwarranted is the assumption that the deeply racialized and eliminatory dynamics of settler colonialism are a thing of the past, rather than an ongoing reality not only for Indigenous peoples but also for poor racialized migrant women and men from the global South.

As one instance of recognition of the limited impact on migrant social justice of liberal democratic reform, the framing of activism of Leamington-based Justicia for Migrant Workers (J4MW), a non-profit activist collective that fights for space for workers to articulate their concerns without fear of repatriation, appears implicitly to reflect the notion that temporary migrant schemes are built upon the total control, disposability and dehumanization of migrants. J4MW's demands for transforming deeper structural inequalities tied to neoliberal globalization in sending countries that produce a surplus of labour, and Canada's neo-colonial and racist treatment of migrant workers, suggest a transnational framework of "migrant as human" that links the disposability of migrants to processes of *ongoing* settler colonial violence (Barnes, 2013, pp. 662-663). While some government analysis of the

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[19] According to a poll conducted by EKOS in April 2019, 40% of Canadians said that they believe there are "too many "visible minorities coming to Canada," with a whopping 71% of Conservatives voicing this opinion in contrast to only 19% of Liberal supporters (Domaise, 2019). Among recent punitive policies and laws imposed upon migrants and racialized/religious minorities are the slashing of Legal Aid for refugees and migrants by Doug Ford's Conservative Ontario government (Gray, 2019), and the so-called "secularism law" that prohibits judges, police officers, government lawyers and teachers from wearing "religious symbols" (such as hijabs and turbans) in Quebec introduced by the CAQ government of François Legault (Authier, 2019).

shortcomings of temporary migrant labour schemes pit migrant workers (portrayed as "taking the jobs that out-of-work Canadians could fill") against marginalized populations in Canada with high unemployment rates such as Indigenous peoples, a disposability lens suggest that the two populations have in common their targeting for exclusion, demonization, dehumanization and elimination. A disposability lens helps account for the obdurate resistance of government migrant worker schemes to lasting progressive transformation, and in particular the refusal of the federal government to grant permanent residence and the civil freedoms of Canadian citizens (such as the right to change employers and occupations) to all migrant workers. It also suggests the potential for fruitful alliances among groups enmeshed in a neo-settler colonial logic of elimination in seeking more fundamental and decolonizing structural change.[20] In many instances, those migrants at the "sharp end of de-regulated labour markets" (Anderson, 2010, p. 300) remain segregated and stigmatized, their exclusion and disposability constituted through immigration law and a host of sites in their work sojourn and migrant journeys that consign them to a zone of exceptionality in the second, less visible Canada. As temporary workers are recruited in ever expanding sectors of the economy, however, they are less likely to be in "hermetically sealed communities" (De Genova, 2002, p. 422) than in the past, and instead more likely to be coworkers, neighbours, clients, intimate friends and members of households engaged in social relations with citizens and permanent residents. This expanded range of social relations with "ordinary Canadians" offers opportunities for greater visibility, education, alliances and activism. Such activism would be informed by an utter rejection of "permanently temporary" migrant worker programs that are premised on the inherent wasting away and disposability of human beings.

Acknowledgements

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[20] The question of whether racialized migrants or people of colour should be considered "settlers" by virtue of living and owning land appropriated by Indigenous peoples is an important question for social justice struggles (see Lawrence & Dua, 2005; Snelgrove, Dhamoon & Corntassel, 2014). While this complex debate is beyond the scope of this paper, my hope is that the foregrounding of the "disposability" of both Indigenous peoples and racialized, low-wage temporary migrants offers new understanding for some of the shared racial and colonial dynamics that might offer common ground for solidarity in such struggles.

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