

**Activism, popular education and knowledge production against temporary  
employment agency exploitation of im/migrant workers in Montreal**

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## **Abstract**

This thesis examines two intimately related topics. First, it analyzes the practices of temporary employment agencies and employers in using the vulnerabilities of migrant and immigrant workers across different precarious labour sectors in Montreal. Second, it aims to understand the knowledge production, learning and non-formal education linked to action that occur in the course of organizing im/migrant agency workers by the Immigrant Workers Centre (IWC) and the Temporary Agency Workers Association (TAWA). The discussion of agencies is located in a broader context of the global and Canadian neoliberal model which includes attending to racism and racialization, flexible labour and labour deregulation, labour precarity, the defensive position of trade unions, austerity and immigration policies. The study uses longitudinal research and interviews with 42 im/migrant agency workers in precarious jobs, as well as interviews with IWC and TAWA activists and members. It employs an ethnographic and activist approach informed by Global Ethnography and the Extended Case Method. The analysis entailed the description of local experiences of im/migrant agency workers and the ways that agencies manage their vulnerabilities to optimize labour exploitation. It relates IWC and TAWA organizing processes to the growing activity and importance of workers' centres as alternative organizations to traditional trade unionism. The study found that systematic violations of im/migrants' labour rights through agencies also impact their private lives. It argues that the Canadian and Quebec states are complicit in structuring this super-exploitation through their immigration policies and their disengagement from the conditions of im/migrants in the labour market. In response, the IWC and the TAWA have developed an organizing model for agency workers based on five pillars: community organizing, knowledge production, popular education, and leadership development. This includes provision of services infused with education for collective action, arts-based activism, and diverse ways of spreading information and knowledge. Participation in bigger campaigns and partnership with engaged academics has also resulted in important strategies leading to the IWC and the TAWA organizing workers and making visible the problems associated with agencies.

### **Abstract (French)**

Cette thèse examine deux sujets intimement liés. Dans un premier temps, il analyse les pratiques des agences d'emploi temporaire et des employeurs en ce qui concerne l'utilisation des vulnérabilités des travailleurs migrants et immigrants dans les différents secteurs du travail précaire à Montréal. Deuxièmement, il vise à comprendre la production de connaissances, l'apprentissage et l'éducation non formelle liés à l'action menée par le Centre des travailleurs immigrants (IWC) et l'Association des travailleurs intérimaires (TAWA) dans le cadre de l'organisation des travailleurs intérimaires. La discussion des agences s'inscrit dans un contexte plus large du modèle néolibéral mondial et canadien qui inclut le racisme et la racialisation, la flexibilité du travail et la déréglementation du travail, la précarité du travail, la position défensive des syndicats, les politiques d'austérité et d'immigration. L'étude utilise des recherches longitudinales et des entretiens avec 42 intérimaires / travailleurs intérimaires dans des emplois précaires, ainsi que des entretiens avec des activistes et des membres de IWC et de TAWA, employant une approche ethnographique et activiste informée par Global Ethnography et Extended Case Method. L'analyse a consisté à décrire les expériences locales des travailleurs intérimaires / migrants et les façons dont les agences gèrent leurs vulnérabilités pour optimiser l'exploitation du travail. Il relie les processus d'organisation de la CBI et de TAWA à l'activité croissante et à l'importance des centres de travailleurs en tant qu'organisations alternatives au syndicalisme traditionnel. L'étude a révélé que les violations systématiques des droits du travail des immigrants par le biais des agences ont également un impact sur la vie privée des travailleurs immigrants. Il soutient que les États canadien et québécois sont complices de la structuration de cette surexploitation par le biais de leurs politiques d'immigration et de leur désengagement des conditions des immigrants sur le marché du travail. En réponse, l'IWC et le TAWA ont développé un modèle d'organisation pour les travailleurs intérimaires basé sur quatre piliers: l'organisation dans le milieu communautaire, la production de connaissances, l'éducation populaire et le leadership. Cela inclut la fourniture de services imprégnés d'éducation pour l'action collective, d'activisme artistique et de divers moyens de diffusion de l'information et du savoir. La participation à de plus grandes campagnes et le partenariat avec des universitaires engagés ont également abouti à d'importantes stratégies menant à l'organisation de la CBI et de la TAWA et à rendre visibles les problèmes associés aux agences.



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## **List of acronyms**

ACSESS: Association of Canadian Search, Employment and Staffing Services.

ACORN: Association of Community Organizations for Reform Now.

AMURE: Association of McGill University Research Employees.

AMUSE: Association of McGill University Support Employees.

CBSA: Canada Border Service Agency.

CIEM: Colectivo de Inmigrantes Españoles de Montreal.

CIC: Citizenship and Immigration Canada.

CNT: Commission des normes du travail.

CNESST: Commission des normes, de l'équité, de la santé et de la sécurité du travail.

CSN: Confédération des syndicats nationaux.

CSST: Commission de santé et sécurité au travail.

ECM : Extended Case Method.

FDNS: Front des defense des non-syndiqué-es.

FRAPRU: Front d'action populaire en réaménagement urbain.

FTQ: Fédération des travailleurs et travailleuses du Québec.

INSPM Institut national de santé publique du Montréal.

IRIS: Institut de recherche et d'informations socio-économiques.

IWC: Immigrant Workers Centre.

IWW: Industrial Workers of the World.

LSC: Labour Standards Commission.

MUR: Mexicanos Unidos por la Regularización.

SAB: Solidarity Across Borders.

SIN: Social Insurance Number.

TAWA: Temporary Agency Workers Association.

TFWA: Temporary Foreign Workers Association.

TFWP: Temporary Foreign Workers Programs

UQAM: Université du Québec à Montréal.

YMCA: Young Men's Christian Association.

## 1 Introduction

This thesis seeks to better understand the practices of temporary labour agencies ('temp' agencies) and employers in using the vulnerabilities of im/migrant<sup>1</sup> workers across different sectors in Montreal. In doing so, it asks how these practices relate to the generation and reproduction of labour precarity among im/migrant workers. It also aims to understand how knowledge production, informal and non-formal education, and learning processes are being developed in the course of organizing im/migrant agency workers by the Immigrant Workers Centre (IWC) and the Temporary Agency Workers Association (TAWA) in Montreal. This includes asking what lessons and insights could be learned from this experience to strengthen im/migrant labour movements and struggles for social justice in the current context of globalization and labour precarization.

My discussion of temp agencies is located in a broader context of a critical appraisal of the Canadian and global neoliberal models which include racism and racialization, labour deregulation, labour precarity, and the current climate of state austerity. My first research objective thus entails analyzing the local experiences of racialized and precarious agency workers in Montreal through describing the ways temp agencies manage im/migrants' vulnerabilities in precarious labour sectors such as the food industry, recycling, farming, warehouses, health, cleaning, gardening, and others. A second strand of my research discusses IWC and TAWA organizing processes and campaigns regarding temp agencies. This discussion, in turn, is contextualized within the growing activity of

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<sup>1</sup> In the Canadian academic literature and context, the term "migrant" is commonly used to refer to temporary foreign workers. These are workers who come in a temporary basis under the umbrella of temporary foreign worker programs with a valid immigration document such as a work permit (Faraday, 2012). On the other hand, the term "immigrant" usually refers to citizens and permanent residents with origins other than Canada (Goldring, Berinstein, and Bernhard, 2009). However in this research I use the term im/migrant to group those categories of people but including others which have a temporary status such as international students and visitors. I also include refugee claimants, and accepted refugees waiting for the permanent residency, and sponsored persons who are waiting for a response from Immigration Canada. However, I also include in the term to rejected refugees, humanitarian applicants, and ex-temporary foreign workers who abandoned their programs or were laid off by their employer and who remain in the country. Usually, the last three categories do not have work permits and/or their visas have expired. So, they are commonly called "undocumented".

workers' centres as alternative organizations to traditional trade unionism in North America (Fine, 2006).

The IWC is a workers' centre and a community organization. It has worked to support the rights of im/migrant workers since it was founded in 2000. The TAWA was subsequently formed under the IWC's umbrella in 2011 to address the organizing of im/migrant workers employed through temp agencies and to create a structure to develop their leadership. Several other Montreal organizations and collectives composed of im/migrants, mostly from the global South, who work or worked through temp agencies are related to, and/or have collaborated in IWC and TAWA activities. These are: United Mexicans for Regularization (MUR), a group of undocumented Mexicans which pushes for the regularization of their immigration status formed in 2011; "*Dignidad Migrante*", a group of Mexican, Guatemalan and Quebecois/e activists formed in 2009; the CIEM (Spanish Immigrant Collective of Montreal) formed in 2012 by a group of young Spanish im/migrants who left Spain mainly due to lack of employment and opportunities<sup>2</sup> and PINAY<sup>3</sup>, a Filipina women's organization in Montreal formed mostly by former live-in caregivers in 1991; <sup>4</sup>. In its early stages, the TAWA also collaborated with *Au Bas de L'Echelle*, a non-governmental organization which advocates for the defence of rights of non-unionized workers in Montreal. These groups, along with workers who have taken leadership roles, have been directly or indirectly involved in political lobbying and campaigning to push Quebec's Labour Standards Equity, Safety and Security Commission (CNESST)<sup>5</sup>, and the labour and immigration ministers of Quebec and Canada to improve regulations regarding the operation of temp agencies and the precarization of labour conditions

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<sup>2</sup> Dignidad Migrante and the CIEM no longer exist.

<sup>3</sup> Pinay means a woman from the Philippines. It is a recent word since it was used by Filipinos who lived abroad. When a Filipino meets a woman they think is originally from the Philippines they ask: "Pinay k aba?" (Are you Filipina?).

<sup>4</sup> In 2013, these organizations, along with the IWC and the TAWA, formed the "Coalition against Precarious Work," to denounce and stop the growth of labour precarity in Quebec.

<sup>5</sup> The CNESST is the Quebec government commission which has the mission of promoting and protecting labour rights and occupational health and safety obligations in the province.

among im/migrants. Together, I contend that these groups are part of an emergent movement mainly (though not exclusively) made up of im/migrants from the global South. Among their responses against abuses by temp agencies, these organizations were able to produce knowledge and make visible the precarizing labour process immigrant workers experience through temp agencies, a sector of the economy which has expanded steadily over the last 17 years in Canada<sup>6</sup>. Much of what is known about temp agencies in Montreal has emerged from the active work of the IWC, the TAWA and their allies, which includes academic partners. As a result, the complexity of the issues surrounding the temporary staff industry is starting to gain more visibility and understanding in Montreal, and the workers and activists are key actors in documenting and disseminating knowledge about temp agencies and some of the main features of this business.

#### **a) The triangular nature of the temp agency industry and some of its features**

Although it is hard to define exactly what a temp agency due to the variety of operations in which they are involved, in a general way an agency may be defined as a business which provides workers to different client enterprises via short-term temporary contracts. Temporary employment is based on working arrangements limited to a certain period of time according to the needs of the client enterprise or organization.

A key feature of temp agencies is the triangular nature of their employment relationship (See Figure 1). According to Vosko (2010), this business is based on:

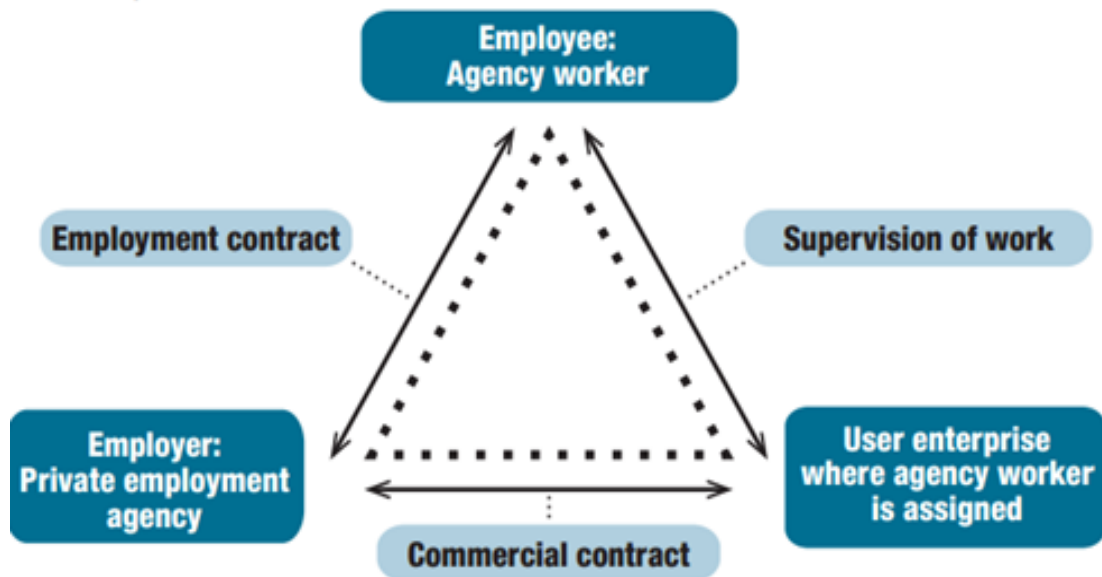
“[...]an employment agreement between an agency and a worker stipulating terms and conditions of employment and a commercial agreement governing the sale of

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<sup>6</sup> The most recent survey on employment from Statistics Canada (2014) shows that in 2014, operating revenues for the Employment Services sector have more than doubled since the early 2000s. In 2014, these revenues amounted to \$ 13.3 billion for Canada and \$ 1.4 billion for Quebec (Statistics Canada). For 2013, most of the industry operating revenue was generated in Ontario (51,1%), followed by Alberta (25,4%) and Quebec (12,0%) (Statistics Canada, 2014).

employment services between an agency and a client firm. The essence of the arrangement is that agencies place workers on assignment with client firms. In a legal sense, temporary agency work is an example of a “triangular employment relationship” (p. 633)”.

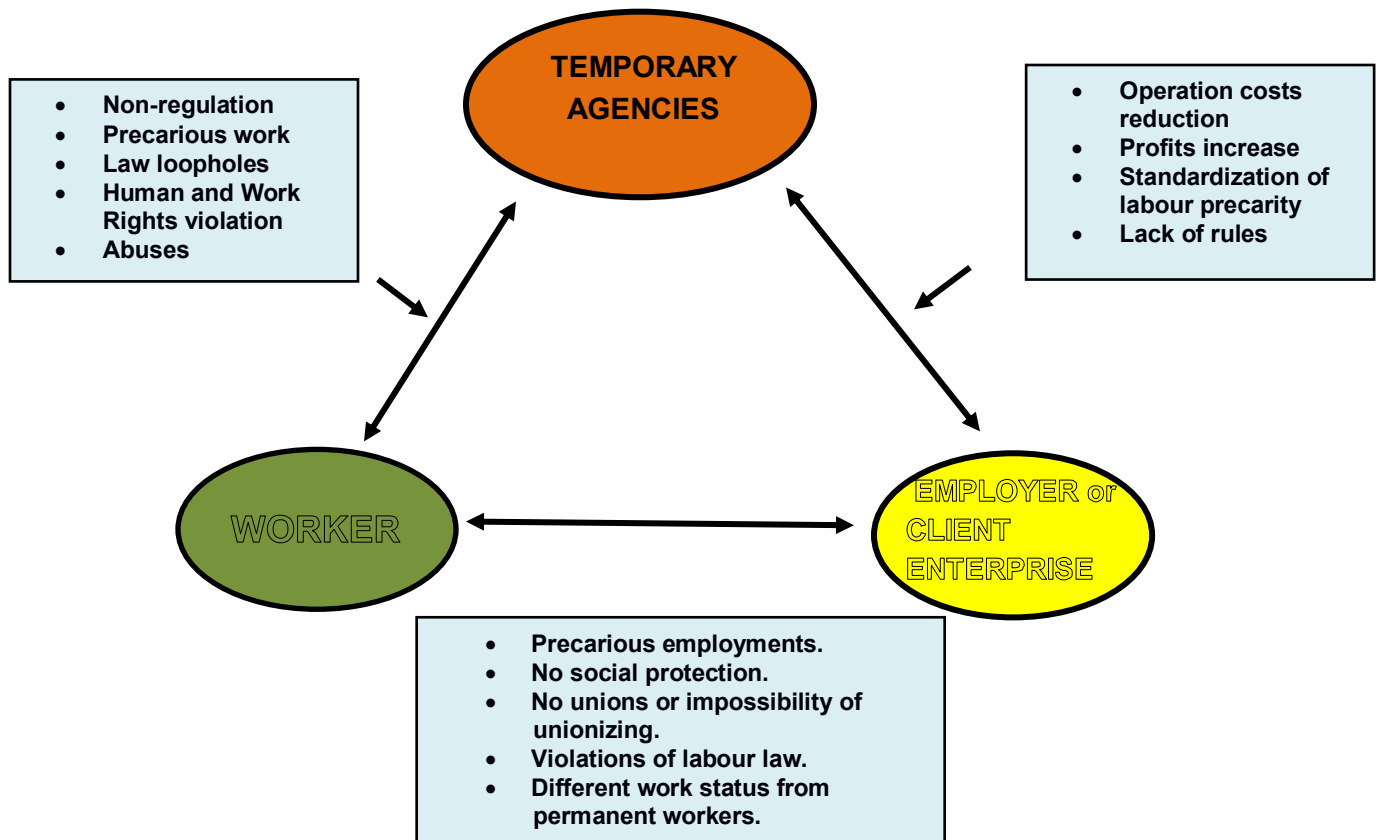
**Figure 1. Triangular nature of the temporary employment relationship**



**Source:** International Confederation of Private Employment Agencies.

However, this labour relationship has effects on the production of labour precarity as expressed in figure 2. Its expansion is changing labour relationships (Vosko, 2010), normalizing labour precariousness, and transforming previously standardized labour rights into “privileges”. Temporary work is becoming central to the Canadian labour market (Choudry and Henaway, 2014), articulating labour precarity with lack of regulation, workers’ vulnerabilities, labour and human rights violations, and super-exploitation.

**Figure 2. Triangular relationships and impacts upon work conditions**



**Source: Arguello, Guerrero and Salamanca, 2014/2015 and observations and exchanges with immigrant workers and TAWA and IWC members.**

Despite its negative effects on labour conditions, the temp agency sector argues that this business promotes the entrance of workers, including im/migrants, into the Canadian labour market, so that they can eventually obtain permanent employment (Vosko, 2006; Choudry and Henaway, 2014; Association of Canadian Search, Employment and Staffing Services, 2016). In addition, it argues that it promotes the benefits of flexible labour to business clients and workers. From their point of view, flexibility in work hours permits workers more time to invest in family, studies and other jobs. (Association of Canadian Search, Employment and Staffing Services, 2016).

Another main feature of this industry is the almost complete absence of regulations governing it. In Quebec, regulations for this industry have been almost non-existent since 1982 (Bernier, 2014) when the provincial government abrogated a Bill which was created in 1910. I will discuss these points in greater detail in Chapter 3.

### **b) The formulation of the research questions and the methodological approach**

While writing this thesis, I have actively participated (since March 2013) as a member of the TAWA, IWC and the Coalition against Precarious Work<sup>7</sup>. I also developed close relations and ties with members of MUR, Dignidad Migrante, PINAY, CIEM and the Temporary Foreign Workers Association (TFWA)<sup>8</sup>. With this experience and the resulting information, I developed my analysis in response to my research objectives. However, I have also been working for over four years as a research assistant for the longitudinal research project “Placement and Recruitment Agencies: silent partners in migrant employment” conducted by Professors Jill Hanley (McGill School of Social Work) and Paul Eid (Department of Sociology of l’Université du Québec à Montréal- UQAM) respectively. This research project has provided primary data coming from in-depth interviews with 42 im/migrant workers with different immigration status and from several precarious labour sectors, including the food industry, farms, cleaning, recycling, health care, services, warehouses, restaurants, and some professional fields<sup>9</sup>. Thus the research questions I posed were constantly in tension with my double role in the IWC and the TAWA as a researcher-student/organizer-activist.

Because of my double role, while my doctoral research advanced, I gradually immersed myself more and more politically in the struggles around temp agencies. However, this involvement had

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<sup>7</sup> In Quebec, the Precarious Workers Coalition came about initially as an urgent political response to a proposed government bill on precarious work in 2013 under the newly formed Parti Quebecois government.

<sup>8</sup> The TFWA (Temporary Foreign Workers Association) was founded in 2013 under the umbrella of the IWC to defend labour rights of temporary foreign workers in Quebec.

<sup>9</sup> This research project intended to interview im/migrant workers every four-six months, over a three-year period. Each interview took approximately one hour. As of writing, most of the interviewees were at their eight/ninth interview stage.



some academic and non-academic antecedents which warrant description in order to better understand how the research questions emerged. My choice of topic arose mainly as a result of my own location as an im/migrant in Canada. On admission into the PhD program at McGill, I had initially planned to research popular education in social movements in Bolivia, my country of origin, but decided to change the subject due to my intention to settle in Canada.

Choosing a topic about Canada presented some obstacles because I was unfamiliar with its history and social reality. However, a critical theoretical and historical exploration of some of its defining features allowed me to understand how immigration was key to its economic and cultural development as a nation. Then I approached the IWC and the TAWA in order to better understand them as organizations and their understanding of immigrants' situation in Canada. My involvement in their activities started in February 2013 in my first outreach<sup>10</sup> to temp agency workers outside a Dollarama distribution warehouse. I also joined the Artists' Bloc in March 2013, a project of immigrant activists-artists which emerged in 2012 at the IWC to support its campaigns.

Through my involvement, I kept a constant eye on the relevance of my research activities to workers organizing as a methodological guide of the research process (Bevington and Dixon, 2005). I tried not to be driven by the needs of my academic involvement, but rather sought to produce knowledge and develop activities that could be ultimately useful and relevant (Bevington and Dixon, 2005) to the organizing activities of the IWC and TAWA, this emerging movement and its future reflective processes. This initial approach started to frame my research, including the methods and procedures I adopted as "militant research". Militant research is a way to produce knowledge intimately articulated within the interests of social organizations and movements, and recognizes that knowledge production processes are not neutral (Rojas Soriano, 1989; Martinez and

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<sup>10</sup> Outreach may be understood as "the mounting of locally-based activities which are designed to connect with local communities and increase their awareness of and participation in different forms of learning" (McGivney, 2000, p.7)

Lorenzi, 2012). This includes that the researcher becomes an active member of the organization or the movement. This approach may draw from many methodological approaches, including Participatory Action Research (PAR) (Fals Borda, 1978; Rojas Soriano, 1989; Jordan, 2003) and co-research (Levy and Speed, 2008), feminist theory (Biglia, 2007) and popular education processes (Rojas Soriano, 1989). The research process then becomes eminently political, where the researcher engages directly with social struggles (Levy, 2006). However, the relationship between the local experiences of exploitation of immigrant workers and structural factors also led me to look at Global Ethnography, a methodological approach to link local events with global forces and structures (Burawoy, 2000). This also includes the use of the Extended Case Method (ECM), a methodology that links events experienced locally with global frames of capitalism and globalization.

However, my own life experience also contributed to my position as a militant researcher. My status as a foreign student with temporary residency and with limited work permit in Canada afforded me a particular vantage point from which to reflect upon and perceive how immigration policies, racism and racialization combine in the labour market producing discrimination in Quebec/Canada. Consequently, I used reflexivity as a methodological strategy to link theory with my own lived experiences, which were close to those of im/migrant temp agency workers.

As my knowledge of the TAWA and the IWC increased, and I started to observe their internal dynamics of producing knowledge and developing popular education processes, two more research objectives concerning the organizing processes of this movement emerged. First, I sought to describe the influence of knowledge production, education, and learning processes developed inside this movement in defining its social actions and strategies to fight against exploitation and unfair practices by temp agencies. Second, I aimed to systematize the lessons from the IWC and TAWA's experience that may lead to improved practices of linking or connecting knowledge

production, non-formal and informal education, and learning with social action (Foley, 1999) for migrant and immigrant labour movements.

### **c) My location in the research**

My location in the research corresponds to my personal interest and experiences as an im/migrant in Quebec. One particular event in December 2012 directed my attention to issues of labour and immigration. While visiting New York, I went to a hairdresser in Astoria. The hairdresser, a Greek man, started talking with me. I told him that I was a Bolivian student studying in Montreal. Then he asked me if I was planning to stay in Canada. I answered “maybe”. He offered me the phone number and contact of a woman in Montreal, the owner of two restaurants of the fast food chain “*La Belle Province*”. The hairdresser told me that she could help me to immigrate. After I thanked him, he immediately called the woman and passed me his telephone. She asked me about my legal status in Canada, and told me that her lawyers could help me to apply for permanent residence in eight months. Finally, she told me to call her when I returned to Montreal and that she could offer me a job in one of her restaurants. This event left me with many questions. Why would a person offer a job, immigration advice and lawyers to a stranger? What did this interaction reveal about Canadian immigration processes?<sup>11</sup> Subsequently, reflecting on these issues led me to critical readings on Canadian migration policies which sparked my interest to explore the role that im/migrant labour has played in the Canadian economy, and the ways that activist groups have contested the effects of immigration policies producing cheap and vulnerable labour. Noticing this interest, my supervisor suggested I approach the IWC and the TAWA to explore the possibilities to develop a research process about temp agencies, im/migrant labour and organizing.

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<sup>11</sup> After a while, and knowing more about the situation of many im/migrant workers, I realized that the answer to those questions are related to the economic role immigrants play in the Canadian economy and the commodifying process many of them are subject to in order to be used as sources of cheap labour.

Another experience sharpened my interest in Canadian migration policies and im/migrant labour. Throughout my first year in Montreal, after my arrival, it was very common for me to receive social media messages or e-mails from friends and family members seeking advice about immigrating to Canada. However, further clarifications and explanations about the difficulties of the immigration process and im/migrants' experiences were enough to discourage them from applying. Reactions to this information were varied, but in general everybody was disappointed. The information they had heard about the immigration policies was that they were "very interesting" or "attractive". They visualized Canada as a progressive and welcoming receiving environment for immigrants.

In April 2013, I experienced the legacy of francophone nationalism first-hand for the first time as a migrant. While waiting at a bus stop on my way to the university, a man started speaking to me in French. I responded in English that I did not speak French and could not understand him. The man turned away, but moments later he turned back and asked me in English where I was from and how long I had been in Quebec. I responded that I was from Bolivia and had been in Quebec for seven months only. He then informed me that it was okay for him to speak to me in English, but he only uses English when absolutely necessary because "We are In Quebec, and in Quebec we speak French". His final remark was that if he were to see me again in three years, he would not speak to me in English – only in French – because three years is plenty of time to learn the language. - Subsequently, with more time in Quebec and knowing more about its history, I learnt about the complex historical relationships between Francophone and Anglophone communities and provinces in Canada. This includes the political implications of the connections between identity and language in Quebec. I have also been on the receiving end of subtle "outsider" treatment many times, for example, in February 2014 at a Catholic institution offering French courses for

im/migrants. At the beginning of the class, the teacher handed out a sheet of paper to each student and instructed us to fill it with personal information including our names, age, and our “planet of origin”. His tone was light and playful, but that only highlighted how we im/migrant French students were “outsiders” and from places “out of this world” (his world was clearly Canada/Quebec).

Because of these and other experiences as an immigrant, I was always open to the situations I heard in workers’ narratives. However, my sensitivity increased after learning about the structural factors which impacted their lives. Feeling like an outsider was often uncomfortable, but it afforded me a privileged position to deal with the subjectivity of many of the workers I interviewed. It also allowed me to locate myself, my experiences and my reflections in dialogue with bigger critical frames to go beyond anecdotal description. In sum, my positionality enabled me to build links between what I observed and experienced locally with bigger theoretical frames and critical scholarship about im/migrant labour.

#### **d) Overview of Relevant Literature**

My research draws on a range of critical scholarship on the racialization and exploitation of im/migrant workers. This literature attends to the links between globalization and neoliberal structural reforms in Canada and Quebec on the one hand and historic racism and immigration on the other (Bannerji, 2000, 2005; Sharma, 2001, 2002, 2005, 2006, 2011; Venne, 2004; McNally, 2002; Mathew, 2005; Ng, 2006; Berinstein, Goldring, and Bernhard, 2009; Thobani, 2007; Rodriguez, 2010; Fudge, 2011b; Faraday, 2012). It also includes discussions on the significance of racism and racialization within Canadian capitalism in establishing class differences (Galabuzi, 2006; Bannerji 2005, Thobani, 2007; Block and Galabuzi, 2011) and critiques of Canada and Quebec’s official multicultural/intercultural policies and discourses from critical race theory

(Sharma, 2002; Thobani, 2007; Arat-Koç, 2012). I also consider the specificities of Quebec society in terms of the political tensions associated with its dynamics of cultural, linguistic and political identity (Icart, 2001; Piché, 2003; Armony, 2010, 2013) and its specific effects intensifying racism in the province.

The second major field of related literature for this research came from critical adult education scholarship which attends to informal and non-formal educative, learning and knowledge production processes inside social movements (Foley 1999, Allman, 2010; Avendaño and Hiatt, 2012; Bleakney and Morrill, 2010; Choudry, 2014a, 2014b, 2015). This literature demonstrates that research and education have a central role in social action (Fletcher, 1998; Foley, 1999; Allman, 2010) and provided analytical resources to observe and describe internal practices and processes in the IWC and TAWA's responses to temp agencies.

#### **e) Overview of the Thesis**

This dissertation is composed of an introduction, five main chapters and a conclusion. Chapter one describes the current Canadian context of temp agencies in relation to employing an im/migrant labour force. It reviews the literature and different topics relating to this problematic in Quebec and in particular, Montreal. These elements include: globalization and neoliberalism; Canada and Quebec's immigration and immigration policies; vulnerabilities of im/migrant workers; and racism and racialization of the labour force. It also includes a brief review of federal and provincial labour regulations concerning temp agencies. Chapter two presents a review of critical literature related to knowledge production, learning, and action inside social movements – three themes are a central focus of the research. It also reviews the literature on the emergence of workers' centres and community organizing as alternatives to unions in a context of austerity. Together, these bodies of literature establish a framework to interpret the internal organizing processes that im/migrant

worker organizations, such as the IWC and the TAWA, deploy from a critical education perspective. The chapter also includes the research methodological strategies utilized and describes the rationale behind the development of a militant research methodological approach. Chapter three briefly describes the application of this methodological approach. Chapter four synthesizes and discusses results from interviews of im/migrant temporary agency workers and from an extensive review of different cases of their abuse by agencies. The data presented here builds a general understanding of the effects temp agencies' practices have upon the working and living conditions of im/migrant workers in Montreal (Salamanca, 2015) in different labour sectors. This chapter also argues for more attention to be paid to the role of regulation in order to limit and control the ways agencies develop certain practices that increase abuses and exploitation of im/migrants. Chapter five presents the organizational development of the movement against temp agencies inside the IWC and the TAWA. It focuses specifically on the practices of knowledge production, popular education, learning processes and leadership development, whether deployed through formal and informal educative processes or incidental learning (Fletcher, 1998; Foley, 1999). The chapter also describes other dimensions of this organizing, from its very beginning, prior to TAWA's foundation, to its current involvement in the Quebec campaign for a \$15 an hour minimum wage. Finally, the concluding chapter presents the key findings, lessons and highlights regarding temp agencies and the organizing practices which contribute to the struggle against them.

I believe that a major contribution of this study is the generation of empirical data to support and feed critical academic and political debate about the practices of temp agencies in Quebec. I propose further quantitative and qualitative research into how temp agencies manage the vulnerabilities of immigrant workers to increase their profits. A second contribution comes from the combination of methods from PAR, co-research, and Global Ethnography/Extended Case Method in a militant research process to show the possibilities of producing relevant and useful

knowledge, but also to produce beneficial research dynamics for both collective organizations and academic scholarship. The third contribution is the foregrounding of the understanding that taken together, collective organizing, popular education, learning, and knowledge production can generate powerful alternative ways in which activist groups, engaged scholars and social movements can fight for social justice and bring about demonstrable change.



## **Chapter 1. The logic of using racialized im/migrant labour in Canada and Quebec and the role of temp agencies**

Im/migrant labour and temp agencies are different sides of the same coin. On the one hand, The im/migrant labour force in Canada is a highly racialized one (Galabuzi and Teelucksingh, 2005; Sharma, 2006a, 2006b, 2011; Choudry, Hanley, Jordan, Shragge, and Stiegman, 2009; Block and Galabuzi, 2011; Fudge, 2011a 2011b; Munroe, 2012; Ng, et al., 2013; McDonald, 2014). Alongside this, immigrant workers are over-represented in temporary agency work, specifically in sectors where labour precarity is the standard (Massé, 2016). Temp agencies and temporary work are also key factors in decreasing labour costs through rendering work more precarious (Mandarino and Van Arsdale, 2009; Van Arsdale, 2013; Vosko, 2010; Calugay, Henaway and Shragge, 2011; Choudry and Henaway, 2014).

Agencies are key due to an economic environment that facilitates their activities of super-exploitation. In the last three decades, economic restructuring, heightened market competition and neoliberal reforms aimed at reducing costs and maximizing business profits in Canada with the intention to maintain the accumulation of capital. Economic restructuring includes the opening of borders to the free circulation of capital and investments, legislation aiming to facilitate and protect investors' capital, and emphasizing the need of jobs instead of the quality of jobs. This orientation is directed to open possibilities for the private capital to compete for the provision and production of commodities, specifically in sectors where the public investment and capitals were dominant. Neoliberal reforms come as a package of reforms at social and legal levels in order to diminish the participation of the State as regulator of the economy, providing the conditions for capitalists to define or influence the shaping of the societal format of social relationships. It assigns the societal leadership to the bourgeoisie.

As part of this package of measures, Canada's international commitments to free trade and investment, and private sector interests in exploiting "cheap labour" overseas led many enterprises to shift their production to the South. Meanwhile, employers in Canada sought to reduce costs by accessing a non-unionized local pool of flexible and unprotected labour. A big part of this reserve army comprises racialized im/migrants, whether temporary foreign workers, citizens, refugee claimants, undocumented, temporary and permanent residents (Fuller and Vosko, 2008; Bartkiw, 2012; Choudry and Henaway, 2016).

Thus, im/migrant labour is overrepresented in precarious types of jobs that include lower salaries, no pensions or other benefits, and no unions, and which are often only part-time, and/or temporary and casual appointments (Fudge, 2011b; Choudry and Henaway, 2016). This overrepresentation confirms what Grace-Edward Galabuzi (2006) considers to be "economic apartheid": the intrinsic impacts of race, along with class and im/migration status on the income gap, labour conditions and access to jobs in Canada.

There is strong evidence that a significant share of this labour force is connected to the Canadian labour market through temp agencies (Fuller and Vosko, 2008; Bartkiw, 2012; Bernier, 2014; Choudry and Henaway, 2016) which allow businesses to erode worker rights, weaken unions, and constrain the options available for these workers to organize (Smith and Neuwirth, 2008; Mandarino and Van Arsdale, 2009; Belkacem and Kornig, 2011; Calugay, Henaway and Shragge, 2011; Van Arsdale, 2013; Choudry and Henaway, 2014).

However, this im/migrant labour is typically not only racialized but also vulnerable. In general, I understand this vulnerability as a:

“[...] multidimensional process that creates the risk or probabilities that a person, home, and/or community may be hurt, injured, or damaged by changes to or by the permanency of external and internal circumstances. Social vulnerability expresses itself in various ways: as fragility or defencelessness against changes in the environment, as institutional abandonment by the State [...] as a personal weakness of individuals to face changes which could allow them taking advantage of the change and its set of opportunities; and as a permanent state of insecurity which paralyzes, disabling and demotivating from the possibility to think of strategies for future improvement of well-being” (Busso, 2001, p.8)

Schrover (2006) defines vulnerability as “the degree to which groups and individuals within society are differentially at risk” (p.6). Poverty and forms of irregular, informal, intermittent or occasional employment are factors that make people more vulnerable (Schrover, 2006). Other negative impacts include the constriction of human rights which weakens the bonds of primary sociability. Age, health, ethnicity and gender are also factors which increase the risks associated with vulnerability (Schrover, 2006). Schrover establishes a direct relationship between vulnerability and migratory status:

“Vulnerability has to do with social inequality regarding citizenship. Lack of the feeling of belonging, breaking of the links between the state, citizenship and identity, make people vulnerable. Vulnerability is expressed in the restriction of economic, political or social rights. Groups or individuals can be vulnerable in multiple ways. Applied to migrants this means that all migrants will be more vulnerable on the labour market than non migrants because they lack skills or their skills are not recognised, because their networks are smaller, or because they can be more easily fired since they have less socio-economic power. The vulnerability will

be magnified for those migrants without citizenship, undocumented migrants or migrants who do illegal work, and for migrants with limited financial means.” (p.6-7).

In Canada, this political and economic exclusion and different and limited sets of rights for many im/migrants render them highly vulnerable to labour abuses and exploitation (Sharma, 2002; Faraday, 2012; Choudry and Smith, 2016). However, in a capitalist system, this exclusion is also accompanied by discrimination by means of racism and racialization (Sharma, 2002; Thobani, 2007). In this thesis, I contend that institutional and systemic racism not only creates these vulnerabilities but that their outcomes frame and normalize the creation of social categories of people who join the labour market on very unequal terms and conditions.

### **1.1 Capitalism, migration and a racialized labour force**

Historical evidence shows that the conditions leading to profit vary according to the needs of production processes that rely on a racialized labour force (McNally, 2011). History also shows that racism and racialization are related to the economic, social, and cultural development of capitalism and are used as ideologies and/or sets of practices subsumed to the interests of capital (Zinn, 1981; Bannerji, 2000, 2005; Allen, 2006; Thobani, 2007; Cooper, 2008; Arat-Koç, 2012). Then, since the first stages of capitalist social formations, racism -the belief that one (socially constructed) racial group is superior to others- and racial categories have played a strong role in structuring the arguments that justify the power and wealth of some classes over others (Zinn, 1981; Allen, 2006).

Currently, racism and racialization continue to play an important role to justify and mask the unequal distribution of wealth. It is essential to analyze how those categories operate in the economic distribution of power and wealth (Diez, 2009) and according to different social, cultural

and historical conditions (McNally, 2011). Already Allen (2006) has showed how in the 17<sup>th</sup> century U.S, in the context of a growing slave trade, racism evolved jointly with what he calls “the invention of the white race”. The “white race” category was constructed as a “ruling class social control formation” (p.) destined to improve conditions for the “white” ruling class to confront labour solidarity, with terrible effects upon African-Americans and low class white groups. It eroded class labour solidarity because race displaced class in terms of perceiving, experiencing, expressing and overcoming oppression. In this sense, the abstract social “white race” notion became concrete in terms of class domination, as it enabled and justified the representation and existence of hierarchies in economic and social positioning (Allen, 2006). Furthermore, this invention concretely reinforced dominance over working-class people regardless of skin colour because of the division it created among the working class.

Following McNally (2002), in general, the ideology of modern racism is separated from class analysis. As such, class oppression remains hidden, as does its historic and constitutive relation to racism. McNally also contends that in capitalism there is no class which is not racialized (McNally, 2011). Pursuant to this, Bannerji (2005) discusses the intrinsic relationship between class and race in Canada as it establishes social practices that naturalize class exploitation, and posits that the social relationships that emerge from race are simultaneously racist, capitalist, and colonialist.

In terms of racism and global capitalism McNally (2002) argues that globalization represents the concentration of the power of transnational corporations and political and economic elites over trade and property at the global scale. He argues that the exacerbation of racial biases plays a central role in the consolidation of this power, leading to undermining and eroding the labour rights of workers, ultimately facilitating the maintenance or increase of rates of profit. Reinforcing this idea, but connecting it to immigration, Mathew (2005) links the life trajectories of racialized immigrants and the global forces that pushed them to migrate from their home countries. In his

study of the taxi sector in New York, he demonstrates an urban and capitalist global landscape where taxi drivers - mostly from Pakistan and India - are intensely racialized and exploited. He links this form of contemporary oppression to the growing U.S.-driven global regime resulting from the discourse of terrorism following the events of September 11<sup>th</sup>. Chang (2000) also links global immigration with racist environments in migrant-receiving industrialized countries. Like Blank (1999) and Mathew (2005), she posits that measures promoting globalization and neoliberalism in the Global South are driving migration. In turn, these immigrants arrive and find themselves in environments where racism and racialization are widespread. Chang provides as an example of existing social attitudes in the U.S. that are based on the imagining of racialized immigrants as “aliens”, “invaders” or “moochers” of public resources (Chang, 2000).

These attitudes were also detected in Canadian studies (Arat-Koç, 1999; Bannerji, 2000; Sharma, 2002; Thobani, 2007). For example, Thobani’s analysis of the National Public Consultation on the federal immigration program in 1994 illustrates how xenophobic and prevalent social attitudes hostile to im/migrants legitimized budget cuts and restrictions on immigration and integration programs. She contends that the Canadian government capitalized on these anti-immigrant sentiments to reform immigration policies along neoliberal lines. The consequences were the lessened protection and increased vulnerabilities among im/migrant groups who were driven towards economic sectors demanding cheaper, flexible and diversified labour, and contributing to their commodification (Arat-Koç, 1999).

Rodriguez (2010) goes further in linking racialization to global immigration. She demonstrates that migrant-sending states play a very active role in defining and contributing to processes of racializing workers. For example, she describes the effects that Philippine state policies have in supporting and directing emigration towards a global labour market. Her study shows ways in which the Philippine government promotes emigration due to the economic contributions from

remittances, and how emigration is managed to portray lower official unemployment rates inside the country. Rodriguez carefully documents how the Philippine state contributes to building a racialized stereotype whereby Filipino workers are viewed in the global labour market as more “docile” than workers of other nationalities, making them more desirable for employers. Meanwhile, on the other side of the world, Canada is one of the biggest recipient countries for im/migrants from Philippines. They mostly arrive as cheap workers to take up precarious jobs, taking their place in an economic system which reinforces their “docile” stereotype and their racialization through its foreign worker programs and other labour policies (Hanley and Koo, 2016; Ramsaroop, 2016).

## **1.2 Racism, racialization and immigration in Canada**

### **1.2.1 The hiding of racism**

Some critical scholars examine Canada’s economy and society and its participation in the current globalization processes (Bannerji, 2000; Sharma, 2002; Ng, 2006; Galabuzi, 2006; Berinstein, Goldring, and Bernhard, 2007; Thobani, 2007; Rodriguez, 2010; Fudge 2011; Faraday, 2012). They critique their migration policies, forms of racism and the racialization of labour as being linked to Canadian capitalism and the historical constitution of this nation (Arat-Koç, 1999; 2012, Bannerji, 2000; Razack 2002; Thobani, 2007; Cooper, 2008; Block and Galabuzi, 2011; Ramsaroop, 2016). These scholars have strived to demystify the welcoming image that shapes official and popular discourses about Canadian immigration policies.

A broadly accepted notion held in Canadian society is that racism ended after the state adopted multiculturalism as an official policy. Nevertheless, there are proven examples of the ongoing prevalence of racism and racialization. For instance, Henry and Tator (2000) have demonstrated the misrepresentations of ethno-racial minorities in media narratives and their influence on Canadian

society's collective belief system. Francis, Rees and Tator (2010) showed how racist attitudes are embedded in the policies and practices of many private and public Canadian institutions along with the historical amnesia concerning the racist foundations of their society. Some researchers, such as Montgomery (2005), have also demonstrated that racism is perceived mostly as an individualized form of deviance, which happens only in specific events and spatial locations, as occurring outside of Canada or as an aberration if it happens within its territory. These representations reinforce the idea that the Canadian nation, both geographically and socially, is antithetical to racism. In addition, this perception is reinforced by the humanitarian image of Canadian responses to international cooperation (Razack, 2007) as well as progressive images about the activities of some Canadian non-governmental organizations (NGOs) in other parts of the world (Choudry, 2013).

Therefore, significant portions of Canadian society tend to dismiss any structural and historical explanations of racism. Thus it is challenging to prove that racism exists in Canadian society, given that it is not always overt, and its existence is largely rejected by the Canadian state and other institutions (Bakan, 2016; Ramsaroop, 2016) and it is not easy to perceive it in institutional milieus due to a dominant national self-image as diverse and multicultural (Thobani, 2007). This form of racism which I call "kind racism", is often expressed through ostensibly kind, humorous, or polite behaviour. In some ways it is similar in its sophistication to the idea of "nice racism" discussed by Mathew (2005) in the U.S context, the celebration of diversity in a positive way, dehistoricizing, hiding and concealing class contradictions and domination which accompany cultural diversity. According to Mathew (2005; p. 184), "[n]ice racism is the process of cultural production where somebody else's life is segmented and isolated, a neatly defined packet of pleasure is extracted from it and the 'remainder' –the excess that is the pain and the history is erased". Thus nice racism is a sophisticated form of racism in which people or cultural manifestations are detached and decontextualized from historic processes of oppression and domination. Then contradictions



become invisible transforming those people or cultural manifestations in products and commodities. It is “nice” because it usually comes accompanied by positive messages about difference. Arguably, the image that Canada sells to the world and to their citizens is a commodity in which difference, tolerance and receptiveness are exalted to hide the contradictory nature of its social formation.

Some authors highlight that this type of “passive” racism also manifests very subtly, expressed as micro-aggressions, or forms of institutionalized racism working silently when, for example, im/migrants are excluded from job selection processes (Solorzano, Ceja, and Tosso, 2000; Eid, 2012;). To identify these forms of racism, it is necessary to carefully connect different elements that are not easily perceptible at the moment of a racist event or situation. In this sense, the existence of institutional racism, micro-aggressions, and other types of systemic discrimination do not need blatant, offensive and crude expressions to exist and reproduce themselves, but their identification demands careful examination to make visible how they are structurally and historically embedded in a society. Therefore, the first step to identify racism in Canada is revisiting its historical and social foundations (Dei, 2011).

### **1.2.2 Historical aspects of racism: Racialization and migration policies in Canada**

Canada was established as a white-settler society through a hegemonic Euro-Canadian project (Venne, 2004, Thobani, 2007, Dei, 2011). Its formal history hides the contradictions between its modern version of citizenship -derived from that project- with the paradigm of universal human rights. The latter enters into conflict with the rights of Indigenous Peoples, im/migrants, and Black Canadians (Holness and Sutherland, 2000). Since the 1960s, the Canadian state has built a multicultural discourse portraying Canadian society as tolerant and open to the rest of the world

(Razack 2007) while also preserving a lack of awareness of its contradictory character among its own population (Choudry, Mahrouse, and Shragge, 2008). One example of this lack of attention and focus on these contradictory elements is revealed by Cooper (2008) who states that slavery is Canada's best-kept secret. Cooper describes how slavery was established in 1628 due to labour shortages in New France (now Quebec), and was further prolonged as an institution after the British takeover of Canada, only to be formally abolished in 1833 (Cooper, 2008). Thus slavery was present in Canada for 206 years, something that few Canadians are aware of.

Critical race scholarship has also highlighted the silencing of the racist origins of Canada by way of the "settler myth", a racial narrative whereby European settlers appear as "the bearers of civilization" and Indigenous Peoples appear as existing before the occurrence of civilization (Razack, 2002). Razack (2002) writes that the myth of the settler is part of a national mythology of equality and fairness destined to maintain white Euro-Canadians as dominant. For Dua, Razack and Warner (2004), these "[n]ational mythologies operate to make Canada a white nation" (p. 4), obscuring the dispossession of Indigenous Peoples of their natural resources, lands, and territories with their subsequent historical exclusion as active subjects in the building of Canadian citizenship, whereby their knowledge systems were interpreted as part of the past, uncivilized (Dei, 2011) and they were eliminated from the frames for citizenship production (Thobani, 2007). However, they were subject to being governed and ruled by the Canadian state, even when a considerable number of Indigenous Peoples do not identify as Canadians (Simpson, 2003).

One effect of this exclusionary construction of Canada's foundations is the notion of legitimate citizenship. This narrative enabled an imagery designed to paint settlers as the original builders of "sovereignty", a power asserted by the state which shaped and legitimized the sense of "the Other". Thobani (2007) argues it became necessary to preserve a social integration model designed to

create class and cultural-group differences between the white French-English core, and “the Others” who were perceived as outsiders. Currently, the Canadian state uses this principle and power as a device to, for example, define the role that immigration has in Canada (Canadian Minister of Justice, 2014), and to decide the extent of the rights and legal standing of “others”, who are then defined as “aliens”, “strangers”, “immigrants” “asylum seekers”, “refugees” “foreign workers” (Sharma, 2006; Thobani, 2007) and “illegals” (undocumented).

Historically, this principle of sovereignty has been used by the Canadian state for the overt and explicit use of criteria based on race and country-of-origin to select, accept, and integrate im/migrants up until the 1960s (Arat-Koç, 1999). These racial criteria were based on the notion that people of certain nationalities and races (i.e. white/European) could assimilate more easily, thus making them “desirable” immigrants. Other examples of this principle are the 1885 head-tax requiring all Chinese migrants pay a hefty fee before entering Canada to discourage their permanent immigration. The government prevented families of Chinese male workers from joining them and thus trying to discourage workers from staying in Canada after they were used as labour to build the Pacific Railway (Chinese Canadian Women, 2014). These measures did not entirely succeed in halting non-European immigration. Thus, the Chinese Immigration Act of 1923 tried to ban Chinese people from entering the country (Munroe, 2006). Further antecedents to the contemporary forms of racism in Canadian immigration can be illustrated with the selective process of preventing the entry of black people from the U.S. into Canada at the beginning of the 20th century (Shepard, 1983; Décoste, 2014).

In the 1960s, Canada moved towards multicultural policies shaping a discourse of tolerance and acceptance. However, racism has remained alive in Canada. The 1970s and 1980s were periods of civil rights struggles in Canada, but racial injustice remained concealed and obscured mainly by

mainstream media and the State. In Quebec, tensions between Anglophone Canada and Francophone Canada attracted attention around this time, and this opposition was often used to obscure overt racism, racialization, and discrimination (Armony, 2013). Visible manifestations of racism have continued to occur, ranging from daily abuses against visible minorities to attempts to reorganize groups such as the Ku Klux Klan (The ARC Collective, 2014) or the resurgence of Islamophobic, xenophobic and/or nationalistic movements following the September 11, 2001 attacks. Currently several white nationalist groups such as PEGIDA and III% (Three percent) in Canada, La Meute, Atalante, and Soldiers of Odin are active in Quebec.

After the 1980s, racism and racialization also operated through the application of the neoliberal policies of austerity. The 1994 National Consultation on Family Class Immigration (Arat-Koç, 1999; Thobani, 2007) provided justifications for the decrease in public expenditure on the welfare and integration of immigrants. Im/migrants were used as scapegoats for the economic recession, and despite the multicultural discourse, the common perceptions were that they were using and abusing public resources (Arat Koc, 1999; Chang, 2000, Thobani, 2007). Yet Canada continued presenting itself as a “multicultural democracy”. Mattis, Rees, Henry and Tator (2000) understood this as “democratic racism”, a social disposition in which the existence of racism in the context of the im/migrant experience is dismissed while portraying Canada as a tolerant society.

Thus, to define racism and racialization in the context of Canadian capitalism requires an understanding of race as a social and historical construct (Solorzano, Ceja, and Tosso, 2000) which produces differentiation between people and groups based on physical appearance, ethnic, cultural, religious, historical, and/or religious affiliation, including national identity and origin. It also implies that racism and racialization are embodied in social attitudes (conscious and unconscious), behaviours, and political and institutional structures that come from belief systems and ideology,

where a person, or one or more groups assume superiority or privileges regarding other groups based on physical appearance, as well as ethnic, cultural, religious, historical, and/or religious affiliation, including national identity and origin. In this way, race and racism contribute to the construction of power relations among and between groups.

In the context of the Canadian labour force, institutional racism and discrimination work systemically in the case of im/migrants and other visible minorities, with the inequalities they experience in the labour market depending on their im/migration status and nationality (Galabuzi, 2006). Scholarship on the participation of different groups in the distribution of wealth and social power suggests that racialized im/migrants, Indigenous people, and black Canadians are less privileged than whites (Galabuzi, 2006). Likewise, their exclusion from key economic and political sectors and their over-representation in the lower rungs of the labour market is the concrete result of institutional racism (Galabuzi, 2006). As in the U.S., racism and racialization are not only part of the history of the founding of the nation, but also of the logic of capital in producing and shaping social difference to create profit (Thobani, 2007). Quebec is not exempt from this association between precarious immigrant labour and racism. In Quebec, this logic can be seen the concentration of immigrant workers in precarious jobs, many of them hired through temp agencies, in what Noiseaux (2012) calls the dynamic of labour precarizing through the centrifugation of employment towards the peripheral labour market.

### **1.2.3 Quebec and its specific context: Francophone Identity, Racism and Immigration**

The last 35 years of immigration in Quebec has increased diversity in the province, concentrated in Montreal and to a much lesser degree in Quebec City. While immigration from francophone countries has stayed practically at the same level, Anglophone immigration has decreased, and

allophone immigration increased substantially. Between 2005 and 2014, Quebec accepted 490,909 immigrants (Ministère de l'Immigration, de la Diversité et de l'Inclusion, 2016). It has one of the highest provincial rates of receiving immigrants.

Quebec has a specific sociocultural reception environment for immigrants. The specificities of the Quebec context are defined by its French heritage and the ways this developed historically, specifically around the so-called “Quiet Revolution”. According to Armony (2010), contemporary immigration, issues of identity, language, and racism were shaped during this period, mainly in the 1960s. This process transformed discourses of Quebec nationalism to include the idea that French Canadians of this region are francophone Quebecers (Piché, 2010) in a context of historical tensions and disputes with Anglophones inside Quebec and between Quebec with anglophone provinces. The polarization between the English and French had the effect of overshadowing the situation and dynamics of other communities in Quebec

In the late 1960s and early 1970s, the Canadian government promoted a discussion of multiculturalism. In 1971, Pierre Trudeau’s federal government declared that Canada would adopt multiculturalism as an official policy, and by 1973, a Minister of Multiculturalism was created. The official narrative (Canadian Department of Justice, 2018) is that Canadian multiculturalism sought to establish the recognition of the multicultural heritage of the nation, and the preservation and promotion of that heritage, the recognition of the rights of Indigenous people in its territory; the visualization of English and French as the official languages, the equal rights of all Canadian citizens regardless of skin colour, religion, country of birth, ethnic background, etc. and the recognition of ethnic minorities to keep their cultures, languages, and religious practices.

This policy intended to preserve minority cultures; the intervention of the members of cultural groups in Canadian society; cultural encounter between different groups to favour national unity; and ensure immigrants learn at least one of the two official languages. It also intended to promote immigration showing the adherence to the protection of the individual rights of ethno-cultural minorities and against racism. However, criticism of this policy came from a number of fronts. One of the most important came from several Quebec academics and politicians (Wences, 2016) who were deeply critical of this integration model. They considered that Canadian Multiculturalism had a narrow perspective of cultural diversity, but it was also a strategy to consolidate the Canadian identity and deny the existence of the Quebec nation (Labelle et al., 1995; Bourque et al., 2000). In response, the Quebec State replaced it with cultural convergence and interculturalism (Piché, 2007), along with policies and measures to enhance French identity. Quebec interculturalism could be considered as an integration model that:

“[...] emphasizes respect for diversity; safeguarding the principle of recognition; integration with measures that prevent exclusion and social inequality; logics of intercultural harmonization on the basis of the principle of reciprocity; dialogue between cultural identities; and the construction of active civilization. In addition, it fosters the reclaim of contextual elements that authorize the justification of some dynamics proper to a particular logic, which is a condition of outward minority — Quebec at the forefront of the Anglophonic Canada and the Anglo-Saxon culture that prevails in North America— and inward majority —Quebec has a dominant French-speaking group— (Laforest, 2010:).” (Wences, 2016; 3).

Thus, in the context of the Quiet Revolution, with the Francophone community numerically and culturally dominant in the province, but a minority in North America, the Quebec state sought the

inclusion of the French language in the project of conservation of the French/Quebec identities and applied its own integration policy to protect French heritage. Controlling immigration policies was considered a key strategy to reach those goals.

The “Quiet Revolution” also propelled an existing nationalistic sentiment forward, linked to the modernization of the province and the abandonment of its rural image (Rocher, 2002). This nationalism denounced the historic oppression French Canadians suffered because of the political and economic dominance of English Canadians in Quebec (Armony, 2010), and the Quebec provincial government began to promote an image of the province as the birthplace of the North American French Canadian identity (Rocher, 2002). It also presented Quebec as a community where its members shared the same historical, linguistic, religious, territorial and economic backgrounds (Rocher, 2002) arguing that two nations (English and French) co-existed in Canada.

However, the Quiet Revolution failed to recognize the participation of other im/migrants and visible minorities in the development of Quebec society, showing the prevalence of historic exclusion associated with this nationalistic feeling. Now there seems to be some recognition that the polarization between the English and French has overshadowed the situation and dynamics of other communities of Quebec (Armony, 2013) and the contributions of these communities in improving their social conditions through their own struggles and their work and participation in the community life (Armony, 2013; Mills, 2013 and 2016). Thus nationalism, identity, and the French language in Quebec must include the analysis of exclusionary practices and dominant views about immigrants which also included forms of racism and racialization in this province.



Such an analysis must attend to history, remembering that in Quebec, slavery and racism were practiced.<sup>12</sup>

In the mid-1970s, the economic crisis generated unpopular budgetary cuts in the province, and Quebec nationalism underwent a decline that led to the defeat of the sovereignist movement in the 1980 referendum. However, the cultural effects of nationalism had enough influence to continue advancing the position of the French language and identity. One example is the 1977 Bill 101, making French the official language of Quebec, in order to consolidate the territorialization of Quebec as the “seat of the North-American Francophonie” (Rocher, 2002: p.8). The response and policies regarding francization attracted people from francophone countries, many from Africa (Armony, 2010). One of the direct effects of this measure, together with the adoption of the Quebec Charter of Human Rights, was the direct competition in employment between Quebecers and immigrants (Icard, 2001). As more and more immigrants were able to learn French or came from Francophone countries, labour competition led to the temptation to repeat exclusionary practices that had marked relationships between Francophones and Anglophones.

In the 1980s, the nationalism rooted in state interventionism entered into a crisis due to the turn towards free trade. At the same time, a new Quebec, francophone, bourgeois and white dominant group emerged, demanding the neoliberalization of policies and the reduction of state interventionism and size. A new business class of people and entrepreneurs had gradually increased its political influence. It is then that the idea of integrating immigrants into a francophone Quebec through the labour market started to be established. Meanwhile, conflicts due

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<sup>12</sup> The first recorded purchase of a slave is from 1628; the King of France authorized the importation of Black slaves in 1689, and slavery was legalized in New France in 1709 (Cooper, 2008). Slaves were assigned to menial tasks, domestic help, as stable boys and as cattle breeders in Quebec City, Trois-Rivières, and Montreal (Icard, 2001). However, also Indigenous Peoples were enslaved, the ones preferred by French settlers (Trudel, 1960). As much as the rest of Canada, Quebec’s foundations are based on racism.

to racism continued throughout this decade in Quebec around discriminatory practices and tensions between the police and visible minorities (Icard, 2001).

In 1991, Ottawa recognized the Quebec provincial government's exclusive responsibility in selecting immigrants of the "independent" category, as well as foreign refugees, and its responsibility for the services provided to new arrivals for their linguistic, cultural and economic integration. At this point, members of Quebec's economic elite had already taken the role of advocates and defenders of the collective French-Canadian identity and the interests of the province (Icard, 2001; Armory, 2010; Rocher, 2002) with enough power and voice to push on the decisions about immigration and integration Quebec policies. One of these voices, the former PQ Quebec Premier Jacques Parizeau blamed the defeat of the 1995 Quebec sovereignty referendum on "the money and the ethnic vote" (Armony, 2010) making immigrants the scapegoats for the defeat of the Nationalist project, re-creating and reinforcing the image of im/migrants as a danger to Quebec identity.

In the last ten years, other tensions have arisen around the Quebec identity and the supposed cultural threat coming from certain immigrant groups, notoriously with the Muslim community after the September 11, 2001 attacks (Bakali, 2016). Critics argue about the limitations of Quebec state institutions to understand immigrant communities and their complexities. Critics also argue that the Quebec state and its integration model fail to understand the institutional and systemic character of racism in its provincial context. For example, Mahrouse's (2010) critique focused on the consultation process of the Bouchard Taylor Commission due to its reproduction of a power relationship which affirmed (white Francophone) Quebec identity through its dominance in public consultations. Other critiques centred around the limited understanding of Islamophobia given the international context following the response to the 9/11 attacks (Bakali, 2016).

According to Icard (2001), xenophobia and racism in Quebec, which reflect a fear of the threat that immigrants could represent to French language and identity, also manifest institutionally as systemic racism. The stereotyping of Arab, Jewish, Black, Latin and Asian people continues in various forms in Quebec, including also Anglo Canadians. But in the case of racialized immigrants and “visible minorities”, this happens along with police and racial profiling; with structural obstacles to the acceptance and integration of immigrants and visible minorities; with their underrepresentation and lower positions in the hierarchies of public and private institutions; and with their lower salaries and incomes (Armony, 2010). From this perspective, in 2014, critics of the proposed Charter of Quebec Values (Bill 60) raised a public debate around the secular nationalist calls to ban the wearing of religious symbols. The Charter was an attempt to reaffirm the dominance of the “intercultural” project through forcing certain im/migrants and racialized communities to assimilate to the supposed laicite of the Quebec state (Bakali, 2015).

Ultimately, it is important to understand that Quebec’s current intercultural approach to diversity centralizes francophone culture and fails to address exclusion, discrimination, racism and racialization against im/migrants and other “visible minorities” in the province. Instead, it may arguably contribute to the worsening of these social attitudes among Quebecers (Mahrouse, 2010). Meanwhile, the federal state’s multicultural approach assumes at a discursive level that “there is no dominant culture” – which is clearly false throughout Canada as Thobani (2007) and others have argued in contending the dominance and power of white Anglophone and Francophone culture.

### **1.3 Economic aspects of immigrant labour and mobility**

In 2016, Canada’s total population exceeded 36 million people, of which approximately 20.6% (7 million or one fifth) are immigrants, making Canada the G8 member with the highest proportion of

foreign-born population. Historically, immigrants have contributed to the economic and social development of Canada since its foundation, and it is expected that immigration will continue to be a major contributor in its demographic growth (Yssaad, 2012). Almost 13% out of Quebec's total population of 7.7 million are immigrants. (Direction de la recherche et de l'analyse prospective du ministère de l'Immigration, de la Diversité et de l'Inclusion, 2014). Most are concentrated in Montreal and account for 23% of the metropolitan population (Gagnon, Milot, Leslie, and Bourcher, 2014), and specifically in Montreal city, according to the latest data from the 2016 census (Statistics Canada, 2017) approximately 34% are immigrants.

In addition, in 2011, the total labour force in Canada amounted to approximately 18.7 million people, 14.4 million (77.1%) of whom were Canadian-born, landed immigrants<sup>13</sup> comprising almost 4 million (21.2%), and the remaining 0.3 million (1.7%) comprising "non-landed immigrants". Non-landed immigrant numbers include temporary foreign workers, foreign students, refugee claimants who have valid work permits, and others not included in the Canadian-born or landed immigrant categories (Kustec, 2012). Thus almost a quarter of the Canadian labour force is comprised of im/migrant labour. Meanwhile, in Quebec, where the "labour force" is defined as the population over the age of 15 - a total of 4,44 million, of which approximately 0.9 million im/migrants make up slightly more than 20% of the total labour force, mostly living in Montreal metropolitan area. (Direction de la recherche et de l'analyse prospective du ministère de l'Immigration, de la Diversité et de l'Inclusion, 2014)

Despite the economic importance of im/migrants for Canada, Statistics Canada data reveals that those legally accepted as permanent residents and citizens of foreign origin receive a disproportionately small amount of the social wealth produced in Canada. When we look at the

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<sup>13</sup> An immigrant who has been admitted to Canada as a permanent resident.

average yearly salary calculated for all non-farm payroll employees in September 2014, we find that it was almost CAD 48984 (Statistics Canada, 2014) (This measure is based on weekly salaries and includes permanent residents, non-born in Canada citizens and born Canadians, so the first two groups push down the average) while the calculation of all income<sup>14</sup> for the group of im/migrants (without considering the date of arrival) in general for all types of im/migrants admitted legally in Canada<sup>15</sup> reached only CAD 41000 in the same year (Statistics Canada, 2014). Quebec follows a similar trend. The average yearly salary calculated for all non-farm payroll employees in September 2014 was CAD 43844 in 2014 (Statistics Canada, 2014), while the calculation of the mean of all income<sup>16</sup> for those categorized as immigrants in Quebec (without considering the date of arrival) in general for all types of immigrants admitted legally in the province<sup>17</sup> reached only CAD 34000.

But besides this economic discrimination, how can such differences be explained? To do so, it is necessary to reflect on the 2002 Immigration and Refugee Protection Act (IRPA)<sup>18</sup>. An objective of this legislation was ‘to permit Canada to pursue the maximum social, cultural, and economic benefits of immigration’ (Government of Canada, 2016). A primary concern of the Canadian state was the economic impact of immigration and how the state might adapt its immigration regulations to prioritize economic imperatives. (Thobani, 2007; Simmons, 2010). In the last 15 years, the government’s discretionary executive power to make changes in immigration regulation has been slowly increased by successive governments in order to fulfill this goal (Simmons, 2010). This

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<sup>14</sup> All income is the sum of employment income, self-employment income, investment income, and employment insurance benefits.

<sup>15</sup> Which includes all the categories under which immigrants are admitted to Canada by immigration authorities

<sup>16</sup> All income is the sum of employment income, self-employment income, investment income, and employment insurance benefits.

<sup>17</sup> Which includes all the categories under which immigrants are admitted to Canada by immigration authorities

<sup>18</sup> The IRPA replaced the Immigration Act of 1976.

shift responded mostly to interests of the private sector in order to facilitate greater access to cheaper and available labour. A recent example of this trend in Quebec is the Immigration Bill 77 proposed in 2016. This bill, as criticism from a number of organizations pointed out, increased the discretionary powers of the Quebec Minister of Immigration to define both the creation of new programs and the number of migrant workers needed to satisfy private sector demand, but without new protections for temporary foreign workers and other groups of im/migrants (Temporary Foreign Workers Association - Immigrant Workers Centre, 2016; Front de Défense des Non-Syndiquées, 2016).

Given the economic importance of immigration for the Canadian economy, the State considers it important to maintain its focus on developing flexible policies to maximize those benefits. (Kustec, 2012). However, these policies do not take into account -and indeed hide- the impacts they have on im/migrant communities. The logic of developing more flexible immigration policies created the conditions for im/migrants to suffer greater levels of exclusion in the labour market, worsened wages and labour conditions or further restricted conditions for obtaining or maintaining legal status (Tilly, 2011). Such measures were accompanied by post 2008 economic recovery policies grounded and oriented towards further liberalizing the economy and the labour market as well as making further concessions to the private sector (Gignac, 2013) but disregarding im/migrant workers' conditions. The transformations in work and the restructuring of production in the service sector, combined with greater scope to create precarious jobs, became key to maintaining profit levels and maintaining "competitiveness".

Many voices from major Canadian political parties and a large proportion of Canadians are convinced of the economic benefits of immigration and migration (Reitz, 2011) and support increasing or stable im/migration rates. They claim that immigrants provide a generous pool of

workers with different skills and qualification levels. In addition, supporters of immigration point out that such workers can easily fill gaps where shortages in labour are found. Pro-immigration voices argue that increased immigration contributes to sustainable economic growth and welfare as a result of increased tax revenue (Gignac, 2013). Alongside their support for temporary work programs, private sector representatives argue about labour shortages and the benefits of having a seasonal migrant workforce (Canadian Federation of Independent Business, 2013) and maintain active interest in how migration policies are determined. Through those arguments, the private sector deploys a large lobby to argue for the need to maintain the flow of im/migrant labour into Canada (Canadian Federation of Independent Business, 2013) and pushes to maintain a flexible flow, according to supply and demand (Forcier and Dufour, 2016). In many cases, this leads to employers acting as de facto immigration officers as in the case of temporary foreign worker programs (Forcier and Dufour, 2016). This lobby has increased its influence in other legislative areas related to immigration, such as pushing for the approval of the Bill 8 in 2014, an amendment to the portion of the Quebec Labour Code on farm workers which disenfranchised foreign workers by taking away their right to unionize. Therefore, pro-immigration voices and arguments hide the fact that much of the private sector demands labour not on the basis of addressing labour shortages but rather, desiring a vulnerable labour force willing to work in precarious conditions (Polanco, 2016). Consequently, one might conclude that current legislation operates in order to provide a vulnerable and critical mass of differentiated skilled and non-skilled labour resources in order to increase employers' profits. That seems to be the real meaning of the statement "to permit Canada to pursue the maximum social, cultural, and economic benefits of immigration" (Government of Canada, 2016) of the first article of the IRPA.

Another important economic factor not mentioned in dominant pro-immigration discourse is the cost involved in child rearing, which is increasingly borne by migrant workers through the Caregiver Program, as a greater portion of women join the labour force - mostly white and middle-to-high-income –(Stasiulis and Bakan, 1997; Arat-Koç, 2006). The state avoids addressing the costs of social reproduction through encouraging the use of cheap migrant labour. Moreover, more broadly, Canada does not bear the costs of producing im/migrant workers, whether they are Filipina domestic caregivers, agricultural workers from Central America, economic immigrants, or refugees, but its economy and society benefits from their labour, and many categories of migrant workers do not create costs for social welfare at different levels, because many are ineligible to claim benefits.

I turn now to consider in more detail how Canadian immigration policies serve to commodify im/migrant workers, maintaining a secure and cheap globally sourced flow of labour into the Canadian economy.

#### **1.4 Canadian immigration policies and the supply of a racialized, precarious and vulnerable im/migrant labour force**

In the global labour market, neoliberal messages emphasize the power of individuals to take decisions about their destiny. One of those decisions is to emigrate or to find a temporary job in a foreign country. However, critical literature (Chang, 2000; Sharma 2002; Ng 2006; Berinstein, Goldring, and Bernhard, 2007; Rosewarne, 2010; Faraday, 2012; Munroe, 2012) tends to contest the liberal view of immigration as an individual decision-making process (Chang, 2000). These studies bring to light the attempts of supranational (e.g. World Bank, United Nations, International Monetary Fund) and national players and agencies – mostly state and private sector – to build an



institutional framework, which includes laws and policies, with the focus of promoting global immigration as a “potential for development” (Rodriguez, 2010; Asia Pacific Mission for Migrants, 2015). Other studies also make explicit the ethical responsibilities of the Canadian state and society in relation to immigration (Arat-Koç, 1999; Sharma 2001, 2011; Berinstein, Goldring and Bernhard, 2007; Fudge 2011, 2011; Boti and Guy 2012; Faraday 2012) questioning the political-economic effects of the Canadian state on the displacement and dislocation of peoples (Thobani, 1999). As Canadian economic policies have a very negative impact on communities of the Global South, the subsequent results are impoverished workers seeking employment in programs such as the Seasonal Agricultural Worker Program (SAWP) or middle class workers gambling on better opportunities in Canada as economic immigrants. Therefore, global free market capitalism, including free trade agreements in which Canada is a player, forces people to migrate at the same time as Canadian neoliberal immigration policies tend to increase barriers for im/migrants to permanent residency and citizenship (Forcier and Dufour, 2016).

However, this immigration legislation did not always follow this path. Before the 1960s, policies were more oriented towards a nation-building project which prioritized cultural assimilation into Euro-Canadian culture instead of integration into the labour market (Arat-Koc, 1999). The skills and abilities of immigrants were of little importance and were not part of the main criteria for welcoming immigrants (Simmons, 2010). Immigration policies were explicitly racialized producing a largely white population, instead of being based on applicants’ individual merits.

After the 1960s, immigration policies adopted what is known as the “rationalization” of immigration (Arat-Koc, 1999), a system to ensure the articulation of applicants with the needs of the Canadian labour market for labour. As post-war European economic growth was slowing European immigration, the Canadian government introduced abilities and skills as criteria for

selecting immigrants. At this time, the state was abandoning explicit racial considerations to allow the entrance of immigrants of multiple origins (Arat-Koç, 1999) and shortly thereafter, in 1967, the point system was implemented (Arat-Koç, 1999; Green, 2003). With the point system, certain abilities like speaking English and/or French, and demand for a relevant job or skill become determined and valued by the Canadian state in the cases of economic categories of immigrants. Once accepted and established in Canada, immigrants were called “landed immigrants”, and -in theory- as permanent residents, had all the rights of Canadian-born citizens except voting.

The point system was called “rationalization” (Arat-Koç, 1999) because it heralded a planned process based on labour needs to define the quantity and quality of accepted immigrants. This change was made with the understanding that the economy needed a more sophisticated labour force due to the growth of secondary manufacturing and service sectors (Green, 2003), and to integrate a differentiated labour supply into the Canadian labour market. However, for Arat-Koç (1999) and Vosko (2010), this shift represents a process of commodification of immigrants masked by rational and economic motives, while Canadian multicultural discourse obscured these dynamics.

Further, in the neoliberal context of the 1990s, the gradual dismantling of welfare state policies increased the vulnerabilities of im/migrant populations (Arat-Koç, 1999) and many federal responsibilities were passed on to provincial jurisdictions such as reception and integration services and language training allowances without the appropriate transfer of resources required for their successful implementation (Sharma, 2011). At the same time, immigration and social integration were perceived more and more as processes belonging to the “private sphere” of immigrants’ lives, and not the state’s responsibility (Thobani, 2007).

To better understand this new system and its consequences in terms of the commodification of im/migrants, it is necessary to revisit the current paths available to immigrate to Canada. This includes four categories: a) Economic immigration, b) Family reunification, c) Refugee, d) Others (including Humanitarian Application to immigrate), as outlined in Table 1.

**Table 1: Paths to im/migrate to Canada**

Class	Category	
	<i>Immigrating</i>	<i>Migrating</i>
<b><i>Economic</i></b>	<ul style="list-style-type: none"> <li>- The Skilled Professionals Program.</li> <li>- The Qualified Occupations Program.</li> <li>- The Canadian Experience Program.</li> <li>- The Provincial Nominee Program.</li> <li>- The Caregiver Program (LCP)<sup>19</sup>.</li> <li>- The immigrant investors Program.</li> <li>-The Skilled Workers chosen by Quebec Program.</li> </ul>	Temporary Foreign Workers Program which includes: <ul style="list-style-type: none"> <li>- The Caregiver Program.</li> <li>- The Seasonal Agricultural Workers Program (SAWP).</li> <li>- The Pilot Project for Occupations Requiring Lower Levels of Formal Training (National Occupational Classification C and D) (NOC C and D Pilot Project), and The Agricultural Stream of the NOC C and D Pilot Project.</li> <li>- International Mobility Program.</li> <li>- Professional Mobility Program.</li> </ul>
<b><i>Family reunification</i></b>	<ul style="list-style-type: none"> <li>- Husbands, wives and children of citizens and permanent residents.</li> <li>- Parents and grandparents of citizens and permanent residents.</li> </ul>	-Programs for students' wives and husbands.
<b><i>Refugee</i></b>	<ul style="list-style-type: none"> <li>- Government Aid Program.</li> <li>- Private Sponsors Program.</li> </ul>	- Refugee claimants from inside the country. (Considered temporary until getting a response; They may be subjects of deportation).
<b><i>Others</i></b>	<ul style="list-style-type: none"> <li>- Humanitarian Application.</li> </ul>	<ul style="list-style-type: none"> <li>- Visitor (Tourism Visa).</li> <li>- Studies (Student Visa, Study Permit, and as temporary resident).</li> </ul>

**Source:** Based on Simmons (2010) and with the collaboration of Dr. Jill Hanley.

<sup>19</sup> In this program, workers arrive as temporary but are considered economic immigrants if they get permanent residency. It is the only temporary program that allows a pathway to permanent residency. However, among other recent changes, in 2014 the government changed the name from "Live-in Caregivers Program" to "Caregivers Program" removing the "live-in" obligation, but imposing quotas on the number accepted as permanent residents to 5,500 per year.

Economic class programs use a point system to assess the skills and competencies of applicants (Simmons, 2010). This system evaluates six main relevant skill areas: education level, skills in English and French (for Quebec), work experience, age, established employment in Canada, and adaptability. Meanwhile the Family Reunification Programs regulate the immigration of family members of permanent residents and citizens, and while outside of the point system, they are not immune to the impacts that the “rationalization” had on the immigration system. Simmons (2010) noticed that many applicants are evaluated using qualification criteria, or that the evaluation calculates how expensive they may be for the State. This category can become less desirable due to their relatively lower tax contributions and low labour market participation rates (Arat-Koç, 1999). The Refugee immigrant class includes programs designed to petition for refugee protections either from outside or inside the country.

Until 2014, immigration statistics show that family reunification and refugee class immigrants continue to be important, but these numbers are declining while economic class immigrants are on the rise (Government of Canada, 2016). According to Simmons (2010), this type of trend could be even more pronounced, but the family class is an important condition to maintaining the flow of skilled workers of the economic category because many want the opportunity to bring their relatives. On the other hand, the refugee class represents a platform from which Canada can project a very charitable humanitarian image to the world<sup>20</sup>.

Other ways to immigrate include the humanitarian application, which can be requested either from outside or inside the country even after the expiration of temporary status. However, if done inside

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<sup>20</sup> The recent increase of Syrian refugees, and Haitians coming from the U.S. escaping from Trump’s migration policies is temporarily changing these numbers. There are indications that this new group of refugees are suffering discrimination, uncertainty, lack of recognition of previous skills and diplomas, racialization and precarious work (Raj, 2016; Solyom, 2016).

the country, this process does not ensure avoiding deportation. Moreover, the assessment criteria are not clearly defined and subject to diverse interpretations. Although officials do not use the point system to assess these applications, the number of humanitarian applications is very small in comparison to the other categories.

Another impact of the “rationalization” is the blocking of the path to residency for other groups of foreign workers, like those in the Temporary Foreign Workers Program (TFWP). Currently in Canada, four subprograms under the TFWP are considered “low-skilled”: The Caregiver Program - formerly the Live-in Caregiver Program (LCP)-, The Seasonal Agricultural Worker Program (SAWP), The Pilot Project for Occupations Requiring Lower Levels of Formal Training (National Occupational Classification C and D) (NOC C and D Pilot Project), and the Agricultural Stream of the NOC C and D Pilot Project. Only the Caregivers Program allows workers to apply for permanent residency, but only after a worker has attained 3900 hours of authorized full-time employment and a confirmation from the employer about the worker’s compliance (Faraday, 2012).

The TFWP deserves a deeper analysis because it works as a specific model of the commodification of labour. Currently, such programs are advocated as measures to combat global poverty through wages earned by migrant workers that can then be transferred to poorer countries via remittances (Kapur, 2004; Stilz, 2010; Hidalgo, 2010). Many of these programs are framed under federal and Quebec agreements with other countries, such as with Mexico and Guatemala through memoranda of understandings (MOUs). Nevertheless, many scholars assert that these programs are deeply implicated in the growth of precarious work and the high level of dependency of workers on their employers to maintain their immigration status in Canada. Work permits only authorize them to work for a specific employer identified on the work permit. Hence employers can exert a great deal

of power over the worker's labour and immigration status, and indeed, blackmail workers if they ask for fair treatment and fair work conditions (Faraday, 2012). Recent changes in 2011 limiting the time that many temporary foreign workers can work in Canada to four years –recently repealed to remove the year limitation again -, and the increase of the cost of the Labour Market Impact Assessment (LMIA) in 2014 from \$275 to \$1000 for every temporary foreign worker position requested by an employer, made it very difficult to find another job if they lost their previous one, making their chances of integrating and gaining permanent residence very slim.

Some critical literature analyzing these programs employs the concept of “unfree labour” (Fudge, 2011; Choudry and Smith, 2016) to recognize extra-economic political and legal compulsions to hyper-exploit and pacify labour (Smith, 2013). “Unfree labour” is an analytical tool to capture the specific restrictions immigration policies and temporary labour programs produce based in citizenship and migratory status (Choudry and Smith, 2016: 8). It does not suppose the existence of “free labour” within a capitalist economy, but is used to “contend that the formal lines of distinction between ‘free’ and ‘unfree’ labour, long since questioned within capitalist societies, remain blurred in the period of neoliberal migration” (Choudry and Smith, 2016: 8).

Finally, a major effect of the “rationalizing” of immigration is the recent changes in migration policies of the last 12 years. Both federal and Quebec governments have hardened immigration processes and conditions with the consequent increase of im/migrants' vulnerabilities. For example, in 2006, family reunification cases represented 28% of all landed immigrants, but in 2015 this figure was 24%. a drop of 7.12% (Government of Canada, 2016). Though these measures are subject to debate, adecuation or modification, they may have durable effects, i.e. during Harper's government, refugee claimants lost access to some health care services (medical visits, medications, etc.) while their immigration cases and hearings are pending. Although in 2015

these services were reinstated, they had negative impacts in health care institutions as many of them continued with these exclusionary practices (Cleveland, Oulhote, and Dunkley-Hickin, 2016). The government also introduced mandatory detention for refugee claimants it considers to be "irregular arrivals". The Harper government created a list of "safe countries", including Mexico and Hungary, designated to be "safe enough" not to produce refugees. In turn, refugee claimants from these countries are given less time to prepare their cases, hearings are shorter, removal procedures happen faster and they are denied the right to appeal the immigration judge's decision (Martin and Lapalme, 2013).

The hardening of immigration procedures has increased applicants' vulnerability, coupled with lack of recognition of their skills and lack of Canadian work experience, their urgent need to find jobs and send remittances, and/or get money or financial stability to deal with their immigration processes. Thus, they are under pressure to accept poorer working conditions. While austerity and neoliberal reforms to social welfare have impacted the broader Canadian society, they have particularly affected im/migrants and "visible minorities" (Fudge, 2011). Although permanent residents, refugee claimants, accepted and rejected refugees are eligible for social welfare –the latter for a limited time- the budgetary cuts from austerity measures affected state financial support and the quality of the integration programs, diminishing the possibilities for successful, equitable integration and more equal participation in the labour market.

Therefore, while the points system has permitted Canada to selectively choose and exclude immigrants based on economic need and global competition (Simmons, 2010), but also to restrict and delay access to permanent residency for temporary and low skilled workers, their integration process into the Canadian labour market operates within the context of restrictions imposed by the state.

### **1.4.2 The growth of labour precarity and im/migrant labour**

Work precariousness is a structural phenomenon of neoliberal globalization, and an inherent condition of capitalist expansion where what many had thought of as inalienable work rights are now considered “privileges” (Díez, 2009). It has been shown that precarious work increased dramatically between 1987 and 2007 among Organization for Economic Co-operation and Development member countries (International Labour Organization, 2011). Most of the data available does not follow up on the effects of the economic recession that started in 2007, but if the trends observed from 1987 to 2007 continue, we can conclude that this precariousness has continued or even increased after the 2007 crisis.

One of the axes of labour precarity is the condition of temporariness of the employment (Vosko, 2006). Statistics Canada defines temporary employment as “seasonal jobs; temporary, term or contract jobs including work done through a temporary help agency; casual jobs; and other temporary work”. (Statistics Canada, 2016). From 1997 to 2015, while permanent positions in Canada increased by 30.5%, temporary positions increased at almost twice that rate (58.2%). In Quebec this difference is less pronounced, although it is still considerable: a 29% increase for permanent positions and 41% for temporary positions over the same period (Statistics Canada, 2016).

Vosko and Clark (2006) also include other features of precarious work - “uncertainty, lack of control, low income, and limited access to regulatory protections” (p.2). Thus the definition of precarious work revolves around low wages and the lack of regulatory protections. DePratto and Randall (2015) further expanded the definition of precarious employment to include: job instability; lack of predictability of income associated with seasonal and self-employment;



uncertainty regarding employment status; and lack of predictability in scheduling with involuntary part-time employment. Furthermore, most of these conditions are associated with the lack of union representation and underemployment . (DePratto and Randall, 2015). The concept of precarious work is multivariable, ranges across many specific situations, is poorly aligned with labour standards, and is very difficult to quantify in a concise way.

Nevertheless, it is possible to develop an approach to analyzing some of those dimensions. Low wages and lack of union rights are directly correlated in Canada and Quebec, and in theory they shed light on work precariousness because the absence of unions corresponds to higher levels of vulnerable and precarious labour (International Labour Organization, 2015). The summarized data in Table 2 shows that despite the significant growth of employment from 2001 to 2015 in the lowest paid sectors of Canada and Quebec – agriculture, trade, business building and other support services, and accommodation and food services –union density diminished or grew at negligible rates. In the Business, Building and Other Support Services<sup>21</sup> sector where most temporary agency employment is located, employment growth is disproportionately high compared with increased union density. There is a clear tendency here for low salaries and non-unionized vulnerable work

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<sup>21</sup> According to the North American Industry Classification System (NAICS), the Business, Building and Other Support Services industry “comprises establishments coded to 'Management of Companies and Enterprises' (NAICS 55) and to 'Administrative and Support, Waste Management and Remediation Services' (NAICS 56)”. The NAICS 55 sector “comprises establishments primarily engaged in managing companies and enterprises and/or holding the securities or financial assets of companies and enterprises, for the purpose of owning a controlling interest in them and/or influencing their management decisions. They may undertake the function of management, or they may entrust the function of financial management to portfolio managers. The NAICS 56 sector comprises two different types of establishments: those primarily engaged in activities that support the day-to-day operations of other organizations; and those primarily engaged in waste management activities. The first type of establishment is engaged in activities such as administration, hiring and placing personnel, preparing documents, taking orders from clients, collecting payments for claims, arranging travel, providing security and surveillance, cleaning buildings, and packaging and labelling products. These activities are often undertaken, in-house, by establishments found in many sectors of the economy. The establishments classified to this sector specialize in one or more of these activities and can therefore provide services to clients in a variety of industries and, in some cases, to households. Waste management establishments are engaged in the collection, treatment and disposal of waste material, the operation of material recovery facilities, the remediation of polluted sites and the cleaning of septic tanks”. (Statistics Canada, 2016)

to intersect. The significant growth of these types of jobs in the last 15 years shows a tendency to contribute to the general growth of work precariousness.

**Table 2: Union density, employment growth and wages of lower economic work sectors**

	Union density flow 2001/2015 (%)		Employment Growth rate 2001-2015 (%)		Median hourly wages 2015 (\$)	
	Canada	Quebec	Canada	Quebec	Canada	Quebec
<b>Total employment</b>	32.4/30.6	40.6/39.4	20.01%	19.54%	22.00	20.60
<b>Agriculture</b>	4.1/3.6	ND/6.0	0%	19%	15	14.65
<b>Trade</b>	14.5/13.0	19.9/20.3	19.7%	28.4%	15	14.60
<b>Business, Building and Other Support Services (which includes temporary agencies, cleaning, and security services)</b>	14.5/18.3	28.5/31.8	44.7%	52.6%	16	16.34
<b>Accommodation and Food Services</b>	7.8/6.6	11.5/9.48	29.9%	41.9%	12	12

**Source:** Statistics Canada CANSIM. Based on Tables 282-0220, 282-0078, 282-0008, and 282-0072

On the other hand, in Canada, full time employment between 2001 and 2015 grew by 19% while part-time employment grew by 25.3%. In Quebec, full time employment grew by 15.5% while part-time employment grew by 36.2%, more than double the former (Statistics Canada, 2016). Corroborating these trends, Galarneau (2010) and Grant (2013) mention that the temporary workforce has been growing faster than the permanent workforce for many years, thus slowly

turning Canada into a nation where most future jobs will be temporary positions. Since the beginning of the recession, between 2007 and 2008, temporary work has grown over three times faster than permanent employment – up to 14.2% for temporary work between 2009 and 2012, versus 3.8% for permanent work positions (Grant, 2013). Evidently, employment growth in Canada is concentrated in temporary job positions, characterized by low-wages and often without benefits and basic labour protections.

Indeed, many authors have demonstrated (Galabuzi, 2006; Vosko, 2006; Vosko, 2010; Fudge, 2011) that the Standard Employment Relationship (SER) in Canada, characterized by full time work, with regular social and health protection, labour rights and benefits, is being eroded as the prevailing employment norm (Fudge, 2011). Furthermore, the deregulation of the Canadian labour market is setting the conditions for an increase in the private sphere of relationships between employers and employees (Faraday, 2012). Therefore, employers are gaining more power to define work conditions according to their particular interests.

Using the above definitions of precarious work and the data demonstrating its growth, a link between precarious work and immigration status can also be shown through salary differences – particularly from the perspective that precarious work is characterized by low wages and incomes (Block, 2015). Based on the evident connections between lower incomes and salaries for immigrant labour, and precarizing processes of low paid jobs in Canada and Quebec, critical scholars have examined contributing factors driving labour precariousness and the high rate at which this labour condition occurs among im/migrants. These scholars found that labour deregulation plays the largest role in contributing to a more intensive growth of precarious employment among minorities, im/migrants, and women (Galabuzi, 2006; Vosko, 2006; Vosko, 2010; Fudge, 2011; Block and Galabuzi, 2011). In the dynamic of this growth, in Montreal,

immigrant labour appears to be increasingly characterized by subcontracting and their centrifugation towards the peripheral labour market (Noiseaux, 2012). This process entails the use of temporary work and temp agencies to subcontract racialized immigrant workers.

### **1.5 The proliferation and the role of temp agencies**

Critical literature addresses temporary work and the use of temp agencies as part of a systemic strategy to decrease labour costs and one which is fairly well articulated within neoliberal policies (Mandarino and Van Arsdale 2009; Van Arsdale 2013; Vosko 2010; Calugay, Henaway and Shragge, 2011; Choudry and Henaway, 2012). In Canada, agencies appear to be related to the erosion of the Standard Employment Relationship (SER), to the restructuring of work and production, to the growth of precarious work, and to the deregulation of labour (Belkacem and Kornig, 2011). However, their antecedents can be traced to the “padrones”, a contract labour system used by many immigrant groups to find employment in the U.S. at the end of the 19th century and for parts of the 20th century (Peck, 2000). Thus, this model of work regime is not new. Later, modern employment agencies appeared in the U.S. and Europe at the beginning of the 20th century as a highly gendered labour model. These agencies offered the flexible and temporary labour of women as typists, dictation takers, and secretaries. Thus, at the end of the 1950s, some of the most flourishing enterprises in this industry were *Employers Overload*, *Workman Diversified*, *Western Girl*, *Kelly Girl* and *Manpower* (Belkacem and Kornig, 2011). At this point agencies had also started offering male labourers.

The growth, stabilization, resurgence and intensified reliance on temp agencies are related to historical shifting flows of labour in capitalist production. In that sense, dynamics of labour supply were generated by immigration processes, the absence of men during times of war, and economic

and labour protectionism. More recently, they are also generated by the deregulation of the labour market (Mandarino and Van Arsdale, 2009; Smith and Neuwirth, 2008; Belcacec and Kornig, 2011) The temp agency sector's sustained growth began since the 1970s (Segal and Sullivan, 1997), as it became a diversified industrial complex locally and globally, on larger and smaller scales (Mandarino and Van Arsdale, 2009; Belcacec and Kornig, 2011).

Currently there are clear signs that the temporary work industry is strongly contributing to the erosion of traditional labour relationships and responding to the restructuring of work and of production (Theodore and Peck, 2002; Vosko, 2006; Van Arsdale 2013). It plays a direct role in shaping labour relationships and allows enterprises to increase the usage of a temporary labour force keeping workers trapped in their temporary condition for extended periods of time (Mandarino and Van Arsdale, 2009). However, agencies are not to be understood as the direct and only cause of the growth of temporary labour and precarity. Their activities are growing/expanding thanks to the conditions created by capitalist restructuring which allows these forms of employment relationship to shift, consolidating and increasing the efficiency of neoliberal policies of labour deregulation and flexibility (Van Arsdale, 2013; Chacartegui, 2014)

In the Canadian context – and possibly in other industrialized countries- it is complex to define what an agency is because they “range from global corporations like Manpower, Randstad, Kelly and Adecco to small local firms or even individuals acting as labour agents, brokering cheap labour on demand to an increasingly diverse range of businesses” (Choudry and Henaway, 2012: p. 40). In Quebec, *Revenu Québec* defines a placement agency as “an enterprise whose activities consist in offering placement services of staff to enterprises which have temporary need of labour

and offer honoraries or other forms of remuneration” (Massé, 2016: IX)<sup>22</sup>. In practice, agencies in Canada can include big corporations, medium size enterprises with several offices or branches, small legal agencies, small non-registered or “fly by night” agencies (Choudry and Henaway, 2012), and individuals acting as labour agents, often with the same practice of appearing and disappearing as the “fly by night” agencies. The Labour Standards Commission in 2012 in Quebec identified agencies with less than 20 employees and agencies with more than 1,400 employees in the province (Commission des Normes du Travail, 2013) showing their size diversity according to the number of employees they put in circulation in the labour market . However, this size also can vary accordingly to the season.

### **1.6 Legal framework and absence of regulations for temp agencies**

In Canada, and specifically in Quebec, temp agencies’ operations represent what Bernier (2014a) calls an “unregulated universe in expansion” (p.13). This almost total lack of regulation in Quebec and very poor regulation in other provinces must be seen alongside such important profit margins for this industry. In a study developed in 2015 by “Staffing Industry Analysts”, a global advisor on contingent work, Canada is ranked the second-most attractive staffing market in an analysis of 58 countries (Landhuis, 2015). The ranking includes other indicators where the first five countries are Ireland, Germany, Sweden, the United States and Canada in that order. The highest indicator of attractiveness for this business in Canada is that of “Regulations on Temporary Agencies Work”, with a rating of 10 out of 10, equal to the U.S. This rating alludes to the convenience of the *lack* of limited or ambiguous, regulations for their activities. In the case of the indicator “Protection of Permanent employees,” Canada has one of the lowest ratings, given that 4 out of 10 workers still

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<sup>22</sup> In this way, those agencies which exclusively place permanent work are not considered in this definition.

have union protections, especially when they are permanent. However, despite the protection of working conditions for many unionized workers in Canada, agencies enjoy a wide margin through which they can evade standard and minimal protections for non-unionized temporary workers (Galarneau, 2010).

Nevertheless, it is important to be aware of the existence of certain international tools for the social protection of agency workers. For example, in 1997, the ILO established a convention for private employment agencies. This convention started to be applied in 2000, and sets some conditions for guaranteeing the protection of agency workers from employers/recruiters' abuses and bad working conditions (Bernier, 2011). However, Canada has not ratified this convention.

Bernier (2011) identified some minimal regulations of agencies in other Canadian provinces outside of Quebec. For example, in Saskatchewan, Alberta, British Columbia and Manitoba, it is forbidden to charge workers a fee for finding them jobs, and in Alberta, British Columbia and Manitoba, agencies must have a license to operate. In Manitoba, they are also required to hold a special license to recruit workers. In addition, the Director of Employment Standards may make inquiries into and investigate the financial history and competence of an applicant to see if they meet the requirements of Manitoba's Worker Recruitment and Protection Act for a license.

In 2009 in Ontario, a new chapter on the framework for agency workers was included in the Labour Standards Act through Bill 139, *The Employment Standards Amendment Act* (Gellatly, 2015) clarifying that the agency is the legal employer. There are a series of measures for ensuring this responsibility: to provide the worker with the basic legal information on the agency, the client, the characteristics of the work, and payment. Agencies are also obliged to provide information about the legal rights of workers. There are also some restrictions on the contracting of workers. Moreover, there are articles relating to the rights of agency workers to have the same benefits,

protections and working conditions as permanent workers (Bernier, 2011, 2014b). In 2014, through Bill 18, the *Stronger Workplaces for a Stronger Economy Act*, the Ontario government developed other protective measures (Gellatly, 2015). However, these measures seem to legitimize the activities of agencies rather than limiting their abuses, because those amendments do not address the heart of the problem - the triangular relationship and subcontracting (Gellatly, 2015).

Arguably, a limitation of these regulations is the legitimating effect they may have on agency operations without fostering more progressive labour policies (Bartkiw, 2009; Vosko 2010). Regulations are not useful if they have no concrete enforcement mechanisms, or if they further the precariousness and erosion of the political rights of workers. Therefore, they are not necessarily positive if they are incomplete or do not consider other factors in the erosion of labour and political rights, such as institutional racism and immigration status. Legislation may in fact institutionalize precarious work conditions that agencies are promoting in the name of “flexibility”. For example, the case of Ontario could be paradigmatic in understanding the way that regulations may institutionalize agency work. This province’s labour code now contains more specific regulations, but agencies continue to systemically violate labour rights, as the vulnerabilities of women and visible minorities are not considered (Gellatly, 2015), and the legal amendments do not tackle the triangular relationship.

The last Bill in Quebec governing the agency industry was repealed in 1982. Agencies are not currently obliged to obtain a license to operate, nor to prove their solvency. More specifically, the Labour Code merely treats temp agencies as any other enterprise regarding contract labour, labour relationships and taxes, and does not consider the implications of the triangular employment relationship for workers. Their third party status and role in eroding labour rights creates new situations that the current legal framework is inadequate to address. It is not that only agencies



contravene the labour code, but that the code is insufficient to protect workers from the specific situations they create. Current conceptual and legal frameworks of the labour code do not clearly establish responsibilities for labour violations (Bartkiw, 2009; Bernier, 2014b).

There are also questions regarding the use of some agencies for tax avoidance purposes (Revenu Québec, 2015), and the obscured links between the owners of some agencies and client enterprises. Nothing prevents agencies and the client enterprise from being owned by the same persons (Bernier 2014a), and in Quebec a company may use only agency employees (Bernier, 2011). Therefore, the lack of legal clarity about relationships between the agencies and client enterprises is problematic. There are no regulations which establish boundaries and competences between these two actors. This generates other associated problems such as the lack of clarity regarding responsibilities between agencies and client enterprises for workplace health and safety conditions (Choudry and Henaway, 2016).

Bernier (2014b) noticed that Quebec labour law suggests that all agency workers have in theory the same rights as any other worker. However, considering the precarious status of many im/migrant workers (i.e., accepted refugee, claimant refugee, refused refugee, undocumented, foreign workers, tourist, implied status, etc.) and their associated vulnerabilities (Berinstein, Goldring, and Bernhard, 2007), in practice they do not enjoy the same rights. According to Bernier (2011), common problems regarding the lack of regulations for agencies include: difficulties in ascertaining the identity of the real employer; disparity in treatment of agency workers versus permanent employees; limitations to freedom of employment; and the commodification of labour. However, this set of situations does not take into consideration its intersections with precarious immigration status, gender discrimination and racism.

Under Quebec's labour code, an "employer" means any person who has work done by an employee, so it is understood that agencies fall under this definition. But situations concerning labour conditions emerging from the triangular relationship may be so diverse that the current labour code falls short in covering many of them and in helping to clarify who bears responsibility, the agency or the client enterprise (Bernier, 2014b; De Tonnancour, 2014). Thus, when im/migrants' vulnerabilities are further added to this relationship, a generative dynamic and matrix of exploitative situations emerge, creating further situations which fall outside of the labour code's scope. The lack of clarity of this triangular labour relationship allows some agencies to extend their activities to areas like migration, offering themselves as immigration consultants. This further increases the disparity of power between agencies and client enterprises regarding im/migrant workers' position.

**Figure 3. Temp agencies working also as immigration consultants**

**SERVICES OFFER**

- Remittance/Cash Advance
- Travel / Private Insurance
- Process of Caregiver
- Work Permit & Renewal
- Re-entry visa
- Family sponsor
- Visitor's Visa (US & Canada)
- Citizenship application
- Permanent Residence
- Open Permit
- Lost of Status
- Redo Caregiver Program
- Bridge Extension of work permit

Tel.: [redacted] Fax: [redacted]

**PLACEMENT AGENCY INC.**

Van Horne Ave., Suite [redacted]  
Montreal, QC [redacted]

Tel.: [redacted] Fax: [redacted]  
Email: [redacted]

Directrice  
Lawyer

This card is an example of the diversification of activities and services offered by some agencies in Montreal due to the lack of regulation of their activities. This includes recruiting, placing and managing im/migrant labour, but their know-how and activities extend to migration processes and remittances, which gives them much more power over vulnerable workers. Below is an example of the spatial proximity between temp agencies offices, migratory consulting services offices, and remittance agencies offices given its close business relationship. The photo was taken in Plaza Saint Hubert.

**Figure 4. Announcements of immigration consultants and temp agencies operating in the same buildings**



This photo was taken by the author in Plaza Saint Hubert in the Rosemont neighbourhood

Even though large, transnational agencies, such as Kelly Services, Adecco and Manpower, and the International Confederation of Private Employment Agencies (CIETT) have endorsed the Convention 181 of the ILO (Pineau, 2014), state authorities in Quebec are still responding to agencies' formal reactions seeking to avoid the setting of specific regulations for this sector. For example, in April 2007, through a memorandum sent to the Quebec Minister of Labour, the Association of Canadian Search, Employment and Services (ACSESS) claimed that agency workers are already protected by current labour codes because agencies “do not place workers”, and these workers are agency employees (Pineau, 2014). In February 26<sup>th</sup> of 2013, in another letter

to Quebec's Minister of Labour signed by ACSESS, the *Federation des Chambres du Commerce du Quebec*, and the Canadian Federation of Independent Business reiterated the argument that agency workers are already protected by Quebec labour laws (Pineau, 2014). However, the few studies in this field confirm that agency workers and especially im/migrant workers face many labour situations which fall outside the scope of current labour regulations (Pineau, 2014). In addition, the institutional views regarding this situation do not include an in-depth analysis on how im/migrant workers are specifically affected by agencies' activities and the triangular labour relationship. Despite the 2012 Labour Standards Commission survey (CNT, 2013), and the 2016 Public Health of Quebec report (Massé, 2016) which both include some sections on im/migrant workers' labour conditions with agencies, a structural analysis which include consideration of racism, racialization or the state responsibility through its immigration policies was lacking.

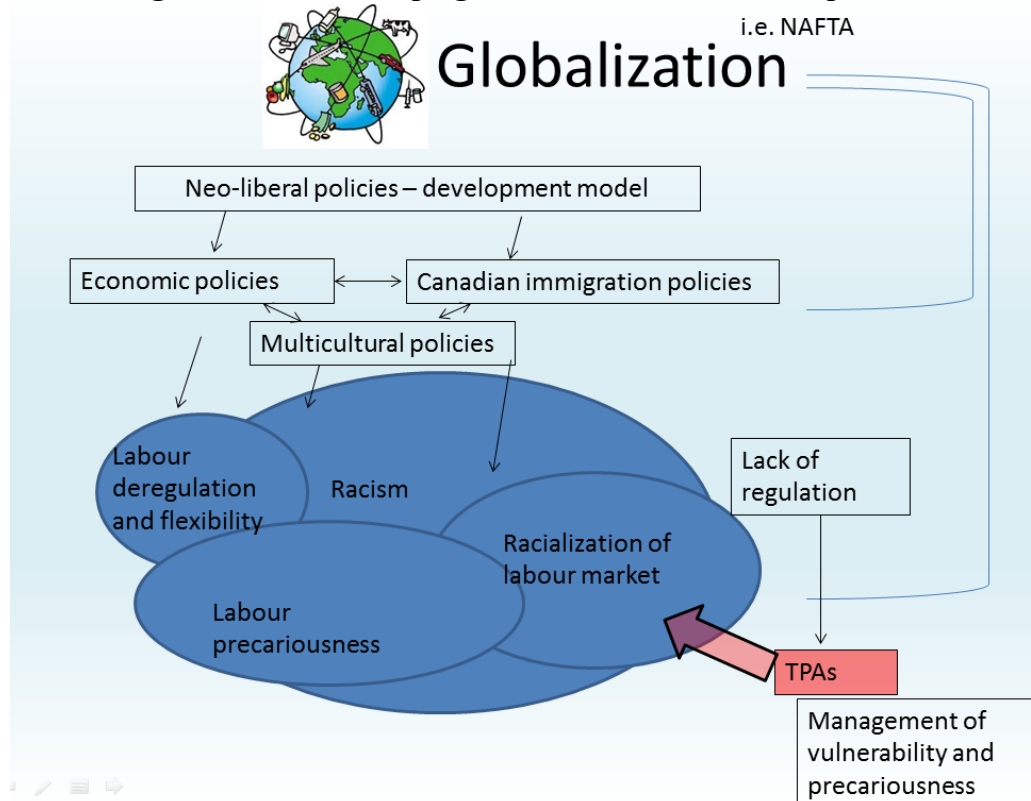
### **1.7 Racialization of workers through temp agencies**

To summarize, capitalism greatly relies on cheap labour in order to increase profits. A cheap labour force depends greatly on the existence of vulnerable workers willing to work for low wages and in precarious conditions. Part of this vulnerability is produced and reproduced by racialization as a means to articulate im/migrant workers with precarious work resulting in the naturalization and acceptance of these conditions (Vosko, 2010; Fudge, 2011). This process arises from a racist social environment and the migration policies that institutionalize racism (Ramsaroop, 2016) and precarious status (Goldring, Berinstein, and Bernhard, 2009), producing at the same time the social categorization of people through the production of different sets of rights for im/migrants. This context is also defined by labour deregulation and flexibility as part of the economic policies of neoliberalism. Added to this context are temp agencies as non-regulated actors (or with very

limited or inadequate regulation) which are proliferating and playing a role in managing vulnerabilities and labour precariousness of im/migrant workers (See Figure 4).

Some of the North American literature discusses some of the means by which agencies leverage racialization to manage and offer labour to employers. For example, Gonos and Martino (2011) describe the geographical location of temp agencies in New Jersey, a region with a large concentration of immigrants. The authors describe the relationship between a housing system and hiring practices where “rigid patterns of residential segregation reinforce equally rigid patterns of labour market segmentation” (p. 503), showing a connection between spatial segregation with the scope of agencies. These segregated spaces where immigrants live are dubbed “temporary towns.” Moreover, Gonos and Martino report on Peck and Theodore’s (2002) findings in Chicago that this pattern in hiring practices structured by agencies is reflected in the geographical proximity of agencies and immigrants.

**Figure 5: Role of temp agencies within Canadian capitalism**



**Source:** Prepared by the author

These studies offer some indicators that help extend our understanding of racialization processes associated with agency hiring practices. It is typically understood that the racialized hiring system creates clusters of immigrants according to nationality and ethnic origin. For instance, Filipina women are frequently constructed as docile and thus many tend to be hired as caregivers (Rodriguez 2010), or Central American and Mexican workers are associated with menial work in agriculture (Maldonado, 2009). However, the structured hiring system described by Gonos and Martino (2011) extends to targeting immigrants according to the geographical locations where they live. For example, agencies have systematically targeted Latino residential areas in New Jersey with high concentrations of underemployed workers of the “right” ethnicity.

There are also signs that some agencies in the U.S. –including giant agencies such as Select Remedy- have learned to target im/migrants according to ethnicity. For example, the existence of

the so called “raiteros<sup>23</sup> system” to specifically recruit Mexican and other Latin American workers with precarious immigration status has been reported in Chicago and other cities. A raitero is a person - generally another Mexican immigrant - who recruits and transports other Mexican workers for agencies (Villarrubia-Mendoza, 2016). The raiteros work indirectly for the agencies, though not formally. This work system articulates recruitment and transportation for the agencies. Agencies leave it to the raiteros to manage the workers, who are mostly Mexican and undocumented. Raiteros basically decide who works, when, and where. Since they are also immigrants and are aware of the immigrant trajectories and neighbourhoods, they know where to find workers, how to approach them, ask them for their information, recruit them and pick them up. It is also common to find in this milieu (as we will see later in the Montreal context) a label system to refer to workplaces instead of the real names of factories. Names like “the corn”, “the broccoli”, “the chicken”, etc., are used by workers to name workplaces, illustrating the use of specific jargon used among Mexican and Latino workers (Grabell, 2017). Agencies put the raiteros in charge of making workers fill application forms, and developing “mouth to mouth” recruitment. For many agencies in Chicago, not using raiteros means higher operation costs, and disadvantages them by comparison with those who use them (Grabell, 2017).

Consequently, it seems agencies’ operators are able to target and manage immigrants according to their social and geographical location in cities, and possibly, through the use of other immigrants, and their immigration status. This newly acquired knowledge is then applied to provide for the work flexibility needed by employers and clients (Gonos and Martino, 2011). Additionally, this knowledge extends to the ways in which immigrant networks can be exploited (Choudry and

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<sup>23</sup> The word “raitero” comes from the English word “rider”. Mexican workers started to call in this way to the recruiters of the agencies because they pick up and drive workers to the factories.

Henaway, 2012), suggesting that the scope of action of agencies goes beyond their formal work area –employment services- and extends to knowledge about immigration procedures, and about the labour and life trajectories of im/migrants. A local example suggests this is also the case in Quebec. In 2014, a Radio-Canada report showed illegal agencies in Montreal using Latino staff to connect with and recruit other Latino workers, some without papers (Radio-Canada, 2014). The report noted that being able to speak the workers' language is critical for agencies to generate the confidence and rapport needed with some groups of workers with precarious immigration status.

Studies show how social categories and stereotypes can operate as types of knowledge used by employers to manage the immigrant labour force. Maldonado (2009), for example, through her research focused on (White, Mexican and Mexican American) fruit and vegetable industry employers in Washington State, found that race is used as a proxy to assess the quality, organization, and expectations for the work of Mexican immigrants. She further describes the existence of different processes of racialization and racism that shaped the previous trajectories of workers. In this sense, racism and racialization are “enhanced” according to work, skills, labour considerations, and gender stereotypes. It is not only in North America that this has been detected; in the Czech Republic, Canek (2016) describes how the staffing industry, after the 2008 recession, learned to manage the vulnerabilities of migrant workers from Slovakia, Vietnam, Romania, and Hungary when providing labour to the forestry sector. They managed this labour according to workers' country of origin, language abilities, and migration status. Some critics viewed the orientation of this management along the lines of human trafficking and slavery (Canek, 2016).

In addition, Smith and Neuwirth (2008) emphasize how agency practices can shape the ideal temp worker, who then becomes a product on offer in the competitive temporary labour market. Consequently, the temp worker is imagined, shaped, and marketed like any other commodity. This



finding is supported by the idea that agencies have to compete to satisfy employers regarding keeping costs low and providing a just-in-time labour force (Smith and Neuwirth, 2008). Agencies need to provide enough of the “best and more convenient” product to their clients but ensuring their own profits if they want to survive in the temporary labour market.

Choudry and Henaway (2012), in collaboration with the Immigrant Workers Centre (IWC), tried to map the use of im/migrant status categories by temp agencies in Montreal. They described three segmented categories of im/migrants whose vulnerability is exploited by agencies. The first comprises undocumented people who are usually targeted by small, unregulated, “fly by night” agencies. These workers are the most vulnerable to exploitation, abuse, and precarious work conditions. The second category represents refugee claimants exploited by agencies and employers who know these workers are in no position to demand better conditions due to their ambiguous status. The third category includes permanent residents and citizens who are “visible minorities” that struggle to find a permanent job because of institutional racism, and the lack of recognition of previous education, skills, and abilities (Choudry and Henaway, 2012). Additional social categories may operate here, such as how the lack of legal regulation for agencies may generate potential situations of abuse and exploitation. Agencies often ask workers to fill out forms which include questions about their current social situation and immigration status. This information gives agencies a privileged position to better manage workers, interpreting their vulnerable conditions through a racializing lens (Immigrant Workers Centre, 2013). This information may be used to exert better control over labour, exploit and produce different clusters of flexible labour offered to clients and employers (Choudry and Henaway, 2012).

Finally, it is helpful to note some features found by literature on immigrant women’s labour conditions in Canada. Some of the effects racialized immigrant women feel are professional

disqualifications (Chicha, 2009), professional segregation (Cognet and Fortin, 2003; Chicha and Charest, 2013), and lack of equitable payment (Déom and Beaumont, 2008; Beeman, 2011; Chicha and Charest, 2013). The literature further suggests that the precarious nature of agency work makes it more difficult to manage family care needs, which disproportionately affects women (Grant and Nadin, 2007, as cited by Chicha, 2009).

Having developed the general context, elements and mechanisms through which I consider im/migrant workers are subject to racialization and of exploitation through temp agencies, the next chapter will deal with the contextual and theoretical content that allowed me to understand the emergent organizing process against temp agencies in Montreal. This includes a description of the austerity context where organized labour is in crisis, in decline and in a defensive mode, and the emergence of new ways of organizing which includes community and grassroots organizations with precarious, racialized and non-unionized workers.

## **Chapter 2. Activism, social movements, and new organizing models**

### **2.1 Canada: A context of austerity and crisis for unions and traditional workers' organizations**

Since the 2008 recession, Canada pursued aggressive cuts to federal budget and expenditures, aiming to balance its budget. This further restricted the public sphere and affected all provinces. Meanwhile Quebec provincial governments intensified austerity policies referencing both the recession but also the historical provincial public debt which started in the 1980s. The high level of debt –calculated at \$213 billion in 2017, representing almost 55% of the GDP of the province (Couture, 2017)- is the main justification which the provincial government used to explain cuts to public expenditure.

According to Desbiens and Langevin (2016), this debt was not the result of the welfare policies applied between 1961 and 1981, but rather resulted from restrictive Canadian monetary policy in the 1980s and the neoliberal turn that Quebec had taken since 1982 to manage the pressure of these measures upon its public finances. The high level of debt between 1982 and 2001 legitimized the re-orientation of social policies and state intervention in the economy in ways that support maximizing private profit. Desbiens and Langevin (2016) argue that the real causes of this debt were the tax reductions to businesses and the high interest rates applied by the federal government in 1980s and 1990s with the pretext of fighting inflation. They also highlight that the ideological turn came with massive privatization of the public sphere, as part of the “creeping privatization” of welfare (Chunn, 2003; Porter, 2013). In Canada, this process was started in 1984 by then Prime Minister Brian Mulroney, following in Reagan and Thatcher’s footsteps. The following strategies were used:

- Generating discourse about the need to reduce expenditures for the common good;
- Sale of state assets to the private sector;
- Increasing and promoting the subcontracting of private enterprises to offer social services;
- The deregulation of some public service sectors, and opening the way for private capital to participate in the public sector;
- Re-regulation or increased regulation by the state of some social sectors, benefiting the greater participation and control of private capital, and eroding participation of labour and unions.
- Increased influence of private capital upon the decisions about welfare with the subsequent commodification of public goods and services (Porter 2013; Seymour, 2014). Therefore, the gradual privatization of natural resources such as water occurred, while the state cut back on its direct provision of public services like health, turning to subcontracting private enterprises. Also the administration of public spaces is conceded to private enterprises, as in the case of public markets.

Two of the political and economic effects of these policies are the gradual transfer of responsibility for health and labour safety onto the backs of workers and the creation of an environment conducive to lowering working conditions and wages. These measures, by increasing control and power over labour through private capital, pressured unions to accommodate to the gradual transformation of work, and accept being pushed to compete in the labour market, abandoning the traditions of organizing and solidarity. The result of this tendency has been the eroding of the position of labour. A broader class struggle analysis of austerity measures (Porter, 2013; Pineault, 2014) shows that they are part of a tactical response from the right wing (corporate capital and upper classes) in order to reposition their dominant economic, social and cultural role (Harvey, 2007; Seymour, 2014).

The strategies mentioned above produced a climate for restructuring state and labour relationships. From the point of view of supposedly progressive first-phase neoliberal ideology, which bases economic growth on the freeing of market forces, the path out of stagnation is through tightening belts and increasing austerity. This strategy has already been unmasked as a force driven to maintain economic stagnation, while justifying unpopular measures that demand further labour flexibility and precariousness (Pineault, 2014). Its results show that instead of being a solution, austerity is becoming part of the problem, as the economy is maintained by encouraging consumption through credit. More people are pushed to consume, and take on more financial obligations and debt, leading to the further control of labour by private capital, wage restraints, and the re-commodification of social relations and institutions which had been partially de-commodified during 20th-century class struggles. Unions, social and health protections, labour laws, and public pension systems then end up eroded and weakened, while a strong middle-class diminishes, and the private sector gains more power to define work and social relationships (Harvey, 2007; Pineault, 2014; Seymour 2014).

The gradual process of restructuring Canadian society along neoliberal lines and the role of the state in this process have typically been excluded from federal and government explanations about their policies (Seymour, 2014). In Quebec, the neoliberal narrative centred around balancing the provincial budget (Jalette and Grenier, 2016). However, in Canada and Quebec, there have been responses, whether through the labour movement, students movements and/or grassroots community organizations which have mobilized in opposition, and put forward their analysis in the public debate about austerity measures.

As par of these responses, the biggest unions developed campaigns to denounce and generate a counter-narrative involving the gradual decline of the middle class (Pineault, 2014). However,

some critics contend that this strategy was not the most effective due to the lack of middle class political culture and commitment to organize. It is also probable that unions failed in going on the offensive by not taking advantage of popular protests like Quebec's "Maple Spring", assuming a defensive, instead of a more proactive response, organizing through the inclusion of non-unionized groups such as im/migrant workers, independent workers and grassroots organizations (Jalette and Grenier, 2016).

In the Canadian context, Camfield (2011) indicates that declining union power relates to their "bureaucratization" and detachment from a class struggle vision and workers' interests. Camfield (2013) writes that "bureaucracy is best understood as a mode of existence of social relations in which people's activity (labour) is organized through formal rules that limit their ability to determine its character and goals, and which they themselves are not able to alter with ease." (p.38). This idea, applied to unions and their organizational structures, means constricting possibilities of workers to point towards collective organizing and take the political offensive, such as leadership development and wider alternatives to struggle. Camfield calls for the reinvention of the union and labour movement from below to facilitate the creation of working-class solidarity, based on anti-capitalist, and including anti-racist, and feminist politics. (Camfield; 2011).

By their side, in the Quebec context, community grassroots organizations and collectives other than unions have played important roles against austerity and have developed different responses. These include the "Coalition Main Rouge", comprising more than 100 organizations opposed to the increased fees and privatization of public services. There are also the *Collectif Ahuntsic Montréal-Nord unis contre l'austerité*<sup>24</sup>, the *Lutte commune*, the *Comité Résistance à la nouvelle*

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<sup>24</sup> Ahuntsic Montreal-North Collective United Against Austerity.

*gestion publique*<sup>25</sup>, and many more. In addition, other small community grassroots organizations and community centres are articulating an anti-austerity response from within their neighbourhoods. In this context, with new organizations emerging against austerity, traditional unions, arguably, are not clearly perceiving issues around labour precarity, agencies, gender, gentrification, racism, and im/migrant policies as structural conditions related to austerity and global neoliberal policies. Newer actors are developing new organizing models and campaigns reflecting knowledge regarding those issues from their community and local contexts. Many of them combine non-formal learning, informal learning, popular education, research, knowledge production and dissemination and activism as central components of their activities and goals.

## **2.2 Community centre model**

The development of the community centre model/approach is fairly related to the consequences of the declining unionization power in North America since the early application of neoliberal reforms in the 1980s. Its main manifestation was the appearance of community centres for precarious and non-unionized workers (Shragge, 2003; Fine, 2011, 2015). Their importance increased along with the inclusion of im/migrant workers in precarious labour situations on the lower rungs of the labour market.

Fine (2006; 2011; 2015) documents how several groups of these precarious workers started to self-organize based on the tradition of community organizing in North America, in order to develop different and micro-situated actions (Fine, 2015) to defend their labour and human rights. This process opened a huge vein of learning about strategies, actions, micro-dynamics, popular education and knowledge production which contrasted with the top-down legal approaches

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<sup>25</sup>Committee Resistance to New Public Management

(Choudry and Thomas, 2013) that mainly characterized union approaches. Currently, there is a wide network of workers' centres in the U.S. and a growing number in Canada proposing new approaches to organizing for the rights of precarious workers. The emergence of this model for labour organizing includes alternative ways of mobilizing, deploying autonomy, leadership, education, with horizontal organization and direct democratic and participatory processes. Many scholars understand current workers' centres not as a rupture with the way unions represent the worker movement (Ness, 2014b), but a kind of continuity from the traditions of community organizing which come from the agitated context of the 1960s and 1970s, and even from traditions of earlier stages of militant labour struggles. These traditions opened struggles and opposition regarding issues beyond labour, like the peace movement, feminism and civil rights' struggles (Shragge, 2003).

Currently, in Canada, some community centres in some way inherited the radical veins of direct action and participation developed in the 1960s and 1970s, with a horizontal form of organization based on leadership development, and with enough flexibility to recruit and include new members and collectives. They are also characterized by the ability to deploy short-term initiatives rather than establishing long-term structures to exist and function (Shragge, 2003), for their rank-and-file decision-making, autonomy from political parties, and willingness to engage in strikes and other forms of direct action (Ness, 2014b). However, it is important to note the distinction that Shragge makes between "community organizing" and "community organization" (2003) that emerge in the 1980s to distinguish workers centres from other community organizations. Shragge finds that the development of community organizing was not homogeneous in Canada, and currently only few community organizing initiatives and practices continued the tradition of resistance and political autonomy from state institutions and private capital. Meanwhile, most of them followed the path of



the most functional way led by the "common interest" and consensus-building. Many others followed the liberal social planning model which is technocratic and rational (Shragge, 2003). These two models fit into the NGOization and de-politicizing processes promoted by the neoliberal state passing its social responsibilities to working class and dominated groups of society (Choudry, 2010) and trying to coopt resistance and struggles in some cases (DeFilippis, Fisher, and Shragge, 2010; Choudry, 2010). Therefore, many community organizations emphasized charity or service provision to "clients" rather than social change, in a clear direction towards the professionalization of this activity (Shragge, 2003).

However, despite this de-politicizing of community organizations, undoubtedly the role some of them played in the past remained enlightening for the formation of workers centres in the past two decades. These centres started with a great base of im/migrant workers excluded from welfare and unionization, who were racialized, discriminated against, precarized and super-exploited (Fine, 2006). Moreover, the workers centres' operations contrasted with unions and most community centres as they contribute to developing different campaign strategies and internal organizing and mobilizing processes. These processes have started to be valued and now receive more attention from some scholars, and contribute important knowledge about the ways the private sector and the state are managing, governing and promoting precarious work. Some unions have also slowly started addressing their specific approaches to the reality of precarious workers and are exploring ways of working together with workers' centres (Avendaño and Hiatt, 2012).

It could sound reductive to talk about a model for workers' centres, given the diversity of organizations and methods used. Moreover, in some cases they also inherited practices from the resistance and political experience that many im/migrant workers had in their countries of origin (Theodore, 2014; Fine, 2015). However, the combination of these conditions, in a labour market

which exploits people's vulnerabilities, has led to the emergence of these progressive organizations with some central features which include:

- Horizontal organizational structures.
- Action oriented.
- Immediate action and response.
- Knowledge production processes and popular education.
- A limited number of workers and small membership base.
- Largely autonomous from political parties and unions.
- Participatory and direct decision-making processes.
- Flexible and simpler structures.
- Short and medium-oriented campaigns.
- More direct presence in the field.
- Uncertain financial sustainability.
- Active members mostly hold previous political experience.
- A high base of im/migrant workers

(Shragge; 2003, Fine, 2006, 2011; Avendaño and Hiatt, 2012; Choudry and Thomas, 2013; Ness 2014; Theodore, 2014; Fine, 2015).

In order to avoid the reductive and restrictive frame that the word “model” can imply, I understand the roles of these organizations as an alternative and more direct “approach” to politically deal with and respond to the super-exploitation of precarious workers. It is an approach that diverges from traditional bureaucratized unions and NGOs, many of which arguably ultimately promote the cooptation of resistance and opposition to capitalism (Bleakney and

Morrill, 2010; Camfield, 2013). A great part of the divergence of this model with traditional labour organizations, is the emphasis on popular education, learning and knowledge production linked to social action, starting campaigns and fixing political goals. Social movements theory provides approaches to understand the importance of these activities for organizations which struggle against neoliberalism.

### **2.3 Popular education and learning as responses to neoliberal globalizing**

Here I consider popular education as social processes directed to awake what Freire (1971) calls “raising awareness” (p. 51). Raising awareness entails the educative process which works as a method for liberation, and elucidation of myths that maintain the reality of the dominant structure (Freire, 1973). Raising awareness is also a methodological orientation for the educative process allowing oppressed groups to become aware of their positions. This orientation points to how they can identify their social and labour contexts of oppression, be aware of who works, and identify who is the oppressor, which is to identify who benefits from their work (Chesney, 2008).

Some strands of scholarship assign great importance to educative processes within social movements, to the point that some suggest that adult education on its own could be considered a movement (Holford, 1995). However, in general the importance of popular education in social movements has tended to be overlooked by dominant social movement theory (Holford, 1995), whether these emerge from “resource mobilization theory,” “political opportunity theory”, or “new social movement” theory (Choudry, 2008). Critics argue that these theoretical approaches lack deeper analysis of social movements as places where education, along with learning define their political projection, orientation, nature and advance. Part of their limitations include downplaying the significance of class in their analysis, and simplifying the meaning of this concept (Holford,

1995). The approaches also do not develop further efforts to increase the analytical power of the concept of class struggle for analyzing cultural manifestations of resistance.

The learning and education processes may exist in different moments of the life of social movements, and may lead participants to think and propose strategic actions to challenge the realities of oppression (Foley, 1999). These processes, collective in nature, may also result in developing links between individual narratives to structure bigger narratives. Theory provides insights into how education and learning processes can drive cognitive processes to move from fragmented views of individual experience towards structural views of oppression experienced collectively (Fals Borda, 1978; Chesney, 2008).

Foley (1999) highlights the importance of these processes for the development and success of social movements struggles. He writes that “satisfactory accounts in struggle make connections between learning and education on the one hand, and analysis of political economy, micro-politics, ideology and discourse (or discursive practices) on the other” (p. 9). This point also expresses the complex collective dynamics which are activated in action, producing coherent knowledge that constructs a social agenda for change in social movements. Correspondingly, Novelli (2010) identified the importance of connecting integral and internal sustained education processes with other communities or collectives (2010). The success of a movement could be based on “the importance of building alliances between those left out of the benefits of neoliberal globalization-locally, nationally and globally“ (2010, p. 135). Therefore, the frames produced and sustained through education allow for connecting different oppressed groups and communities through bringing their realities of oppression to discussion to provide them coherence.

In his description of a Colombian union's struggles against the privatization of public water, electric, and telecommunication services in Cali, Novelli (2010) provides an example of a set of educational and dissemination strategies developed against the privatization of public services. The union, SINTRAEMCALI, was able to form an alliance with the community by providing extensive information which allowed it to overcome the lack of individual commitment with the struggle, and contributed to creating solidarity networks. The final result was the peaceful takeover of EMCALI – the state enterprise that provides public services- supported by the community. This put a halt to the privatization. In this case, the actors led strategic actions through education and dissemination which transformed the previously structured context, where the broader population could not make the connections to understand the effects of privatization upon their life (Novelli, 2012).

In the specific case of labour movements, popular and adult education have always played a major political and organizational role (Brennan, 1997). However, this education is not exempt from tensions and discussions about its political role, as Bleakney and Morrill (2010) note. Through the 20<sup>th</sup> century, education in labour movements and unions in North America has been subject to tensions between an educational model which radically and critically contributes to social change and a more conservative, narrow model of union-based training. More recently, some of the debate regarding the role of popular and adult education in labour movements has been related to the question of the decline in union power since the 1980s. This decline is now understood as being due to the gradual cession of control to managerial sectors over the production and education process, limiting the possibilities of members of the labour movement to understand the capitalist reorganization that started in the 1980s (Fletcher, 1998; Foley, 1999). Foley (1999) noticed that tensions about education processes within unions and labour movements fluctuated between a

more political and class struggle approach, and a conciliatory managerial approach to the “structural reorganizing” of production processes, demanding workers to accept “reasonably” the economic transition and flexible production (Foley, 1999). Factors related to the tensions regarding the orientation of labour education orientation were distance from its class struggle background and increasing competition among union members (Fletcher, 1998; Foley, 1999; Bleakney and Morrill, 2010; Choudry 2015).

This would also imply the transformation of education processes within unions and the labour movement as a whole (Bleakney and Morrill, 2010). Part of the agenda for building class consciousness through education should address how other systems of exclusion within modern capitalism have fragmented workers. Thus, gender, ethnic, racial and ecological problems within labour organizations should be addressed (Fletcher, 1998).

## **2.5 Social movement knowledge production and research**

Dominant strands of theory about social movements also tend to pay scarce attention to knowledge production as key processes within movements (Bevington and Dixon, 2005). Nor do they relate the production of new knowledge to the development of movements’ identities (Holford, 1995). They are mostly focused on how and why movements function and work, but the ways in which they produce and reproduce knowledge to contest dominant ideas are usually overlooked. This literature does not discuss how social movements highlight, create and spread frames of understanding about situations of oppression, and how they connect these processes with action and organizing which are often successful in achieving legal reforms to protect oppressed groups. Also, the internal reflection that organizers and activists do about deep and complex social problems and injustices is often overlooked.

The focus on social movement knowledge production has emerged in a parallel way to critiques of research conducted by universities, NGOs, foundations or research centres (Mato, 2002; Speed, 2006; Vasquez, 2008). More value has started to be given to the ways social movements develop research as a vital component of their life (Choudry, 2013; 2014, 2015).

The importance assigned to research and knowledge production focuses on their strategic roles generating a clearer understanding of the social situation of oppressed groups and the paths to overcome this. Many internal movement processes are fed by this activity, their political and community identity, as much as the sense of their history as a movement. This also contributes to improving collective and individual reflexivity, skills and possibilities for action by its members (Rodríguez, 2003; Martínez and Lorenzi, 2012; Flury, Heras, Burin, and Acosta, 2016).

Some authors' reflections on research also question the artificial boundaries built between research processes in social movements and those within the academic and professional research world. Levya (2010) discusses this gap using the concept of "abyssal thinking" from Boaventura de Souza Santos, to show the artificial valuation of the ways of doing research inside social movements and those valued in the academic world. For de Souza Santos (2014) "abyssal thinking" is the western-world way of thinking to create boundaries between what is true and reachable and what is not possible to be true or be reachable. In the same sense, abyssal thinking concedes to modern science the monopoly of the universal distinction between what is true or false, but leaves out of the frame of the discussion and reflection other ways of knowing, such as popular knowledge or indigenous knowledge, therefore invisibilizing them and depriving them of their possible political and social applications. Levya (2010) reflects on how abyssal thinking also creates arbitrary separations, through the tendency in the academic world to hold on to the pretension of neutrality and objectivity that are usually used to label research processes as scientific. As such, the knowledge

produced inside movements could be dismissed as “political” and not objective (Choudry, 2014), allowing it to be discounted as invalid.

On the other hand, in many cases, knowledge production and research are linked to intellectuals connected to the academic world. The nodal point of this relationship is often not what academics bring to social movements, but rather what social movements can bring to those intellectuals.. In this sense, Choudry and Kapoor (2010) and Choudry (2015) highlight the importance for academics to be engaged with research, knowledge production, and intellectual activities developed by and occurring in internal debates in movements and activist networks.

Many social movements and organizations go beyond the simple production of research reports and information regarding different issues related to their struggles and are developing a variety of forms to research. For example, immigrant movements in Spain learned to develop methodologies to generate structured knowledge which is immediately available in order to respond and take action, like that used for denouncing and responding to raids against immigrants (Brigadas Vecinales de Observación de Derechos Humanos, 2011). This is a form of research supported by legal and human rights knowledge, but also by knowledge generated in the field by the movement and its members, in their organizing activities, political actions and group interactions.

Hence I understand knowledge production to comprise all those processes developed through analysis, theorization, the gathering of information, the exchange of opinions, assemblies, meetings, documentary review, and even the preparation of press releases and interviews developed by activists, members and networks of support of social movements and organizations. However, this consideration includes the fact that this knowledge is constantly tested, reorganized, and tested again through and in social action (Foley, 1999).



## **2.6 On relevance in social movement knowledge production and research processes**

Knowledge production and research, when they are at the core of movements directly linked to action, possess a fundamental characteristic which represent a distinct mark of difference from traditional academic knowledge production. This mark of difference is relevance. In addressing its importance, Bevington and Dixon (2005) recognize Flacks' contribution concerning the conceptualization of relevance in relation to research. The relevance of knowledge is that which is useful in taking action – to design action and to develop action. For Flacks (2004), it is knowledge which “seeks to provide usable knowledge for those seeking social change” (p. 138). Thus, he argues, the imperative of knowledge production is its service to social change.

Bevington and Dixon (2005) have reflected on this aspect and how research about social movements in the academic fields of political theory had little value for the movements themselves, and that activists they had spoken with in the U.S. did not read or feel attracted to this scholarship. For them, social movements and activists are not interested in literature that explains their actions in neutral and abstract terms. In that sense, Choudry (2015) and Bevington and Dixon (2005) tell us that social movement theory scholarship is often guided by attempts to produce and refine concepts and descriptions which are obvious or not relevant for organizers. However, social movements are contexts where many activists and grassroots organizations may produce knowledge by themselves and constantly seek out useful ideas to develop practices that can lead to social change at social, cultural, economic, political and legal levels (Choudry, 2008; 2011; 2015).

This kind of underdocumented knowledge production process is not static, as Choudry (2013) suggests, and is based on a constant process of building support relationships with members of the movement and other networks of organizations and activists. This course of action helps to ensure

that the knowledge and data produced is reliable and will not harm the movement's credibility. This line of thinking also attacks the objectification that social movements experience based on the need for scholars to take a neutral position to study them. Movement-relevant theory thus seeks to respect social movements' agency and voices by seeking to avoid reducing them to categories constructed by scholars and professional researchers.

The movement-relevant theory approach promotes methodologies that consider that activists are capable of generating theory and knowledge (Bevington and Dixon, 2005). This entails the researcher putting "the thoughts and concerns of the movement participants at the center of the research agenda and showing a commitment to producing accurate and potentially useful information about the issues that are important to these activists" (p 200). It also implies the recognition of the knowledge produced by participants in social movements and the capacities of abstraction that emerge from everyday organizing and analysis. The role of activists in shaping knowledge production is not subsidiary, and neither is the role of many engaged academics working alongside social organizations and developing a dynamic relationship with them (Colectivo Situaciones, 2003). The result of this association is knowledge which can be directly useful to the aspirations of the movement.

## **2.7 Arts-based research and learning with activism**

Arts can be a powerful way to develop spaces for education, learning, research, and activism for organizing. This approach can help gather all these activities in an integrative manner. Artistic activities allow dissemination of information and at the same time help to develop different strategies to project political responses, creativity and awareness around globalization and local effects of neoliberalism in peoples' lives. Scholars and activists have documented arts as a means

of resistance to denounce oppression, exploitation, racism, exclusion and environmental injustices (Boti and Guy, 2010). This type of arts also represents a response to artistic production driven by market interests and business (Boti and Guy, 2010; Padgham, 2006; Barndt, 1997).

The different ways in which arts can be developed brings many possibilities to develop systemic views about lived realities of oppression (Rogers and Salamanca, 2017). These creative processes include the opening of spaces and situations for collective reflection, and of opportunities to engage with deeper research and learning processes in situ (Freire, 1971). Moreover, the combination of music, poetry, theatre, video, sound, painting, drawing, mapping and other creative forms of expression helps to popularize complex situations for the general public and to provide those who suffer oppression with a voice (Hutzel 2007; Boti and Guy; 2010). The arts also have the potential to provide support to the systematic development of different campaigns inside social movements and organizations (Rogers and Salamanca, 2017).

There are other various contributions that the arts may offer to activism and social movements. One is the power to create bonds of solidarity among members of organizations and allies (Padgham, 2006), and to promote participation combined with educational processes (Hutzel, 2007). Another contribution comes from their power as a therapeutic cathartic tool for situations where individuals experience extreme oppression and isolation (Padgham, 2006; Hutzel, 2007). The bonds they create among communities can also build networks among diverse forms of activism (e.g., labour, environmental, human rights), thereby generating common languages to dialogue about differing and complex situations of social injustice. It is then easier to identify internal and external resources for change, and to discover a shared history behind the fragmentation and individualization that capitalism and neoliberalism promote (Hutzel, 2007).

Through the arts, activists can refine their research and communication abilities, therefore improving communication impacts for their subversive messages. Artistic production may also have external impacts, by providing the general public with a broader sense of global complex situations of exploitation and exclusion, which in other forms may be hard to understand (Barndt, 1997; Boti and Guy, 2010). Arts approaches can be useful in creating direct connections with the general public and with other communities when sending their messages, and to increase solidarity with a specific campaign or struggle (Novelli, 1997).

## **2.8 Researching with and within social movements**

Based on what I have described so far, one needs to carefully consider the role that academic research plays in social movements. Scholars have to deal with tensions between academic work/research, activism, and their participation in social movements dynamics. First, it is important for scholars to understand that every research process is political. Second, they must understand the need to reflect on their position as researchers and the possible effects, benefits, and harms of their intervention. It is important to consider these tensions given that researchers cannot avoid their cultural and class position (Levy and Speed, 2008), even if they explicitly take a political stance. These tensions need to be addressed throughout the entire research process, especially since some researchers may not be original members of the social movement, or they may not face the same oppressions. I will also draw upon my own experience to discuss this process. Tensions may extend to differences in class, gender, ethnicity, physical appearance and/or educational background (Villenas, 1996). According to Fals Borda (1971), researchers must engage as equal learners to overcome these tensions. However, this proposition sounds deceptively easy, and this implies a careful process which I will describe more in depth in the next chapter.

### **Chapter 3. Methodological approach**

As I mentioned in the introductory chapter, this research was in great part informed by the data gathered through my involvement in the longitudinal research project “Placement and Recruitment Agencies: silent partners in migrant employment”, directed by Dr. Jill Hanley and Dr. Paul Eid. The profiles of the im/migrant workers interviewed for this project were the same as the ones I had intended for my own research. Those interviews were conducted every four to six months over three years and happened between six to nine times, lasting 30 to 120 minutes depending on the situation and the person interviewed. I personally conducted interviews and followed up to sixteen workers. Other members of the research team (Jill Hanley, Lindsay Larios, Nuha Shaer and Sonia Ben Ali) developed interviews with the rest of the people. The interviewees were from different labour sectors, and had various immigration statuses ranging from citizen to undocumented. Access to this information allowed me to go deeper into certain sensitive aspects related to labour precarity and labour violations, and other aspects of their life such as family, housing, health, migratory status and trajectory, reasons to immigrate and living conditions.

Despite the great complementarities between my thesis and this project, the other component of my research, which was connected to the subject of knowledge production and learning processes inside the IWC and the TAWA, further defined my approach. I became an active member of these organizations through developing roles of staff supporter and sometimes organizer over the last four years. I was able to observe and constantly reflect on the role of temp agencies and the social and labour contexts of im/migrant workers, as well as on their conditions of daily existence. My role as a researcher in the project also complemented my activism. I could bring more points of view to meetings and assemblies, as well as being able to reference concrete situations about im/migrant workers and temp agencies that I was finding through the interviews. All these

participatory processes emerged and assembled into a methodological mixture which combined Global Ethnography (GE) and the Extended Case Method (ECM), using the principles of Participatory Action Research (PAR) applied in a “Militant Research” process (Rojas Soriano, 1989; Biglia, 2007; Martínez and Lorenzi, 2012). My aim was to develop research processes with actions, activities and results relevant for the TAWA, the IWC, and other organizations organizing against temp agencies. However, it is necessary to ground and justify my use of these methodological approaches in more detail.

### **3.1 PAR and the use of diverse methodological approaches**

Participatory Action Research (PAR) is a methodological approach to research within communities using participation and action of their members. It is collaborative and uses collective reflection to reach transformative knowledge. The most important aspect of PAR is that decisions about the research process are made collectively when analyzing, discussing results, and reaching conclusions (Fals Borda; 1971; 1978).

Before starting the research process and during my first interactions with the IWC, TAWA and other im/migrant organizations, I considered using this methodology. However, I soon realized (not without some frustration) that it was going to be very difficult to take this approach and at the same time, to do activities and to produce knowledge useful both for the movement and for my thesis. An example of how I realized those difficulties happened in June 2013. After I had made a rough draft of my research proposal, I decided to share it with a TAWA organizer (I will call him ‘M’). At this time, my relationship with him was cordial but distant. I gave him a two-page summary of my proposal which included a PAR methodology. The next week, I saw him and he mentioned that my proposal "looked good". But that was all the feedback and response I received

from him. Initially, my intention was to excite M by my proposal, and then I expected him to suggest we have a coffee together, while talking about how we could develop my research in a way that could be relevant for the TAWA and agency workers, and at the same time, participatory. However, this never happened. I soon realized that my research was talking about things people in the TAWA already knew. It also talked about new things that could be discovered, but I further realized that the same members of the organization can discover those things simply due to their relationship and closeness with workers<sup>26</sup>. That was when I realized that developing a PAR process does not work like it is described in the methodological manuals or books. It is not as if you come in and say “I am X, from the University X, let’s talk about research that could be useful for both of us”. I then concluded that developing a PAR process (or at least something with its principles) would first take a long period of engagement with the movement, understanding it from its inside, and only then would it be possible to start the process to define a research problem that could be relevant for the TAWA. PAR must come from the organization, otherwise, researchers may end up mobilizing for their own interests, taking energy away from members’ organizing. Besides, I learned that members and workers of the organization barely have time to deal with the daily problems that organizing entails such as mobilizing, outreach, sending emails, organizing workshops and press conferences, creating flyers, taking the time and energy in doing casework and following up, defining and discussing campaigns, helping workers in urgent cases, going to court, etc. All this work is done on a daily basis, with a severe lack of funding to pay minimal staff wages, office rent, Internet, telephone, desk materials, and supplements for workshops. There was also the obstacle of language, because at that time my French was very limited and my English

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<sup>26</sup> After a while I realized how the IWC and the TAWA were containers of knowledge. I saw several institutions and academic researchers from different universities come to the IWC and the TAWA searching for knowledge about im/migrant workers and asking for guidance to find im/migrant workers to develop their own research projects.

was not in the best shape. I also realized that the time requirements from the university and my own capacities in the IWC and the TAWA were different. So I decided to set aside the idea of using PAR and trying to push for the organizations and their members to participate in "my" project, but I kept in mind its participatory and political orientations as guidance to frame my methodological approach. Therefore, I explored the meaning of PAR and its possible relationships with other approaches such as GE, the ECM, and Militant Research, that could be useful to produce relevant knowledge for the TAWA.

As I understood racialized temporary agency workers to be part of a social category constructed as a cheap and exploitable labour force by the dynamics of global capitalism, racism, racialization and Canadian immigration policies, a global perspective was useful with regards to these subjects in order to understand their interconnections better. So I decided to combine the methodological and theoretical orientations of GE (Burawoy, 2000), as well as those unique to the ECM (Burawoy, 1998) with some of the basic principles and methodological attributes of PAR. Alongside this, I drew upon militant research (Martínez and Lorenzi, 2012) as a means to ensure the relevance of the knowledge I was going to produce.

There is a wide literature on those four methodological approaches (Burawoy, 1998; Burawoy, 2000; Chovanec and Khan, 2010; Fals Borda, 1971, 1978, 1992; Lapegna, 2009; Martínez and Lorenzi, 2012). For my specific research intentions, it was important to consider its political and critical orientations and its effects upon my involvement in the TAWA and the IWC. In the next sections, I describe the aspects of these four orientations which led me to assembling them, and the resulting guiding steps and premises I followed in my research path.



### 3.2 Participatory Action Research and its role in the research process

PAR emerged as a critique of traditional social research methodologies that were not conducive to the improvement of social conditions of oppressed sectors of society (Chovanec and Khan, 2010; Fals Borda, 1971, 1978; Fals Borda, 1992; Jordan, 2003). It also addresses concerns about how research could and should lead to broader, collective, and more democratic ways to build knowledge and social change (Jordan, 2003). According to Chovanec and Khan (2010), the characteristics of PAR are the following:

- It is a collaborative process that includes all players that are affected by the issue being researched;
- Practitioners serve as guides and facilitators and ensure that all participants engage in theorizing and in gathering evidence for the validation of their practices;
- Its approach involves a continual "action/reflection spiral of planning, action, observing, reflecting and then re-planning and so forth" (Chovanec and Khan, 2010: p.36);
- It is assumed to be a political process. "Continual critical analysis of the distribution of power and the expression of resistance, playing out both within and between groups, is required throughout the PAR process" (Chovanec and Khan, 2010: p. 36).

It is also important to reflect on who initiates a PAR process. It is not only the involved researcher but members of the organization who can provide a framework that would lead to the production of relevant knowledge.

PAR can combine multiple research methods in a flexible and creative manner: surveys, workshops, interviews, participant observations, meetings, informal exchanges, etc. (Jordan, 2003) and does not necessarily exclude methods and techniques that come from positivist conceptions of

the social sciences (Martínez and Lorenzi, 2012). The research process is guided by political and scientific goals and the available resources. For Jordan (2003), PAR could be considered an amalgam of methodological approaches that, together or separately, have produced an orientation towards social research and change instead of a distinct methodology per se. This characteristic is relevant since the criteria for its development come mostly from its political usefulness, criteria that ultimately guide its use and application (Fals Borda; 1971; 1978). Therefore, theory and practice are mutually connected as a spiral, zigzag, or continuous dialectics (Martínez and Lorenzi, 2012).

In the work of Fals Borda (1971; 1978), the core and original foundations of PAR critique the supposed neutrality of positivist science (Jordan, 2003). These foundations also contain an implicit critique of intellectualism and of the lack of political alignment of some of the qualitative and ethnographic practices in social research (Fals Borda, 1992). Nevertheless, the political character of PAR must be viewed with caution because practitioners may assign different meanings to its “political nature.” Jordan (2003) highlights different ways in which PAR and its methods could be co-opted. The political and participative nature of PAR may turn into different ways of legitimizing the hidden agendas of institutions, and of processes which ultimately and primarily serve the accumulation of capital. Therefore, instead of merely stating that PAR has a political nature – because indeed every practice has a political nature - it is more important to clarify that, despite its mixed lineage, e.g. strands from management science/industry which viewed participation as a tool of management (Jordan, 2003), an important strand of PAR is tied to Marxist theory. Later on, PAR was also articulated with other veins of critical theory, i.e. feminist theory or post-colonial theory.

I was inspired by PAR's explicit transformative possibilities, and adopt its participatory orientation as useful for my approach with the organizations and people who are part of the organizations against temp agencies in Montreal. The dynamics of my initial approach with the TAWA, IWC, and other organizations took directions I initially did not expect. As mentioned before, I decided to set aside the methodological steps that stem from the PAR methodology and use its foundations to frame my methodological approach. However, I consider that the main contribution of PAR came from my own failures in the practical attempts to put it into practice, because that experience oriented me toward the internal dynamics of the movement. This proved to be more important for the research and my implication in the movement than its mechanical application. TAWA and IWC members now know me personally and are well aware of my research work and political orientations. However, it was hard to break in at the beginning.

While I did not look for the direct participation of the members in my research, the participatory aspect of PAR guided my relationships with members of TFWA (Temporary Foreign Workers Association), CIEM (Collective of Immigrant Spaniards in Montreal), MUR (Mexicans United for the Regularization), Dignidad Migrante, PINAY and the Artists' Bloc of the IWC. Then the inquiries and research questions emerged from the different dialogues with members of these collectives in order to understand the needs and problems to be addressed regarding the TAWA's work. Although I never officially presented my research to any of these collectives, they were aware of my intentions to develop my Ph.D. research about temp agencies and organized responses happening in Montreal through the IWC and the TAWA. My involvement, gradual immersion in, and commitment to those organizations also defined my participation and actions in terms of contributing to extending the frames for understanding agencies among workers and im/migrant communities. I did this both indirectly, through meetings and informal exchanges with members of

the IWC and the TAWA (now my comrades), and directly, through my participation in leading workshops with workers, or presentations in other contexts such as academia, community organizations or unions<sup>27</sup>.

One important aspect of the inspiration from PAR for this research was that at some point I lost interest in controlling or prescribing the research process (Fals Borda, 1978). After a year and a half of being engaged in IWC and TAWA activities, I learned not to try to adapt any situation to my particular research interests. I realized I was able to get the information I needed mainly from my involvement and through the conversations and interviews with workers and activists. The challenge was how to find time and energy to organize the information I was getting and how to focus on this in order to develop a thesis.

### **3.3 The use of critical reflexivity to face tensions as a researcher**

The process of submersion in this milieu was slow, both in the problematic about agencies and im/migrant labour and in the organizational life of the IWC and the TAWA. However, this gave me enough time to work on identifying my own position within the organization regarding class, gender, ethnic affiliation, nationality, language, physical appearance and other underlying conditions of my existence (Villenas, 1996). Reflexivity was a strategy to understand my position within the organizing processes. As the research process continued, my interactions with members and activists also increased, so I had to practice reflexivity almost every day.

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<sup>27</sup> I do not include here the description of many other activities I was involved in inside the TAWA and the IWC, such as translations, coordination of activities, editing and production of its journal, roles of organizer, graphic designer, video editing, writing scripts, etc., because many of them were outside my role doing research about agencies, and were circumscribed in the wider scope of my involvement with the IWC and its struggles for im/migrant justice. However, in this experience of activism I learned that, in practice, the boundaries between what is strictly research and other activities are blurred.

Considering that critical theory has strong theoretical streams that criticize capitalism, and reflexivity reflects on the theory and the theorist themselves, reflexivity may transform into critical self-reflexivity, playing an important role in increasing consciousness about the micro-politics of power and domination within the research process. This reflective process must be continuous throughout the whole process of research, interactions, and interventions, in a dialogic way (Russell and Kelly, 2002). Critical self-reflexivity may also be an exercise to achieve what Breuer and Wolf (2003) calls “a decentered and reflexive position” for researchers (p. 8). Decentering involves a stepping back from one's own practices as researcher and questioning the structure of the original engagement for raising more awareness of the effects that the research actions may have upon other research participants.

Critical self-reflexivity does not provide ready-made answers, but it poses questions using the frame and categories of class, race, and gender to interpret the researcher's own practices. In this way, critical self-reflexivity exceeds the simple positioning of participants/researchers around knowledge. It seeks to avoid the pretension of “neutrality” of the traditional ethnographer, and to make visible how researchers may exclude, “otherize”, recolonize, render invisible or silence through their research practices and relationships with participants (Fine, 2000).

Although there is a broad literature on reflexivity, in this research, I associated critical reflexivity with Foucault's concept of “epistemic subject” (Breuer and Wolf, 2003). Foucault stated that power creates knowledge, and that power breeds the subject of that power. For Foucault, “power” is not something that the subjects possess but that exerts itself. In this sense, power is on the ground of every social relationship and uses knowledge and word, which becomes discourse and action exerting domination, control and repression (Avila-Fuenmayor, 2006). Consequently, the subject of that power, in this case, the researcher (me), has a discourse and practices both

legitimized by that power. Much of the origin of that power lies in universities, as places that institutionalize and rule knowledge and truth.

Although my connection with the IWC came through the involvement of my supervisor as member of the Board of the IWC, the more I advanced in my involvement with the TAWA and the IWC, the more the general academic environment of McGill was becoming less and less relevant for my political life and involvement in the IWC and the TAWA. I do not mean to say that there are no important research and educative processes taking place at this university, and recognize that my participation on the project led by Dr. Jill Hanley was key for this research as much as the courses and support of my supervisor. But besides these and other specific cases, I always felt that my closeness with precarity and racialized and marginalized im/migrants made me question the extent to which most of the intellectual activities at the university could be truly politically relevant and transformative for precarious and impoverished groups. Self-reflexivity was a practice that allowed me to notice the ways in which I might reproduce the distance and lack of political relevance I was feeling as a student at McGill.

Another positive effect of self-reflexivity was to be aware that through certain discourses and actions, I might unconsciously promote and create power hierarchies with material effects on people I was starting to be linked with in the IWC and the TAWA. I tried to avoid creating distance with others through the use of specialized or academic abstracted language. I developed a process of constant self-examination when recreating situations of this type in my field diary in order to avoid excluding others. When I felt that I was not able to do that, as in my first participations in meetings with workers, I preferred to remain silent and listen to their stories, and not start talking based on the literature I was reading about temp agencies. Many of these initial readings were about the U.S. context, and I realized afterwards that the context and immigrant

experience in Quebec have very specific features. This self-examination was informed primarily by my thoughts, actions and words which I wrote down, then constantly revising my personal goals and assumptions throughout the whole research process and interactions (Kelly and Russell, 2002).

In September 2013, I and two other students, one Ph.D. student and a Masters student from the University of Montreal, developed several work meetings with three other TAWA members/workers to design a survey for temporary agency workers - the idea of the survey emerged from one of the worker members of the TAWA taking inspiration from a 2012 survey developed by the Workers Action Centre (WAC) in Toronto. The other students were also engaged in TAWA/IWC activities because of their academic research, and the other three members were im/migrant workers. Although our survey form was almost finished, the initial enthusiasm waned given the difficulties in applying the survey online, and the uncertainty that workers would complete it on their own via the IWC website. Besides this, we had realized that there was no way for us to guarantee a representative sampling, and we did not have the resources to try it. Although we abandoned this project, what was relevant from this collective experience of "professional researchers" working with workers is that I noticed how our academic language often disturbed the workers. I perceived that they felt excluded from participating in all aspects of the discussions. Due to this type of situation, the workers jokingly called us students "The Illuminati". This was an example of power dynamics which I needed to reflect upon in order to understand the possible harm an academic may do in community organizations. The survey was not done, but did this happen because we didn't have the technical and economic resources to accomplish its "scientific" requirements, or because we, as students, couldn't visualize other ways to use a survey process to organize agency workers? Did our dominant position as scholars block workers from proposing other alternatives and uses for a survey? My reflective process triggered such questions.

There are other ways in which a researcher may affect internal dynamics of an organization apart from their provenance and affiliation to the institutional and academic world. Their position regarding gender and class also may play a role in producing or reproducing power relationships. As Biglia and González (2013) mention, the idealization of activism and militancy could lead activists to believe that they have eliminated different kinds of oppression in their behaviour, including sexist and discriminatory and unconscious actions against women. For example, some women comrades of the Artists' Bloc told me about some microaggressions and macho attitudes coming from the male members of the group, including me. Behaviour such as interrupting when women members were talking was common in our meetings at the beginning. Subsequently, we had a collective reflection about this to correct this behaviour. However, I became aware that I was doing this with female members without being aware of that, and also without realizing that I was doing that when I used academic language and when I deployed structural explanations about im/migration policies and labour.

Other issues related to critical reflexivity include: the effects of the research results on people's lives; the political effects that dissemination of research results may have on members or on the organization as a whole; and the effects upon the organization's knowledge systems, beliefs and norms, communicative processes and ways of organizing (Kelly and Russell, 2002). This also includes the indirect or direct exploitation of members' situation of oppression because of the professional and academic benefits which the researcher can obtain.

Oppressed groups have often been subjected to not only economic oppression and cultural exploitation but also to scientific exploitation (Fals Borda, 1978). This occurs mainly because the institutional and academic interests of researchers frame and guide the orientation of their research (Cole and O'Riley, 2010). Scientific exploitation often takes place when researchers do not return



knowledge of any kind or return to communities a knowledge that is not useful to them such as reports, books, codes, information, and databases that often contain knowledge of no practical use to organizations' interests (Levy and Speed, 2008). Rather, this knowledge serves the academic and professional interests of researchers, “stakeholders,” and institutions supporting the research. I developed my research producing data and information that members of the TAWA and the IWC could use to improve campaigns and to disseminate analysis of temp agencies' effects on immigrants' lives, but also for a useful picture of the organizations' process and history. However I consider the main contribution of this research to be my involvement. Thanks to this, I could take action and play a direct role in the organizing processes while contributing what I was learning about temp agencies, precarious labour, and im/migrant labour injustices.

While learning, I was also able to develop tasks and activities to support the TAWA, its members, newcomers, and the campaigns. This work was done through systematizing interviews and testimonies of workers, doing outreach, finding information about agencies, creating and translating flyers, developing workshops and presentations, helping to organize demonstrations and workers, following up on casework, developing activities of support and care for immigrants' family members, translating documents and communiques, writing and publishing for the TAWA's newspaper, recruiting volunteers to bring support to im/migrant workers cheated by agencies, improving French and English to facilitate in workshops with workers, etc. In that sense, I applied my learning from the research to develop concrete actions to benefit its campaigns. As an example, in September 2017, I presented general and specific results of my thesis for members of the TAWA in a retreat organized to write TAWA's 2018 Action Plan of TAWA.

### **3.4 Global Ethnography and Extended Case Method**

To develop research processes with actions, activities and results relevant for the TAWA and the IWC organizing work, a research approach was necessary that allowed me to capture and describe everyday events of immigrants' experience at work. But it was also necessary to describe these localized events, interpret them and to articulate them with bigger critical narratives and theory about immigration and globalization in Canada. Therefore I chose to use Global Ethnography (GE) and the Extended Case Method (ECM). These two related approaches were useful to put in dialogue individual and localized stories and events with wider, structural perspectives on the negative effects of immigration policies, racism and globalization.

#### **3.4.1. Global Ethnography**

Global Ethnography is a method developed by Michael Burawoy (1998) who defined ethnography as “writing about the world from the standpoint of participant observation” (p. 6). Its main procedure is the integration of the researcher into the world of those who are experiencing a particular event, process or struggle. In this integration process, interviewing becomes an emergent practice, so I adopted this perspective in my personal meetings, conversations and interviews with workers and activists of the movement.

A distinguishing feature of Global Ethnography is that observation seeks to connect concrete and local events and manifestations of global capitalism with the abstract representations of its forces (Lapegna, 2009). Global ethnographers contend that it is possible to link heterogeneous localized events with global processes through detailed descriptions, using in-depth descriptions of small-scale processes followed by their extension into large-scale issues. They may also compare ethnographic studies of different sites and develop discussions about them, even if the local

expressions of capitalism in each of these ethnographies seem to show extreme differences (Burawoy, 2000; Lapegna, 2009).

Although global ethnographers try to find connections between local events and global processes, the study of locally situated events does not automatically generate a teleological analysis of global changes under contemporary capitalism. This kind of study is not directed towards the interpretation or confirmation of globalization as a process that emanates from economic centres towards peripheries with monolithic effects across spaces (Lapegna, 2009). The primary goal is to find what Burawoy (2000) calls “anomalies” - new problems emerging from observations that challenge consolidated theory. The identification of the anomalies is what informs and improves theory. First, this process aims to improve the descriptive and explanatory power of the theory that deals with these anomalies, or sometimes even contradicting theory, resulting in more coherent representations of global capitalism in terms of their power to describe the contradictions of current globalizing policies. Second, Global Ethnography seeks to investigate connections by showing inherent complexities and mediations of national level dimensions. These may come from policies, regulations, and laws instituted by the state, which are in turn influenced by global forces such as trade and investment agreements, global policies, or supranational organizations. In this way, for instance, local events such as people’s resistance, negotiations, and adaptations acquire coherence in their links with global processes. This complexity and its different levels of analysis are tied together and articulated by the ethnographer’s research “argument” (Lapegna, 2009). This argument is constructed by using theory as a guide, as well as by using empirical and situated observations and interactions to gather data and contrast it with theory.

Global ethnographers consider it impossible to avoid the use and guidance of theory and contextual description to intervene in the field (Lapegna, 2009). They consider that theory and data

supplement each other, and are adherents to a dialectical orientation. However, GE practitioners do not see theory as a frame that needs to be confirmed. They use theory avoiding prescriptive attitudes in the analysis of data and phenomena, emphasizing its use to make anomalies approachable. According to practitioners, this allows the extension, modification, and enrichment of theory (Burawoy, 1998; Lapegna, 2009).

Although the literature on Global Ethnography uses the terms local/global, practitioners have clarified that this dichotomization is reductive, and it should not be misunderstood (Lapegna, 2009). The local may be understood as the sphere wherein lies the responsibility to deploy actions and processes for fixing problems caused by structural determinants out of the local, such as policies or bills. As a result, this interpretation may lead to the false belief that it is at local levels where democracy may be exerted, concealing the extra-local determinants (Carpenter, 2015). Carpenter (2015) called this the “fetishism” of the local and it is part of the fragmented view and artificial dichotomizing produced in capitalism.

The dichotomy of the global/local also carries the risk of perceiving globalization as the cause of events that take place at local levels. According to Burawoy (2000), “globalization is not a cause but an effect of processes in hierarchical chains that span the world. In this productivist perspective the global-local antinomy is itself misleading, for if something is global there can be nothing outside that is local” (pp.156-157). Then, dichotomization causes loss of complexity in the analysis, depriving it of several other factors coming from the analysis of history, the state, national policies, and the interactions of different institutions and social actors such as unions, government sectors, community organizing, private sectors, etc. The loss of complexity leads to a lack of insight about the heterogeneous character of social formations and conceals the adaptations, contradictions, negotiations, and resistance of the grounded “local” actors observed (Lapegna, 2009). Practitioners

of Global Ethnography understand the local as the conscious, unconscious, and heterogeneous manifestations of people affected by policies related to current global capitalism (Hanney, 2000). Then the “local” becomes a methodological concept, the space that condenses complexities. Following the description of local events, the ethnographer extends his/her observation to a dialogue with large-scale processes whether observed and documented by the same researcher or documented by theory.

Occasionally researchers may use ethnohistory, which deals with the history of excluded social groups such as immigrants, women, Indigenous Peoples, etc. to give voice to their narratives and identities to project them politically (Lapegna, 2009). Ethnohistory supports or improves the dialogue that global ethnographers develop between local events with large-scale processes, making articulations with processes situated beyond the current space and time and experienced locally (Lapegna, 2009; Hanney, 2000). The use of ethnohistory provides the means to revisit the history of places and sites where local events are being observed by the researcher. In this sense, history and ethnohistory also permit building connections in terms of time and space (Burawoy, 2000; Lapegna, 2009). As a result, the researcher’s argument can provide new data and interpretations which enrich critical theory on global capitalism adding complexity to the events the researcher perceived, found and observed locally (Burawoy 1998; 2000; Lapegna, 2009). In my research, ethnohistory was useful to help understand the trajectory of some immigrant groups, specifically undocumented Mexican workers and Haitian workers. These two communities have specific histories of migratory trajectories. Mexicans suffer the impacts of free trade agreements and violence in Mexico and the specific treatment of their refugee demands since the creation of (and Mexico’s inclusion in) the “list of safe countries” by Immigration Canada. In the second case, considerations include the moratorium on Haitians who came escaping from the social effects of the 2010 earthquake, the long

tradition of immigration to Quebec due to the dominance of French language, and the relationship of this community with the taxi industry and the health sector (where many Haitian women have found work as nursing assistants through agencies).

Practitioners of Global Ethnography also use reflexivity to avoid ethnocentrism (Lapegna, 2009). Ethnocentrism may arise from the researcher's ethnic and social background and/or their academic context (Cole and O'Riley, 2010) and works with categories and self-references that the researcher may unconsciously use to read the world (Breuer and Wolf, 2003). In addition, reflexivity also serves to avoid falling into class-centrism (Burawoy, 2000). Reflecting on the structural constraints that influence the researcher's capacity to conduct analysis permits the scrutiny of the effects of the researcher's perception of the world and the reality under study (Lapegna, 2009). As a result, the researcher may increase his/her consciousness about his/her structural position as an observer/participant/researcher because of his/her opportunities to experience globalization from the "privileged" point of view of a scholar. Burawoy (2000) noticed that scholars and researchers experience globalization from a very particular point of view which is self-referential. Researchers and theorists of globalization often construct their previous knowledge from the "privileged" position of a person who may experience different and multi-sited realities, whether this is because they travel for research and conferences or because they have research networks in several regions of the world. Those observed usually do not enjoy this position. Therefore, a practitioner of Global Ethnography must be very aware of the perception and categories he/she uses in their ethnographical activities. Those categories are produced from their "privileged" class/scholar position and not from the position of the observed. This point was sensitive, as many times when doing interviews or having conversations with immigrant workers, I found myself tending to explain structural factors or discussing immigration policies that were linked with the stories and

events they told me. So, it was very difficult for me to abandon my privileged scholar/class position and my pretensions of “teaching” workers about globalization and Canadian immigration policies. However, sometimes the dialogue about Canadian policies and links with their situation in workplaces and in their countries of origin emerged naturally. Usually those links came from specific events related to their stories, such as the killing of the 43 students of Ayotzinapa in Mexico which triggered reflections among Mexican interviewees about the role of Canadian mining in their country, or the list of safe countries –in which Mexico is included- defined by CIC in 2012 for refugee claimants. These moments were very fruitful for developing connections between the “local” and “global” naturally and without forcing the reflection.

### **3.4.2 The Extended Case Method**

The Extended Case Method (ECM) is a methodological approach derived from Global Ethnography that specifically tries to extend the observer into the world of the participant. It tries to generate more or less general principles from specific observations. ECM extends the observation over time and space, spreading the focus on local processes towards the focus on external forces and finally contrasting anomalies between reality and theory to develop critical theory on globalization (Burawoy, 2000). The first aspect refers to the researcher leaving the security of his/her academic environment for the uncertain life of the participant. Although Burawoy (2000) considers this displacement to be common to all participant observation, not all participant observation is developed in uncertain conditions. The researcher often enjoys clear and safe conditions for their work, which contrasts with other conditions where uncertainty is an everyday event for the observed (Gowan, 2000). For example, I often felt insecure about my participation in rallies and demonstrations. I was concerned about my visibility in the press and on social media, and that my temporary resident status could lead to problems for my political participation. Sometimes I felt I

was in a privileged position regarding other im/migrants, but other times I felt I was more politically vulnerable than activists and certain im/migrants (residents and accepted refugees).

The second aspect of ECM refers to the need to spend long periods of time experiencing the processes that subjects live. The researcher requires enough time to grasp how social processes are constructed and developed. Short stays do not provide enough time for researchers to immerse themselves and have a well-rounded sense of the lives of the observed from their perspective. Short periods only tend to silence and make certain aspects of the studied reality invisible (Burawoy, 2000). I felt this was necessary whether to understand the environment of exclusion and discrimination im/migrant workers experience as much as their life trajectories and the internal processes of organizing against temp agencies.

The third aspect of ECM reflects upon extending observations from micro-processes to macro-forces. For example, the observation of very different decision-making processes of individuals to emigrate, when extended to an analysis of labour policies, free trade and investment agreements, lack of access to land, dispossession and displacement (Chang, 2000), brings into question the perception of emigration as an individual decision-making process, so that it could be understood as “forced emigration”. Extending the analysis in this way highlights the complexity of the connections between global processes with local events situated in specific times and places. For instance, this includes connecting the global promotion of remittances as a source for development (Kapur, 2004; Stilz, 2010) with im/migrant workers waiting for a temporary agency bus at 4 a.m. outside Saint Michel metro station in Montreal. It also includes connecting Mexican workers struggling with immigration policies to remain in Canada at all costs, because of the environment of violence and economic depression at home related to the U.S-led war on drugs and the social and environmental impacts of Canadian mining operations in Mexico and NAFTA. It thus provides a



sense of the relationship of the parts of the locally observed phenomena with the whole system of oppression.

The fourth aspect of the ECM focuses on the finding of anomalies. Burawoy draws on Kuhn's conception of anomalies (Kuhn, 1962). However, for Burawoy (1998), anomalies do not necessarily weaken theory, but offer the possibility to improve it using interpretative analysis. An “anomaly” is a detected aspect of the reality that cannot be described and explained by provisional theory. The ECM intends to “extend” theory by not only uncovering anomalies but also by understanding why anomalies exist. As a result, the research process will succeed in reformulating theory. The interpretation of an event or fact considered to be an anomaly will then provide more coherence to the theory.

However, although Global Ethnography and the associated ECM offers the researcher ways to produce links that enrich theory, it is developed as an individual research process which does not by itself ensure that knowledge produced is relevant for social movements and grassroots organizations. In that sense, the next section discusses my engagement with relevant knowledge production through Militant Research.

### **3.5 Militant research with the combination of several methodological approaches**

Militant research is a way to produce knowledge intimately articulated within the interests of social organizations and movements, and recognizes that knowledge production processes are not neutral (Rojas Soriano, 1989; Martinez and Lorenzi, 2012). However, this includes that the researcher is an active member of the organization or the movement.

The active political participation of the researcher may ensure the relevance of the produced knowledge for the organization or movement. However, relevance may not necessarily be reached only through militant research. In my case I did not become a member of the TAWA to develop a research process, but first I spent a long period observing and participating with TAWA actions. From this position it could have been possible for me to develop a research process relevant for the TAWA. However, I felt interpellated by the situations of abuse against immigrant workers and that led me to feel the need to participate and intervene as a political subject in the TAWA, then as one of its members, my research orientation and actions were led by TAWA's interests.

Various concepts, some old, some new, have emerged in response to the tensions felt by practitioners who, such as me, come from institutions such as universities and NGOs to deal with the tensions between academic work/research and activism -for example, concepts like "organic intellectual" (Gramsci, 1975), or "amphibious researcher" (Svampa, 2007). In my case, my methodological approaches combined to make me a researcher but a militant developing activism inside the TAWA.

Given that the TAWA is formed by militants, its own internal dynamics guided me towards practicing activism before I felt as an official member. Starting the research from this stance led me to become immersed in the context where I was doing the study. This implied knowing the members of the organization and communities related to it, its main problems and the work necessary for systematizing these problems (Rojas Soriano, 1989). This compromise led me to abandoning an instrumental relationship in favour of an affective relationship (Zibechi, 2007) with members of the TAWA, the IWC and other organizations. I became part of a group of activists and members seeking useful ideas and practices to question, denounce and make visible the exploitation im/migrants suffer through agencies. Moreover, in practice I could explore how the

needs that emerged on a daily basis prompted our group of activists and members to discuss, exchange ideas, participate in conferences, define actions and agendas, educate, systematize knowledge, research, find data and relate to authorities and the media.

I can summarize the approach of this process through the steps I followed (Text box 1) combining the guides that the participatory foundations of PAR, Global Ethnography, and ECM provide.

**Text box 1. Guiding points of combined PAR, Global Ethnography, and ECM approaches to produce Relevant Knowledge through Militant research.**

1. Long-term and daily immersion, observation and integration process with the organizations and members of the movement, including allied organizations of the TAWA and the IWC.
2. Developing self-reflection about my integration and participation – to be conscious of my social position as an individual researcher.
3. Participating and engaging in several diverse organizing activities of workers (educational, dissemination of knowledge, rallies, meetings, assemblies, press conferences).
4. Focusing on the problems faced by TAWA and IWC as much as their needs in terms of knowledge developed for action. My role was to collaborate in resolving those problems (i.e. searching for quantitative information regarding agencies, or providing specific interviews for press conferences).
5. Focusing on the local at a methodological level – constantly developing this type of thinking through theory, individual and collective reflection, and contextual information taken from workers, activists and other sources (e.g. media or research reports).
6. Experiencing the local methodologically through activism as a political process.
7. Experiencing the local within a complexity of structural determinants, and avoiding the romanticizing of internal processes of the organizing process.
8. Introducing a global interpretation to discussions and debate of workers' problems and situations and connecting them with their personal narratives and concrete problems.
9. Extracting anomalies from workers' narratives and dialectically questioning theory with contextual information and observations.
10. Using opportunities for learning processes to combine with participatory processes drawn from PAR.
11. Avoiding the forced application of theoretical concepts, and accepting tensions and debate between reality and theory.
12. Developing and practicing self-reflexivity regarding issues of power, language, and tensions in the process of collective research to attempt to avoid ethnocentrism, gender-centrism, and class-centrism.

13. Facing conflicts instead of avoiding them, and learning to live with tensions produced by different stances from movement participants.
14. Developing learning processes with participatory methods in which participation is led by dialectical ways of learning.

I chose these points based on an approach grounded in a militant research practice, and because I consider that they ensured I was going to produce relevant knowledge through my participation. I can explain this by considering my own learning process. While participating in the movement and developing systematic data collection, my understanding of how agencies operate improved. With time I was able to bring out different examples to illustrate labour violations, work precarity, abuses, legal loopholes, and patterns of operations by agencies. I could link the experiences of different communities of im/migrant workers working through agencies with specific immigration policies. All this learning developed through research was useful given that members of the TAWA started to give me more specific tasks, -and step by step recognizing me as a member-, such as the preparation of workshops and presentations, systematizing of results, dissemination of information and editing of papers, flyers and newsletters. In this way, while learning and researching, I was then producing specific products and results responding to TAWA's needs, and was being more a member than a student. In the end, as a student, I gave a report on my own thesis research results for members and workers of the TAWA, both about my findings regarding agencies and racialization, and about the organizational process and history of the IWC and the TAWA, which were useful in defining TAWA's Plan of action for 2017-2018. But as a member of the TAWA, I developed many other activities which fed my dissertation and which were more important for the political goals of the TAWA.

### 3.6 Summary and description of research methods used

The first set of questions, “What practices do temp agencies and employers deploy when using the vulnerabilities of im/migrant workers across different labour sectors?”, and “how do these practices relate to the production and reproduction of labour precariousness?”, were addressed through:

- More than two hundred in-depth interviews with 42 temp agency im/migrant workers in different labour sectors, such as warehouse, the food industry, health, day-labourers, recycling, farms and cleaning. These sectors are characterized by a high degree of precariousness and a considerable proportion of im/migrant labour.
- Review of documented cases of intervention and defence of workers’ rights from the TAWA and the IWC. This information was mainly gathered, organized and analyzed under the umbrella of the project “Placement and Recruitment Agencies: silent partners in migrant employment.” The data was used to support the analysis of the role and practices of agencies, but also to illustrate the activities of the TAWA and the IWC in defending workers’ rights.
- Review of media for news articles about agencies in Canada and Quebec, and about the interventions and actions of TAWA, IWC, and other organizations against agencies in Montreal.
- Documentary review of reports, files, and memoirs of the TAWA and IWC regarding temp agencies and im/migrant workers. Most of these documents are part of my personal files gathered during my involvement in the movement.
- Review and analysis of records and participants’ memories of meetings developed within organizing processes (workshops, assemblies, campaigns, coordination meetings, etc.).

- In-depth interviews with 10 members, activists, and organizers active in the movement. These are key informants because of their experience, and because they may possess broader, more structured and systematized knowledge than workers about the practices of agencies and employers. In this group, I incorporated different types of subjects according to their position in the IWC and their trajectory in the TAWA. One of the interviewees was someone who has been a principal member of the IWC Board for many years, and has vast experience on issues of community organizing as an academic and activist. Three interviewees are organizers directly involved with IWC and TAWA activities, with several years of experience organizing workers, and wide knowledge of the advancements, obstacles and challenges of the movement. I also interviewed one person from the Commission for Salary Equity of Quebec and one member of the CSN, both of whom support TAWA's activities and who serve as links with these two organizations. Finally, I interviewed two worker members of the TAWA, and two university students. The last two interviewees were part of the teams that seasonally participate in the IWC through internships. The students and workers were chosen because they can provide complementary organizational information about the campaigns and the impact of TAWA's organizing.

The second set of questions focus on organizing processes: How are knowledge production, informal and non-formal education and learning processes being developed in the course of organizing im/migrant temp agency workers in Montreal? How are these processes being articulated by this movement to organize and mobilize im/migrant workers against their exploitation by temp agencies? What lessons could be learned from this experience to strengthen migrant/immigrant labour movements and struggles? These questions were addressed through:

- In-depth interviews with 10 members, activists and organizers of organizations active in the movement (the same members previously mentioned).
- Extended Case Method. I used this methodology throughout the research process and for both sets of questions. The process drew upon lived interactions and participation. This included observations, non-formal and formal interviews and exchanges with workers and activists, and reflexivity processes. For the latter, I used a field diary and a notebook for reflections of my experience as a TAWA member. The next chapter discusses and shows the analysis and results of interviews with agency workers.



## **Chapter 4. Temp agencies and the vulnerability and racialization of im/migrants in Montreal.**

In this chapter, I will analyze the role of temp agencies in managing the vulnerabilities of im/migrant workers. This is the main argument I tried to develop through the research process concerning agencies. The situations described in this chapter come from the synthesis of labour rights violations I found according to Quebec's current Labour Standards and occupational Health and Safety law. Referencing this legal framework does not mean that I consider this law adequate for regulating temp agencies. Nevertheless, in contrasting those violations with what I consider to be the very limited labour code of Quebec and its structural inadequacy in relation to the triangular employment relationship (Bernier, 2014), it is possible to highlight the wide range of labour violations im/migrant agency workers experience. In my analysis, I identified those situations related to their vulnerabilities and connected them with their im/migrant status. It was also possible to identify practices of racism and racialization, and some specific features regarding their labour sector/activity. I briefly describe some demographics of the interviewees, and then reflect on the difficulties of working with quantitative information about the labour conditions generated through temp agencies. Later I will describe a numerous set of labour violations experienced by im/migrant workers in order to establish relationships with their vulnerabilities and immigration status.

### **4.1 The interviewees and some features of im/migrant labour in temp agencies**

Table 4 outlines the principal demographic characteristics of the interviewees at the time of the first interview. At that time, there were: nine workers from the food industry (pizza, pogos, kebabs, meat industry, vegetables, farms); ten day labourers (several short-term activities in different sectors such as cleaning, gardening, recycling), services (such as marketing), farming and food

industry); seven workers were in the health care sector (nurses and health assistants); eleven workers from warehouses (almost all from Dollarama); and five workers held positions more or less related to their professional diplomas. In subsequent interviews, most interviewees reported a dynamic of jumping from one job to another, from one agency to another, and from one labour sector to another.

**Table 3. Key features of im/migrant workers interviewed**

Subject	Field of work	Status	Age	Origin	Work permit	Gender	Family status	Number of interviews
Subject 1	Warehouses	Tourist (Visitor)	34	Tunisia	No	Male	Married or common-law with children	4
Subject 2	Warehouses	Permanent resident	40	Haiti	Yes	Female	Divorced with children	5
Subject 3	Warehouses	Accepted Refugee	56	Haiti	Yes	Male	Married or common- law with children	3
Subject 4	Warehouses	Accepted Refugee	43	Cameroon	Yes	Male	Married or common-law with children	8
Subject 5	Warehouses	Permanent resident	35	Cameroon	Yes	Male	Married or common-law with children	7
Subject 6	Warehouses	Accepted refugee	48	Dem. Rep. Congo	Yes	Male	Married or common-low with children	9
Subject 7	Warehouses	Permanent resident	53	Haiti	Yes	Male	Divorced with children	5
Subject 8	Warehouses	Permanent resident	35	Burkina Faso	Yes	Male	Single	9
Subject 9	Warehouses	Permanent resident	40	Cameroon	Yes	Male	Married or common-law with children	8
Subject 10	Warehouses	Permanent resident	30	Iran	Yes	Male	Married or common-law	6
Subject 11	Warehouses	Accepted refugee	60	Dem. Rep. Congo	Yes	Male	Married or common-law with children	5
Subject 12	Food Industry	Permanent resident	36	Cameroon	Yes	Female	Married or Common- law with children	3
Subject 13	Food Industry	Citizen	30	Chile	Yes	Male	Single	9
Subject 14	Food Industry	Citizen	38	El Salvador	Yes	Male	Single	9
Subject 15	Food Industry	Refugee claimant	30	Eritrea	Yes	Male	Single	8
Subject 16	Food Industry	Refugee claimant rejected	49	Mexico	No	Female	Divorced with children	9
Subject 17	Food Industry	Temporary resident (Ex-Agricultural TFW)	39	Mexico	No	Male	Single	9
Subject 18	Food Industry	Refugee claimant rejected	51	Mexico	No	Male	Divorced with children	9

Subject 19	Food Industry	Permanent resident	36	Nicaragua	Yes	Male	Married or common- law with children	9
Subject 20	Food industry	Refugee claimant rejected	38	Peru	No	Female	Single	9
Subject 21	Day labour	Temporay resident (Travel vacations program)	29	Spain	No	Female	Single	8
Subject 22	Day labour	Tourist (Visitor)	46	Dominican Republic	No	Female	Married	8
Subject 23	Day labour	Tourist (Visitor)	28	Haiti	No	Male	Married	1
Subject 24	Day labour	Refugee claim rejected	43	Mexico	No	Male	Single with children	9
Subject 25	Day labour	Refugee claim rejected	56	Mexico	No	Male	Widow with children	9
Subject 26	Day labour	Refugee claim rejected	28	Mexico	No	Female	Single	7
Subject 27	Day labour	Refugee claim rejected	38	Mexico	No	Male	Married with children	8
Subject 28	Day labour	Humanitarian applicant (refugee claim rejected)	18	Mexico	No	Female	Single	8
Subject 29	Day labour	Humanitarian applicant (refugee claim rejected) (Deported)	55	Mexico	No	Female	Divorced with children	1
Subject 30	Day labour	Refugee claim rejected	51	Mexico	No	Female	Divorced with children	8
Subject 31	Health Care	Permanent resident	45	Cameroon	Yes	Male	Married or common-law with children	4
Subject 32	Health Care	Citizen	45	Chile	Yes	Female	Widow with children	9
Subject 33	Health Care	Permanent resident	28	Haiti	Yes	Female	Married or common-law with children	3
Subject 34	Health Care	Permanent resident	26	Haiti	Yes	Female	Married or common-law with children	8
Subject 35	Health Care	Permanent resident	54	Portugal	Yes	Female	Widow	9
Subject 36	Health Care	Citizen	36	Ivory Coast	Yes	Female	Married or common-law with children	8
Subject 37	Health Care	Citizen	41	Cameroon	Yes	Female	Single	9

Subject 38	Professional	Permanent resident	40	France	Yes	Female	Married or common-law with children	3
Subject 39	Professional	Permanent resident	32	Morocco	Yes	Male	Married or common-law with children	3
Subject 40	Professional	Permanent resident	32	Morocco	Yes	Male	Married or common-law with children	3
Subject 41	Professional	Permanent resident	31	France	Yes	Female	Married or common-law	1
Subject 42	Professional	Citizen	38	Palestine	Yes	Male	Married or common-law with children	1

**Source:** Interviews developed for the longitudinal research project “Work and Recruitment Agencies: silent partners of migrant labour”.

The immigration statuses among this group were diverse: There were tourists, permanent residents, accepted refugees, accepted refugees waiting for permanent residency, citizens, refugee claimants, rejected refugee claimants, a temporary resident of the working holiday program, a temporary resident who was a former agricultural temporary foreign worker, and humanitarian applicants. In the health sector, most were women, coinciding with the high feminization of health services (Statistics Canada, 2016) and with citizenship or permanent residency status. These statuses are related to the fact that the Canadian health sector demands an accepted professional certification, whether in relation to studies completed in Canada or through equivalencies. Both processes usually necessitate first obtaining permanent residence to get a diploma, or to obtain equivalencies of previous studies.

In the warehouse sector, most of the interviewees were working in big companies like Dollarama. The majority had permanent residence or were accepted refugees, one was a refugee claimant, and one had visitor status. It is usually easier to find undocumented im/migrants in smaller warehouses and less frequently in big companies like Dollarama given its visibility (though this does not suggest that it could not happen). The only worker who was working ‘illegally’ in packaging was in a small warehouse. Another important feature of this group is that most of those with permanent residence status achieved it through refugee claims. These workers come mainly from five agencies that provide labour to Dollarama. From my experience working with TAWA, most of the labour force in Dollarama’s warehouses in Montreal is made up of black refugees and permanent residents from Sub-Saharan Africa and Haiti. This does not mean that warehouses and the retail industry are limited to this labour force, but illustrates the racialization of labour in this sector and for this specific large enterprise.

In the food industry, and in particular among the group of day labourers, I found more people with precarious status and extremely harsh work conditions. The majority were refugee claimants, rejected refugees, tourists, and humanitarian applicants. Some did not have work permits; others had expired work permits. Most of the people in these groups were Spanish speaking, primarily Mexicans. I found many of those workers thanks to their connections with some of the Mexican organizations such as MUR and Dignidad Migrante. Finally, among the interviewees, there was a group of professionals who all have permanent residency or citizenship. They indicated suffering labour rights violations through temp agencies, though comparatively less than the previous groups.

Taken as a whole, the interviewees comprised more men (24) than women (18). Their ages ranged from 16 to 60 years old at the time of the first interview. Despite the high concentration of Mexican interviewees, the group was quite diverse with workers from 19 countries, from South America, Europe, North Africa, the Middle East, Central America and the Caribbean, and Sub-Saharan Africa. Slightly more than half of the workers had non-precarious immigration status (citizenship or permanent residency), and half were married or in common-law relationships. The vast majority had children, but less than half had dependent children living in Canada. Slightly more than a third of the interviewees were alone in Canada, without any family members. Also, the time spent living in Canada ranged from a few weeks for some to 36 years for one at the time of the first interview but most had spent from 1 to 5 years in the country. The vast majority, more than 90%, arrived after reaching the legal age of 18 years old. Only three arrived under that age. One third arrived from a place other than their birth country. Everyone also presented a diversity of ways in which they entered Canada (as tourists, through sponsorship or refugee programs, as students, through the Temporary Foreign Worker Program, and Economic Immigrant programs -

two people even crossed the border from the U.S. without authorization). The majority (26) fall under the category of economic immigrants (17) applying from outside of Canada, or as tourists applying (8) from inside the country. A significant portion said they spoke French and English. However, I noticed that in the case of non-Francophone people, their self-perception of their French language skills was exaggerated.

Regarding social networks and social life, nine of them said they did not have any reliable friends, and three stated that they are isolated from family, friends, community or ethnic associations. Slightly less than half mentioned they have had more than five jobs in Canada since arrival. One person had a Ph.D. and eight individuals had completed a Masters or equivalent, meaning that almost 25% of the people interviewed had a postgraduate education. Over a third of the interviewees (16) had completed their bachelor's studies, so over half of the interviewees have a bachelor's or more in regards to their educational level.

#### **4.2 The difficulties of working with quantitative information about agency workers**

In the first interview, a small form was given to every worker to fill out. The objective was to gather the described demographic information to create a profile of the interviewees. When analyzing some of the questions about labour information, I noticed again the difficulties in developing a survey with temp agency workers. The survey form included a question about their perceptions regarding labour standard violations they had suffered. Surprisingly, almost one third said that they "never" suffered labour violations, and more than half said "never" or "almost never" (see Table 5). However, when the interviews started - and this continued in subsequent sessions - workers identified and realized many labour violations that they had suffered. Moreover, I identified other labour violations throughout the subsequent analysis of their interviews. In the



end, I found that all of them had suffered recurring labour violations. This example illustrates two relevant issues: the lack of general knowledge from these workers about labour rights and the difficulties workers had in identifying labour violations. The triangular employment relationship created blurred labour situations, which did not help them to identify when a labour violation had taken place.

**Table 4: Have you ever suffered labour standard violations?**

	Frequency	Percent	Valid Percent
Never	12	28.6	29.3
Almost never	6	14.3	14.6
Sometimes	12	28.6	29.3
Often	6	14.3	14.6
Very often	5	11.9	12.2
Total	41	97.6	100.0
Missing Does not know	1	2.4	
Total	42	100.0	

**Source:** Interview opening question, developed under the umbrella of the Project “Placement and Recruitment Agencies: silent partners in migrant employment”.

The previous reflections led me to analyze data provided by the Labour Standards Commission (LSC) survey in 2012, and applied to 1002 agency workers of the Montreal metropolitan region (immigrants and non-immigrants). This data is valuable in that it was applied to a significant number of people, yet minimally detected the damage done by agencies to workers, and marginally their impacts on im/migrant workers. The LSC survey report establishes that immigrant workers (it is not clear to what status the survey refers to) had worse working conditions than those of Canadian origin. However the researchers did not describe how, nor did they hypothesize why, this could be happening (Commission des Normes du Travail, 2013). The report is also directed

towards prevention, instead of gathering arguments and data to support the future development of specific regulations and procedures to regulate temp agencies. It also lacks analysis regarding the relations between im/migrant status and im/migrant vulnerabilities. As with the previous question, it is also possible that many workers do not have knowledge of, or have incomplete knowledge of, their labour rights, or are unable to identify labour violations and respond accordingly. It is possible that many kinds of precarious status workers are not represented in the LSC survey.

Given the scarcity of quantitative data available, the data provided by the LSC survey still results important. Among other things, this research found that the vast majority of agencies identified are within close proximity to, or are on the island of Montreal (81%), with 53% specifically within the island area. They primarily employ men (60%), the average age of workers is 40 years old, and most of them have completed their secondary education. It also showed that the proportion of labour violations is higher among im/migrants than among Canadian-born workers. One third of workers surveyed were born outside of Canada (32%), with an overrepresentation of the immigrant labour force working through agencies. In Quebec, the immigrant labour force make a total of approximately 0.9 million im/migrants, being slightly more than 20% of the total labour force in the province, and mostly living in Montreal. (Direction de la recherche et de l'analyse prospective du ministère de l'Immigration, de la Diversité et de l'Inclusion, 2014). However, when the LSC survey data was presented and discussed in November 2016 in a workshop with workers of the TAWA by the Institute of Public Health of Quebec, the general opinion of workers, based on their experience, was that it was much more likely that a third of agency workers were im/migrants. It is good to remember that the LSC survey contacted immigrants who accepted to participate in the survey. Possibly many precarious status workers did not accept to participate because of fear of being identified. Therefore, it is possible that the over representation of immigrants found in the

LSC survey in reality is bigger. However, the survey also presented some valuable insights into the working conditions of immigrant workers, such as the fact that they are twice as likely to be connected with two or more agencies, when compared to Canadian-born workers. Immigrants are one and a half times more likely than Canadians to spend less time in a stable position (Commission des Normes du Travail, 2013). They also have shorter vacation times, tend not to have a written contract, and experience longer wait times for a phone call with a job offer, something corroborated by Bernier (2014), and a common feature I observed through my experience with the TAWA and in interviews.

The survey detected important differences in salary between workers of Canadian origin and immigrants. The average wage for immigrants was \$13,70 an hour, and for those of Canadian origin, \$16,50. Moreover, 35% of immigrant workers received less than \$11 an hour when compared with 13% of those of Canadian origin (the minimum wage in 2012 when the survey was done was 9.90 CAD). All these conditions are worse for immigrants who have arrived three years ago or less (Commission des Normes du Travail, 2013). However, the lack of emphasis provided by this research on structural factors does not provide us with a systemic view of temp agencies exploiting the vulnerabilities of im/migrants. The next section will illustrate these effects with some examples of the violations of labour standards and of occupational health, safety and security that I found among the interviewed workers. I also present a synthesis of structural conditions whereby their immigration status, lived racism and racialization operate as factors in the violations against im/migrant workers and in their normalization. I also deploy an analysis of the different ways that agencies may evade the law due to their lack of specific regulations.

### **4.3 Violations of im/migrant workers' rights by temp agencies and client enterprises**

In over 270 interviews conducted, I always assumed the possibility that there may be even more violations than those I detected, which are described in Table 5. Workers do not usually have thorough knowledge of their rights, and they struggle to understand their legal status in the triangular employment relationship. They are also in a very disadvantaged position from which to observe things (many were stressed out, burned out, exhausted or completely alienated from the work that they did).

**Table 5. Labour violations experienced by interviewed temp agency im/migrant workers**

<b>Labour standards law</b>	<b>Health and safety law</b>
<p><b>Remuneration issues</b></p> <ul style="list-style-type: none"> <li>• Incomplete payment.</li> <li>• No payment at all.</li> <li>• No payment of overtime work.</li> <li>• No overtime work rate payment.</li> <li>• No payment for holidays.</li> <li>• No payment for vacations or compensatory payment for vacations.</li> <li>• No payment for transport to the workplaces.</li> <li>• No remuneration for overtime used for work pay issues (i.e. when workers are obligated to go to specific places to receive their payments and need to travel long distances).</li> <li>• Payment intervals longer than 16 days, and more than a month in receiving the first payment.</li> <li>• Paid less than the minimum wage.</li> <li>• Unauthorized deductions from payment.</li> </ul> <p><b>Abusive treatment</b></p> <ul style="list-style-type: none"> <li>• Discriminatory practices: i.e. Unequal payment for the same tasks; discriminatory treatment based on racial bias.</li> <li>• Intensive and exploitative work pace.</li> <li>• Inadequate payment for supplementary hours and/ or imposition of the compensation for the payment of overtime.</li> <li>• Psychological harassment at work.</li> <li>• Physical harassment.</li> <li>• Detrimental and restrictive contracts. (i.e. when workers are not allowed to work through another agency or are not allowed to be hired directly by the client enterprise)</li> <li>• No respect of or fully realised break times.</li> <li>• No respect of or fully realised lunch times.</li> <li>• No fulfillment of 32 continuous hours of weekly rest.</li> </ul> <p><b>Work information</b></p> <ul style="list-style-type: none"> <li>• Absent or incomplete breakdown of salary and other information of the employer.</li> <li>• Lack of transparency in the contractual conditions.</li> </ul> <p><b>Disorganization with negative impacts for workers<sup>28</sup></b></p> <ul style="list-style-type: none"> <li>• Delays or incomplete payment for incorrect arrangements between client and agency.</li> <li>• Disorganization and problems with transportation provided by the agency.</li> <li>• Payments made on weekends or during rest periods.</li> <li>• No information for workers about their rights.</li> </ul> <p><b>Removal from job</b></p> <ul style="list-style-type: none"> <li>• Unjustified dismissal.</li> <li>• No notice of termination of employment or layoff.</li> </ul>	<ul style="list-style-type: none"> <li>• Globally insufficient health and safety standards compliance at the workplace.</li> <li>• Unsafe transportation to workplaces.</li> <li>• No reimbursement for work equipment.</li> <li>• No health and safety work equipment.</li> <li>• Inadequate health and safety equipment for work.</li> <li>• Unsafe procedures (i.e. working in defectuous machines or without the right equipment).</li> <li>• Lack of identification of work-related risks.</li> <li>• Absence of health and safety work committees.</li> <li>• Lack of training on health and safety at work.</li> <li>• Lack of information on health and safety rights.</li> <li>• Lack of compliance of procedures in accident or risk situations, reparations, and compensations.</li> <li>• No compliance with the right of refusal.</li> <li>• Situations that affect the psychological wellbeing of workers.</li> </ul>

**Source:** Own elaboration based on interviews.

<sup>28</sup> This suggests the lack of proper planning, of control and coordination between the client enterprises and agencies. Often agency workers are harmed when this takes place, without consequences for the agency or the client enterprise.

### 4.3.1 Remuneration issues<sup>29</sup>

Most of the Labour Standards Act violations relate to payment issues. Remuneration is a critical issue, and wage theft takes many forms. I detected incomplete payment; no payment for the entire contract period of time; no payment for extra hours; no overtime rate of payment; no payment for holidays; no compensatory payment for vacations; no payment of vacations; no payment of holiday rates; no payment for lunchtime after five hours of work; no payment for the transportation to the workplaces; no remuneration for the time spent on work payment matters. There are also payment intervals longer than 16 days, and in the case of first payment, payment intervals longer than 30 days; payment amounts less than the minimum wage; inadequate payment for supplementary hours; imposition of the compensation rate or the form of the compensation for the payment of overtime; and unauthorized deductions of payment.

#### a) Incomplete payment

Incomplete payments were reported repeatedly among day labourers and precarious status workers (rejected refugees, humanitarian applicants, tourists and sponsorship applicants). This is common in the recycling, cleaning and food industries. It usually happens when the agency does not pay workers for the entire amount of work done. However, underpayment strategies also include discounting some minutes from every workday.

**Rebeca. Mexican. Rejected Refugee with an expired work permit. Arrived in 2009 as a refugee claimant. First interview (Food industry – several places)**

“For example, once I was not working with V. Right now I am also working with V, but with this Peruvian I was going to “the sausages”, to “the apple”, and I had to fight a lot to be paid. He was always stealing hours from my work. He paid me 10

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<sup>29</sup> The list above did not include “payment by piecework”, yet I found this situation to be common. Though it represents a clear abuse, it is unclear whether this could be interpreted as a violation using the current labour standards.

dollars per hour, but actually he never paid me that because he was always stealing hours. For example, if I worked 36 hours he paid me 35 hours. In that way, for a long time he was stealing from me, and he was paying me less than 10 per hour”.

Workers usually need to carefully track their work hours themselves due to the possibility that they may not receive complete payment. Moreover, it is often unclear and difficult to know how they can access to the information of the hours they worked, whether in the files of the client enterprises or the agency. As a result, workers chose not to complain or to create conflict, either due to the difficulty of finding a job without a work permit (if they are undocumented), or of being clear about who is infringing the law and how, or simply because they are afraid the conflict could attract attention to their precarious status. Many workers prefer to accept this situation in order to avoid such problems.

One pattern common to the most precarious (“fly by night”) agencies is the lack of a physical place or office from which to operate. Even when they have a physical location, many undocumented and other precarious status workers do not know the agency’s name or address. In addition, for them it may not seem useful to have this information because of their difficulties in being able to submit a complaint to the CNESST. The impression I had in interviews is that their feeling about the information of the agency ends up not being necessary, because they cannot do anything with it. Besides the phone number, it is most common for precarious workers to not have information on where to find the person in charge of recruitment or the agency.

Though not as frequent, incomplete payment was also reported by citizens and permanent residents. This is the case for Juan, a citizen who suffered from incomplete payments several times from agencies that sent him to different places every week. Juan is from El Salvador, and as with many other immigrants, agencies are his only way to find employment. He applied for other

employment opportunities using his mechanical skills learned at the University, but was met only with rejection. Currently, he has been working through agencies for more than four years.

Sending workers to different places and keeping them moving from place to place is a practice that increases the possibilities for wage theft. Wage theft is also made easy when workers transition from being employed by the agency to being employed by the client enterprise. The disorganized nature of this process creates grey zones where it is not clear who is responsible for payment, the agency or the client enterprise. Other strategies used for wage theft included agency staff falsifying information, or exploiting the difficulties workers have in keeping track of their hours worked. In one case, a worker even described what he called a “surreal strategy”, used by the owner of an agency to avoid paying workers some of their work hours. He mentioned how, at payment time, the owner would ask their employees, “how many hours did you work?”, expecting them to give a wrong answer in order to pay them less money. This shows that this agency owner is aware of the difficulties employees have tracking their own work hours.

**Carlos. Mexican. Rejected refugee without a work permit. Arrived in 2009. Second interview. Day labour (Food industry – Quails processing plant)**

“And they do the same to many people. He (the owner of the agency) asks to them (workers) ‘how many hours did you work?’ and he has the information there on his desk. And some people really don’t know well and say ‘I think it was 38 hours’ and then he pays them the 38 hours. That is how these people act. I insist; they are organized crime.”

**b) No payment at all**

The non-payment for entire periods of work involves larger amounts of money and entails other agency practices. It implies the non-payment for extensive periods of work, extending from one week to two months. I found this practice most prevalent with day labourers, in the food industry and the recycling sector. In some cases, I found this practice in agencies that supply health care



workers. One worker told me that she had not been paid for two months of work, and that the recruiter (the agency) just disappeared. At that time, the worker was a refugee claimant with a valid work permit. She lost \$2,400. Non-payment for large amounts of money also occurs when enterprises fall into bankruptcy. In these cases, workers find themselves unable to reclaim their wages. Complaining to the agency is rarely useful, as it always argues that it is not their responsibility because the client enterprise did not pay them.

**c) No payment of overtime work.**

The interviews found that workers are often not paid for the overtime that they do (when they work over forty hours per week<sup>30</sup>). This happens when there is an arrangement for a certain amount of hours between the agency and the client enterprise, but in practice the client usually demands workers perform closing tasks, which exceed the work time stipulated, or assigns workers tasks which in reality take longer than the time the workers expect to work. Clients sometimes justify this by telling workers that they are “learners”. Many workers move from one place to another place constantly, so for many of them, being a “beginner” or a “learner” is a constant and the non-payment of overtime with this justification becomes a recurrent situation.

**d) No overtime work rate payment.**

Often workers do not receive the correct payment rate for hours worked above 40 hours per week. According to the law, the hourly overtime rate is 50 percent more than the normal rate<sup>31</sup>. This is a routine violation for day labourers and the undocumented. It is also quite frequent in the food industry. The efforts by enterprises to cap work at below 40 hours include discounting any

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<sup>30</sup> Article 52 of the Labour Standards Act says that for the purposes of computing overtime, the regular workweek is 40 hours except in the cases where it is fixed by regulation of the Government.

<sup>31</sup> Article 55 of the Labour Standards Act.

additional time and not providing the information of that time to the agency. Clara, a sponsorship applicant, expressed how common this situation is.

**Clara. Dominican. Tourist but starting sponsorship application through marriage to a Canadian citizen. Without work permit. Arrived in 2013. Second interview. (Food Industry)**

***“Interviewer: Because the Labour Standards say that more than 40 hours should be paid 50 percent more...”***

No, no, no, all is at the same rate. All at the same rate. But all the people from agencies have this practice. All. I never saw a person who worked overtime and received 50 percent more. They pay you like a normal hour, like a regular day of work with eight hours. All agencies do this. I passed through three or four. Actually, this is the fourth, and any of them have accomplished this norm. For example, in ‘the Pogos’ factory, we worked much overtime, and they never paid us a bigger rate.”

Many workers expressed resignation regarding wage theft practices. Clara did so because she needs the money while waiting for a response to the sponsorship application her husband submitted for her. In her case, CIC Canada took over a year and a half before accepting her husband’s application , and only then was she able to apply for a work permit.

Sometimes it becomes difficult to know when overtime work is happening and how to react. For example, when workers are sent to more than one workplace in one week, working more than 40 hours, none of the client enterprises are going to take on the overtime rate.

#### **e) No payment for holidays.**

In factories and enterprises, while permanent workers have the right to enjoy paid holidays<sup>32</sup>, agency workers are frequently called in to continue work on these days. According to the Labour Standards, when a worker is called in to work on a holiday, he/she is entitled to receive payment for the work period of that day and the statutory holiday<sup>33</sup>. However, many interviewees recalled

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<sup>32</sup> Article 62 of the Labour Standards Act.

<sup>33</sup> Article 63 of the Labour Sandards Act.

that when they were called in to work, neither the client enterprise nor the agency recognized the payment of the statutory holiday.

**f) No payment for vacations or compensatory payment for vacations.**

Another measure of the Labour Standards of Quebec indicates that workers should receive two weeks of paid vacation per year within the first five years of continuous work. They are eligible for this after having worked three continuous months or more, and the vacation period is computed by using the number of months worked. If the worker just works temporarily, for less than three months, the employer must pay an extra four percent of the salary to the worker as a substitution for paid vacation. However, more often than not im/migrant agency workers do not receive this payment. One of the interviewees noticed that even the managing personnel of the agency did not know about this regulation, thus showing how normalised this omission is. Sometimes workers take a vacation, but this period is never paid for by the agency. This situation was less common, at least among interviewees, possibly because the great majority of people I interviewed did not usually complete a year of work through the same agency or in the same workplace.

**g) No payment for transport to the workplaces.**

In the health sector, a very common violation with nurses and attendants happens when they are asked to go to different locations to take care of patients<sup>34</sup>. Often these visits are brief, from one hour to three hours, and then they have to go to visit other patients in the same day in places requiring travel over long distances. But the payment for time spent on transportation between workplaces is very irregular. Some agencies pay for this, others provide a partial payment, and

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<sup>34</sup> Article 57 of the Labours Standards Act considers an employee is deemed to work when travel is required by the employer.

others still do not provide for any payment. They do not consider this travel time as work time. In general, the survey of the LSC found that the rate of infractions for the non-remuneration of travel times for immigrants (72 percent) is higher than for workers of Canadian origin (68 percent) (Commission des Normes du Travail, 2013).

In the case of other work sectors, agencies usually provide transportation to go to and return from factories and workplaces. Precarious status workers mentioned how the agency meets them at an appointed time in a certain place in the city, usually a metro station, and picks them up in buses, vans and cars. However, workers are not paid for the long periods of time they spend travelling when going to factories out of Montreal (these times vary between 45 to 90 minutes). In the cleaning industry, some agencies transport workers in their cars, but do not consider the time they spend being transported to different places to clean as work time. Moreover, in some cases, and despite the laws on salary, some agency workers have to pay for their own transportation to places outside of the island of Montreal, which can be expensive.

#### **h) No remuneration for overtime used for work pay issues**

A violation which is almost never identified as such is the lack of remuneration for time spent on work payment matters. The LSC survey identified that often there is no remuneration for the time workers spend on meetings in addition to regular work hours. The rate of infraction detected for im/migrants was 30 percent. In my research this violation happens when workers lose time going to seek out their payments, or in doing arrangements trying to receive it. These periods are never recognized by agencies<sup>35</sup>. According to Carlos, this pattern has three effects. First, it discourages

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<sup>35</sup> Article 43 indicates that the wages of an employee must be paid directly to him, at his place of employment and on a working day, except where the payment is made by bank transfer or is sent by mail.

people from cashing in little amounts of money, given the time and energy a worker can lose in going to the agency office or finding the recruiter to obtain the payment. Second, the more time the agency has the money in the bank, the more interest they earn on it, or they can use that money to pay other workers. Third, there is the "blackmail effect;" since many workers may think they will not see their money anymore if they change agencies, so they continue working with the same one.

**i) Payment intervals longer than 16 days, and more than a month for the first payment.**

The law also says that all employers should pay their workers with a maximum delay of 16 days, or no more than 30 days if it is the first payment<sup>36</sup>. Agencies often violate this right, mostly impacting day labourers and undocumented workers. This practice is very common in the food, recycling and cleaning industries. The interpretations workers make of these violations are varied, for example by mentioning the agency owners' personal interests because they are using the money for their own financial planning:

**Ema. Peruvian. Rejected refugee claimant, without a work permit. Second interview. (Food industry - fruit company)**

"I was very happy in "the apple", but they ended the contract with the agency. It was because of the irresponsibility of the agency, because they didn't want to pay punctually. The problem is that agency, when there were a lot of complaints they said 'ok, now I will pay you on time'. However, the one that did commit the first mistake was the agency, because I hear the owner was paying for a condo, and that is why he didn't pay the workers on time".

Withholding payments works as a sort of blackmail from employers, who use the needs of workers to force them to work again in the same conditions, or the conditions they impose in a given moment. Because of their need for money, they do not want to lose track of the agency and their delayed payments. Usually, they have no other option than to wait. In the case of reclaiming

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<sup>36</sup> Article 43 of the Labour Standards Act.

payments, workers must accept agency owners' explanations. Their immediate needs lead them to accept and internalize this very asymmetric power relationship. One of the workers explained that agencies have great manoeuvring room to use money that should otherwise be used to pay workers immediately. Though it is true that sometimes enterprises take their own time to pay the agency, agencies have learned how to, and indeed practice, evading explanations and responsibilities by blaming the client firm.

**Carlos. Mexican. Rejected refugee claimant without work permit. Arrived in 2009. First Interview. (Day labour)**

“It is a very common practice, the delay in the payment. Normally they will blame the enterprise for this, which means that if the agency does not pay, it is because the enterprise did not submit the list of workers, their days and hours.[...] . Moreover, many times this happened, like for example in the enterprise in which I am currently working, I am going to mention the name again, it is the agency “Maroni<sup>37</sup>”, you are promised to be paid on Friday but they say ‘they did not send the money’, or ‘they sent it but there was no money, or it did not arrive on time and we did not have time to go to the bank’, ‘we are going to pay you the next Friday’, and then you say ‘but, what do you mean the next Friday? That means I will not eat until the next Friday, or what?’. Then you have to press them, so they can make an ‘exception’ and they pay you a fraction of your pay, with the recommendation of making no comment on this to the other workers because they will also come to ask for their money. They do it as if they would be doing you a favour. Do you see the irregularity and the poor ethics? It is dramatic...”

**j) Paid less than the minimum wage.**

I did not find any situations where agency workers from the health sector were paid less than the minimum wage. This relates to the fact that im/migrant workers need to do their equivalences or a Canadian certification in the health sector to practice their professions. As such, it remains a very controlled and regulated sector, which requires that payments be made with a direct deposit or with a cheque and not in cash. So it is very difficult for an agency to pay less than the minimum wage in this sector. However, almost all of the people interviewed that worked in the food industry sector

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<sup>37</sup> Fictitious name.

and day labourers had experienced earning below the minimum wage. I also found salaries below the minimum wage in agricultural work, the farm industry, small warehouses (clothes and other products), house cleaning, building cleaning after construction work, snow clearing, plastic industry production, and gardening services. Workers are paid in cash in order to avoid inspection, and to evade the law. I did not find people paid below the minimum wage at Dollarama, possibly due to the fact that Dollarama mostly relies on workers with legal status (permanent residents, refugee claimants or citizens), often at minimum wage or slightly above minimum wage.

In three years of interviewing, I heard several stories of wages ranging from seven, eight to nine dollars per hour – very much below the minimum wage in 2014 when it was established at \$10.35 per hour. I also found that this violation is not a temporary situation that agencies rely on during difficult economic times. The minimum wage violation happens for extended periods of time, from several months to years at a time, until workers are able to change agencies. Payments below the minimum wage are not restricted to undocumented workers. The law does not forbid working at piece rates or by quantity, but specifies that any arrangement of this type must imply a payment at the rate of the minimum wage or higher<sup>38</sup>. Often this work agreement could easily lead to agency workers working for below the minimum wage. I found this to be the case in the cleaning industry, most of all when workers have to clean a number of rooms in a certain amount of time. I also found this situation true for farm work, and in the home delivery flyering services provided by agency workers for “Publikott”<sup>39</sup> who must cover an expected number of blocks without enough time to finish in the specified time by the agency.

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<sup>38</sup> Article 40 of the Labour Standards Act.

<sup>39</sup> Fictitious name. The real name belongs to a Quebec marketing enterprise group offering advertising flyers delivered in a bag, door to door, specialized in the distribution of leaflets, catalogs, door hangers and samples.

**k) Unauthorized deductions from payment.**

Legally, workers cannot have any payment deductions other than those stipulated by law, or those that workers agree to with the employer. However, often they suffer unauthorized deductions such as fees for training and courses for skills updating (Bernier, 2014). I found this to be the case for health care workers. Sometimes, these deductions lack any explanation and might not be well understood by workers. Further delays that could arise as a result of complaints or conflicts with workers seem to be an entanglement strategy for the payment, with two possible outcomes. Either the workers just leave the agency and do not complain because they do not want any further complications, or the agency pays the worker after a period of time. In both situations, the agency wins, whether by getting more money from the workers, or simply by circulating that money to pay other workers. Another abuse I found was when some agencies contract a payment agency to pay workers, a service that is in fact paid for by these workers through deductions from their pay, effectively charging workers for a responsibility that actually belongs to the temp agency.

For day labourers and undocumented workers, there are no clear working contract conditions and everything is communicated verbally. Agencies have significant scope to decide when and what excuse they can use to justify these deductions (for example, payment for transportation to workplaces or work schedule change).

The events and conflicts related to payment produce economic uncertainty in im/migrants' lives, they extend the precariousness of their work to other dimensions of their lives. I call these uncertainties "precarious existence", a sort of invasion of workplace precarity into the private life of immigrants. These are situations when work precariousness invades and affects different dimensions and periods of workers' private lives – for example, the lack of stable incomes, or the



time and energy expended on payment issues, produce disorganization in other dimensions of their life. This precarious existence is characterized by uncertainty, the impossibility of financial planning, isolation, inability of accessing to health care, lack of time and economic resources to fix their migratory situation, malnutrition and poor mental and physical health. Ng et al. (2016) found a similar situation concerning immigrant women in Ontario, calling these circumstances “precarity capture”:

“Our findings are significant in describing the reality of precariousness in our participants’ lives beyond an analysis based simply on wages or type of contract. They paint a troubling picture of the intersecting forms of precariousness experienced by our participants - non-recognition of credentials and experience, lack of a pre-existing economic base, uncertain immigration status, social isolation and lack of social capital, and vulnerability to multiple systemic barriers of inequality and discrimination – which combine to trap them within a cycle of precarious employment and poverty. We term this reality ‘precarity capture’” (Ng, et. al, 2016; p.3).

Wage theft further increases workers’ vulnerability by placing them in critical financial need. It also increases their feelings of labour insecurity and vulnerability when the complex situations that emerge from the triangular employment relationship become even more convoluted.

#### **4.3.2 Abusive treatment**

Abusive treatment describes the ways in which the worker suffers different forms of abuse in the workplace, including discrimination, racism or bias based on gender, religion, country of origin or ethnic background. It involves not receiving the same treatment as other workers, the lack of

respect of particular labour rights, such as lunch, break times and adequate rest periods, physical and psychological harassment, blackmailing and exploitative work pace. All these are vivid and clear manifestations of very asymmetric work relationships. Very often these situations manifest as the result of the drive to exploit, pressure and discipline workers to increase production and productivity. They are difficult to manage for workers as they often happen with the client enterprise at the workplace, and not with the agencies. In these situations, the law places all responsibility on the employer, but for agency workers, temp agencies are not in charge of operations in workplaces. Agencies are thus able to evade this responsibility to workers, and workers are in a disadvantaged position to complain about the client enterprise.

**a) Discriminatory practices: i.e. Unequal payment for the same tasks; discriminatory treatment based on racial bias.**

Some examples of this come from the health sector. Attendants and nurses working through agencies are underpaid compared to the salaries of workers with the same diplomas and education levels working directly for the clients, such as the CLSCs (Local Community Service Centres), and public and private clinics. Usually, there is little that agency workers can do to fight against what they perceive as preferential treatment of permanent workers. Interviewed health sector workers feel they are underpaid for their abilities and qualifications, but their feeling of impotence is made apparent.

**Sanny. Cameroon. Citizen. Arrived in 2009. First Interview. (Health sector – attendant)**

***“Interviewer: And are you satisfied with the current agency and the work that you do currently?”***

In many ways it is hard. Why is it hard? It is a little contradictory that you work in the place you have to work, for example... you receive 10 dollars, and you work with another attendant who does the same work as you and receives 18 dollars. That is called, how can I call that? I find this contradictory; it is contradictory. You go to any place, you do the same

work, and that person receives 8 dollars more than you every hour. I find that the government must reflect on that. Can the agencies who take 30 dollars or 21 dollars pay 10 dollars to the people who do the work? Because that makes the difference. I saw this difference when I worked for 10 dollars, or I worked for 15 dollars, that is the difference. I am more motivated when it is 18 dollars, I have 15 dollars, and I don't feel so far. But when I work for 10 dollars and the other person works for 18 dollars there is a difference, which it is too much. There is a lack of motivation, even if it is minimal, it exists.

***Interviewer: Yes, and those who receive 18 dollars work for the agency or the... They are the employees of the Hospital.”***

They also realize that they do not have the same work conditions as workers contracted directly. This includes not having health insurance in case of work accidents (for example, contamination with needles), or not receiving payment for fuel and transportation.

One health sector worker mentioned she noticed the preference some agencies have for particular nationalities to source labour for private clients, preferring Filipina women because they are cheaper and are paid in cash. This situation is related to the problematic relationships Filipina women in the health sector experience with their employment in Canada through agencies. Agencies have been able, among other things, to create situations where caregivers have to work for free or under the table while they try to get their permanent residency (Hanley, Larios and Koo, 2017). In a similar way, it is possible to identify the preference for some nationalities for some workplaces and jobs. For example, the next interviewee said that since his experience in Quebec, he noticed many agencies search for Mexicans for the hardest jobs, such as offloading trucks in small warehouses.

**Enrique. Rejected refugee. Preparing humanitarian application and without work permit. Arrived in 2009. Third interview. (Small warehouse - offloading trucks)**

***“Interviewer: You say that they believe that the Mexicans accept this job because it is very heavy?”***

Yes. The enterprise I think...that is why this person who recruits us is a Mexican and also recruits Mexicans to do this type of job, because the rest don't want to do this type of job, they can hold on one day or two, and after that, they leave.

***Interviewer: Did they mention that? Or did somebody mention this?***

Almost in most of the jobs I had, that is what happens. In the fruit company, where I was working it happened the same. They always search for Mexicans, because others reject the work, and sometimes they even work for less...

***Interviewer: So that idea circulates a lot?***

Yes, it circulates like that.

***Interviewer: And this idea counts for Mexicans or also for other Latin groups?***

Maybe, also for Guatemalans. But Salvadorians have many years here, and they do not want too much to do these types of works. Yes, in cleaning, where they are better paid, where they see there are more advantages, but working for ten dollars, and offloading trucks, and all days, no. Then, enterprises search for people to pay them less and who are willing to do the work they demand.”

The absence of equal treatment for agency workers was also described by an agency worker when narrating his previous experience with agencies in Toronto, before coming to study to Montreal. He learned that there were differences between permanent workers and agency workers regarding their salaries, overtime payment, and night shifts.

**Emilio. Chilean. Citizen, First interview. (Brick factory in Toronto)**

***“Interviewer: What do you mean with the accent?”***

I mean because I did not speak English fluently. Then I was a recent immigrant, and what it was clear for me it was that I didn’t want to work in McDonald’s, in Tim Hortons, etc. It was the only thing clear for me. So, one of the first jobs I had was in a brick factory which consisted in moving bricks for twelve hours, carrying bricks. They used to pay me three weeks after. Many people were not paid. When talking with the people that worked permanently there, I learned that they didn’t pay us the overtime, nor the extra work done in the night. The overtime is 50 percent more for the hour, and the work at night is also two or three more dollars per hour, and when you work the overtime and in the night that should be added, but of course we were paid with almost nothing.”

This learning that immigrants must develop in the Canadian labour market recalls the concept of “learning in reverse”, (Baltodano, et al., 2007) or, in other words, “adaptation to reduced expectations or working below one’s training level” (p. 102). In the case illustrated by this interviewee, this learning means adapting to the lowest rungs of the labour market, to precarious labour environments, and the ways agencies treat workers. Other forms of disparity in treatment were noticed by workers, i.e. when the enterprise develops recreational activities for employees in

which agency workers are not included or considered. Thus it seems that temporary work through an agency is creating and reproducing an inferior category of workers.

One worker illustrated possible techniques of labour management based on differences set by work and im/migrant status in an apple processing factory outside of Montreal. There, agency workers were divided from permanent workers and from migrant workers. According to the interviewee, this was intended to prevent workers from exchanging information about their work conditions and wages. Another day labourer summarized many differences that immigrant agency workers experience in comparison to permanent workers, and noted that this is worsened if they are undocumented:

**Carlos. Mexican. Rejected refugee claimant without work permit. Arrived in 2009. First Interview. (Day labour - Forestry industry)**

“It happens in all agencies and in all the enterprises that there are workers who work directly for the enterprise and we work contracted by the agency. The workers who are contracted directly receive a different salary, they are better paid, but we do the same tasks, or even we work more. In the forest industry, I was paid 9.50 dollars. But if you work Saturdays and Sundays they do not pay you differently, they pay you as if it was a regular day. If you work on a holiday, they pay you as if it was a regular day. If they ask you to stay to work overtime, they do not pay you as the law says, one and a half times payment, they pay you the same. If you work in the night, they pay you as if it was a regular day. Where does that difference go? Well, into the pockets of the owner of the enterprise and the owner of the agency. I am convinced that the entrepreneur pays the agency according to the law, but the agency pays you the same misery. Which is your only privilege? That you have a job, nothing else. Now, the extra hours are paid the same. Anytime they can scam you those hours, they will do it, they will never lose that opportunity. There are people spending months demanding what the agency owes them. They normally bet on the fatigue and the exhaustion of people to avoid paying them. It is very upsetting and annoying to be going all the time to the office, trying to show information, provide dates, controls, signs, references, etc. to be paid until the people get tired and they do not want to follow up. This happens but also there is the case of the agencies that disappear, the ‘flight by night agencies’. They disappear and owe money to the people, let’s say as an example, like 400 or 800 Canadian dollars. But as they do not work with one single person the fraud is very high. Not even the people who have documents and status can do something, can you imagine someone without documents? They cannot even protest.”

In some cases, the harassment and other behaviours workers have to accept imply differences of treatment based on racial bias. This abuse is related to the social categories that separate im/migrants from Canadians. Workers like Ernesto realize these differences because they can perceive that workers born in Quebec or Canada do not accept the working conditions that im/migrant workers have to tolerate.

**Ernesto. Nicaraguan. Permanent resident. First interview. (Cleaning Industry – cleaning ventilations ducts)**

"They [client enterprises] wait that agencies send them people with experience, and that is impossible, and if they send Quebec people with experience, Quebec workers won't tolerate that treatment. The same day they resign, I saw it, people from Quebec with experience arrived, and they used to say, 'I am not going to do this, I leave.' "

The same worker described a frightening part of his story which ends in a way to demonstrate how racialization and racism generate the belief that some workers are better, or are destined for some activities, given their ethnic and physical features.

**Ernesto. Nicaraguan. Permanent resident. First interview. (Cleaning industry – cleaning ventilation pipes)**

*"Interviewer: And tell me something, did you see if the activities were organized according to bigger people, women do this, brown skin people do this, Afro-American do this, etc. Like a sort of racialized criteria to divide the work?"*

Yes, there was, because we had Haitian assistants, for example, there are some enormous ventilation ducts in a school, a person can fit in there, then there are two ways of cleaning those pipes, the professional way, and the tricky way. The tricky [part] was to introduce there a person with a vacuum cleaner but that is very very dangerous, that person may lose oxygen and consciousness inside, and you don't even realize. They did that with the African and the Haitians because they were skinnier, they 'bear more and they don't complain' about these situations, and also they are newcomers."

The migration status and nationality are part of the way racialized evaluations/expectations (Maldonado, 2009) of people regarding their tasks and work performance are conducted. This was found in the case of Mexicans who are undocumented, and was also observed with workers from the Philippines and Haiti. Mexicans are associated with intensive work. As many were rejected as

refugees, they try to survive by working with agencies. Enrique, one of the interviewees, describes how agencies are searching for Mexicans.

**Enrique. Rejected refugee. Preparing humanitarian application, without a work permit. Arrived in 2009. Second interview. (Food Industry – fruits and vegetable processing plants)**

*“Interviewer: And are they paying you in cash, or by cheque?”*

[...] When I asked the person of the agency in charge of recruiting the workers, he told me that in this enterprise they always ask him for Latin workers, and if they are Mexicans even better because it is supposed to be that the Mexicans produce well, and they do good work, and they allow to save money [...], but they want Mexicans because they work more intensively, and I also hear that in ‘Agriworld’, the supervisors told me that, and also the owner of the agency, she used to comment to me ‘they want Mexicans, but where are we going to get Mexicans, from where are we going to bring them, now there are no Mexicans’, and I was the only one who worked there in ‘Agriword’...”

Other stories of discrimination included the reluctance of many employers to have so-called “Arab” workers, because they stop work to pray, and also because during Ramadan there is the belief that they are weaker in the day and therefore not as productive as other workers.

Discriminatory treatment based on racial bias is not only a problem between im/migrant and non-immigrants, or employers and employees. It manifests in the dynamics of labour relationships between different im/migrant communities, as when some groups of workers from the same nationality exclude workers from other nationalities, or establish differences in treatment with them. One interviewee talked about “Indian domination” in the context of a warehouse of a decorations products business. The main feature of Indian workers was that they were permanent, and the temporary workers had other nationalities and skin colour than them.

**Mohamed. Eritrea. Refugee claimant. Arrived in 2014. First interview. (Warehouses – decoration products)**

“Yeah, because in this company, I saw peoples ... most of them, the workers are Indians.

*Interviewer: Ok, most Indians.*

Indians, they don’t like the black peoples there.

*Interviewer: Did you feel something?*

Yeah! It is a lot of stress because they give you a hard time. They don't want you properly. You got it at the first time. It was my first time to work with the lights, and... It is a good company, but the peoples over there are from the same ethnic groups. Yeah... it is the... the workers... It is just from my country... The workers...

**Interviewer: ... were from India?**

... it is a problem. Indians, most of them.

**Interviewer: Ok the supervisors?**

The supervisor is Indian. The owners of the company are Jews....

But the owners they don't know what is going on in the workplace. Because they need to work, their companies are too big, good... they don't care, but they have to mix peoples, not from one country. Most domination, you know. The Indian domination.

**Interviewer: So, you can feel an Indian domination.**

Yeah. Yeah, because... they make me stressing.

**Interviewer: [...] And the Indians were permanent...**

The Indians are permanent... Some of the workers...

**Interviewer: They were permanent from the...**

Yeah, yeah, they worked there since a long time, [...] the supervisor is Indian. Every leader is even Indian also."

One interviewer also recalled conflicts of "Arabic" workers with "Black" workers:

**Maximo. Mexican. Rejected refugee claimant without work permit. Arrived in 2009. Second interview. Day labour. (Cleaning industry – cleaning meat processor plant)**

"[...] Many times it happens that some people from specific races feel special and superior, because they speak the language, I don't know, for other things... [...] They always say that there are workers who don't speak French well. And they point to someone, 'hey that [person] doesn't know how to talk, and I am sure he doesn't know the labor code', they say that sort of things, but those frictions occur more between Arab and black workers. In fact the same black workers asked me if in that enterprise exist Arab supervisors, because if there are Arab supervisors, they will not work there because there is a sort of prejudice and stereotypes, about that the black workers have the lower work position, the one of whom has to work more. Do you understand? That happens. I didn't experience that before, but now in this enterprise I am experiencing this..."

## **b) Intensive and exploitative work pace.**

In addition to those specific examples based on some nationalities, differential treatment of agency workers was found in all sectors where interviewees were employed, including demands on the pace of work. Many workers noticed how the speed of work required of agency workers is often



faster and harder than those hired permanently. The lack of work equipment such as safety boots may also illustrate the different treatment that agency workers suffer.

**Mohamed. Eritrea. Refugee claimant. Arrived in 2014. Second interview. (Food industry - nutritional food factory)**

*“Interviewer: Who told you that?”*

One guy, he told me. People who are permanent, working in the company, they gave them the boots. But people who came from the agency or something, they don't give them, they have to pay their boots, you know.”

**c) Inadequate payment for supplementary hours and/ or imposition of the compensation for the payment of overtime.**

The Labour Standards Commission survey (2013) found that 19 percent of immigrant workers were inadequately paid overtime. However, in the survey it is not clear how this abuse happens. In interviews I found that the most common strategy client enterprises and agencies use is to create a sort of “bank of hours”. The surplus hours are then carried over to the next week, and the worker is asked to leave work before the normal ending time, so they can compensate these hours without paying the overtime rate for the previous week. This procedure is almost always imposed by the agency.

**d) Psychological harassment at work.**

A serious violation of the Quebec Labour Standards relates to psychological harassment<sup>40</sup>. The conditions of disposability of agency workers encourage many agency owners, administrative staff, supervisors, owners or staff of the client enterprises to mistreat workers. This harassment often happens because workers live in a constant situation of blackmail and repression. Some

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<sup>40</sup> Articles 81.18; 81.19 and 81.20 of the Labour Standards Act.

examples, like the case of Henrietta, a health sector attendant, illustrate that if workers react, they can suffer punishment and discipline from agencies' owners and staff.

**Henrietta. Haiti. Permanent resident. Arrived in 2012. First interview. (Attendant)**

***“Interviewer: Did they call you?”***

They called me in two weeks. I work one day, one day with five hours. After that I didn't work more, after two weeks, they didn't call me more, it is already almost two months I do not work.

***Interviewer: Why do you think that happened?...Don't you know?***

Well, I don't know. When I call to the agency, they told me 'It is because things change. There is no...'

***Interviewer: Demands?***

Well, I do not know because one day the lady sent me to a place, and she gave me an address, and I searched the address on the Internet, in a map, and when I did put the address on the map, that sent me to Outremont. Afterward, when I arrived, I didn't find the number of the apartment, and I called her. And she told me 'no...', she told me 'try to go on because that is the address, I will check.' When she called me again, she told me 'No, the place where you are is not the right place, you should go to that side, that side.' But she told me this in a bad tone; she told me that without being calm. She told me this like....

***Interviewer: Aggressive? Violent?***

She yelled at me 'hurry up to arrive there, because it is not there, the client is going to lose his meeting' and I told her 'lady, you have to talk me calmly because I called you, I spoke to you calmly and with respect, with kindness, then you cannot scream to me like that', that is how it was. Then, she did hang up the telephone. I did call her to ask her what to do because I was not at the right place, but it was the technology that sent me there. Then, after several times, she did hang up her telephone. She did hang up at my face. I called her like three times and she hanged up all times. Then I thought 'I will not spend the day receiving this type of treatment'. Then I closed my telephone, and I returned to my home. When I returned home, I wrote her an email and she didn't answer me. Then, after several...it spent one week and, after a week I wrote her again an email and I told her 'Well, as you don't answer me anymore and you did hang up your telephone several times, then send me my money, all it is finished.' She didn't give me an answer. After a week, that is two weeks ago; she wrote me to tell me 'Are you available?' [...] Then, when she wrote me I told her 'after all these days you cannot ask me if I am available like this, you don't answer me, I call you, you hang up, then, what, what, what?' She didn't tell me anything, and she didn't answer. After that, I called to a friend, and my friend told me 'If she sends you a schedule, go there! Because you must have the experience, you must help the others, if you love this work, go'. After that, she sent me an email asking me if I was available, and I answered her 'Ok, well, I am available on Sunday.' Then she asked me if I was available Saturday and Sunday, and I told her 'Why you didn't call me before' at that moment it was Friday, and I told her 'I am not available on Saturday, but in Sunday yes, because there is a lot of people who need my help.' Then she sent me an address, and there were five persons to visit in the message, five people, and at the next day, I got up early to go to the place, and she called me. She said to me 'From the five people, there are three who are not available, then you have to go to see two people.' I said, 'ok, no problem'.

Then, after some minutes she called me again and told me ‘well, as it is not good for you to go out only for two clients, I will give those two people to someone who is already outside.’ Then I said to her ‘Do whatever you want!’ And I did hang up the phone. After that, she didn't call me until now.”

Psychological harassment was very common among undocumented workers and day labourers. It is also a way for owners and staff of agencies, supervisors and owners of client enterprises to threaten workers when they complain. In some cases, workers in factories outside of Montreal have to choose between tolerating the harassment, or abandoning the workplace, with the risk of not having transportation back to the city again. Clara, a sponsorship applicant, described her feelings of fear after experiencing the screams and insults of a supervisor in a vegetable processing plant, and how her dependence on the transportation provided by the agency was a factor that discouraged her from reacting against those abuses.

**Clara. Dominican. Tourist starting sponsorship arrived in 2013. Second interview. (Food industry - vegetables processing plant)**

***“Interviewer: Did she ever scream at you?”***

At the first time I went there, yes. And I swear to you that I still tremble when I remember. I didn't leave the job because it was too early to do it and I knew I had to wait until the car arrives. So I thought, between sitting with my arms crossed, waiting, without nothing to do, and without payment, well I prefer to tolerate this.”

Some workers like Ernesto witnessed the harassment of agency owners towards workers with denigrating insults.

**Ernesto. Nicaraguan. Permanent resident. First interview. (Cleaning industry – cleaning ventilation ducts.)**

***“Interviewer: Is the owner of the agency Latin?”***

He is a Peruvian. He is the son of the owner. He is not the person who started the business; it seems he hasn't so much education, and he doesn't know how to treat his employees. I saw him call their employees ‘mental retarded’ yelling [at] them, ‘you are a stupid’, etc., incredible. [...]”

Paola also described this harassment in an episode experienced in a Greek fast food company outside of Montreal, when workers were entering this factory. She mentioned how she does not want to return to that place because of the harassment she witnessed several times from supervisors towards other agency workers.

**Paola. Mexican. Rejected refugee claimant with valid work permit. Arrived in 2009. First interview.**

“Because in that place the employees mistreat the people. The first day, when I was doing the line to enter the factory, one of the women left the line. Then the intendent boss started to scream [at] her ‘what happened with you? Why do you abandon the line? I will catch a stick and I will hit you with the stick’, so it was terrible, with threats and all that. Screaming and all that. I mean, I wouldn’t scream like that not even to a dog.

***Were the workers immigrants?***

Almost all the workers were immigrants and the guy screaming was from Quebec. In fact I would like to denounce the place. The name is Namur Inc.<sup>41</sup> or something like that. I have a card of that company. I don’t remember, but it is a terrible place. I never saw that before, it is unusual for me. The bad treatment was so extreme; it is something I never saw before.

***What other things or episodes can you remember?***

Yes, for example that time he did threat[en] the woman telling her that he was going to hit her, that the next time he was going to do a beating, and that he was going to lay her off. And in fact in that job it happened before that there were people who called the police, I mean that the police had came before, I mean it was like constant, like a method, installed in that company, so that company is very good place to do a following because in fact there have been several accusations of violations [of] rights there to the Labour Standards Commission, and apparently they had several complaints. To me fortunately he never screamed me, but with what you see next to you, well, it is a message for all the people working.”

**e) Physical harassment**

I also learnt of a case of direct physical harassment of one agency worker in a fruit and vegetable processing plant. This worker came to the IWC and requested TAWA’s support to make a complaint to the Labour Standards Commission. TAWA provided him with moral support and collaborated with him to fill out the complaint form for the LSC. Another story of physical

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<sup>41</sup> Though the interviewee overtly said the name of the enterprise, I decided to use a fictitious name due to legal and ethical implications related to disseminating the name of the factory.

harassment I found was shared by an undocumented worker who worked on a farm. The foremen of the farm used to throw cucumbers at the backs of workers when they slowed their work pace.

**f) Detrimental and restrictive contracts. (i.e. when workers are not allowed to work through another agency or are not allowed to be hired directly by the client enterprise)**

In his research regarding temp agencies in Quebec, Bernier (2014) found that detrimental and restrictive contracts are common between agencies and workers. Also, the survey for the CSN (2013) found that 32% of temp agencies forbid their workers from being hired directly by the client enterprises. This situation makes it very hard to find a job through another agency, or to finally being hired by the client enterprise. Among other types of detrimental contract conditions, I found that in the health sector one auxiliary nurse was required to work outside of Montreal if he applied for a job through an agency other than the current one who used his labour. In Dollarama, many workers are forbidden by contract to be hired directly by the client enterprise. In the case of day labourers and in the food industry, the standard is just to have a verbal agreement without written contract. In this situation, temp agencies always have the advantage over changing labour arrangements when they consider it necessary.

**g) Other abuses**

There were also mentions that in some work places agency workers experienced non respect or fully realised break and lunch times. And it was found that in some cases, undocumented workers, are called to work seven days of the week which violates the article 78 of the Labour Standards hat indicates that a salaried worker has the right to 32 hours of continued rest in a seven days period.

### **4.3.3 Work information**

The third issue of labour violations is access to work-related information. It refers to two very common situations with “fly by night agencies”: absence or incomplete breakdown of salary information and lack of transparency in contractual conditions. These are common situations for day labourers and undocumented workers, and they are prevalent in the food industry, cleaning, farms, recycling and marketing services. Usually, they are related to “under the table” work for cash payment.

#### **a) Absent or incomplete breakdown of salary and other information of the employer**

In lacking information about their employers, client enterprise and workplaces, workers are more vulnerable to accepting impositions which create a high rate of workers’ alienation from their labour. A lack of basic information about the workplace, the employer and the work required, is a condition that facilitates exploitation and abuse. For example, wage theft is facilitated by the lack of control workers have upon their work hours and the amount of money they receive for them. One way that agencies practice this is by not providing that information to workers. By law, this information must be submitted to every worker by their employer in their payment receipt<sup>42</sup>. The receipt must contain at minimum the following information: the name of the employer; the name of the worker; the position title; the period of work for the payment; the date of payment; the number of hours paid at a standard rate; the number of overtime hours paid or replaced with a holiday at a corresponding rate; the nature and amount of commissions or compensations; the rate of salary; the amount of gross salary; the nature and amount of deductions; the net amount of payment made to the worker; and the amount of tips declared by the employer in the case of

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<sup>42</sup> Article 46 of the Labour Standards Bill.

working in the restaurant sector. However, many agencies do not provide workers with any of this information, or they provide incomplete or inaccurate information. Its absence is also strategic for agencies and employers in the case of any legal problems. Workers will have much difficulty in trying to marshal evidence when they want to file complaints, and this discourages them from asserting their rights. I witnessed this at the IWC when the legal counsellors and workers who came to submit complaints required much time and energy to gather the documents and information to build the evidence of labour violations.

**b) Lack of transparency in contractual conditions.**

The other component related to the lack of work-related information is the lack of transparency in contractual conditions. This happens in two ways, first when there is no mention of new tasks that emerge in the workplace, and second, through the non-existence of contracts and work agreements. It is also well known that agencies offer workers “the advantage” of working when agencies have availabilities. However, in the end workers realize that this flexibility is not in their own time interests but rather that of employers.

In the case of the health sector, some workers denounced agencies’ lack of clarity with them on tasks that they should do at work. As a result, many of them have to do activities that are not related to their skills or to the reason why they were called. For example, this happens when health workers are pushed to do activities such as the chores for clients, cleaning, washing the dishes, making the bed, etc. In other situations, workers receive instructions for their work from the agency, but regardless of this, the client orders them to do other things, and they feel that they have no other option but to do it.

The next excerpt exemplifies the more precarious situations day labourers and undocumented workers experience because of a lack of previous work arrangements or a contract. Here, an interviewee explains the ways some of the worst agencies operate with a wide margin for defining the place and the type of work. They sometimes even abruptly change the amount of payment they first offered to the workers. This dynamic occurs when agencies recruit workers very early in the morning in some metro stations of Montreal.

**Carlos. Mexican. Rejected refugee claimant without work permit. Arrived in 2009. First interview. (Day labourer)**

“Once the people arrive at 6 a.m. at the metro, they do not know where they will go to work because they tell them at that moment, ‘go to the yellow bus, to work at the quails, and the white Van will go to the warehouses in Montreal North’. The same vehicles cover another round in the afternoon, to work either at the apple packing or chicken packing. Every time you ask where you will go to work they say ‘you go to the quails, you go to the cucumbers, you go to the chickens, you go to the apples, you go to the strawberries’. They never say you go to this enterprise or to that enterprise. It is always the chicken, the lettuce, the quails, etc. You must take your own food, your work equipment, and every day is a surprise because you do not know where they will send you. And there are enterprises where the conditions are much worse than others. Most of the people do not want to work at the quails. What does the owner of the agency do? They cheat you: they lie to you, they tell you ‘you are going to work at the cucumber,’ this is to pick up cucumbers in a field. But what happens is that suddenly the vehicle goes to where the quails are, and suddenly they tell you that unexpectedly work at the cucumbers was cancelled, but for you to not lose the day...and you have to be assured that they would take you to the quails. When you are on the way, and you do not have a way to return, you have no another option. These type of tricky practices are very common too. Also, when the agencies contract you they never tell you how much you are going to earn. They only tell you to step on the bus, and you just have to say, almost begging, ‘ok but how much are you going to pay me?’ There are times when they scam you for the payment...”

Therefore, agencies, especially those using undocumented workers have the green light to change labour conditions when it is necessary for them and for client enterprises. Usually, the disorganization of client companies and agencies when managing temporary labour is the cause of these abrupt changes. For example, when a company makes a last minute call to the agency asking to change the number of required workers.



#### **4.3.4 Disorganization with negative impacts for workers**

Disorganization inherent to the use of temporary and unstable labour force by part of the client enterprise can harm employees' rights and working conditions. While the client company is often to blame for violations as the agency is the intermediary in the labour relationship, it is made difficult for workers to identify them, or it is unclear for the workers who can be seen as responsible for the violation. These practices are, in a certain way, related to the interpretation that Underhill and Quinlan (2011) make about "disorganization". They say it is a factor that determines the high risk and high level of accidents and health problems that agency workers experience, compared to permanent workers. These authors note:

"The second factor, disorganization, concerns characteristics of organizations lacking commitment to a stable workforce. Where workforce instability prevents the sustaining of established rules, procedures, and roles, then OHS (Occupational Health & Safety) knowledge and management systems become fractured, while inter-worker communication, task co-ordination, and lines of management control are weakened. Under-qualified, under-trained and inexperienced workers become more commonplace. In this setting, contingent workers are less able to collectively organize or be heard at the workplace. Disorganization is not simply a result of employer oversight; it is a characteristic feature of the relationship between contingent workers and their employers. Use of temporary workers affects employer attitudes to induction, training, participation in workplace committees, and other activities with implications for safety" (p. 399).

Thus, it can be argued that the model for temporary work directly harms workers' health and labour standards, primarily that of payment and the recognition of hours worked.

**a) Delays or incomplete payment for incorrect arrangements between client and agency.**

As workers are usually the ones affected by losing money from their payments, it is possible that in some cases disorganization ends up being a sort of strategy for agencies to avoid their obligations towards some vulnerable workers they know will not complain. One example is when agencies pay with bounced bank cheques. Workers are harmed in this situation, because they do not receive their payment on time, and sometimes the bank fines them as Yani describes:

**Yani. Haiti. Permanent resident. Arrived in 2014. Third interview. (Health sector – Attendant; but now in packaging clothes ordered online – Warehouses)**

“In ‘Idée Plus’ that is a bit difficult, because they give you bounced cheques. And I remember, at a certain time, I was without money, and I took the cheques and deposited it in my bank account, and I made a payment for my house, and the payment cheque was bounced. And I had to pay the bank a fine because the cheque was bounced. The second cheque had the same problem, and I had to pay 45 dollars in fines to the bank because the cheque was not good too. So, they create these kind of problems.

***Interviewer: Ah yes! And did you hear about this before?***

Yes, yes. Even the people at the bank told me, ‘Yes, it is very common that this happens with this type of agency’. So, I prefer not to work anymore, to wait for doing my equivalencies and to prepare my courses, and take care of my daughter.”

In the case of health workers, disorganization is also related to poor instructions or incorrect information regarding the whereabouts of clients' homes. Then workers receive the harm when they have to pay the extra expenses for transportation, and waste valuable time - which is unpaid - searching for the clients' addresses.

**b) Disorganization and problems with transportation provided by the agency.**

Another harm done to workers is the time lost waiting for transportation that agencies provide to workers to bring them to factories and farms. It is also common to find situations where workers are abandoned by the transportation services provided by agencies.

**c) Payments made on weekends or during rest periods.**

In the food sector it is also very common for workers to suffer the costs of disagreements or problems between the agencies and the client enterprises about payment amounts, contracts, labour schedules or communications. And since there is no system for workers to be paid during working hours, payment is made in different places and outside of work hours in a clear violation of the labour code<sup>43</sup>. Workers have to use their own time to seek out their payment from the places and times agencies decide are convenient for them. This resembles a sort of further transfer of the costs and risks of opting for temporary and flexible labour onto workers.

**d) No information for workers about their rights.**

Any legitimate agency or enterprise should provide workers with the necessary information regarding their labour and health and safety rights. However, unions have often taken on this role, and employers do not provide workers with this information, be they agencies or enterprises. Providing this information is part of the organizational responsibility of client enterprises and agencies. But in all the cases I encountered, none of the workers interviewed received any such information, neither from the agency nor the client enterprise.

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<sup>43</sup> Article 44 of the Labour Standards Bill.

### 4.3.5 Removal from job

Finally, the violations I found which concerned removal from the job were unjustified dismissal and lack of warning for termination of work. There is no way for the worker to avoid these violations as the law does not specifically regulate the dismissal of agency workers from a work site. This is very common in all the sectors covered in this study.

When a worker is told not to come back to the workplace, this termination is usually limited to giving verbal notice at the end of transportation from the workplace, asking the worker not to come back the next day. In many cases, this practice does not include any valid reason for the termination. Some workers just mentioned that they are told there is no more work. In other situations it is not the client enterprise that communicates the dismissal to the worker but the agency. But the pattern is the same: there is no clear justification for the termination of work, and it is sudden. The workers' legal position is unclear, as they are hired by the agency and not by the client enterprise. Legally, the worker is still registered with the agency, but in fact, there is a termination without justification and prior notice. These interview excerpts may illustrate this situation.

**Mohamed. Eritrea. Rejected refugee claimant. Arrived in 2014. Second interview. (Day labourer)**

“They have to tell us before. After one week or... For example, today is Monday...

***Interviewer: It is Monday, yeah.***

Yeah. ‘Next Monday, we don’t have work.’ Or ‘After two weeks, we won’t have work, the work is over.’ They don’t tell us like that, you know. You are working today, tomorrow, we don’t have work, you have to... They just tell you to stop...

***Interviewer: Immediately.***

Immediately, it is not good, you know. We are not ready, you know. If they told you, ‘After one week, the work will be over.’ You can then try to find another job. You have a chance. But if they told you to stop tomorrow, what are you gonna do?”

**Ana. Spain. Tourist. Arrived in 2012 as TFW. Second interview. Warehouse**

***“Interviewer: Did you receive notice on how much time you were going to work there or not?”***

What do you mean?

***I mean, did they tell you ‘Today we end the work?’ or did they tell you ‘Two weeks from now, we will end the work...’***

Ah, no, it is like...it is one hour before that they tell you, “Tomorrow there is no more work”. What the fuck! (*laughing*).

***Ah, it is fast like that?***

Yes.”

#### **4.3.6 Violations of health and safety rights**

The client employer’s lack of compliance is usually behind occupational health and safety violations. However, difficulties lie once again in the criteria for clarifying responsibilities between the agencies and the client enterprise. Ultimately, who is responsible for the health and safety conditions, the relocation, compensation, and payment of contributions for the employees, remains unclear.

The problem of identifying the real employer poses an enormous challenge for Quebec’s Labour Relations Commission since it may require large and complex judicial processes that demand time and energy. Examples of these include the City of Pointe-Claire case in 1997 (De Tonnancour, 2014) when a legal process was developed to establish if an agency worker hired by this city had the right to participate in the collective bargaining of its unit. More recently the “CSSS de la Montagne” case in 2011 concluded that it was necessary to establish the real employer of 230 nurses hired through eleven temp agencies (De Tonnancour, 2014). As long as it remains unclear which attributes define an employer and its responsibilities, it is difficult for workers to identify who is responsible for health and safety conditions<sup>44</sup>.

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<sup>44</sup> In August 2017, the Professionals of Care Union from East Island of Montreal, which is affiliated with the FIQ (*Fédération interprofessionnelle de la santé du Québec*) asked the court to declare that 15 nurses working in the

Some specific situations when it is unclear who is responsible include the responsibility for training workers and for providing information on health and safety. In these cases, agencies can very easily evade that responsibility by conceding to the workers that they are not authorized to perform such a role, or that they cannot inform workers about an environment they do not know about. This was common with cases shared with the TAWA by Dollarama workers. However, I also found situations when the agency is clearly and visibly responsible for some aspects of the security and safety of the workers. An example of this is when the agency does not reimburse work equipment workers bought for themselves, such as workboots or clothes, yet the labour code stipulates that the employer should provide this equipment<sup>45</sup>. This also occurs when transportation to the workplace provided by agencies is unsafe, for example with bad driving conditions and lack of safety belts in the vehicles. Agencies can directly avoid responsibility given that no regulation is mentioned regarding transportation of workers.

One of the main features of many workplaces is their overall unsafe environment when it comes to inadequate health and safety conditions. In their interviews, many workers were able to provide a general sense of their insecurity and unhealthy conditions. The most deplorable situations were found among day labourers, and in some places, the food industry. However, other sectors, like the production of plastic and the recycling industry, also presented deplorable conditions for health and safety. One remarkable example was the working conditions in a quail farm and factory. In this case, the interviewee described the section where he and other agency workers spent most of their working experience:

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intensive care unit at the Santa-Cabrini Hospital in Montreal who were affiliated with private placement agencies be included in union negotiations. After several months of deliberations the court recognized that the true employer of the nurses was the hospital and agencies were only supplying labour and not providing care (Montreal Gazette, 2017).

<sup>45</sup> Article 51 of the Act Respecting Occupational Health and Safety.

**Carlos. Mexican. Rejected refugee claimant without work permit. Arrived in 2009. First interview. (Day labourer - Quail farm and factory)**

“Why don’t the people want to go to the quails? Because they send you to collect the eggs of the animals, to feed them, to provide them with water, and the floor is full of faeces from months ago. So the smell is intolerable, and the gases produced by the decomposition...those are gases that I think must be toxic. If someone smokes there, there is methane...Also there is the other issue about...I am not a specialist, but I think so much faeces could have viruses or spores. Then you enter this workplace and work without masks. Over time, working there must be harmful. There are times when you have to be in the packaging room below zero degrees, and the only thing they give you is a gown and gloves, and that is all. I do not understand how these people don’t have the sensitivity to say, ‘I am sorry, but in those conditions you cannot work; I am sorry but I cannot give you the job.’ But the employers, as long they do not lose money...”

In this case, it is also noteworthy how most workers do not want to do the work just described, and it is those who are really in need that agree to go to this place, people like Carlos, who is undocumented, and urgently needs money, may be willing to work in these unhealthy conditions. The unsafe transportation that agencies provide to workplaces around Montreal also puts workers at risk. Normally, the factory or the enterprise pays the agency for this service, as they don’t see any other option because it is tough to find temporary cheap labour in the suburbs of Montreal (these are mostly inhabited by Quebecers who in general reject such bad work conditions). Many day labourers and workers in the food industry, farms and recycling sector, mentioned that some agencies offer unsafe transportation. This means, for example, not having proper safety belts, no snowtires, faulty mechanical conditions or an unlicensed driver for the vehicle. As we see in the next excerpt from Emilio, a worker from a yogurt factory, it was mentioned that sometimes the driver is also one of the workers, which means that this person is sometimes too tired to drive safely when they come back.

**Emilio. Chilean. Masters student. Citizen. Arrived in 2003. Second interview. (Food industry – yogurt factory in Ontario)**

“Well, one of the reasons why I left this job was because of the trip to get there and back, and most of all because there were good drivers and bad drivers. I mean, some lost control of the vehicle in the snow, and they did not do the maintenance and reparations on the vehicle. One day for example it snowed and they still did not put the snow tires on the

vehicle, and that trip was frightening. In this case, your life is not in your hands, and this is a guy who wakes up before you. He sleeps later than you, and he was 72 years old, and he worked all day in the factory. And if one is tired and you can sleep in the car while going and coming back from work, well, this guy cannot, because he has to drive. When you see him starting to sleep while driving the car with seven guys in the car, you get frightened, and the people woke up, and the people complained, but it happened again.”

Besides poor safety conditions, many undocumented workers suffer stress due to the possibility that the police will stop the vehicle to check its condition and the driver’s license. Through my experience with the IWC, I knew of undocumented workers who were detained because police stopped the cars to ask for driver’s licenses. In those cases, they also asked for the workers’ identification without reason for them to ask for passengers’ IDs in an overt practice of racial profiling. Many of them, not having papers, were taken to the Detention Centre in Laval.

Possibly the most common violation agencies commit with workers is the lack of reimbursement for work equipment that workers must procure when going to different workplaces, as Carlos says:

**Carlos. Mexican. Rejected refugee claimant without work permit. Arrived in 2009. First interview. (Day labourer - several places)**

***“Interviewer: Do they give you a work suit?”***

Nothing. They do not give you a suit; they do not give you a helmet, no gloves, nothing. What can one do? As I gained experience, I got my strategic work equipment. Concretely, I have my own rubber boots, because I know that with the current agency I work for maybe tomorrow they will send me to work in a cold room below zero degrees. So I carry my thermal boots just in case. I bought them myself. Not even in your dreams, could you think they would give you the boots. Or maybe, as it once happened to me, that they gave me broken boots which besides that did not have thermal insulation. Well, the most common violation is that they do not give you the needed equipment. I cite another example in my current work, the quails... But in construction, they do not give us the masks, the leather gloves are also very important because in that activity you finish with the hands destroyed. You can splinter or blister. All because the work is hard, but also because you work with your hands. Also, I had to buy myself another pair of shoes with protection for the toes because normally, all the jobs we do have the main risk of heavy objects falling, whether discharging a truck or doing demolition. The simple fact that you are working with a tool means that you have to protect your fingers because it can be dropped... Then you have to buy yourself your boots on your own, your security gloves, and now you have to buy the thermal suits.”



Often workers need to buy their own boots, gloves, masks, coats, belts, protective glasses, etc. This happens either after they have been to the workplace for the first time, and are asked to come back with the necessary equipment (most often the boots, which are one of the most expensive items), or with agencies, at the point of recruitment by telephone or through advertisements asking workers to come to the workplace with their own equipment. This last aspect is one example of a loophole in the current labour bill on health and safety at work as it is applied to temp agencies' actions.

**Figure 6. Advertisement in Spanish newspapers with mandatory directive to bring safety boots to the job**



**Source:** Source: “El Chasky Latino” and “Pulso” newspapers.

Transferring the costs of security equipment to vulnerable agency workers is common business practice. This represents an opportunity for businesses to save on work equipment. Businesses evade this responsibility by passing it off to workers. According to the next excerpt, enterprises and agencies sometimes play a game in which they avoid or delay the provision of security equipment.

**Maximo. Mexican. Rejected refugee claimant. Arrived in 2009. Third interview. (Day labourer – sanitation, cleaning industry)**

*“Interviewer: Can you give me an example?”*

For example, I carry some trash cans, and I transport them to a sort of big closet, in the storage area for these trash cans. And these 100 to 200 kilos of trash cans, they are full of meat which weighs between 50 to 60 kilos, do you understand? And I have to transport them. But now I ask for a sort of big belt to support my back and my waist, it is for lifting heavy things. Then they deny that belt and say, ‘well if he does not want to do it without the belt, bring me another’, or they play the game of, ‘ask the supervisor, ask the enterprise, ask the agency’.”

The resistance to provide agency workers with work equipment, and the drive for agencies to compete in offering cheap labour, leads them to ask workers to bring their own work equipment ahead of time. This practice is very common, especially among workers for Dollarama and other warehouses, in factories for the food industry and recycling businesses. Agencies even choose to deduct costs from wages when for some reason they have to buy boots for the worker. This practice is easier to do with workers with precarious status.

This lack of provisions does not only concern boots, gloves, and belts. There are several situations and work tasks which require more equipment, but in these cases they are not provided with either. Interviewees sometimes noticed this, as well as the risks of not having certain specific equipment for the work that they do. An example of these situations is the cold environments in the food industry, specifically in the meat production sector. Many workers, like Mohamed in the next excerpt, denounced the inefficacy of protective suits against the cold and the difficulty of work in those conditions.

**Mohamed. Eritrea. Refugee claimant. Arrived in 2014. First interview. (Food Industry – Meat factory)**

*“Interviewer: They keep the meat fresh yeah...”*

But for us, it is very cold.

*Interviewer: It is very cold. So did you have some equipment or something...?*

They told me to bring a sweater, you know.

*Interviewer: A coat or something...*

A coat, but the company, they didn't give you anything...

**Interviewer: Not anything? Nothing?**

Nothing.

**Interviewer: No gloves, no boots, no...**

No gloves, there are gloves, plastic gloves.

**Interviewer: Ok. That's not enough.**

That's not enough for... It is hard to...

**Interviewer: Yeah, it is very cold.**

Very cold.

**Interviewer: Didn't you have a problem? Health problems there...?**

Over there?

**Interviewer: Yeah, in that time, that you were working there?**

Yes, I felt very cold, I can't... You know like... Even though in winter there is no cold like that because the whole thing is in a fridge you know. And they pay you minimum wage."

Here the security and health ends up being the worker's responsibility and not that of the company.

Another situation is when factories, and sometimes agencies, provide workers with work equipment which is either not the right equipment for the specific task, or of questionable quality.

Sometimes the equipment is very old, or it does not accomplish the ergonomic requirements for it to be used or worn by workers. For example, workers in the recycling industry do not receive the right gloves to protect their hands from needles and broken glass, and people cutting chicken and using very sharp knives do not receive proper gloves to protect their hands from cuts. One of the interviewees mentioned an experience in a cleaning enterprise showing the lack of interest from the supervisors for the right equipment, and the risks for workers when they use cleaning liquids.

**Ernesto. Nicaraguan. Permanent resident. First interview. (Cleaning industry – cleaning ventilation ducts)**

**“Interviewer: And for the safety equipment, did the enterprise give you that?”**

Yes, but I compared this to the enterprise in Ontario and their safety equipment, and it was not of the same quality. And I told them, ‘Hey, this is not the right mask...’ For example, we used to use acids to clean, something I never used before for cleaning, and I said to them, ‘this mask is for dust and not for gasses, one can get intoxicated with this,’ and they told me, ‘ah, then be careful with that!’. So there are issues like those, right? They provided most of the stuff but often it was not the proper thing.”

Besides endangering the health of workers, some managers or supervisors force them to use damaged, old, or ripped equipment. Also sometimes supervisors refrain workers from using the

right equipment so as to avoid its damage and subsequent costs. These cases can be observed in the next excerpt about a quail farm, where workers are asked to use inappropriate gloves and even to take them off when cutting specific parts of the quails.

**Ema. Peruvian. Rejected refugee claimant without a work permit. First interview. (Food industry- quail farm)**

***“Interviewer: And with what equipment did you work?”***

Ah, the gloves. Sometimes, in extreme cases, they want you to wash the gloves to reuse them.

***Interviewer: How is that? Who buys the gloves?***

It is supposed to be the company who buys the gloves, they send the money in advance to the agency so that the agency could buy the gloves.

***Interviewer: And did they give you the gloves?***

Yes, but they broke, and they were finished, and then they asked that we do the work with the same gloves. There was no replacement of the gloves. These gloves are made of rubber, the thin rubber gloves, those that are used to wash dishes, but sometimes they gave you some that were more thick. They are like physicians’ gloves.

***Interviewer: They are very thin, but they protect nothing.***

Yes. But we have to do the work with that.

***Interviewer: Do you know if there is a standard for the type of gloves that they must provide you with?***

I suppose there is a standard. But in the majority of cases that is the type of gloves that they give you. I worked in several places, and those are the ones they give you. But you use two, one that is thin and after that one made of wire.

***Interviewer: And do they give you the ones with wire?***

Yes. Normally the physicians’ gloves don't damage before the wire ones.

***Interviewer: But when did they ask you to cut without a wire glove?***

Ah, that is when you have to take off the trachea of the bird. If you do it with the gloves, what happens is that the ribs pinch the glove and pierce the glove. That is why they asked you to do it without the glove, because a lot of gloves get damaged in this part of the process.”

A critical issue for agency workers was the unsafe procedures they are assigned to in workplaces.

It is well documented by Underhill and Quinlan (2011) and the Institute of Public Health of Quebec (Massé, 2016) how agency workers have a higher risk of accidents. Employers tend to expose them to, or make them work at dangerous tasks. Workers said that they are assigned to do the hardest tasks, and at a fast work pace which can be harmful to their health. It was very common that they lifted heavy things without proper protection, and in this way suffered injuries.

Often agency workers, primarily those undocumented, are made to do activities and tasks that have varying degrees of danger and risk without being provided with a previous description of these work-related risks (Bernier, 2014). Employers and client enterprises do not take the proper amount of time to demonstrate or describe these risks as stated by law<sup>46</sup>, and this often implies that agencies or client enterprises have never identified those risks with a view to protecting workers. The labour code says that enterprises with over twenty workers must have organized health and safety committees that identify risks at work, dangerous tasks and work spaces, and prepare either trainings or information for workers such as protocols in case of accidents<sup>47</sup>. In none of the interviews did workers mention the existence of such committees or protocols. Maybe they existed in some cases, but the little importance accorded to agency workers by their employers is manifest here, as they were never informed of these committees, nor did they interact with them.

Therefore, as could be expected, health and safety training at work was almost non-existent in most workplaces described by agency workers. This absence primarily reflects the lack of training for handling machinery, and what to do when facing safety-related emergencies. Notably absent also was training in the use of dangerous liquids or substances, or in those procedures which require the manipulation or coming into contact with dangerous substances in cleaning. Most often workers learn about these risks after they experience them, or witness an incident or dangerous event involving danger from those risks. A couple of workers mentioned that they received some training on public health in certain factories in the food industry. However, this type of training is meant to achieve public health standards that food enterprises must fulfill. They are trained to keep the workspace clean or wash their hands, which are mainly not measures for preserving workers' health and safety. Micaela's story about a cleaning job demonstrates that in addition to the bad

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<sup>46</sup> Article 50 of the Act Respecting Occupational Health and Safety.

<sup>47</sup> Article 68 of the Act Respecting Occupational Health and Safety.

working conditions and below minimum wages that some undocumented workers experience, they are not trained at all on how to use complex work equipment or on the risks related to their tasks

**Micaela. Rejected refugee claimant. Arrived in 2009. First and only interview. Deported in 2015. (Cleaning buildings)**

***“Interviewer: Do you think of some other workplace?”***

Ah, once I worked with another Colombian, cleaning offices. It was an agency. And they took us to clean near downtown, in a basement. But I don't know what happened because they gave us equipment like that in Ghostbusters. It was horrible; I didn't know what was happening. And they made us pass through a sort of little house, and there they sprayed us with a liquid, and I didn't know what it was, a kind of disinfectant or something. And there they paid us \$8.50 per hour. I only remained one day in that job. It was cleaning. I had the task of cleaning some ovens. To clean all the dust and dirt they have inside. It was heavy equipment; we dressed in helmets like those of astronauts.

***Interviewer: And did you receive some course or training for the use of this equipment?”***

No. Nothing.

***Interviewer: Because that could be toxic, right?”***

Well, yes, but they didn't give us any training.”

Among the interviewees, the lack of compliance with procedures, reparations, and compensation in the case of accident or situations of risk was critical. Some workers spoke about many confusing situations in which it is clearly very difficult to establish if the employers and agencies are following the required procedures in the case of accidents, risky situations and compensation to workers. One specific case that drew my attention was described by one of the workers recruited by a sanitization enterprise to work in a meat factory. In this case, the meat factory uses a big screen in their facilities where the number of days without work accidents is projected. When a period of 100 days is reached, the enterprise created a lottery for workers (agency workers are excluded from taking part). But if there is an accident, the time counter starts all over again. According to the interviewee, the goal of this strategy is to discourage workers from reporting accidents, and to generate a work environment which pressures workers to not report accidents. It is also a strategy to push workers to negotiate with employers before reporting an accident to the CNESST. Agency workers as much as permanent workers are subject to this pressure.

**Maximo. Mexican. Rejected refugee claimant. Arrived in 2009. Second interview. (Day labourer - Cleaning industry, sanitization)**

***“Interviewer: And how are the work conditions relative to the labour norms?”***

Well, in general what I see not only with the agency, but generally with the company, well, there are some irregularities, for example when it comes to the work accidents. They put them on a screen, or they tell you the number of workdays, in some way they motivate you to avoid accidents, and you accept it but after 100 days, they provide some lottery tickets for workers as a reward for reaching the 100 days without accidents. But at the same time, they push the people when they have accidents not to report them, that is the problem at the level of the company, because if there is some accident, the CNESST will start to research them. And to keep the record of days without accidents safe, there on the screen it says there was an accident and the possibility of research of it, that it is ‘in observation,’ that accident. Why, because the company tries to negotiate with the worker that he avoid sending the case to the CNESST, and in that way to maintain their record of days without accidents, they negotiate with the employee, for me that is an irregularity about issues of health and safety.

***Interviewer: Of course, they are promoting the silencing of these cases.***

Effectively, they are promoting that workers don’t talk about their labour accidents. And I say this not only because one instance happened, but there were also like three or four unreported cases because currently, it is like 200 days without work accidents. They put them on the screen.

***Interviewer: You did know about these three or four unreported cases?***

Yes, myself I asked my supervisor, ‘hey, and what does that mean? If it is an accident, it is an accident.’ And he tells me, ‘no, but you know right? You know how this is... they will check if they can negotiate, they will search for it’.”

The fact that many agencies are very informal and might disappear implies that procedural complaints, as in the case of work-related illness, will not succeed because many of the “fly by night” agencies just disappear, and so it is impossible to continue with a complaint against them. Since legally the client enterprise is not the employer, most often the injured workers have to pay out of pocket for medical treatment.

One of the regulations of the Health and Safety at Work Bill<sup>48</sup> states that workers have the right to refuse work when there is a potential danger to their health and safety. This allows workers to protect themselves if the employer does not heed safety and health provisions. However,

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<sup>48</sup> Article 12 of the Act Respecting Occupational Health and Safety.

supervisors in client enterprises frequently deny this right to workers, or try to complicate its application by arguing or delaying fulfilling this demand. They do not even want to rotate workers when a worker asks to do another task to avoid a lesion because of excessive repetition of movements. This practice usually happens in the food industry, farms, and factories. Ema explains her experience when she was having problems with her arm in a quail processing plant, and asked to change tasks (she was cutting quails); her request was refused.

**Ema. Peruvian. Rejected refugee claimant without a work permit. Second interview. (Food industry - quails processing plant)**

***“Interviewer: Did you say something to your boss about this?”***

That was the inconvenient thing. I said to him that I needed to change places and be moved to another location where I could work with the other hand.

***Interviewer: Did you say this to the owner of the agency or to the owner of the factory?***

I said it to the owner of the enterprise. Then they didn't want to change my location, and they said yes, but they didn't have the real intention of changing me, and they didn't find a person to substitute me, because you have to do it very fast, to cut fast and to do it fast. I mean, it is not something that you cut, and that is it. You have to do it well and fast, because the machines pass by very fast, and sometimes they would increase the speed, and you had to do it even faster. And I was fast, and you can be faster, but at the same time you are damaging yourself, and that is a hideous problem. It also happens to the people who work in the chicken factories, and a moment arrives when they don't feel their arm and they cannot move it.

***Interviewer: Yes I heard about that.***

There are companies that change you, I mean you can rotate, but they don't make you rotate, because they say, as you know, that they won't put another person who is going to begin learning; they want speed, they want you to do it fast. So, how are you going to do it fast? One can do it fast, but you are taking a risk because your body is not a machine, your body is a body; if your body gets damaged, who is going to answer for that? The company? They don't have the interest in recognizing you for anything, so you cannot take a risk on a company who doesn't take risks for you, and who doesn't even want to increase your hourly payment. Why would you give them more from you?"

Many workers described constant mistreatment. Though previously these situations were described as psychological harassment, in these cases, they create daily work environments that are full of stress and that may affect workers' mental health. The story of Horacio portrays a work environment where stress is brought on by harassment or by the possibility of harassment.



**Horacio. Mexican. Ex-Agricultural Temporary Foreign Worker. He left the program. With current valid work permit. First interview. (Food industry - Butchery at Saint-Hyacinthe)**

***“Interviewer: But the agency’s vehicle did not pick you up?”***

Yes, but you have to wait until the bus comes, and sometimes it comes at five o’clock to five thirty. Sometimes I have to wait one hour and a half, and when you do arrive at the metro it’s 7 p.m. or something like that. So for the time it takes you are arriving home very late.

***Interviewer: And how many people does the bus carry?”***

It becomes full, even though there are people sitting on the ground. They make you sit because if the police see you standing up they stop the car. It is not easy. And besides that, the woman who is in charge of the vehicle screams at you, ‘Hey, you son of a bitch! Sit! Don’t do that....’

***Interviewer: Did she scream you?”***

She never screamed at me. If she screams at me, that fucking old woman...

***Interviewer: But whom does she scream at?”***

To the workers. In the bus, when they are bringing you...

***Interviewer: And they scream at them? What does she say?”***

That is what I am telling you, if you don’t get a seat and you are standing, she screams at you, ‘get down there!’, and she sometimes threatens to leave people on the road if they do not obey.

***Interviewer: And people do not complain of this?”***

How will they complain if they have the need for work? They do not know what the laws are, or they just don’t care about it. Do you want to go hungry, or do you want the money? What do you want? Going hungry or do you want the money? You have to accept this, there is no choice; it is hard, it is difficult.”

The stress that agency workers experience in their work environments manifests itself as anxiety. Some like Emilio identified these situations, describing how other agency workers are on the verge of a nervous breakdown. Often these conditions are related to lack of sleep and the demanding work commute times, without recognition of overtime payment and of other violations.

**Emilio. Chilean. Master’s student, University of Montreal. Citizen. Arrived in 2003. Second interview. (Food industry – yogurt factory in Ontario)**

***“Interviewer: What do you mean, what was the problem that this guy had?”***

I mean, if you have to fill a pallet with boxes all day and you have to do it for six or seven hours, and suddenly someone tells you something foolish, one easily explodes. And besides, this guy did not have an easy time since his arrival to Canada, and he has not seen his family since a long time ago, it is not easy. There is a great variety of stories among the workers there, the people who arrive through the agency, and in the end, it is just that they need money, and they do not have anywhere to go, or anywhere to find work.”

In the case of undocumented workers, daily stress also relates to the possibility that client enterprises or agency owners might use their precarious status situation against them in the case of disagreements or conflicts. Micaela described this threat when she decided not to accept any more psychological harassment from the sons of the owners of the agency for which she worked. She had to ask for support from the IWC in order to avoid being blackmailed by the owners of the agency and to receive her payment. Providing an address for payment represented the risk of being denounced and reached by the CBSA (Canadian Border Services Agency).

**Micaela. Rejected refugee without a work permit. Arrived in 2009. First and only interview. Deported in 2015. (Cleaning industry – Cleaning a hotel)**

“Afterward, I was a victim of bullying, because their sons worked for them sometimes, I mean, with us. And they were always making fun of me. They spoke in English, but I was capable of understanding them, until one day I said, ‘that is enough, and I told them, ‘you know what, this is the last week I work with you.’ And when the time to return to Montreal from that place was close, they treated me like a robber. It was horrible. They told me that if I didn’t leave the place clean, they were not going to pay me. It was really horrible. The owners told me, ‘I want you take all your shit,’ then I came back to Montreal, and I told him, ‘when my payment is ready, my friend will come for it.’ And he said, ‘Yes, it is ok.’ Then, I told my friend to talk with him and tell him he was going for the money. And he sent a message, and she responded to the message telling him that he was not going to pay me, that she wanted my address.

***Interviewer: Why did he want to know your address?***

To send me Immigration. He wanted my address because supposedly that was the only way he was going to pay me. Then I contacted a group, an association who helps immigrants to recover their money, it is the IWC. I contacted Abraham Arts<sup>49</sup> there, and he helped me a lot. And he spoke to them, and he spoke with the man, and the man told him that I never worked with them, and Abraham told him, ‘here I have proof that she worked with you, and I will call the Labour Standards Commission’. And they hung up, and they told him to give them my address, and Abraham said, ‘no, I won’t tell you her address’, and he gave them the address of the IWC. And the cheque arrived. But they didn’t pay me all of it, because they owed me like seven hundred dollars because one work week was eight hundred dollars. And they just paid me four hundred and fifty dollars. They paid me one month after I quit.”

A daily source of anxiety for agency workers is their health and safety, and the mistreatment they might experience when raising those concerns to the supervisors of the client enterprise. This

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<sup>49</sup> Fictitious name.

shows a repressive system where workers have to choose between accepting dangerous labour conditions or mistreatment and conflict as Rebeca describes here.

**Rebeca. Mexican. Rejected refugee claimant without a work permit. Arrived in 2009 as refugee claimant. First interview. (Food industry)**

***“Interviewer: What type of accidents?”***

Well, the machine pulled you. It was a very old machine; I felt afraid of that machine, and you had to be very careful with that machine. I was scared of working there because when you started they put you at the tables to work with the chicken, but after two months they sent you to another section where there was a very old machine, and you had to be very careful with it because the trays would get stuck there. Then you could not allow the trays to get stuck because all the machinery stopped and then the supervisor came to scream at you like a crazy man at that moment. So, there was a feeling of terror that the trays might get stuck there. So, because you did not want that to happen, you feel compelled to fix the trays at the moment when they are entering into the machine, and your hand could be trapped there. Then, sometimes, that is what happened. In the time I was there I saw one person who got their hand almost trapped, another one who suffered minimal damage, but a third person who suffered an accident where all the skin of the upper part of the hand was removed and that person ended up disabled for a long time. And so there was the terror of working in that section. This happened because when the band that transports the trays turns, sometimes it moves, I do not know how, and the tray, and there is the moment when the tray used to get stuck in the machine. As the machine goes fast and you want to fix the tray before it enters into the machine, which is the precise moment when the machine can get your hand. I rather preferred to let the tray get stuck; I preferred the screams of the supervisor to suffer an accident there.

***Interviewer: What did he used to yell?”***

He was a fool, rude and vulgar. You cannot imagine. He is the worst guy. Sometimes he used to come drunk and started to tell you a lot of bad things.”

These situations show the inadequacies of the current labour code in protecting agency workers from the adverse effects of the triangular employment relationship. Im/migrants are wholly unprotected and vulnerable to these abuses. It is extremely difficult to change this situation if there is not a clear understanding about this, taking into account the intersection of the lack of regulations with the vulnerabilities of im/migrant workers.

#### **4.4 Managing vulnerabilities, disciplining workers, and other ways agencies create surplus with im/migrant labour**

I contend that agencies are part of a “management system” of im/migrant vulnerabilities which is connected to these labour violations. In this section, I illustrate with some examples of how agencies exploit these vulnerabilities. I also draw on some of the information regarding a group of 18 temporary foreign Guatemalan workers who were recruited by a temp agency in Victoriaville in 2016, 13 of whom were defended by the IWC, the TAWA and the Temporary Foreign Workers Association. This evidence supports my argument that agencies and employers are learning to manage the im/migrants’ vulnerabilities that are produced by migration policies.

I found that for refugee claimants, their temporary work status increased incrementally with the length of their periods of precarious status. Many of the interviewees whose claims were refused at the time of their first interview described a gradual process of work precarization starting from the moment that Immigration Canada rejected their application. At first, while they still had refugee claimant status, they told me they maintained job positions for periods of several months up to over a year. But after their refusal, their temporary jobs were for shorter and shorter durations. In general, this precarizing process occurred through agencies. Rejection of their refugee claims led to increased uncertainty about their future, making it very hard or impossible to plan financially and causing confusion as to which paths to follow to ensure legal status in the future. Afterwards, this process became more uncertain when their work permits expired, and they overstayed in the country. Some of them realized they had departure and deportation orders because they received letters from CIC in their old homes. Many chose to change addresses to avoid being found by the CBSA. In the IWC I recorded stories about people who were arrested by this government agency in their own homes, jailed in the Deportation Centres and then deported. I also heard stories of

deportations facilitated by agencies, and of police raids when temp agencies were transporting undocumented workers to and from work.

The precarizing of work also went together with a lack of language skills in French or English, and the lack of formal recognition for professional diplomas and skills. This not only affects workers with precarious status, but also permanent residents. The lack of language training is critical. The gradual reduction in the budget for the francization of refugee claimants, refugees, and permanent residents (Dutrisac, 2010) poses a problem as it lays the burden of linguistic integration on im/migrants themselves. Lack of access to language training for people without status limits them to staying in precarious work places. Often, these workers cannot complete their linguistic training due to economic pressures, lack of time or of immigration documents. These limitations often relate to the extensive amounts of time that immigration procedures deprive these workers of, the documentation and status required to sign up for a language program. As a consequence, workers demonstrate a limited understanding of French or English or both. Although many of them consider that they have enough language skills for menial work, but not for improving their position in the labour market. This situation reduces their ability to compete in the labour market and to find jobs corresponding to their education (Baltodano et al., 2007). One of the interviewees, Mohamed, has been waiting more than two years since he first made a refugee claim. In those two years, he could not take any French courses whether for lack of documents or because the class schedules did not allow him to work. However, he remarked how French is very important in most work environments and to get jobs.

**Mohamed. Eritrea. Accepted refugee claimant with work permit. Arrived in 2014. Second interview. (Day labourer)**

***“Interviewer: So they asked you for your permanent residency.***

The permanent residency or the Quebec Selection, or any document...Right now I only have papers, you know, acceptance papers.

**Interviewer: So the paper is the acceptance to your process as a refugee claimant.**

The process, yeah. [...] Yeah... I showed them these papers, but they cannot accept them.

**Interviewer: Do they not accept them?**

It is not enough.

**Interviewer: [...] How is your relationship with the other people, the other workers? How are things going with the supervisor?**

Yeah, it is good, but sometimes it is a problem you know. They only speak in French, you know, people who speak English...it is an issue for the Anglophone people, because when...Sometimes they forget, and they only speak French. They forget the people who speak English, you know. Sometimes they have meetings or some instructions about work, but they speak only in French. [...]

I am going back to school, and I have to also study French. Because French is very important, because...Without French, here, it is a problem. Everywhere, they ask for French, French, French, you know. You have to speak French. That is better...

[...] Sometimes I am very angry with this, you know. Without speaking French, I lost a lot of...Because I am not speaking French. I lost some jobs, you know.”

The educational restrictions on rejected and other refugee claimants extend to other educative processes in addition to French language training. They are not allowed to take any formal education course for the whole period that they are without acceptance status. Moreover, if they are accepted, and can legally sign on to a formal education program, the economic difficulties from their precarious integration into the labour market make it difficult to study. This also affects fulfilling their equivalencies, re-doing or following a new educative process in order to enter the labour market under better conditions, be it learning a new profession or improving their language skills. This situation also extends to permanent residents and includes the lack of training in English as it is experienced by Francophone immigrants such as Yani, in the health care sector.

**Yani. Haiti. Permanent resident. Arrived in 2014. Second interview. (Health sector - Attendant)**

“I had an interview, and it was a negative response. It was negative, but many people told me that it was because I am a nurse with my status...They told me that they ask for the equivalencies.

**Interviewer: Who told you that?**

People who are...that are nurses like me who come from Haiti. They tell me that if the hospitals where I am applying for an attendant job know that I am a nurse already, and that my equivalencies request is underway, I will not be considered for the job. Because they know I will leave the hospital in order to study for the equivalencies. So, my search was a little in vain, and I have been called to an interview because I started to send my C.V.

without saying that I am a nurse. And...that's it, and also because of my English. My English is not at the level where I need to have it, and the institution is 60 percent Anglophone. The beneficiaries are 60 percent Anglophones. So, I did not have any success. So I took measures for the future; I saw that I have to prepare for my studies.

***Interviewer: [...] Ok, and you?***

I will start again, re-do the Bachelors in Nursing Sciences.

***Interviewer: Ok.***

I have to do the equivalency, but if I want to do a Masters or other things, I need to study three years and re-start everything.”

For the undocumented and refugee claimants, the most important aspect of their vulnerable condition was getting or maintaining a job because their work permits were going to expire shortly. In the cases of humanitarian applicants, refused refugee claimants and the undocumented, there were also concerns about the possibility of being deported, and how to get legal aid and assistance to explore possible ways to overcome their precarious status. Meanwhile, for interviewees with permanent residency and citizenship, their main concerns were finding a job in which their skills, education, and abilities could be recognized and applied.

The financial needs of precarious status workers often include fees to pay for consultants, lawyers and immigration procedures such as sponsorship processes, humanitarian applications, appeals, refugee claims, appeals to refusals of refugee applications, renewal of passports, and work permits. Language, lack of knowledge of procedures and lack of time and energy are barriers to pursuing these processes independently, and they need a lawyer or consultant.

Specifically, certain migrant communities and nationalities avoid returning to their countries by using every means within their reach. Mexicans with precarious status have specific vulnerabilities due to the state of violence and poor economic situation in Mexico, and because they are sending remittances home to support their families and loved ones. Many Haitians want to remain in the country because of the poor economic situation in their home country and the negative effects the

earthquake had upon Haitian society in 2010. Another vulnerability in the cases of humanitarian applicants and sponsorship beneficiaries comes from the need they have for waiting for the response to their applications from within Canada. When an application is made inside the country, the chances are that the process takes more time than if it was made outside of the country, and extends the time living in a precarious immigration status. However, many do not want to wait for an answer outside of Canada, because it is harder to follow up on that application from outside of Canada for reasons such as the lack of legal advice available to them. If they get a negative response, they have more difficulties appealing or choosing an alternative process.

Another vulnerability is the impossibility of planning financially. This happens when different factors intervene to produce instability in their life. Some of these are: uncertainty about their immigration status; lack of opportunities to find better jobs; the urgent need for immediate earnings; the need to send remittances home; their expectations to bring over families, immigration procedures, the need for lawyers, and family expenses, etc. All this makes it impossible to build savings for the long term, or to have a clear and fixed budget of expenses that matches with stable earnings. Finally, institutional and systemic racism and discrimination impacts workers as vulnerabilities. The probabilities that im/migrant workers might be in precarious work positions, and difficult working conditions, are much higher than for Canadian origin and white workers. All interviewees described all workplaces where people worked through agencies as places where im/migrants filled the worst and most dangerous positions. Racism or manifestations of racialization at workplaces were also present between communities as mentioned in earlier sections. Many interviewees described a sort of ghettoization, or preference that some communities have for their fellow nationals.



Together all these situations and conditions combined represent a mosaic of vulnerabilities that offer different trajectories for immigrants to follow, in comparison with non-immigrants. Moreover, there are also different trajectories based on the immigration path workers follow and how this fluctuates in intensity, whether they are undocumented, tourists, refugee claimants, rejected refugee claimants, humanitarian applicants, permanent residents or citizens, and according to their status or not able to work legally. These sorts of different legal statuses maintain their precarious situations over long periods of time when working for agencies. One worker defined the dynamic of working with agencies and being trapped in his precarity as the “rat race”- a sort of analogy with pet rats running in a wheel and not moving from their place.

**Eduardo. Mexican. Rejected refugee without a work permit. Arrived in 2009. Seventh interview. (Day labourer)**

“So, you invest so much money into a thing that does not give you so much money in return, and not much satisfaction; at the least it is just to pay the rent and the minimal things, and it becomes a circle without end, they call it the “rat race” (*laughing*). It is like the rats that run in the wheel, and they never arrive at any place, and they are always at the same location, it is like that.”

Table 6 illustrated the different vulnerabilities and their presence according to the information provided by the interviewees. Through the interviews, there were signs that the vulnerabilities described in Table 6 are detected, identified and used by agency staff, suggesting that they have gained know-how on im/migrants’ trajectories. I call immigrants’ trajectories to the course of of events and situations that immigrant workers experience over time in their work, family, economic and cultural life that differ from the original people of the country. Many aspects of the specificity of these events -such as their disprotection at work, their isolation or a stressful social integration process- is defined by their immigration status. The first evidence I may use to illustrate that temp agencies develop know-how of workers’ trajectories in order to manage vulnerabilities comes from the recent case of the 15 Guatemalan workers who were detained on October 26<sup>th</sup>, 2016 in

Victoriaville. This case has had a high media profile thanks to the interventions of the IWC and other activists of the TAWA and the TFWA (Brass, 2016). These workers presented a formal complaint against the owner of the agency “Le Progress Inc.” who recruited Guatemalan temporary foreign workers from farms around Victoriaville. These workers did not think they were working under the table. The owner of the agency told them that their activities were legal as his staff was developing the necessary immigration procedures to ensure their work was legal. In October 2016, 15 of those workers were placed on other farms and were detained in a CBSA intervention because they were working illegally, given that their work permits were tied to their previous employer. After some days, another 3 workers were detained and asked the IWC and the TAWA for help. Those workers were also living in a lodging provided by the agency owner.

**Table 6. Vulnerabilities according to trajectories of interviewees**

Vulnerability	Immigration status								
	Without status	Humanitarian applicant	Tourist	Sponsorship applicant	Rejected refugee claimant	Refugee claimant	Accepted refugee	Permanent resident	Citizen
Lack of recognition of diplomas and of previous education.	X	X	X	X	X	X	X	x	x
Lack of recognition of skills and of previous work experience.	X	X	X	X	X	X	X	x	x
Lack of time, resources, and obstacles to accessing language improvement.	X	X	X	X	X	X	X	x	x
Lack of time and resources, and obstacles to accessing formal education (e.g. immigration documents for precarious status workers)	X	X	X	X	X	X	X	x	x
Lack of time and resources, and barriers to accessing language education (like immigration documents in precarious status workers)	X	X	X	X	X	X	X	x	x
Impossibility for and obstacles to financial planning.	X	X	X	X	X	X	X	x	x
Uncertainty regarding their medium and long-term future in the country.	X	X	X	X	X	X	X		
Lack of legal documentation to get jobs.	X	X	X	X	X	X			
Fear of being reported to authorities or deported.	X	X	X	X	X				
Financial need for immigration and legal procedural fees.	X	X	X	X	X	X	X		
Need for immigration advice and of knowledge for immigration procedures and pathways to citizenship.	X	X	X	X	X	X	X		
Lack of knowledge about their labour and human rights.	X	X	X	X	X	X	X	X	x
Lack of health protection.	X	X	X	X	X	X			
Manifestations of institutional and systemic racism and racialization in workplaces.	X	X	X	X	X	X	X	X	X
Economic and legal dependence due to sponsorship (family or work).				X					
Need to remain in the country to await a response to their immigration applications.		X		X		X			

**Source:** Table constructed by the author based on interviewees.

X= Manifested in the situations interviewees described.

x = Vulnerability less intense or frequent in comparison to the situation of interviewees with other immigration status.

I personally participated in this case and can make two main observations. The first is that the owner and recruiter of the agency was also from Guatemala, with Canadian citizenship, and an ex-temporary foreign worker. Thus he was familiar with the specific experiences and trajectories of foreign agricultural workers on farms in Quebec, especially Guatemalan workers. Secondly, the requirements and conditions he offered to workers in order to convince them of the plausibility of having a new work permit shows his familiarity with immigration procedures, worker vulnerabilities, and the working-migration status conditions that workers of these programs experience. This proves that the owner of this agency has been developing his business with specific knowledge about the labour market of the agricultural sector, this region, and the social profile of temporary foreign agricultural workers. Evidently, the same language, nationality, and culture with workers are other elements that facilitated the rapport of this recruiter when approaching these people. This situation reminds me of the abilities of the “raiteros” to manage and connect immigrant labour with agencies and client enterprises interests for profits and cheap labour in Chicago (Grabel, 2016), and the ways Canek (2016) describes agencies’ use of nationalities and origin of workers to source cheap labour. This know-how deployed by agencies is part of what I call the “managing of vulnerabilities” to produce and organize the placement of specific, vulnerable cheap labour.

Horacio, one of the agency workers interviewed, coincidentally described how the owner of the agency where he was working was also sending undocumented Guatemalan workers who escaped from the TFWP to factories in Montreal, repeating the pattern and practice of “Le Progress Inc”. He mentioned that those workers were living at the agency owner’s house, again repeating this pattern.

**Horacio. Mexican. Ex-TFW and sponsorship applicant. Seventh interview. (Agricultural worker)**

***“Interviewer: Who else was working at that farm?”***

Well, there were people from Granby, from Montreal...

***Interviewer: And all of them were immigrants?***

The ones who arrived from Granby were all working as declared.

***Interviewer: Quebecers?***

Some Quebecers. Of course, they arrived in their cars. Also, they were in charge of bossing.

***Interviewer: How many people were you used to seeing work there?***

It was like twenty to thirty.

***Interviewer: How many immigrants?***

Like twenty.

***Interviewer: And how many were from an agency?***

The twenty. They arrived in two big trucks.

***Interviewer: And were they all from the same agency?***

Yes.

***Interviewer: Ah, he recruited a lot. And from which countries were the immigrants?***

From El Salvador, Guatemala, Mexico. It was three or four from Guatemala, and from Mexico, they were like...not many, and also Colombians. And others from Indonesia...

***Interviewer: And do you know if among those workers there were some ex-Temporary Foreign Workers?***

I think so, yes.

***Interviewer: I ask you this because in the last two or three months there were lots of Guatemalan workers...***

Who stayed, yes...

***Interviewer: Yes, they have been abandoning the program lately.***

Yes, there were some who stayed in Canada. They told me they had stayed here, and that they came from Quebec because their employer treated them really badly. And the worst thing is that these people from Guatemala, they did not know where to live, and they were staying at the office of the owner of the agency, of the one who places them. Besides, they were paid by the piece, and they paid him for the lodging. I told those workers, ‘guys be careful,’ because they were falling asleep because of how tired they were. And I asked them why they were so tired, and they told us they were staying at the office, and they were sleeping there, on the floor, on some couches...

***Interviewer: In the office of the agency?***

Yes. It is hard.”

The four year limit for TFWP workers, the Guatemalan workers abandoning those programs, and the agencies recruiting them and placing them, are all examples of how immigration policies and their effects in producing vulnerabilities converge with the knowledge agency owners have regarding the trajectories of racialized im/migrant workers. Therefore agency owners can use

workers' vulnerabilities in order to gain profits by selling this labour force at the cheapest rate possible, and placing them in very precarious workplaces and conditions. They know that these workers will be compelled to accept those conditions.

When workers do not have the papers needed to work legally, the fear of not being called again for a job, or of being fired, can be used by agencies and employers to impose harsh work conditions, poor treatment and blackmail. The interviewees could identify these conditions also in relation with their immigration status, their poor financial situation, and their lack of language skills. In many ways, agency staff or owners may also recognize these vulnerabilities through different signs, as Mohamed's interview shows:

**Mohamed. Eritrea. Accepted refugee claimant with work permit. Arrived in 2014. Fifth interview. (Day labourer in Warehouse)**

***Interviewer: How you were recruited by your agency, was it through Internet?***

I had a file with them. I called them and told them that I was looking for a job, and they told me there was an opportunity to work.

***Interviewer: Did you ask them for more information about the job, when you were talking with them?***

Yes, they told me that in this factory, sometimes they were going to ask me to unload the truck, and...

***Interviewer: Did this agency have information about your status? Your migratory status?***  
I do not think so. The only thing they have is my work permit, and my social insurance number.

***Interviewer: They have your social insurance number?***

Yes.

***Interviewer: Did you fill some form or something?***

At first I filled a form when I applied.

***Interviewer: Online or personally?***

No, I went to the office of the agency and gave them my work experience, everything, they told me to write everything, all my experience regarding jobs.

***Interviewer: What other information did they ask about you? Your age? Your country of origin? Or things like that?***

No, but they ask you that before coming to Canada what did you do in other country, in other countries.

***Interviewer: So, they know you are from Eritrea, and do they know you were coming from the U.S.?***

Yes, I told them, because my work experience and because it said I was in the U.S. But they ask you about the last ten years of working experience, including my country, what I have been doing in my country, everything.

**Interviewer: So, all was in the form.**

Yes. I gave them this form and then they interviewed me

**Interviewer: And who interviewed you?**

One of the agency members.

**Interviewer: Was it possible to see if this guy was from Quebec or was he also an immigrant?**

In some places is like, if you speak French from Quebec, you have a good opportunity to get a job because...

**Interviewer: But I mean, if the guy who did the interview to you, if he looked like a Quebecer, or as an immigrant.**

She is a woman, and she is from Quebec, but she mostly speaks English.

**Interviewer: Ok, she looks like Quebecer?**

Yes.

**Interviewer: Do you think they know something about your migratory status, do you think they are able to know about this through the interview?**

Yes, yes, they know.

**Interviewer: Did they know you were a refugee claimant? Did you talk about that?**

Yes, yes, they asked me about that, they asked me if I have the permanent residency. I told them I do not have it but I have a work permit and social insurance number, but if you have them they do not care. They need your work permit for working, but also they need people for working, they benefit from you, they send you to a work place and they get the money.

**Interviewer: And how much did they offer to pay you?**

Minimum wage.”

Another worker, Maximo, describes the interviewing process as a “scanning” process agencies develop with immigrant workers to detect their vulnerabilities.

**Maximo. Mexican. Humanitarian applicant, with a work permit. Arrived in 2009. Sixth Interview. (Day labourer - several workplaces)**

**“Interviewer: Do you think they realize when people arrive with urgencies, I mean, do you think they know how to read this situation?”**

Well, what I think is that many times, as they interview you, they scan you out, and if you say you did not work in that type of activity, they think, ‘ok, if we have something we will call him,’ do you understand? Because it is in the interview when they scan you out, asking you ‘where did you work? What knowledge do you have?’

**Interviewer: And do they realize there if they can violate some standards?**

Yes. Far from helping you, instead they ask you to collaborate and to bring your own equipment.

**Interviewer: It is like detecting the weaknesses...**

Yes, that is the issue...”

In the case of workers who do not have precarious status, like citizens and permanent residents, filling a form could be a way to establish the workers' limitations. For example, without English skills, it is a sign that the worker arrived from a French-speaking country like Haiti or from the Maghreb.

It is interesting to notice how some enterprises like Dollarama use immigrant labour composed mainly of refugee claimants and refugees. The long lines of workers leaving Dollarama warehouses and passing by La Savane metro station show the ethnic composition of these workers, mainly black, from regions of the Maghreb, Sub-Saharan Africa, and Haiti. The IWC has found this enterprise to be using only five agencies which provide them with cheap labour for its warehouses (Centre des travailleurs et travailleuses immigrants, 2016). It is hard to believe that these agencies have organized knowledge of the immigration profile of these workers. However, it is plausible to think that the information they gather through a form filled out by the same workers, for example when they apply for a job, might inform agencies of their country of origin, work experience, immigration status, and expectations. It is also possible that years of knowing and exchanging information with these workers provide them with more knowledge about their trajectories to have a standard idea and profile of them as refugee claimants and refugees, and therefore, about their specific vulnerabilities.

The fear of not being called again, fear of being reported to the CBSA, and a lack of knowledge about labour rights, combine for many workers so that agencies may take decisions regarding equipment which they know will not be discussed or questioned by workers. As workers are afraid of not being called in for work, they accept to buy and bring their own boots and other work equipment without asking the agency for reimbursement. Fear and insecurity of many undocumented and precarious status workers limit their possibilities to fight for this right, and



agencies ask for the boots before coming to the workplace, taking advantage of loopholes in the labour code (Bernier, 2014). Agency workers also fear not being paid. It is possible that many agencies know that workers with precarious status may be more docile than permanent residents and citizens. In this sense, they can use this situation to their advantage in managing payments according to their own interests.

An agency can know relatively easily when a person is having problems with their status. Often staff or owners of the agency may have access to this information simply by getting closer to workers. It is common for undocumented workers to not want people to know about their situation, and they understand it to be a disadvantage. But according to some interviewees it is discernable when a worker has problems with his/her status. According to Carlos, it is not difficult to recognize through personal interactions when a worker may be undocumented or is having problems with their status. Accents also provide a sense of origin. This may allow for an agency to gather workers of certain nationalities and status to meet the demands of certain employers, as was the case for the agency Carlos described and for the monastery which was using its services for cleaning and construction.

**Carlos. Mexican. Rejected refugee claimant without a work permit. Arrived in 2009. Seventh Interview. (Day labourer - building and repairing in a monastery)**

***“Interviewer: Also, could you see that they were undocumented?”***

Well, two of them, clearly they were undocumented, by their attitude. Because it is very revealing. When one touches on some issue, you know, when talking at work, in the convivial sense, when you do not even interrogate them, it is only daily chats, but you can see and feel that they are very, very discrete. And sometimes they would split from the work group spontaneously, almost in an instinctive way, so it was evident that the poor boys did not have documents, and one of them was from Guatemala, and the other was from...I cannot assure that, but because of the accent, I think he was from Honduras or nearby. Also, that is rare because there are not so many Honduran people here, but I believe he was from there. Also, there were two Venezuelan, and those are recognisable in the accent, and a Colombian, and the only Mexican was me. So all were Latin American. And in fact, this phantom agency only takes Latin American workers, because of the monastery, as much as I could tell, they ask for people in poverty. They want people of a

certain profile, a defined profile. Moreover, I think they consider the Latin Americans are a better match to that. Why do I believe that? Because all were Latin Americans, and all were Catholic.”

Some indicators of immigration status problems are isolation, lack of language skills, fear of showing an accent when speaking, physical appearance, and the way they dress. Often agencies realize this immediately when a worker does not want to be paid by direct bank deposit, and prefers cash. This is possibly the primary sign that agencies may use to notice that workers are having problems with their status. The other one is when they offer salaries under the minimum wage, and workers accept it.

Another example in the use of vulnerabilities by agencies came from one of the interviewees who was undocumented. She thought she was protected as she told the agency that she had no work permit because she was a tourist, but not a person without status – which was in fact her real situation. This was her strategy to fight the risk of being reported to the CBSA and blackmailed in that way. However, the same worker told me in a subsequent interview that the owner of the agency further suggested that he knew her real situation, and that he was informed of this by the owner of the former agency she had worked for. In the story, it is possible to notice how she was subsequently blackmailed by the new agency.

**Ema. Peruvian. Rejected refugee claimant without a work permit. Seventh interview. (Day labourer)**

***“Interviewer: And are there any other jobs you have been doing?”***

I do not remember. Ah, I was working with a friend, but mostly I have been receiving calls for work. Now maybe, I changed my number recently. And one woman [the owner of the agency] who always wanted to work with me and who threatened me before, she threatened me in a gruesome way, at the end... I don’t know; it is just that the owner of the agency ‘Liason’ [another agency] told her about me. He is a gossiping man, and I do not know what he told her about me, and in the end, she ended up telling me that she knows what my situation is and that I should not complain about anything because she did not want to pay me my complete payment.”

Workers indicate that as they developed closer relations with owners/staff of agencies, they were more likely to share information about their status and about their family. In this way owners and staff of agencies can know how urgently a worker needs a job, guessing that he/she has the need to send remittances home.

Therefore, knowing the weak points or vulnerabilities of workers could be key to increasing the agencies' profits and business, because they can improve their efficacy in recruiting people and assigning them to workplaces based on workers' limited expectations due to their economic needs and urgencies. Some agencies can choose to call a specific worker that they suspect has problems with his/her status, and offer him/her a job in a place where they have previously offered a low price for workers to the owners of the company in order to compete with other temp agencies. It is at the root of those vulnerabilities that agencies may manage the process of recruitment and the location of workers. The types of vulnerabilities of these workers are varied and heterogeneous. In order to be able to manage them it is necessary to know workers, or to have experience in their life and complex trajectories as im/migrants. As we saw previously with the "raiteros system" in Chicago, larger agencies give this role to other migrants of the same nationalities (Villarrubia-Mendoza, 2016). Client enterprises may also assign this role to agencies managed by other immigrants, especially those that place workers in very precarious workplaces. They use information unrelated to workers' professional skills or strengths, in order to optimize profits.

Many workers interviewed ended up trapped in a situation of precarity for an extended period when working through temp agencies, because they do not have better options or because in the end it is an easier way to get money when they are in need.

Another way in which agencies use the vulnerabilities of workers is in taking advantage of the racism and racialization workers suffer as a negative effect of migration policies. This reflects the institutional racism and racialization operating in Canadian and Quebec society (Choudry and Henaway, 2014). However, such racialization also affects immigrants with permanent residence and citizenship, as in the case of the health sector where Haitian attendants and nurses are vulnerable to the devaluation of their professional skills.

Like Gonos and Martino (2011), I also found that agencies can manage immigrant workers' vulnerabilities in order to increase their profits by avoiding declaring the incomes they generate through hiring undocumented workers. When agencies pay workers by cash, there are no records of the payments they receive from client enterprises for these workers. Two of the interviewees who received social assistance and unemployment insurance (one citizen and one refugee claimant) received letters from the Federal and Provincial government asking them to return the benefits they received because government records said they had worked. However, they assured me that they had not worked in those periods. They suspected that agencies used their SIN to employ undocumented workers. One of the interviewees described how the owner of a "fly by night" agency was able to memorize the SIN of workers and use them to employ others.

**Eduardo. Mexican. Rejected refugee without a work permit. Arrived in 2009. First and second interview. (Day labourer)**

*"Interviewer: And after this job, what others did you have?"*

After the bottles, I went with a Colombian man whose name was Hector, and I worked in the port. He used to take me to a big company, I do not remember the name, but I think it is the famous AGROGUAT<sup>50</sup>. The problem there is that there was a double game. Everybody was working for cash there. The problem was that this mister had a photographic memory. He only needed to see your Social Insurance Number once to record it in his memory [at this time the interviewee still had a valid work permit], and he was able to declare without you knowing this, and then you received the news that you were at the Social Aid, and you received a fine from the Social Aid.

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<sup>50</sup> Fictitious name.

***Interviewer: What did he gain from this?***

It is because he has to make his tax declarations because he cannot have like fifty people working, we were like fifty people in packing, fifteen in another section, and five or six in sanitation. Especially, where they used to kill the pigs. This place was AGROGUAT, a huge enterprise in Canada. It is in the food industry, one of the biggest.

***Interviewer: [...] So he used to pay to all workers in that way?***

Yes. But what we did not know is that he made us appear as declaring for taxes. He used to say, ‘we work only with cash,’ but he also said, ‘show me your social security number,’ and I used to say, ‘why?’ And he said, ‘to not contract people who are in vacations,’ well, but it is cash right? Well, I gave him my Social Insurance Number. I did not experience any discount because I just worked a few months, but some people worked one year, or two years and they received the discounts.”

Managing vulnerabilities also implies direct control over workers’ actions. For example, Maximo described how the agency staff were sent to the workplaces to verify if workers of different nationalities were exchanging information between them, about salaries for example.

**Maximo. Mexican. Rejected Refugee without work permit. Arrived in 2009. First interview. (Day labour. Cleaning industry – Sanitization of meat factory)*****“Interviewer: How many people work there?”***

In the area of sanitization work, around 10 people. From those 10 workers, five are contracted by the agency, and five contracted directly by the enterprise. There is a difference, between us we also do not talk about salaries. There are people who said directly to me that I do not talk about the salaries.

***Interviewer: Who told you that?***

My work colleagues. Many times the agency sent a person to supervise and control the agency workers, how they work, what they talk about. They control the information of the work. And this person who saw that I talk with the Arabs and with the other Latinos, with the ‘race’ (laughing), then he told me ‘hey Maximo you have to be careful, you should not talk about the salaries, because it could be that some of them earn more, others less, and they will not be very happy blablabla’. And he is my colleague from the same agency. He is from Mexico. They send him to control. The agency is from a Mexican. They are agencies, they earn their money from this...”

The isolation, fear and lack of knowledge and information of many precarious status workers often manifests as a complete lack of awareness of the workplaces, client enterprises and agencies for which they work. Often, workers in the food industry, recycling, cleaning, agriculture, and warehouses refer to agencies with the name of a person or the name of the recruiter, and they are unable to name the client enterprise. As we saw previously in the U.S. (Gabel, 2016), it is

common to use names like “the chicken,” “the quails,” “the broccoli,” “the pizza,” “the pogos,” “the recycling” and others, to talk about the client enterprises. These features show the high level of alienation, fragmentation and disinformation these workers experience, but this is also a result of recent years of progressive flexibilizing and de-regulation of labour through agencies.

On the other hand, some im/migrant groups were able to consolidate collective power in some labour fields and enterprises as a way to respond to this super-exploitation, although this power also generates exclusion and racism between im/migrants of different nationalities. Given these conflicts among workers in the most precarious rungs of the labour market, agencies may also take advantage of these rifts to manage im/migrant labour according to racialization and competition between im/migrant communities.

Another example of managing vulnerabilities deployed by agencies is their making false promises of more work, of permanent hire or of salary increases. False promises keep people readily available for a job, waiting for the next phone call from the agency, and willing to accept poor work conditions.

**Table 7. Relationship between management actions related to im/migrant vulnerabilities by temp agencies and their effects upon im/migrant workers**

<b>Management actions</b>	<b>Effects upon workers</b>
-Providing lodging. -Taking away documentation of workers (passports, work permits).	-Having knowledge and control over workers' private lives.
-Serving as interpreters and mediators. -Using nationality and language to approach and recruit. -Using recruitment forms.	-Releasing information on private aspects of workers and workers' status. -Getting information about private aspects of workers and their status.
-Using financial need and uncertainty.	-Keeping workers docile and avoiding complaints for labour and health rights violations. -Worsening their work conditions.
-Using their information about their immigration status to evaluate their placement in work places.	-Workers located according to the differentiated needs and possibilities of client enterprises for cheap labour. -Workers used to evade taxes and workers paying unjustified quantities of taxes.
-Using language deficiencies to evaluate their placement in precarious workplaces and job positions.	-Isolation and lack of information. -Workers retained in precarity and disinformation. -Impeding social integration of workers.
-Using nationality to decide their placement according to racial criteria and preference of client enterprises.	-Workers racialized and stereotyped (i.e. Mexicans and Haitians). -Creation of expectations of job positions and tasks associated to nationalities.
-Using fear of deportation or lack of access to legal protection of work rights	-Bad treatment and extreme psychological abuse and harassment.
-Monitoring workers' situations and life conditions.	-Weakening their position in the labour market.

**Source:** Own elaboration based on interviews.

As such, managing the vulnerabilities of im/migrant workers refers to those organized actions that go beyond the mere recruitment, temporary placement and supervision of labour. Those actions include the adherence to other management measures to evaluate their social situation as vulnerable and racialized im/migrants. The orientation of this evaluation goes towards taking as

much economic advantage as possible of the workers, favouring the agency and the client enterprise's increase of profits through optimizing labour exploitation. Smith and Neuwirth (2008) already mention how agencies build the category and profile of a "good temporary worker" as different from permanent workers and able to work in worse conditions. In my research, this category includes the use of vulnerabilities for profit. However, it is necessary to manage them in order to optimize and benefit from the maximum economic value of a person's work. Therefore, the management of vulnerabilities implies their projection onto an increasingly deregulated labour market, therefore solidifying and reproducing them. In this way, agencies contribute to the prevalence and reproduction of these vulnerabilities because they compete with each other by using them to survive in the labour market. In this sense, agencies' labour management actions using im/migrants' vulnerabilities promote their normalization as standard elements of the Canadian labour market.

This feature cannot be generalized to all agencies. In this study my focus were very precarious workers talking about an undefined number of agencies. However, my study provides with a starting point for future quantitative data collection. This data may help to confirm that temp agencies manage vulnerabilities of immigrants .

With this, I now turn to the next section of this study to examine the processes occurring in recent years within the new movement against temp agencies in Montreal, led by the IWC and the TAWA.



## **Chapter 5. The movement against Agencies in Montreal**

In this chapter, I draw from my experience of over four years of organizing and activism inside the IWC as a member of the TAWA. My first real activity with the TAWA was on February 12<sup>th</sup>, 2013, when I observed and participated in outreach activities in the industrial zone of the East end of Montreal. That day I learned that outreach is the method that the IWC and the TAWA use to approach workers. This means going to a place where it is possible to find im/migrant workers and providing them with information about the IWC and the TAWA. It is also an occasion – as I learned afterward - to draw their attention to their labour rights.

In all this time, many of my peers in graduate programs asked me about my research experience while being directly involved with the IWC and the TAWA. I always said that in many ways it was easy to learn about the topic of immigration and im/migrant labour due to the proximity I had with workers' realities and stories, a proximity that Levya and Speed (2008) mention as necessary to build critical and engaged knowledge. In the end, this connection as an activist provided me with the opportunity to incorporate these experiences as part of my personal, and subsequently shared collective experience as a member of the TAWA, building “situated knowledge” as informed by my own commitment and close relationship to grassroots organizers (Ramirez and Chun, 2016). However, this approach also required a process of exploring and learning from the historical documentation and memories that exist within the IWC, as much as from the interviews and informal conversations with many of their members and workers. Thus, to start this chapter, I briefly describe the history of the IWC in order to understand the foundations of the organizing process that led to TAWA's creation.

### **5.1 Origins and history of the movement against temp agencies in Montreal; foundations of the IWC and the creation of TAWA.**

The IWC was created in 2000 as a response to immigrants' labour situations generated by labour changes and work restructuring (Immigrant Workers Centre, 2001) over the last 30 years in Canada (Noiseux, 2013). These changes came about with the effects of trade agreements such as NAFTA and the neoliberalization of labour and immigration in the 1990s. For example, one effect felt locally in Montreal was restructuring of the garment industry, before its almost total relocation to the global South. In the early 2000s, this industry began to rely heavily on im/migrant workers from agencies as a source of cheap labour, substituting mainly unionized labour for more vulnerable labour. As mentioned in Chapter 2, federal and provincial austerity measures led to increasing the vulnerability of im/migrant workers, increasing their labour precariousness, and their being prone to intense racialization. The IWC was founded in this context and to respond to the weakening of the union movement, and the limitations of unionization of immigrant workers. Its foundation can be considered as part of a larger movement of workers' centres across North America (Fine, 2006; 2011).

The reasons for the creation of the IWC aligned with the reasons workers' centres were formed elsewhere in North America. By this, I mean the disconnect between traditional ways of organizing within the labour movement and the situation of racialized, vulnerable and precarious im/migrant workers (Fine, 2011; Ness, 2014). For the IWC, those reasons were articulated within a global frame of capitalism, neoliberalism and immigration policies; these three were considered to be central aspects to understanding the relationship between class, race and immigration status in the local context of labour in Montreal. Moreover, the founding of the IWC was also related to the

need for recovering the role of organizing that most community organizations had lost, according to founding member Eric Shragge, the current President of the IWC Board.

“[...] I would like to return to the previous thing because I think this is where the link is. In my analysis it was very clear to me by the year 2000, no, before that, in 1999, I had one year of sabbatical, and I was writing a book about the historical development of the community organization sector, and out of that, I did it because I was feeling uncomfortable, that the community sector had become a sector which was giving up from organizing, and becoming a sector which was basically a junior partner government in service provision. So given those two things...you know it is much longer and more complicated than that, but I was kind of looking for a place where the outcome could be to organize, and that is as much as you can to create a grassroots movement with people who try to build power through their actions, and the IWC became that for me [...]”

Organizing workers was one of the main reasons for the creation of the IWC, and it was at the core of its projection as an organization. However, it is also relevant to mention the key role played by a team of academics, activists and organizers and workers, with previous histories of resistance and activism, to articulate a relevant and experiential analysis regarding the situation of im/migrant labour in Canada and Montreal (Immigrant Workers Centre, 2011). They started articulating an understanding of the realities and experiences of im/migrant labour under the new global and neoliberal policies, which were producing precarious and vulnerable workers whose experiences of exploitation were far from the profile that traditional Quebec trade unions tended to hold about labour and workers. Another IWC member and organizer, Joey Calugay said:

“[...] Some of us started to have ideas that we need to go beyond the union, and in fact that we needed to create a centre or an organization that not just deals with issues of unionization, but also with labour issues that are linked to immigration which is linked to migrant and immigrant communities, and working class communities, in different cultural communities of Montreal. So it is that sort of practice that got us thinking about building the Centre, so we were involved in the creation of the Centre along with other academics with the same ideas [...] I mean, in some ways the creation of the Centre was a critique to the limitations of the unions, but not a critique of unionization, it is not necessarily that we disagree with unions.”

The critique of unions, but not of unionization or unionism, came from the critiques which were demanding that unions react to these new realities of work transformation (Camfield, 2011).

Despite the actions by some unions in Quebec who were starting to consider cultural diversity in labour as an important component to better represent im/migrant unionized workers (Soussi and Icart, 2009), union actions regarding precarious workers were perceived as very limited. The IWC's founders brought forth cases from the reality lived by immigrant workers that showed how the dominant model for the current Quebec unions was disconnected to these realities, but also how this union model was reacting defensively against the advance of labour precarity (Noiseux, 2013). The direct relationship between work problems and the abuses that im/migrant workers experienced led to the emergence of another frame for understanding labour struggles, one which included the analysis of immigration policies and the conditions faced by specific im/migrants. Within this frame, several campaigns were launched such as the "Melca Salvador Campaign" in 2000<sup>51</sup>, a campaign against the Montreal Gazette in 2002<sup>52</sup>, the campaign "Gildan Anti-Sweatshop" in 2003<sup>53</sup>, and campaigns to strengthen the rights for domestic workers which started in 2002 in alliance with *Au Bas de l'Echelle* and PINAY. The latter included the campaign "CSST for domestic workers" from 2006, which was launched in association with *L'Association des Aides Familiales du Québec* (AAFQ) in order to gain complete health coverage for all domestic workers through the former CSST (now CNESST). (Immigrant Workers Centre, 2011) These actions started with the defence of specific workers' cases, evolving towards wider campaigns questioning the structures defining labour and immigration regulations.

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<sup>51</sup> Meca Salvador was a young Filipina who worked as a live-in caregiver, became pregnant and was fired, thus losing her possibility of applying for permanent residency after 24 months of work for a Canadian family. Through this campaign a Committee was created for Melca and for other workers in the same situation. She eventually won her right to become a permanent resident.

<sup>52</sup> The IWC organized several actions denouncing the Gazette, because of an announcement by an agency for an auction of three Filipino domestic workers, and the suspension of Gazette columnist Sue Montgomery who wrote about a domestic worker abused by her employer. Montgomery was fired for not taking the side of the agency in the story.

<sup>53</sup> Gildan Activewear Inc. was a Montreal-based manufacturing enterprise which closed one of its factories in May 2003, relocating its factory to Rio Nance, Honduras. Gildan also fired 100 workers in 2004. The IWC, with the Maquila Solidarity Network and the Workers' Rights Consortium, demanded that all unjustly fired workers be reinstated, and that no more labour rights were to be violated in the future.

After some years of existence, IWC members and activists increasingly noticed the explosion of temp agencies. This new reality was seen by IWC activists and members through the different cases of people complaining about agencies. In Montreal, the closure of many garment firms after 2000 caused many immigrant workers to lose their jobs. At the same time, those workers started being recruited by temp agencies and received by organizers of the IWC. As Mostafa Henaway, organizer of the IWC/TAWA remembers:

“When I first arrived, we were organizing workers around layoffs in the textile and garment industry. And that was the result of NAFTA; that was the result of regulations around international trade, which allowed for the restructuring and the production of those textile garment factories in the Global South. And then, as all those people have become more and more..., they themselves have been laid off. But at the same time, to get cheaper work, even to take over the jobs that were locked in the textile garment [industry], then we were beginning to notice that it was done more and more by agency workers.” (Mostafa Henaway – IWC/TAWA Organizer).

Meanwhile, the IWC also started receiving many complaints from immigrant workers placed in the food sector through agencies.

“And then also at the same time, we had begun to work in some cases, especially in food processing, people who were working for agencies, under the table agencies. So it became clear that that was a result, that kind of restructuring creating flexible labour abroad, but the process taking place here, with migrant and immigrant workers in particular... So that is when the IWC felt that it would be really important to start focusing on organizing agency workers, and that is when we really began to do outreach to agency workers and try to form TAWA. Three years ago, this was really the basis, at the beginning, of this kind of restructuring of the economy, and how that affected migrant and immigrant labour, as a result.” (Joey Calugay).

The perception of the growth of agencies in Montreal was shaped through individual cases of workers coming to the IWC. The centre then became a place where local and personal experiences and narratives of global capitalism connected and gained coherence with data coming directly from workers’ stories. An educational and learning process emerged, as these individual stories were connected with a wider understanding of oppression (Fals Borda, 1978; Chesney, 2008). Thus, after some years of making those connections, IWC members decided to launch an

organization that would work specifically with im/migrant agency workers, because those workers were bringing new and different work situations which were also revealing the loopholes in the Quebec Labour Code for agencies. Both the inadequacies of the labour code, and the exploitation of immigrant workers, brought forth the need for a campaign for justice for agency workers, which led to further learning about agencies' operational patterns, and finally to the creation of the TAWA.

“In terms of the process we started, we began to launch a campaign around agencies, and this is prior to TAWA, so we started the agency workers' campaign or justice for agency workers in 2010 and 2011, and we started with *Au Bas de L'échelle*. And in that process we began learning more about the laws, the loopholes regarding agencies not having tools for responsibility, health, and safety, [...]” (Mostafa Henaway).

The TAWA was formed in 2011 as a response to the specific need for an organization that could bring together agency workers to develop specific actions, mobilizing, organizing, and popular education, as well as increase learning about agencies and their effects on im/migrant workers' living conditions. TAWA was created as a working group inside of the IWC to address specific issues concerning agencies. Its creation happened with “a group of agency workers working in hotels, greenhouses, factories, distribution centres, and in the health care sector” (Immigrant Workers Centre, 2014). It may also be considered a result of strategic actions destined to transform a structural context where agencies and their effects upon im/migrants' lives remained covert and invisible (Novelli, 2012).

However, the process for forming this association was long. It took two years of extensive outreach of the IWC in communities and workplaces, and through dealing with individual cases and claims. It included careful observation and learning, through linking what was happening in different labour sectors and the specificities of problems with temp agencies. There were two important moments in the TAWA's formation. The first was the *L'Amour* Campaign in 2008. This

campaign was launched due to a series of layoffs in the textile and apparel industry. While it was happening, it mobilized the learning capacities of IWC members to detect violations happening through agencies. More narratives from workers allowed people to connect the relocation of production in this industry overseas with the growth of temp agencies picking up those positions which could not be off-shored for local immigrant labour.

“So, it was clear to us, or right, so, someone came in, someone who was working in textile, and he said, ‘I lost my job,’ and this person was part of a community of workers of a company called *L’Amour* which made socks. And this enterprise was moving their production to India and people working there in the machines. We started to work with them, and to try to push the idea that they have basically, been incorrectly treated in relation to the law, and the law mattered, and we had some demonstrations, and we did a collective grievance to labour standards, and we won some small benefits... However, we started doing an analysis of the textile industry in Montreal. It was really clear that the industry was disappearing, and I would say more than disappearing. It was pushed out, and some government decisions around trade were removing the protections of the textile industry [...]. That was one major factor, so we have seen this structure coming and began to see people coming in that say they were agency workers, from various places, from different problems, and so we began to say, these are the violations that are happening.”  
(Eric Shragge)

The second important moment of the TAWA’s formation was the role of undocumented and precarious status Mexican workers in sharing their experiences of agencies’ operations. This increased the understanding of how agencies function, their patterns of labour violations, and fed the narrative of their relation to the im/migrant and social status of workers. Those workers, affected by the Harper government’s restrictions on the entry and refugee claims processes of Mexicans in 2009, chose to stay and challenge their deportation, by trying to appeal the rejection of their refugee claims, to find sponsorships, to use the application on humanitarian and compassionate grounds, or to wait for an amnesty which never arrived. In the meantime, their only choice was to work through agencies. Some Mexicans in Quebec formed “Dignidad Migrante” in 2009 and MUR (Mexicans United for the Regularization) in 2011. Over the years, these groups found in the IWC a place to develop organizing and activism, and some of the members of these

groups had previous political experience in Mexico. The importance of previous political experience in countries of origin was also noted by Theodore (2014) in the U.S. among immigrant groups from Guatemala, Mexico, and Honduras. The politicization of these workers contributed to gathering further information regarding their experiences as undocumented people in the precarious world of temp agencies (Salamanca, 2015). This scenario is described more specifically by Viviana Medina, a former agency worker and currently a TAWA organizer, who was also a member of MUR and Dignidad Migrante.

“First, in 2009, I got close to the IWC because of payment problems with my agency. I saw its flyer, somebody was spreading flyers, and so I got close to the IWC, and since that year, I started to do many things. One of those things was in that meeting. I was there, there were like 30 to 40 people, mostly Mexicans, and Guatemalans, but most of all Mexicans, because the border was open between Mexico and Canada. I realized there were many people in the same situation as me. Well, since that moment I have been very close to the IWC, going and visiting the Centre, not only because I had problems with my payments, but because I realized that there were many people involved in the same situation. And then I did not detach anymore, because it was like feeling more protected, and not so isolated with the problems I was having. And then the time passed and in 2011 it was decided inside a group of workers at that time, also from agencies, but at the same time they were temporary, they had lost their work contracts and they were also working with employment agencies, and with the community organizers of the Centre, they decided to start the TAWA, to only focus on workers of agencies” (Viviana Medina – Ex-agency worker and current organizer of the TAWA).

TAWA’s creation could also be considered to be the answer to the impossibility for agency workers to individually defend their rights when using the Quebec labour code, and of lack of access to unionizing due to the temporary nature of their work through agencies. Following Novelli (2012), this is the structured context of specific oppression that agency im/migrant workers experience. The main challenge of TAWA has continued to be the transformation of this context. In addition, the specific labour conditions and problems of temp agency im/migrant workers, particularly those with precarious status, needed further understanding, intervention and organizing in response. Thus, the creation process of the TAWA works as an example demonstrating that groups of im/migrant and precarious workers have the capacities and resources for self-organizing



(Peck and Theodore, 2012), despite the high levels of complexity, precarity and fragmentation they face (Fine, 2006). Workers coming from im/migrants organizations and labour places, with members from different cultures and countries such as those from PINAY, MUR, and Dignidad Migrante, provided alternative scenarios where racialized and precarized immigrant workers gathered and built activism and organizing (Fine, 2006; 2011).

By 2010, the IWC, in alliance with *Au Bas de l'Echelle*, launched the Temporary Agency Workers Campaign to get public attention and raise the issue with authorities. This campaign led a bus tour for media in October 2011 showing them the workplaces and agencies that were abusing and violating workers' rights. In the same month, workers called on the Quebec Ministry of Labour to implement its regulation by requiring that agencies obtain a permit, and making both the agency and the company jointly responsible for respecting workers' rights. The IWC and *Au Bas de L'Echelle* sent a petition to the Minister of Labour restating these demands. In the middle of this campaign, these actions generated by the IWC, MUR and Dignidad Migrante led to the forming of the TAWA in November 2011.

## **5.2 Understanding the relationship of precarity with immigration and labour policies; the challenge that guided TAWA's consolidation**

A challenging aspect to TAWA's organizing process was the way in which the precarious work conditions that im/migrants experience were related to immigration policies. The casework, workshops, assemblies, and meetings, were all privileged places to identify and uncover from first hand experiences of how workers suffered the personal effects of immigration policies in relation to work.

Since its creation, through casework, the IWC, through the TAWA provided support and advice to individual workers as the first step in attracting and building commitment from them (DeFilippis, Fisher, and Shragge, 2010). It was a strategy to connect individual help and support with the logic of organizing campaigns. Moreover, the implementation of casework on the part of TAWA members was a means to connect with and to recruit workers who could be possible leaders.

I highlight this last strategic orientation because, from my experience, it is not easy to create a clear narrative of the problematic of agencies using im/migrant labour. For activists and workers, it is complex to understand the precarious nature of work given the triangular relationship of client-agency-worker, and the position im/migrant workers have within it. Talking about this type of labour relationship is both simple and complicated. It is simple because it is easy for people to understand that a temp agency gets you a job, and that you have to pay them for that so-called service in every work hour. However, it is difficult because it is hard for people to realize how they are being exploited, abused, and how agencies and client enterprises evade being held accountable for labour rights violations through the triangular relationship. It is also difficult for im/migrant workers to individually realize how their immigration status is intimately related to those exploitative labour relationships. Making those structural links is a challenge. It was challenging for the IWC and the TAWA to create a coherent narrative about agencies. It required a lot of energy and information that was almost impossible to find in previous studies or from other organizations. When the TAWA was formed, there was minimal institutional and organizational experience and data regarding agencies in the Montreal labour market. So the casework and workers' accounts were the primary sources to start building this narrative. In January 2016, IWC

records showed more than 47 cases regarding agencies' labour violations<sup>54</sup>, mostly concerning unpaid wages and unjustified dismissal. However, many more cases had been resolved through direct advocacy of the IWC and the TAWA, and without legal intervention. The knowledge gained from those experiences was also enriched through the analysis and stories that members, networks, and acquaintances of PINAY, MUR and Dignidad Migrante brought about workers who had never attempted to pursue actions against agencies. And so the concentration of these stories in the IWC, and their systematization through TAWA's interventions, helped to "connect the dots" and to build up a structural view of class, exploitation and oppression (Freire, 1971) which was not previously visible for many workers.

One of the main strengths of this process is based on leadership development. The process of TAWA's organizing included the formation of a core group of worker-leaders who learned about outreach, education, speaking publicly, mobilizing, labour rights and immigration (Immigrant Workers Centre, 2014), along with the problematics of temp agencies. Worker-leaders and members of the TAWA developed their abilities to call on real examples and cases of agency abuses. In many senses, this avoids reliance on the abstract description/discussion provided by the "triangular relationship" concept, and to articulate it instead through concrete examples about real work situations. This approach also brings to mind the connections Barton (1998) explored about how learning from relevant issues can develop links between abstract concepts and facts, and in doing so one can then find a real utility for the abstractions. It also highlights the importance that Allman assigns to *praxis* and learning (2010). In this way, the team meetings were and continue to be one of the main scenarios for reflection, where TAWA members expand their conceptual and

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<sup>54</sup> This figure comes from the systematizing work done through the project "Recruitment Agencies: Silent Partners in Migrant Labour"

labour framework with a local and concrete understanding of agencies' operations and effects upon im/migrants workers' lives. But this reflection is always lead by concrete tasks, planning and actions, and a weekly or biweekly agenda supporting activities such as defending a worker, preparing a campaign, organizing workshops, etc. Then abstractions gain meaning through concrete actions (Barton, 1998) captured through first hand data and information.

Another strand of knowledge production connecting immigration policies with precarious labour in agencies comes from the workshops TAWA has developed with im/migrant agency workers or with recently arrived im/migrants - often refugee claimants and recently arrived permanent residents. In the first two years of its existence, the TAWA organized a series of workshops that had several implicit objectives: the recruitment of workers, the spreading of information regarding labour rights and the role of agencies, and the development of leadership among its members when recruitment was successful. But the dynamics of these workshops were directed to describe the links of precarity with immigration policies and agencies, and at the same time keep gathering more narratives and data from participants to improve these connections. Those processes contributed to improving collective and individual reflexivity, and direct action skills for its members (Rodríguez, 2003; Martínez and Lorenzi, 2012; Flury, Heras, Burin, and Acosta, 2016)

The workshops and educational strategies were complementary to the work of recruitment and leadership training. In 2011, these workshops were very important in recruiting workers from Dollarama. The recruitment of workers from this enterprise came as a result of one single African worker (Abby<sup>55</sup>) who came to the IWC (and before the TAWA started) because his agency did not want to pay him. His continued involvement represented an opportunity for the TAWA to have a person directly connected with workers of this enterprise, and with internal access to the events

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<sup>55</sup> Changed name.

taking place inside it. In this way he, like other workers, played a key role in better understanding the specificities of labour exploitation in big warehouses like Dollarama, when employing workers through agencies and when drawing on people who were refugees and refugee claimants (mostly from Haiti, Africa and the Middle East). Eric Shragge and Mostafa Henaway highlight the role of key workers like Abby in the following quotes:

“[...] In addition, we had a loose net of workers and one of them, Abby, ended up in Emploi Quebec and working with us, he went to Dollarama, he introduced us to more workers in Dollarama, and Abby became a spokesperson around some of these issues, so, we started working in that campaign [...]” (Eric Shragge.)

“Abby, who migrated from Africa, Senegal, who like himself and other people had that experience, he worked at Dollarama, and he was explaining to us, you know, the horrific conditions, the slave-like conditions, so severe that we thought ‘maybe we should begin to think about Dollarama.’ Also, Rafael [another worker leader] who was working in an agency called ‘Alma,’ I think that was the name, you know he had a massive accident, he was told to go home, there was no CSST, workers were not paid. So and then the research was leading us to the agencies and the health care sector, so it was through the knowledge production workers themselves made of these individual cases, that we begin to shed a sort of light on a broader process in regards to the way agencies were functioning. So it was through these key people that we began to spread our wings regarding agency work and regards to how widespread agencies have become actually in this situation.” (Mostafa Henaway)

Until 2017, the TAWA had gained several stable members and a certain stability in regards to tasks. However, while at some point in 2014 there was a list of approximately 150 TAWA members, most of those workers had since left the country or the province, were deported, were no longer working through agencies, or were simply unable to attend due to a lack of time and energy. Many workers were discouraged from continuing to participate, possibly because their immediate expectations were not fulfilled. However, the organization was able to integrate this reality and found ways to maintain their work on a basis of daily tasks, attending to casework, doing outreach, preparing banners and spreadsheets, editing a journal every six-nine months, designing newsletters, organizing workshops, participating in events on immigrant justice, and

developing workshops to foster leadership with long-time members. On the difficulties of maintaining membership, Eric Shragge shared the best way to keep TAWA's work alive all these years:

“The difficulty is just to maintain that base, you know, we would have a great leadership, people came up with the newspaper<sup>56</sup>, the logo, we had a banner, we had so much, and all those people are not agency workers anymore, or they left the city, or they were deported, so again, we started from scratch and you do...so you always feel that there is a sort of inconsistency about it, and I think what that means is maybe having a core group of people who can carry on the day by day work with a broad based association, you know, it didn't have to mean all the time, but maybe quarterly meetings or something for bigger decisions [...]”

Those difficulties are what some of the literature about unions discusses as the “unorganizable” feature of precarious labour (Milkman, 2011) which is one factor for why many unions have tended to abandon efforts to support the organization of these workers. Therefore, between its founding and 2016, the TAWA, while facing many difficulties, managed to maintain its activities with a more stable core group of workers, activists, organizers and volunteers who carried on all these activities - usually no more than twelve people at a time. Meanwhile, it was periodically able to call assemblies every four to six months in order to take decisions about its orientation and next steps. These larger meetings – usually with 25 to 35 workers and activists – were also the opportunity to introduce the TAWA and its actions to more workers –but also larger groups were reached through workshops and outreach-, and to inform them about and celebrate some advances that had taken place over a certain period. These assemblies became a strategy for continuity of its activities. However, they were also spaces where TAWA's role was better framed and understood in order to further consolidate the group.

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<sup>56</sup> This refers to the biannual publication of the paper *La voix des migrant(e)s* (The Immigrants' Voice) that the IWC and the TAWA have published since 2015 with the support of the CSN (*Confédération des Syndicats Nationaux*)

In time, TAWA's work has positioned the group as a legitimate interlocutor for temporary agency workers. With its growing reputation through its actions, it was able to push for its political agenda regarding agencies with the CSN (*Confédération des Syndicats Nationaux*) (Malhaire, 2016). While this was a very slow process, in 2014 the CSN provided one staffer and advice in order to continue the process of its organizational consolidation, and to support its labour education activities. It was also important for TAWA to maintain the connection with the CSN on the ground by having the CSN member at the IWC, thus increasing awareness within the CSN regarding the specific problems faced by precarious immigration status workers with agencies and the particular challenges and obstacles the TAWA had to face in their daily activities. In the next sections, I will describe more in-depth the relationship of TAWA with unions through its campaigns and actions leading up to the end of 2016, when I became less involved due to the need to analyze research data and write this dissertation. However, I have stayed connected with the TAWA, supporting its activities in different ways<sup>57</sup>. I will also describe, discuss and reflect on TAWA's organizing model - strategies, methods for organizing and mobilizing, and other alternatives deployed to support its activities.

### **5.3 Current campaigns and actions**

#### **5.3.1 Boots campaign**

Two years after its creation and the preliminary process of recruitment and organizing, the TAWA launched its first campaign on agencies: the "Boots Campaign." It started in 2013 to raise awareness among workers about agencies' and employers' recurring lack of compliance with health and safety standards. As Bleakney and Choudry (2013) argue, the creation of spaces for

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<sup>57</sup> In June 2017 I came back to the TAWA to more actively support preparation for a meeting with the Minister of Labour of Quebec on July 3<sup>rd</sup>, for the preparation of TAWA's fifth general assembly and to define its yearly Plan of Action. I also became a member of the IWC Board in November 2016.

collective learning are “essential to build a strong working class social movement” (p. 570). Therefore, the workshops and meetings with workers analyzing cases which the TAWA dealt with were the spaces and the base for starting this campaign. These spaces enriched the campaign with narratives and examples of specific situations when agencies put workers at risk by violating health and safety labour norms. The name for the “Boots Campaign” was chosen because the most perceivable violation agencies perpetrated was in not providing safety boots and security equipment to workers.

Another aim of this campaign was to make visible agencies’ and client companies’ lack of responsibility for the working conditions and safety of workers. This analysis was successfully articulated within a larger analysis about precarious work, which made it possible to understand how these specific health and safety violations are part of a major exploitative system (Allman, 2010). Workshops and meetings propelled the campaign forward by including a structural and broader analysis of immigrant workers’ situations, especially those with precarious status. As a result, TAWA members gained more confidence in interpreting loopholes in the labour code, as well as in their capacity to respond to different cases brought to them by other workers. Subsequent workshops TAWA organized also included sessions to inform workers about specific and concrete ways to respond in some situations when the labour code is not clear.

Another product/result of this campaign was the preparation of several articles for the biannual, trilingual newspaper (in English, French and Spanish) *The Immigrants’Voice*. Current and ex-workers at Dollarama distribution warehouses who became TAWA members had their experiences of health and safety labour violations written up into articles for the first edition. The TAWA, as a member of the Coalition against Precarious Work, also requested several meetings with the former and current Quebec Labour Ministers, in 2013 and 2015 respectively, to address labour injustices



produced through agencies including health and safety issues. However these requests were not met. As a result, the TAWA and members of this coalition decided to organize a demonstration on March 24<sup>th</sup> 2015 in front of the Minister's office to make visible the authorities' lack of interest in this problem.

In 2015, the TAWA also invited and had several meetings with delegates of the Quebec Health and Safety Labour Commission (CSST, now CNESST). The objective was to push for more rigorous controls over health and safety conditions at Dollarama and David's Tea, and the five agencies<sup>58</sup> that mainly provide labour to these enterprises for their distribution warehouses. Nevertheless, and thanks to the weekly outreach and contacts with Dollarama workers, it became apparent that the CSST did not have proper responses to the situations denounced by the TAWA.

The lack of attention and the bureaucratic limitations of the former CSST to address this problem led the TAWA to denounce the systemic lack of efficiency, and indeed complicity of government institutions with the status quo created through agencies. Using Access to Information legislation, the TAWA obtained the former CSST reports on agency cases and created its own report. TAWA organizer and ex-agency worker Viviana Medina described this process at that time:

“Well, also that, the TAWA is going to document the accidents at work and the work the CSST does regarding this issue. This started in the last year, and we will do a follow-up on this. We noticed that there are many irregularities in the way the CSST does these inspections. They do not work well. And I think the TAWA is going to document this matter for the first time. And this is very important. I mean we have developed several campaigns regarding the issue of the boots' disbursement, we have done these tasks with our work team, and all this follow-up has been developed for looking into the work the CSST does. It was good to know more about agencies' abuses and how the CSST is not accomplishing their work. So, it is an impressive job, and of course, it is going to be important to document it. This is going to be the first time we are going to document the inefficacy of the CSST.” (Viviana Medina)

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<sup>58</sup> These Agencies are Thompson Tremblay, Téléressources, Bédard Resources, Quantum and Exel Personnel.

This report was presented to the media in April 2016, publicly denouncing the structural and systemic violations of the labour code by these agencies (Centre des travailleurs et travailleuses immigrants, 2016) and bringing more public attention to this problem. As a result of these actions, in an August 2016 meeting with members of the TAWA, CNESST inspectors publicly recognized TAWA and IWC contributions in making visible the health and safety problems associated with agencies. According to Viviana Medina, it was a great achievement that the Commission recognized its limitations when investigating the labour violations that agency immigrant workers were suffering:

“They told us that the problem had become visible thanks to our work. They also mentioned that the current law was not enough, and it was necessary to further follow those cases and provide more control in workplaces. They also indicated the need to recognize the labour rights of undocumented immigrant workers, and that the CNESST was going to research and ensure the mechanisms to allow for anonymous complaints in case of accidents and issues of health and safety. On the other hand, another achievement was the right of the TAWA to work as a representative for individual and collective complaints. This was a small but significant victory that gives us more legitimacy as an organization that represents immigrant agency workers.”

During this period, a research team from the INSPM *Institut national de santé publique du Montréal* (INSPM) (National Public Institute of Health of Montreal) started a study into health and safety problems faced by agency workers in the Montreal metropolitan area. Due to TAWA's profile, it was one of the main sources that this research team turned to in order to find more information on im/migrant workers in agencies. The INSPM released its final report in November 2016, titled: “Invisible Workers. Risks for the health and security of Placement Agencies”. It included several recommendations to the Quebec Minister of Labour to make changes to the current labour bill in order to reinforce protections for agency workers from accidents, professional health problems, and other rights violations related to health and safety at work (Massé, 2016). Some of the workers and TAWA members participated in the release of a video promoting the

report and informing viewers about agencies' labour violations. This last contribution drew from the capacities TAWA and the IWC previously developed to create leadership and confidence through workers' empowerment. As Francisco (2016) mentions, in this case education and organizing were key to increasing workers' confidence to be able to speak publicly about their situation. The research results of the project "Recruitment Agencies: Silent Partners in Migrant Labour" and my own research results from interviews with immigrant agency workers were also used by the INSPM in order to increase their understanding of health and safety violations that workers suffer through agencies. However, the INSPM report was limited in its lack of addressing issues related to additional labour rights violations outside of health and safety, and its lack of analysis of the effects of migration policies and of institutional and systemic racism. Despite a stated acceptance of the existence of discrimination, government institutions in Canada still show a marked resistance to overtly recognising the existence of institutional racism (Bakan, 2016; Ramsaroop; 2016).

### **5.3.2 The role of the TAWA in the Fifteen dollars campaign**

One aspect of TAWA's success came through the leading role that it played in the Fifteen dollars minimum wage campaign in Quebec. In 2013, TAWA members and organizers started to realize in the outreach with Dollarama workers that the conversations focused more and more on the low salaries they were receiving, most of them barely at the minimum wage (which before May 2014 was \$10.15 an hour). Seeing the importance that an increase in the minimum wage was gaining as a motivational factor for workers, TAWA decided to start its own campaign to encourage workers to demand a minimum wage of 15 dollars an hour. The internal discussions of the Coalition against Precarious Work of which TAWA was a member also brought up the importance of this campaign to mobilize workers. It was also inspired by the experience of the Toronto Workers

Action Centre (WAC) campaign to raise the Ontario minimum wage in 2013. Since the increase in the minimum wage on May 1st 2014 in Quebec was 20 cents, reaching \$10.35 an hour, this spurred several criticisms of the Quebec Minister of Labour from different labour sectors, and generated a context for criticism of the limited actions the government had taken to improve the income of the poorest workers. In this context, in May 2014 the TAWA started to produce flyers that were included in its outreach activities – mainly with Dollarama workers – demanding a 15 dollar minimum wage in Quebec.

In October 2015, the TAWA, the IWC and the Coalition against Precarious Work formally launched the Fifteen dollars campaign with an action in Park Villeray, in an im/migrant working class neighbourhood, during an event organized by the FDNS (Front de défense des non-syndiqués). The IWC is an old member of the FDNS. Not without some tensions, this launch was not aligned with the FDNS seeking \$13.75 per hour, which was based on the analysis of the inflation indexation of the minimum wage done during many years by the FDNS. However, at the event's lunch break, the mobilization of the TAWA and the Coalition against Precarious Work solidified the 15 dollars demand and the FDNS also adopted it. Most of the arguments were in relation to the need to address the precarious situation of im/migrant workers and the expenses related to their specific immigration status. These situations include the needs of refugees and refugee claimants to pay double the rent and services for themselves and their families in their countries of origin and high immigration fees. Nor did they consider the usual part-time work regime many im/migrants are forced to follow by agencies. Often they do not reach twenty hours of work each week, with many hours spent in transportation to workplaces. It also did not take into consideration the lack of access to social benefits, unemployment insurance and health insurance of undocumented workers and others. This calculation also did not consider other labour violations

that affect the income of the more vulnerable. Research by independent research organization IRIS supported the demand for 15 dollars (Institut de recherche et d'informations socio-économiques, 2014), not by the reasons argued by the Coalition against Precarious Work, the TAWA and the IWC, but based on their own calculations about a decent wage. Likewise, the different testimonies provided by workers and members of the TAWA and the IWC at this event provided vivid support to adopt the 15 dollars demand.

Thus after this launch, the TAWA, IWC, and members of the Coalition organized the first Fifteen dollars campaign workshop in October 2015 to take on the organizing process. With this purpose, extensive research was developed by its members to create a coherent narrative of justifications for the plausibility of the campaign. The importance of this type of research, linked to action, was already highlighted by Choudry (2014) as a source of activism to educate and frame campaigns. In this way, the research drew from other \$15 dollar campaigns taking place in different states of the U.S., providing insights and inspiration, rendering visible the high participation of im/migrant workers. As a result of this first workshop, a proto-alliance of different organizations started to form. This included the Socialist Students of UQAM, the Association of McGill University Support Employees (AMUSE), the Association of McGill University Research Employees (AMURE), The Communist League, and members and workers from Walmart, ACORN Canada, and Industrial Workers of the World (IWW). Participants also decided to organize a demonstration on November 10<sup>th</sup> 2015 in front of the Quebec Premier's office coinciding with similar actions in many U.S. states.

After this first action, the TAWA and the MUR organized several movie screenings and open discussions for undocumented workers to introduce the campaign. Such events facilitated the gathering of undocumented workers' views about the 15 dollars demand and their disadvantaged

legal position relative to the proposed increase. Their responses were that the increase in salaries would push up their wages, which are usually below the minimum wage (\$10.55 per hour since May 2015). Over the next three months, TAWA and IWC members worked extensively to create networks, to approach and make links with other organizations that were starting to join the campaign. Workshops, meetings, and participation in conferences, whether as organizers or invitees, were among the tactics used. This led to a growing number of organizations becoming interested in the campaign. The result of this alliance building was the adherence to the national campaign “Fifteen and Fairness”, a movement which had its roots in the campaign launched in Ontario by the Toronto Workers’ Action Centre and the Ontario Federation of Labour in 2013 to increase the provincial minimum wage to \$14. The Fifteen and Fairness campaign relaunched the campaign in April 2015 asking for \$15 dollars and gradually included more organizations and Unions. The parallel of the “Fifteen and Fairness” campaign in Quebec is “*15 et Justice*”.

A second mobilization was organized for April 15th 2016 after a national call for a day of action to raise the minimum wage. At this point, the *Conseil Central* of Metropolitan Montreal of the CSN, which groups most of the unions in the Quebec public sector, decided to support the struggle, given its increasing support from many other organizations. This support also came as part of the work that members of the TAWA and the IWC (as members of other organizations) developed through their networks to push the CSN to adopt the campaign. This course of action may be understood as the process that Novelli (2012) describes when specific actors, in this case the TAWA and IWC, can lead strategic actions through education and dissemination, therefore transforming the previously structured context where other actors are disconnected.

This second mobilization also came as evidence of real wage stagnation affecting the 235,000 minimum wage workers in Quebec, at a time when different states in the US had already adopted

the 15 dollar minimum wage. In Montreal, it was calculated that in 2014 for a single person living alone to live above the poverty line the minimum wage must start at \$15.10 (IRIS, 2014).

In 2016, the campaign was taken up by Quebec's major labour organizations, the FTQ (*Fédération des Travailleurs et Travailleuses du Québec*) and the CSN. However, new challenges emerged due to tensions around these big union federations because of the different ways they decided to engage with the campaign. The decision of the FTQ to support an increase of the minimum wage to 15 dollars by 2021 resulted in tension with the demands of the TAWA, the Coalition against the Precarious Work and indeed most of the organizations advocating for an immediate increase.



In this second demonstration, there were now an estimated four hundred participants and over twenty organizations supporting it. Immigrant workers through the TAWA, Coalition against Precarious Work and the IWC took the lead in the mobilization. Photograph: Rick Cognyl Fournier.

Another challenge for the TAWA has been to keep the situation of im/migrant workers visible, and specifically those working through agencies. The strategy has been to build stronger alliances and solidarity links to ensure the visibility of demands regarding temp agencies and an immediate

increase to 15 dollars. For example, this included supporting the Old Port Workers Union of Montreal, which was on strike between May 27<sup>th</sup> to November 6<sup>th</sup> 2016 to re-negotiate their collective agreement to include a 15 dollar minimum wage. Old Port workers received solidarity support from the IWC, the TAWA, and its allies to broaden their support base. Though this union could not win the 15 dollars an hour demand, it was able to gain an agreement that the minimum salary for seasonal employees (the lowest worker category within its union) would rise from \$10.67 to \$12.38 per hour (CBC News, 2016). As a result, this union has kept supporting and endorsing demands, campaigns and demonstrations of the TAWA regarding temp agencies. Another major mobilization was organized on October 15<sup>th</sup> 2016, with about four thousand people attending. It is expected that this movement will keep gaining momentum, even though the government “threw cold water” (Shragge and Yoon, 2017: p. 37) on it with the announcement in January 2017 that it would increase the minimum wage 50 cents, from \$10.75 to \$11.25 starting May 1<sup>st</sup> of that same year, with subsequent increments up to \$12.50 in 2022.<sup>59</sup>

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<sup>59</sup> Later in January 2018 the government announced that the increase on 1<sup>st</sup> May of 2018 will go up to 12 dollars an hour.





Second demonstration with more than thirty organizations and the main Quebec unions supporting it. Immigrant workers through the TAWA, Coalition against Precarious Work and the IWC took the lead in the mobilizations. Photograph: André Querry.

### 5.3.3 The campaign with Guatemalan temporary foreign workers

I introduced the case of the fifteen Guatemalan agricultural workers in section 4.4. But now I describe the IWC and TAWA response to this case as an example of a campaign mounted suddenly and with a rapid response time as one of the features of working centres in North America (Fine, 2011). On October 27<sup>th</sup> 2016, the media announced the detention and deportation of fifteen Guatemalan agricultural workers from a farm near Victoriaville. They had abandoned their employment under the Low Skilled Workers Program because of their poor working conditions. Most of them were hired for agricultural tasks like catching chickens, work in plantations or food processing in farms. During this season, there had been news and rumours that

many Guatemalan workers were abandoning the farms and this program due to the fear of losing their jobs in Quebec, because of the four-year limit imposed on TFWP workers by the Harper government. As a result, a number of these workers were being recruited by temp agencies (sometimes with the promise of remaining in the country) to work under the table on farms and in other workplaces surrounding Montreal. The detention of these workers in Laval, and the role an agency (Le Progres Inc.) played in making workers even more vulnerable (by keeping their personal documents, promising to get them another work permit, and promising more time to stay in Canada to keep working and sending money to their families), indicated to TAWA members that agencies were deploying a new operation pattern: the recruitment of agricultural workers from the TFWP, using their poor labour conditions and the fear and uncertainty that the Harper government's "four in, four out rule"<sup>60</sup> measure had caused.

TAWA and TFWA members sought out these workers at the Laval Detention Centre, and alongside their lawyer and with the support of several activists including members of the CDHAL (*Comité pour les droits humains en Amérique latine*), were able to obtain their release and started a legal claim against the owner of the agency involved. In December 2016, through public exposure using the media and campaigning, the TAWA, the TFWA and the IWC were also able to ensure that Immigration Canada provide these workers with open work permits to work in the agricultural sector. They also ensured that Service Canada provide them with unemployment insurance, so they could stay in Canada while searching for other jobs in order to deal with the legal process they started against the temp agency. As of writing, these workers are taking French

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<sup>60</sup> Under the rule, temporary foreign workers who had been in Canada for four years became ineligible to work here for the next four years. The rule was implemented in April 2011 and abolished in December 2017.

courses and through popular education, learning more about their rights while being prepared by the IWC, the TAWA, and the TFWA as leaders and agents of change in their labour milieus. They continue their legal claim against the owner of the agency that deceived them.

#### **5.4 Former and ongoing results and achievements**

Since the first day of its existence, TAWA has demonstrated growth. Its influence in shaping the understanding of temp agencies by workers, community organizations, unions, the press and politicians of some political parties such as Quebec Solidaire has increased. This influence has grown, despite its difficulties in recruiting more members to be directly involved in the association. It has also gained political space and visibility, as can be seen through its influence on the actions of public institutions such as the CNESST and the Institute of Public Health of Quebec. This influence is visible through the inclusion in the 2016 INSPM report of the discrimination immigrants suffer in the Quebec labour market and the role of agencies placing immigrants in precarious labour positions. The influence of TAWA's work is visible through the CNESST's recognition of the TAWA as a legitimate organization to represent precarious immigrant agency workers in case of accidents at work.

TAWA has become an organization of reference in Montreal for issues of labour precarity and im/migrant labour. Many students and scholars approach TAWA to find information about temp agencies. But also, its defence of im/migrant workers' rights and its strategies to disseminate knowledge position it as a place where agency workers can find information, support, or safety to communicate and bring forward their situations of labour abuse.

Since 2013, other organizations such as the YMCA, PRAIDA (*Programme régional d'accueil et d'intégration des demandeurs d'asile*), CAFLA (*Centre d'aide aux familles latino américaines*),

Stella (an organization that offers services and defence of rights by and for sex workers in Montreal), LESA (Local Expatriate Spouse Association), "Habitations communautaires de Côtedes-Neiges," and others, have regularly made requests to TAWA for workshops for im/migrants about temp agencies, labour standards, and health and safety standards. This has increased TAWA's support networks and solidarity with other organizations working on im/migrant issues. Despite the lack of staff, TAWA and the IWC are able to respond rapidly to demands for workshops, always supported by their members and activists. This fast response rate is one of the features detected already by Fine (2011) for working centres. TAWA also develops presentations for a broad range of university/academic settings such as McGill, UQAM, University of Montreal, Concordia, and University of Sherbrooke. Many Quebec universities have invited TAWA members to present on temporary work and the situation of im/migrant workers. This has included public presentations and discussions with McGill unions, in McGill, Université de Montréal, Concordia University, and UQAM courses, It also includes presentations for the FDNS (*Front des Non Syndiqués*), UNIFOR, ACORN, UPop Montreal<sup>61</sup>, and IWW (Industrial Workers of the World), CSN, FTQ, FRAPRU, SAB<sup>62</sup>, No One is Illegal and many others. These presentations and discussions with allies and other organizations have highlighted relationships between the problems associated with temp agencies and broader social and economic issues in Quebec such as poverty, precarious work, austerity, discrimination and racism, gender issues and gentrification. These connections contribute towards transforming previous structured contexts (Novelli, 2010) of lack of knowledge about agencies' operations and their socioeconomic role in Quebec . Before the IWC and the TAWA addressed these issues, this problem appeared as an isolated one that had no

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<sup>61</sup> UPop Montreal is a nonprofit organization created in 2010 to boost and enhance the development of popular education with the population of Montreal (<http://www.upopmontreal.com/a-propos/>)

<sup>62</sup> Solidarity Across Borders is a migrant justice network based in Montreal, active since 2003. It is comprised of migrants and allies, and supports individuals and families who are struggling to get an status in Canada.

clear relation with structural features of immigrants' social location. However, the research, organizing and dissemination of information about agencies has grown, especially since the second half of 2014. Therefore, disseminating information through action has been a notable achievement for the TAWA, helping to articulate the problems associated with temp agencies and im/migrant workers with other social justice struggles taking place in Quebec.

Undoubtedly a factor from within the IWC that increased the TAWA's capabilities to connect its agenda with other local campaigns was the creation of the Coalition Against Precarious Work. The fact that the Coalition opened spaces to discuss and frame precarious work in a broad way allowed TAWA members to increase their understanding of agencies' roles in the reproduction of precarious labour. Therefore, this process for exchange of information solidified TAWA's narrative alongside other central topics, such as austerity, gender and precarious work. TAWA's abilities to disseminate information and develop education moved from fragmented views of different problematics towards structural views of oppression experienced collectively (Fals Borda, 1978; Chesney, 2008)

Meanwhile, the alliance and collaboration with the CSN was very positive given that since 2013, this union has supported the TAWA with the provision of one staff member, whose role is to link and connect TAWA's activities with the interests of the CSN in order to promote unionizing and the defence of im/migrant workers. I will expand further on this relationship building process below. Other essential functions of this CSN staff member have been their collaboration to find data and contextual information on temp agencies. They also contributed to and advised on analysis of the institutional and legal contexts for labour in Quebec relating to agencies, in proposing new strategies to recruit agency workers, and in helping to set the organizational framework in order to consolidate the creation of the TAWA (helping to produce statutes and

internal regulations). Therefore, in September of 2014, the TAWA approved its statutes, and since 2016 it has legal standing as an organization<sup>63</sup>.

In late 2015/early 2016, the TAWA developed a series of tools and standardized letters for workers to demand the reimbursement of work-related equipment. This was the result of the collaboration of the CSN member in TAWA activities.

Another achievement which is related to knowledge dissemination was the continuity of the production and publication of the journal *The Immigrants' Voice*. To date, four issues of the journal have been released. It disseminates information about immigrant workers' labour and human rights, individual cases, and examples, success stories, the current state of campaigns, and organizational and support services information. Besides reporting the activities of IWC and the TAWA, the journal also disseminates information from TFWA and other allied organizations such as PINAY.

In 2015, through funding from the BEATI Foundation, the TAWA recruited twelve immigrant women working through agencies and offered them trainings on labour and human rights. In this process, TAWA considered the need to develop more activities regarding the specific situations of racialized im/migrant women, and the need to develop strategies to incorporate a more decidedly gender-based approach. Since then, TAWA members have also participated more frequently in several rallies and demonstrations regarding im/migrant women's rights.

In the course of building solidarity, TAWA supported several undocumented agency workers' cases, such as the humanitarian claim of Hector Reyes and his mother who had ALS (Amyotrophic Lateral Sclerosis). TAWA members also mobilized its networks to support and avoid the

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<sup>63</sup> The legal standing did not mean its independence from the IWC. It was a strategy decided by TAWA members in order to be able to have a bank account and be more agile with finances.

deportation of two of its members who were undocumented and detained at the Laval Detention Centre in June and July 2016. In 2016, it also supported the case of an undocumented woman worker who suffered sexual harassment and racism working through an agency, and is developing a campaign to financially support one undocumented Mexican temp agency worker who almost got deported in June 2016 and was released from the Laval detention centre, thanks to TAWA and SAB intervention. It also economically supported other members through a solidarity fund created in 2016. These responses showed the TAWA's capacity to develop and provide support through multiple activities relating to immigration issues. However, these capacities are based in an understanding by their members of immigration procedures, thanks to their direct action, participation and reflection as incidental learning (Foley, 1999) on the diversity of workers' statuses.

TAWA also organized a demonstration and actions on April 4<sup>th</sup> 2017 for the annual meeting of ACSESS (Association of Canadian Search, Employment and Staffing Services) in the Hotel Bonaventure of Montreal, with the support of the CSN and other allies of the Fifteen dollars campaign. On May 1<sup>st</sup> 2017, jointly with IWW members, the TAWA disrupted the Montreal offices of two transnational temp agencies. These two actions were developed with the aim of continuing to increase visibility of the problematics of agencies, and to consolidate alliances with allied organizations.





Demonstration on April 4<sup>th</sup> 2017 in front of the Annual conference of ACSESS with the support of the CSN and other allies of the Fifteen dollars campaign. Photograph: Anonymous

On 4<sup>th</sup> June 2017 a committee of the TAWA formed by three workers met the Quebec Labour Minister's cabinet team to explain the four demands of the Campaign "Stability and Dignity"<sup>64</sup> launched in May 2017. This meeting was part of the series of consultations the Minister of Labour announced in order to propose changes to the Labour Standards. In October 2017, the TAWA called for a press conference, and on 8<sup>th</sup> February, 2018, it organized a demonstration in front of the Quebec Ministry of Labour to keep up the pressure and visibility of the need to regulate temp agencies and protect workers.

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<sup>64</sup> The campaign Stability and Dignity resulted from the analysis that TAWA members developed in order to synthesize the most important demands to rein in agencies' operations. They came from the need to take a more offensive stance. The four demands were

1. That all temporary agency workers be given permanent employment status after 3 months of continuous service for the same employer.
2. Temporary placement agency workers are given the same salary as permanent workers for the same work.
3. That all workers regardless of their status, have full access to Quebec services and be able to file complaints to the Commission of labour standards, equity and health, and safety. That Quebec grants undocumented workers the right to work.
4. That temporary placement agencies, and employers are considered co-responsible for respecting the labour standards and health and safety of workers.



On 20<sup>th</sup> March 2018, Bill 176<sup>65</sup> was released by the government and the IWC and the TAWA immediately organized a press conference to continue providing visibility about the problem of agencies. Although IWC and TAWA members received this news well and saw as a victory the few modifications including specific articles and regulations for temp agencies, yet it is considered they do not satisfy the major main demands of the campaign “Stability and Dignity”. In the end, the Quebec Assembly did not discuss the bill because the 2018 summer recess started in May. TAWA and IWC members think the Assembly will not debate the Bill given that the provincial elections are projected to take place in October 2018, and usually all debates in the assembly are stopped in an election period. However, it is also considered that this Bill opened opportunities for the TAWA to keep organizing agency workers. It is a concrete gain given that after many years during which the provincial government did not want to address the problem of temp agencies, now there was a proposal including major reforms to the Quebec’s Labour code.

### **5.5 Organizing model**

These last six years of experience, and the formal existence of the TAWA show that this organization has developed a model for organizing that is different from the traditional union model based on membership, consolidated collective agreements, and a bureaucratized style of action, and yet with problems reaching and understanding precarious and racialized workers (Icart and Soussi, 2009). The traditional union model is not inclusive of precarized and racialized workers and their problems, which are often more visible and discussed in community environments (Fine, 2006; Ness, 2014). By contrast, the TAWA inherited the model and experience developed within the IWC. The IWC built a model for organizing based on leadership

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<sup>65</sup> Bill n°176 : An Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance

development, community organizing, popular education and knowledge production. The case work also became a tool to more deeply understand the structural and systemic set of conditions which enabled those labour rights violations and abuses of immigrant workers to occur.

These five pillars of the IWC facilitated the development of activities to advocate for im/migration and labour rights, campaigning, outreach, the dissemination of information, knowledge production and collective reflective processes. Some examples of the latter are the assessment of mobilizations, rallies and press conferences, evaluations of workshops, and preparation of meetings with authorities. All these actions and activities are part of its organizing model. For the IWC, it was also important to build strategic alliances with other partners and a network of support for workers experiencing difficult and urgent situations related to their immigration status.

### **5.5.1 Organizing and Mobilizing**

TAWA was formed by a group of workers and activists who already had experience in organizing and mobilizing. From 2010 to 2011, with the Agency Workers Campaign, a relationship was formalized with *Au Bas de l'Échelle* to denounce the precarity that temp agencies produce in workers' lives. The IWC conducted meetings with workers to prepare to lobby the government about their conditions, held a film screening of Radio-Canada's "Enquête" documentary on im/migrant agency workers in collaboration with *Au Bas de l'Echelle*, and continued to hold press conferences and meetings with unions. One example resulting from this mobilizing process was the September 2011 "Bad Employer Bus Tour", organized with *Au Bas de L'Echelle* and Dignidad Migrante, visiting "fly by night agencies", big mainstream agencies, and major employers which use agency workers such as Dollarama, and ending in front of the Labour Standards Commission office.

When agency workers first came to the IWC between 2007 and 2009, the IWC's process of organizing meant that the workers could find a safe environment where they could share their personal stories about agencies and connect them with other workers' stories and experiences. In this sense, the IWC is a place to build solidarity, common and collective knowledge. It is also a place where workers could support each other in different actions, as in the bus tour, or in press conferences, for example. At the IWC, workers could coordinate their personal efforts and actions, amplifying their ideas and defining collective objectives and goals. Workers could mobilize resources they already had, but they also needed to realize they had them when acting collectively, since they may not see them as resources when they are used in an isolated way. The IWC, like some other community and workers' centres in Canada, has a completely different way of intervention from unions and most community organizations, where workers "are encouraged to not only participate but to take leadership in workers' rights struggles" (Ladd, 2016: p. 125).

As such, before the formal creation of the TAWA in November of 2011, the organizing processes that agency immigrant workers and activists were already deploying for several years at the IWC led to the collective feeling that the analysis of the problems for im/migrant temp agency workers and members of the IWC was sound, and that it was possible to establish a first set of demands, which were the following:

- Accountability: Agencies must obtain a license to operate, renewable annually. This license should be revoked if labour laws are violated. Agencies working without a license should be closed and subject to penalty.
- Responsibility: Both agencies and agency clients (the companies that use the agencies) should be held jointly responsible for any law infractions and reimbursements of sums due to workers they have abused.

These demands were endorsed by nearly 200 unions and community organizations, and were included in the letters of support to the petition sent to the Quebec Minister of Labour in October 2011. Also, this strong level of support suggested that the analysis developed to arrive at these demands was robust and relevant, which affirms Choudry's (2013) emphasis about the importance of reliable data and research to support and strengthen campaigns.

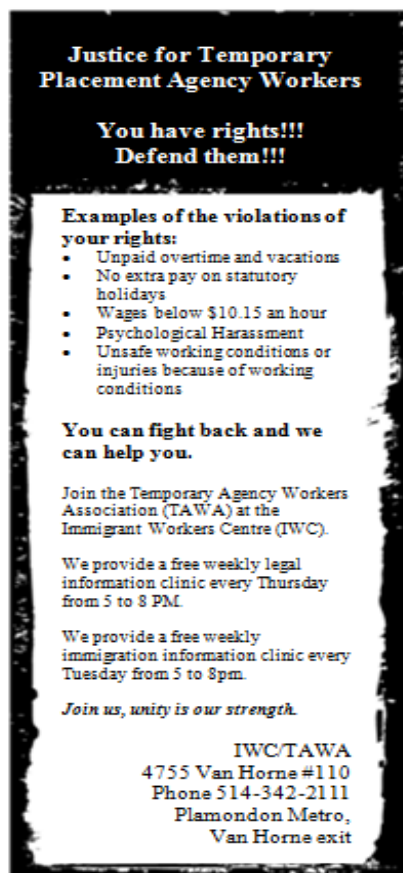
The TAWA was established to be the specific organization which would concentrate and organize IWC and workers' efforts and actions towards challenging the role that agencies play in precaritizing work, and protecting workers from agency abuses. However, the TAWA also faced the challenge of finding and recruiting members, and this work also required strategies for approaching agency workers themselves.

### **5.5.2 Strategies and outreach to approach agency workers**

As mentioned before, outreach had become one of the primary methods that the IWC had developed in order to reach and recruit workers. However, outreach activities are not oriented by the desire to get new "clients, customers or users" (Ladd, 2016; p. 125), nor by the need to publicize the IWC and the TAWA. In the context of the struggles of im/migrant workers' rights and organizing, outreach became a key strategy to deliver information and education, and to connect with the local realities of workers in their communities and workplaces (McGivney, 2000). For TAWA, outreach is done twice a week, when possible, and sometimes once a week by two to four people. These might be students doing their internships at the IWC, worker members of the TAWA, organizers, activists or volunteers (according to people's availabilities). Usually it is not done by the same people, but organizers are almost always present. People use documents and flyers produced by the TAWA with information on its goals, demands, activities, and campaigns, and information about the IWC and the services it provides for support and advice on labour rights

and immigration. Since 2014, the paper *The Immigrants' Voice* is also used, helping to disseminate new information and research produced by the TAWA and IWC members.

**Figure 7. Examples of flyers for outreach in 2015.**



**AGENCY WORKERS: DID THE BOSS OR AGENCY PAY FOR YOUR SAFETY BOOTS?**

It's your right under the Quebec labour code.

Many agency workers - including those working in warehouses - are required by law to wear safety boots, which cost between \$50 and \$100.

Quebec's labour code says the employer must reimburse you for this expense.  
The boss must respect our rights.  
We want our money!

**What: Action Meeting organized by the Temporary Agency Workers Association (TAWA)**

**When: 4:30-6PM, Saturday, Feb. 22**

**Why: To make sure we get paid for our safety gear!**

**Who: All agency workers are welcome.**

**Where: The Immigrant Workers' Centre, 4755 Van Horne, Suite 110, Metro Plamondon**

**Food and refreshments will be served.**

**More info: (514) 342-2111**

However, outreach must be understood in the context of continuous work done over time. If it is evaluated by the results of one day of outreach, it can be very disappointing and discouraging. Often, most workers do not show interest in the information, passing by very quickly. Sometimes they receive flyers and journals and drop them on the ground after a few minutes, or mere seconds after receiving the information. The first time I went to do outreach was disappointing for me, given that I expected to witness a marked interest from workers about the IWC and the TAWA. However, that disappointment showed me how far my expectations were from the reality of the

difficulties that there are to recruit, organize and deliver popular education to workers. Moreover, it also showed me how fragmented racialized precarious workers are, and the possible roles that cultural differences, language barriers, different origins, immigration status, and flexible work regimes play to fragment them.

As such, the IWC and TAWA consider outreach as a long-term activity, which basically implies immersion into the reality of precarious work experienced by immigrant workers. In a conventional research sense, it works as a sort of fieldwork approach to first connect with workers, who, after some time of receiving flyers, invitations, information, and brief conversations, may gain enough confidence to stop and talk with TAWA people more deeply about their labour conditions. Moreover, I consider that this is because now most work and work-related problems are perceived by workers as a personal matter, and for most im/migrant workers, as part of their private life. I believe this happens due to the weakening of unions and collective organizing more generally, and to the individualization of responsibility under a neoliberal regime. For many of them, work issues are not related with community matters (Calugay, et al., 2016). As we saw in previous chapters, workers are managed by agencies in such a way that they do not have enough time nor the conditions in which to create bonds with others at work, whether they be permanent or from an agency. This is the type of work culture that agencies and precarious work are expanding upon and consolidating among the working class. In the absence of these bonds, it is very difficult to break this barrier to build solidarity, and for them to organize themselves collectively to respond to labour abuses and exploitation.

When gaining in confidence, workers start talking during outreach sessions about what happens behind the closed doors of the factory, the warehouse, the store, the farm or the processing plant. Then the factory or the workplace stop being unknowns. Being aware of what is really happening

in workplaces is something that some critical labour scholars suggest that the bureaucracies of many major unions have forgotten to focus on (Camfield, 2013). Some workers then decide to visit the TAWA and to file a work complaint, or simply to come to a workshop or team meeting of TAWA's members. Usually, this has happened when workers started to feel that there was support from a group, and people doing outreach to inform them that they have the right to file a complaint regarding labour and health and safety violations.

However, to be effective, outreach requires having a previous idea of the type of workers one will find and why one will find them there. This is an issue of learning where the best places and times to meet them are. The best places that the TAWA identified to go to do outreach were at bus stations and metro stations near workplaces or sites where workers are picked up by agencies. Usually, this is when workers are going back home. Sometimes there are better results by going very early in the morning. It is worth mentioning that TAWA and IWC members also learn about these places through casework and the descriptions some of the workers provide about the agencies' recruitment process.

Mainly, the TAWA prefers to develop outreach in three metro places<sup>66</sup>. The first is in a metro station where Dollarama workers arrive in large numbers after exiting their workplace in the afternoon. In this place, these particular workers are the direct target. Some of the first workers to become stable and permanent TAWA members were from this enterprise. They worked and organized even before TAWA's creation. The second preferred place of TAWA members for outreach is another Metro station. The reason for this is that many "fly by night" and "phantom agencies" pick up workers from this station, usually very early in the morning, and drive them to

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<sup>66</sup> I am not mentioning the specific names of the metro stations in order to avoid harm to workers who legitimately search for jobs through agencies in these places.

factories, farms and food processing plants around Montreal. Here you can also find many undocumented and precarious status workers. The third place in TAWA's order of preference is another Metro station, the main feature of which is its location in a neighbourhood with a large immigrant population. This place also has many temp agency offices and cheque-cashing and international money transfer businesses. This outreach is done in the afternoon, mostly for workers arriving home.

However, it is not only the types of workers that determine where to go to do outreach, but also the intention and goal. For example, in the last outreach sessions for the Fifteen dollars campaign, all three places were significant to reach people and to disseminate information. However, to specifically recruit workers, La Savane and Saint-Michel metros are more important because they concentrate many agency and precarious status workers. Or if there are some issues related to the campaign that Dollarama workers need to discuss, as for example, the strong focus in 2014-2015 on work boots, the best place to go is La Savane.

Outreach is also a way to develop research, and to get a sense of how campaign ideas and actions impact workers. According to different contexts and organizations which use it, outreach may have many purposes (McGivney, 2000), therefore, outreach as a path to researching labour conditions is a very distinctive form that the IWC and TAWA develop. Many times when doing outreach it was possible to conduct brief interviews or surveys in order to find testimonies and other short information regarding labour rights violations. As TAWA does not yet have economic resources and the capacities to develop larger and systematized research in these workplaces, given the logistical difficulties to conduct interviews or surveys, outreach represents a way to gather this information and data. Outreach also canvassed opinions of workers that confirmed to TAWA members that asking for the 15 dollars minimum wage was a viable demand that workers could get



behind. Finally, outreach represents the opportunity for workers to hear information about advances on different campaigns, and to hear of successful cases, directly from TAWA members and organizers.

### **5.5.3 Knowledge production and activist research**

Thus, knowledge production and research are key activities. Besides the important role that academic members of the IWC and the TAWA have in developing academic research, knowledge production has a dialectic relationship with organizing. It runs across activities to organize and mobilize workers.

In the case of temp agencies, as mentioned in an earlier chapter, this aspect began with individual and collective cases brought up at the IWC as workers from *L'Amour* raised the issues of the agencies in the context of their 2007 struggle. The research was not limited to the documentation of these cases. It continued taking new cases and using them in reflective processes and collective discussions among organizers, activists, and members of the IWC who thoroughly became members of the TAWA. As mentioned earlier, some engaged workers were key in developing a sustained analysis by starting with their personal experiences, demonstrating the priority that Fine (2011) detected for the leadership formation in workers' centres, despite a limited number of members. In this case, this leadership formation is narrowly linked to knowledge production using the same experiences of workers, but extended to a wider structural analysis. The result of this work led some workers to incorporate a systemic view and analysis of immigrant labour as in the case of Dollarama workers. In dialogues and meetings with these workers –most of them refugees and refugee claimants- I found that usually the first reflection they had was that Canada was not the place they thought before coming. They were able first to notice differences with Canadian

workers. The first difference were about the level of salaries and the hardness of the work they did. Immediately afterwards in their stories they indicated the high proportion of immigrants in their work site (warehouses). Later, when they were more informed of their rights, they could recognize several health and safety violations at work they were experiencing. Their stories allowed them to understand that there were five or six agencies that worked offering labour to this company. In this way they were identifying a more structured and elaborated vision of Dollarama's working model. This model, according to Donald (2017) in her study on agencies and manpower in warehouses, was intended for the agencies to compete so that they have to offer the cheapest labour available to this company. A feature of this workforce is that it is largely composed of workers of colour from sub-Saharan Africa and the Caribbean (Donald, 2017), generally from Haiti, and workers recognized this pattern in the meetings. Meanwhile, activists and academic members compiled contextual data and research regarding agencies, precarious labour and im/migration policies, and continued sharing this information in meetings, workshops and other discussions, thereby assembling more elements towards a bigger systemic understanding of the role of im/migrant labour and the temporary staff industry in other sectors of the Canadian and Quebec labour market.

From this knowledge production produced in and through action, dealing with individual cases and with organizing, a stronger analysis started to emerge to illuminate the increasing ground temp agencies were gaining within Montreal's labour market. Additional research and publications elsewhere in the US and in Canada, such as those developed by the Workers Action Centre in Toronto, were useful to identify and frame the local specificities to agencies' functioning (i.e. the circuits that temp agencies' buses and cars do in working-class neighbourhoods with large immigrant communities, like Parc Extension, picking up workers). In this way it was possible to understand that there was a great variety of temp agencies in the metropolitan area, but that they

learned how to target im/migrant urban concentrations. This finding suggests similarities with the analysis of Gonos and Martino (2011) in New Jersey who realized agencies operate by targeting immigrant populations geographically. It was also possible to differentiate transnational agencies, corporations like Randstad or Manpower, from the local medium size agencies like those providing labour to Dollarama, and from the “fly by night” agencies, as well as those bringing over and placing domestic and home care workers from overseas. This knowledge production and dissemination also brought some specific patterns of agency operations to light, such as the reliance on undocumented workers and those with precarious status, and the most common labour and health and safety rights violations committed.

Knowledge developed from workers and organizers also helped to reveal how many agencies are managed and owned by im/migrants. The ability of these recruiters to exploit the precarious situation of workers has to do with the long-standing institutionalization of racial/ethnic discrimination, class exploitation and 'othering', which can now be leveraged and reproduced by any actor, irrespective of their own ethnicity or status. The case of the Guatemalan Workers and the owner of the same nationality is illustrative of this fact. Many immigrants who are owners of temp agencies are actors working within a broader institutionalized regime of discrimination.

The stream of knowledge production coming from TAWA and the IWC generated a sustained opposition to the lack of official attention to problems surrounding temp agencies, and to lobbies such as ACSESS which promote the temporary staff industry. It also challenged the weak positions taken by some government bodies such as the CNESST, and some unions which do not pay enough attention to the connections between temp agency labour violations, immigration policies, and institutionalized racism. As Bleakney and Choudry (2013) assert, this process has

mobilized workers' knowledge to build strategy and action, but also represents new knowledge on agencies and precarious labour which was invisible in Montreal's labour market.

This systemic view about issues concerning temp agencies was also influenced by *Au Bas de L'Échelle*'s research. The alliance between the IWC and *Au Bas de l'Échelle* in campaigning in 2010-2011 produced learning and organizational exchanges in field experience, and documentation that was beneficial for the IWC and the TAWA in consolidating their knowledge about temp agencies.

As time moved on and the TAWA was created, the circulation of information regarding temp agencies became an everyday process. The IWC and the TAWA offered not only scenarios to develop a greater plan to deal with and respond to agencies' abuses, but also spaces where the contributions from academia and from other advocacy institutions, and progressive research organizations such as the IRIS could be discussed, systematized, popularized, introduced, linked and connected to the internal analysis process that the TAWA intensified with the IWC. As TAWA improved and consolidated its internal and organizing processes, it was further able to deal with knowledge coming from other institutions, organizations and contexts. This assembly of knowledge also lay the groundwork to design and develop workshops about temp agencies, and to intensify its goals to deliver popular education and disseminate information. Viviana Medina describes one aspect of this process when talking about the complementarity between the knowledge coming from TAWA's activities and that of engaged collaborating academics:

“Well, let me think, I think that happens all day. No doubt, the IWC is full of people who work as a volunteer, like you, academics who are doing research. Then I think that all this knowledge production, with academics and workers who are together on the ground, join and help us with the research. More knowledge is produced from the academy, and we, with our knowledge of the field, we put both things together, something solid. And that allows us to go and to develop workshops for prevention. First, for us, it is important to understand, to

be clear with our work; and the other thing is that knowledge helped us to bring more people, and also to give prevention workshops, as we do with the YMCA.”

The popular education developed through workshops also fuses with information gathering from participants to extend understanding of im/migrant agency workers’ vulnerabilities. The whole of this knowledge and of related educational activities created security for workers and TAWA members to raise their voices without fear of language difficulties and public exposure, or without feeling intimidated by an issue that is also discussed by academics and so-called specialists. This avoids the danger that the latter takes workers’ voices and enacts what Choudry and Shragge (2011) consider to be “the professionalization of dissent” (p. 507), a growing feature of the community sector in Quebec.

#### **5.5.4 Casework and its role in knowledge production**

As noted, casework provides individual support and advice to workers, but also offers the opportunity to include this process into a wider and systemic frame of knowledge about temp agency operations. It also provides a service that may lead to engaging workers with organizing (Hanley and Shragge, 2009). Since it was founded, casework at the IWC helped to develop knowledge for organizing. Originally casework was not thought to play a major role at the IWC, but soon their members, as Eric Shragge and Joey Calugay mention, discovered that if it was action oriented, casework could trigger further questions and lead to extending knowledge about im/migrant labour conditions.

“[...] When setting up the organization, the casework was not going to have a major role, but it certainly and very quickly it became a major role in the IWC. We were really fortunate that T.T. and J.H. developed the capacity to do that, and to organize interns to do that as well. So, we started setting some strategies, but we never saw the IWC as a casework organization [...] Our space is open, and we develop the casework in our space, so that is something, and we always see casework as linked to other things, we always ask people if there are other workers involved and we try to build links, and build collective

action if we can, it does not always work like that obviously, we always try to inform individuals coming into the organization, what the organization is about, and ask for their involvement and not so much as a separate service.” (Eric Shragge.).

“It was through our own work in casework that we realized about the loopholes and limitations of the existing laws that are supposed to protect our workers in Quebec in general, but that falls short on protecting immigrant workers. There are just so many realities and conditions that prevent the application of the rights, but also we saw that through this type of work. It almost becomes simply defending a basic minimum or a bare minimum of rights. And we saw the need to go beyond casework and organizing for people to create some form of movement to advance those basic rights, to make it more than what is expected, more than what we saw. Then it is just not defending the existing rights, but also organizing people to fight for better conditions, better policies, better laws, better protections, and through those types of engagements... And also our interactions with researchers and academics even, to build a better collective sort of knowledge, as grown to an analysis that we can understand when the people say Globalization, when people say neoliberal policies, what does that mean? When we understand that, so we can talk about it in a very concrete way that it is not necessarily academic and theoretical, but very concrete. What are these policies? What do those mean to the everyday person? In what are the realities based? On the one hand it is to understand deeply the experiences of people, but also understanding on a broader scale, why that is occurring? It makes more effective our demands to push to change, policies and even society”. (Joey Calugay)

Casework also worked as a way in which workers could disseminate their experience of support provided by the IWC and the TAWA to other workers. Other workers may then feel safe to come and share their personal stories, allowing TAWA members to make more connections, and reinforcing the structural understanding regarding temp agencies and the limitations of current labour regulations. Casework is subordinated to a broader process of linking these views to critical frames of globalization, neoliberalism, austerity, labour precaritization, immigration policies, organizing, popular education and the development of leadership.

### **5.5.5 Internal reflective processes**

The permanent process of gathering and assembling all of that information, stories and testimonies, requires great energy and internal efforts from the IWC, TAWA members and allies, to develop spaces of reflection that allow for making the links between casework, research, and

information gathered through outreach, campaigning and intervention. These spaces are most often the team meetings of the IWC and the TAWA. Other spaces for reflection are the Coalition Against Precarious Work meetings, more recently the coordination meetings of the Fifteen dollars campaigns, and the spaces provided by the Artists' Bloc. However, preparation meetings for press conferences, assessment meetings of mobilizations and evaluations of workshops are also important spaces where members may share their visions and reflections linking actions with growing knowledge about agencies.

Choudry mentions that “many of the debates, discussions and other kinds of intellectual work which happen in these contexts are not documented” (p. 89) because there are often more urgent priorities than recording these. So, there is little attention to how members of social organizations link their collective reflective processes developed in spaces like meetings, assemblies, and workshops to social action. In the case of TAWA I observed that in these spaces, its members bring concrete and experiential information to be shared collectively – the daily realities of their workplaces, different and several work situations occurring through temp agencies, and their intersection with the im/migrant status and conditions of workers. In this way, the cycle that Freire (1971) calls the unity of reflection and action as inseparable elements starts in the IWC and TAWA's collective spaces of reflection. Action without reflection implies a disoriented activism, and reflection without action implies mere subjectivism. Those spaces allow TAWA to develop praxis, as the unity of theory and practice.

One example of these type of spaces and discussions was the film screenings organized at the IWC by the MUR and supported by the TAWA. In March 2016, it showed the documentary “The hand that feeds”, a documentary about the organizing process of undocumented workers in a coffee shop of New York. After the projection, members of the TAWA raised the concern to

undocumented workers present, asking that if the Fifteen dollars campaign were to succeed, how would it be applicable to them? This concern had previously emerged in team meetings the TAWA had held with some of their undocumented members. Another concern was the possibility of creating a subeconomy of really poorly paid undocumented workers. So the film screening was the opportunity to gather the opinions of these workers. Many of them were realistic about their possibilities of benefiting from a 15 dollar wage if the campaign succeeded, and there was an agreement that it was possible that they would not be paid that amount. However all of the workers present agreed that this measure was going to mean an upwards trend, and a push to increase their salaries from the 8, 9 or 10 dollars, to 12 or 13 dollars per hour. They offered assurances to members of the TAWA on how to deal with this aspect in subsequent meetings with other members of the Coalition for the 15 dollars campaign. Therefore, the conclusion was that this increase would also benefit undocumented workers, but not in the same way as with other workers. This still meant there was a need to deal with the problem of workers' migratory situation, and the need to ensure them access to all the protections that other workers benefit from by law –an endeavour which currently TAWA has assumed in its 2018 Action Plan. These types of spaces are consciously conceived as very important for the TAWA, understanding that it is almost impossible to have a stance and to develop any action without collective reflection. This also highlights the need TAWA has to maintain its form as a horizontal organization (Fine, 2006; Ness, 2014), which seeks to avoid confining power, decisions and tasks to just a few members.

### **5.5.6 The role of the internship**

Since its beginning in 2000, the IWC has taken on student internships from universities. These students play a critical role in supporting IWC staff and, more recently, TAWA activities. This support ranges from helping to provide legal advice on labour and immigration to workers that



come to the IWC, to doing outreach, preparing reports, research and documenting cases, participating in reconciliations between employers and employees, and participating in demonstrations and rallies. Students also provide extensive help and support in casework and the logistics for campaigns and the organization of meetings, assemblies and workshops.

All this work is very important to sustain the TAWA. The difficulties in getting funding, in an increasingly tough funding environment given the effects of austerity measures in recent years, as well as the political nature of their work, limits possibilities for the IWC and the TAWA to hire more staff. They rely heavily on the energy and time committed by the voluntary work of activists and workers. However, activists and workers have to survive and pay the rent, they have jobs and families, and so their support work is done precariously by balancing their energies and time with their private life. Often they end up burnt out in intense periods of work (I also experienced this fatigue). In this situation, student interns become key to keeping the IWC and the TAWA open, and it would be practically impossible to deploy the same amount of activities and to direct their objectives without their help. The internship provides students with direct experience and learning about im/migrant and labour policies, precarious work and organizing. Many times, this allows students to write papers and articles, conduct workshops with workers, create artistic actions and performances with members of the Artists' Bloc, and conduct presentations at universities and in other academic settings. While learning, researching, taking a political stance and committing to the movement, students provide great support for TAWA and IWC activities.

However, perhaps the primary benefit of student participation is the impact of this experience on their perception of Canadian society and workers' struggles. Their close experience with social injustice lived by im/migrant workers unveils a set of structural conditions for workers' exploitation, and unmasks what lies beneath the apparent Canadian hospitality towards

im/migrants. After their internships, many of these students continue to play a positive role in support of organizing, sometimes in their professional environments. Most of the students come from the fields of social work and law. Many of them have continued with activism in their lives and remained engaged with social justice movements. Some of them are still part of the support network that the IWC and the TAWA rely on for support and advocacy.

### **5.5.7 Popular education, learning and dissemination of information**

Popular education is one of the organizing principles of the IWC and the TAWA. When the TAWA formally started, the IWC had already been using popular education for organizing. As the TAWA began to define a political agenda and set a yearly action plan, educational activities started taking further shape and extending their importance to recruit workers with an evolving plan on how to keep them informed and mobilized, and with possibilities to promote more leadership.

#### **5.5.7.1 Workshops for agency im/migrant workers**

The mixture of popular education activities developed at the IWC by the TAWA, PINAY, the TFWA, and sometimes the MUR, Dignidad Migrante and other allies, has directed the design and development of different types of workshops for im/migrant workers. In 2016, the workshops offered by the IWC included:

1. Tailored workshops: Tailored to the specific needs of agency workers and those in the TFWP.
2. Workshops on the Commission for Occupational Health and Safety (CSST): Provide tools for understanding workplace safety and navigating Quebec's Commission for Occupational Health and Safety's services and benefits.

3. Women and the workforce workshop: An introduction to women's rights (issues of pregnancy, maternity leave, sexual harassment and work/family balance) as they relate to labour, making connections between global issues and local struggles.
4. "Fight for \$15/hour living wage campaign" workshop: An introduction to the "Fifteen dollars Campaign in Quebec which focuses on recruiting members, building alliances, developing leadership and strategies to strengthen solidarity and achieve TAWA's demands. These workshops prepare workers to deliver workshops within their communities and/or workplaces.
5. Labour Standards workshops: offering a critical and practical overview of the Quebec Labour code and the tools and recourses for people who suspect their rights may have been violated.
6. Immigration workshops: To learn how to navigate Canada's immigration system, and to learn how to obtain, maintain and renew work permits.
7. Workshops for caregivers: Offered by PINAY, focusing on the reality of domestic workers in the Caregivers Program.

The TAWA and its members have had direct participation and involvement in the content and development of the first four types of workshops, and indirectly in the other three. The workshops for caregivers are the ones where TAWA has been least involved. However, if it is necessary to inform caregivers about agencies in the labour market, its members could participate actively. In the case of the Fifteen dollars campaign, those workshops were key in 2015 and 2016 to building momentum in Montreal. Representatives from other organizations such as the AMUSE, and AMURE unions from McGill University, IWW (Industrial Workers of the World), ACORN (Association of Community Organizations for Reform Now), and *Alternative Socialiste*, came to

those workshops organized jointly with the Coalition Against Precarious Work. These organizations reproduced these workshops in their own headquarters, and then in their networks where they could influence other people, and this was the result of building relationships with other community organizations through meetings and workshops (Novelli, 2004).

Workshops are a successful method used by the TAWA to reach workers, and it has learnt to adapt them according to different audiences and contexts. For example, it is a different task to develop a workshop which includes undocumented workers, rejected refugees, accepted refugees and permanent residents in the IWC offices, rather than a workshop organized at the YMCA facilities with refugee claimants who have just recently arrived. In the first instance, the abilities of the facilitators and the content must be oriented toward creating direct links between the different immigration statuses of the participants and their labour experiences, thus making visible this intersection. In the second instance, the workshops are more directed towards presenting a first look into the Montreal labour market, the triangular employment relationship, and the role of temp agencies in recruiting new arrivals such as refugee claimants. As these workers still have not experienced working with agencies, they first need to be provided with basic knowledge about their labour rights in order to know how to apply them and how to deal with agencies' most common labour violations. One successful way to do this experienced by the TAWA and the IWC was the development of "True or False" questions regarding some important articles of the labour code. This strategy was used to trigger discussion, because as shown in chapter four, the reality of labour exploitation is more complex than a binary understanding of violation/observance of the labour law by agencies and client employers.

Often these workshops are conducted by workers. Sometimes it is a worker and an organizer, and sometimes it is just one organizer or an activist-volunteer. A successful strategy I personally

observed was a workshop delivered by a worker who suffered an accident in a pizza factory. The worker was able to deliver the workshop recreating the whole process of his case. He paused his narrative when it was necessary to explore different aspects of the health and safety bill, to show the multiple loopholes and violations he suffered from the agency and the enterprise where he worked. In my case, after one year of building an understanding of the problems associated with agencies, I was able to deliver workshops. However as I only had a general knowledge of the labour law, and having not experienced agencies' violations directly, I always needed the support of another worker or organizer who had experienced labour violations, because they were able to describe how they dealt with employers and agencies in those situations. In this case I tried to avoid taking the voice of workers and to decentre (Breuer and Wolf, 2003) my participation in this learning context. My contributions to those workshops sometimes included making links between those situations, and more general frameworks for the orientation of immigration policies towards producing cheap and vulnerable labour. In workshops for workers, I mostly helped to prepare the contents with the worker or organizer in charge, or assisted with logistics.

The development of popular education in TAWA also led it to adapt these processes in considering specific audiences. For example, in the case of workshops for women, it was felt best that a woman facilitate them, based on the observation that often women workers feel more comfortable and open to talking about specific work concerns with other women. Often, as Cleaver mentions (2011), organizations and communities are wrongly understood as social entities characterized by automatic solidaristic relations with homogeneous individuals. But they are places of difference, shifting alliances, power and social structures whether consciously or unconsciously. The different people coexisting in the IWC and the TAWA may also bring forth these differences. In the TAWA, gender dynamics are ever-present and demand specific attention.

Often in workshops workers can challenge the statements of the facilitators with their own stories and situations, thus creating oppositions that are useful to produce more knowledge (Allman, 2010). In one workshop I attended in November 2013, the presenter explained that many workplaces do not provide work boots and that workers should not buy boots for the job; that the employer, according to the labour health and safety bill, should provide the equipment. One of the workers, a rejected refugee, said that: "Agencies do not care about that, they usually call you and warn workers that they must present themselves at the workplace with the boots already in hand. If not, they would not start working, and it is better that they do not even present themselves at the workplace." He mentioned that in newspaper announcements, agencies already ask workers to show up with work boots at workplaces or in the places where they are picked up. Other workers mentioned that, "many times the client enterprise provide the boots at workplaces, but they are not of the right size or they are very old and in bad conditions". Therefore, this episode illustrates that for im/migrant workers it is not sufficient to receive training about their labour rights in the way that the Quebec government purports to do in brochures and Internet publications about labour standards. They need to discuss them and analyse their real efficacy.

In another workshop, one undocumented worker discussed his experience when an agency owner did not want to pay him. When discussing this at the agency's office, the worker mentioned how the owner threatened him with calling the police if he didn't leave. So he had no other option than leaving the office without being paid. At that moment in the workshops, several other workers who were not undocumented understood the needs of undocumented workers for specific support because of their migration status. Spaces for collective reflection, opposition and discussion are the best ways to better capture what really happens in workplaces. From that moment on, when I find opinions that mention that the main problem is the lack of knowledge workers have regarding

their labour rights, I realize that this argument can become a sort of cliché in order to offload the responsibility of the abuses onto workers. Temp agencies have learned how to evade the labour law by understanding the reasons why workers cannot demand the fulfilment of these laws. Sometimes workers do not know their rights, but mostly they do not have the possibility to demand the fulfilment of their rights.

One aspect of those workshops is that workers can bring up their stories in a safe environment, and as other workers hear them, then they learn how to deal with and respond individually to those situations in an immediate way. Some strategies which emerged are, for example: to keep track of their own time; to find as much information as they can regarding the agency or the owner before accepting a job; to create a personal list of bad agencies and of names, and to exchange information with other workers to assess if it is worth it to work with some agencies; also how to avoid providing their personal information and revealing their immigration status if it is precarious. Another strategy is to perform docility and to maintain a strategic “good relationship” with agency staff or owners, and not to mention their immigration situation to their peers at work. Frequently docility is understood as accepting work conditions, but it could be an individual strategy in order to survive and present silent resistance. One worker mentioned that he prefers to personally confront the agency owner if he feels he is treated unjustly. Hanley and Koo (2016) observed that caregivers learned to develop individual responses to employers in order to defend themselves, showing that workers are not passive subjects accepting their conditions. In this sense, in the workshops some workers agreed that it is good to maintain the attitude that they may disseminate bad information about the agency as a bad employer.

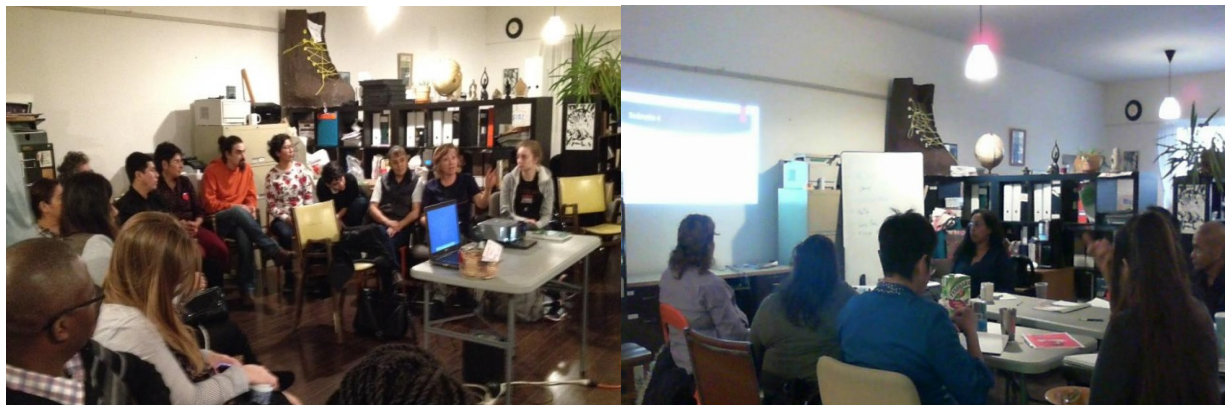
Although all of these are individual strategies, they show that im/migrant and vulnerable workers are not passive and they are potentially subjects who desire to change their personal situation and

to improve their work conditions. While for some of them, a collective response and organizing do not seem feasible, for others who ended up recruited by and participating actively with the TAWA, organizing is the only way to respond and struggle against these abuses. The chances of choosing the second option increases when workers start to understand the structural condition of their situation which raises awareness about the oppression they suffer (Freire, 1971; Chesney, 2008).

The popular education delivered by TAWA seeks out this second type of reaction, that workers might make connections between their apparently different, specific and individual trajectories and experiences, to capture the structural and systemic complexity of the specific labour exploitation they suffer. In this way, if workers show continuity with or adherence to the movement in subsequent team meetings, they will start to hear about and make connections between the labour exploitation of im/migrant workers with a critical stance on racism, racialization and the connections between migration policies and current global and neoliberal policies. However, this last component is usually not in TAWA's introductory workshops; it becomes relevant as some of the workers - and even volunteers, activists and students - start to develop their leadership and to increase their frame of understanding. This shows an incremental, gradual increase and accumulation in the learning process.



**Figure 8. Popular education taking place in TAWA's workshops**



Credits: IWC.

The processes of popular education also encourage learning about labour regulations and workers' rights, which fill in big gaps in awareness that cannot be underestimated. It is striking how facilitators find that there are people who arrived in Canada and Quebec many decades ago, who still do not know basic information regarding their labour rights. Viviana Medina described one experience regarding this issue:

“In concrete terms I have facilitated workshops about the Labour Standards and Safety and Health at work. I remember once I did a workshop in a place for women. There were women from Sri Lanka, Palestine, and from other places of the world. And there was this woman, with this very shocking testimony, because she said ‘I didn’t know...I spent forty years of my life working in a factory, in a store,, in garment factory, and I have my two shoulders very damaged, and I never knew that this illness I have now, these pains that don’t allow me even to move my shoulders, I didn’t know it was caused by all these years I worked doing repetitive work’. I remember in that occasion to the woman saying that, she was there, but also her daughter, and her daughter said ‘I was lucky to study here, but I also have cousins and other family who are coming, and they are going to work at these places’. None of both women, whether the mother or the daughter who was going to the University, neither of them knew there is this thing called ‘professional illnesses’, and that they had the right to apply to benefits when you have it. Then, I do really think that we do a really good work providing information because at these scenarios is where this knowledge is disseminated.”

The previous example also illustrates how individual choices that many newcomers are pushed to make in order to integrate into the Canadian labour market lead them on a personal path. In this individual trajectory, structural views and understanding of their location as workers and their situation in the labour market are imperceptible to them. It is possible then to say that they navigated blindly and unprotected in the labour market for many years. Viviana Medina explains her own experience as a newcomer - how she started first working through agencies knowing almost nothing about this reality:

“Ouf, when one arrives here, nobody knows anything. I remember when I first arrived at Montreal [as refugee claimant]. I came to live at the YMCA and there were lots of people from Latin America. There were also people from Africa, but the majority of the people were Mexicans and Latins. Then, it was very shocking, because I arrived with my eyes closed here, I had no family, anyone, so I didn't know how to search a job, I didn't know nothing, and therein, among the Mexicans, the rumour about the existence of agencies started, and that was how other people told me, 'we know where we can work, do you want to work? And tomorrow we have to be at five o'clock in the morning at the metro'. And so, it started. And I remember that was the first job I had, in 'the lettuces'. It was out of Montreal like 40 km from here, and it was in a sort of big refrigerator, it was very cold, and it was my first contact with the agencies, but I did not exactly know which was their function. And at that time I used to think 'It is very good that they exist because one can get a job'. And I spent like that a lot of time right? Until through the IWC, I could understand what the real function of agencies was. It is about people who take advantages of your migratory status, the vulnerabilities you have, because you are not informed, and well, it is like one misunderstand the situation at the beginning, and that moment was when I understood the role of agencies. But it was very frustrating because it wasn't only to understand which was the role of the agencies but to realize that I could not do anything to get out from that vicious circle. It was like if I wanted to find a job not through agencies, well, it was impossible, one because I did not speak English, the other because my migratory status did not allow me that, and also I did not know French, so I spent in that situation for years. I would say just until little time ago, working for agencies. Then it is like at the end it is not only an issue of fighting the agencies, it is an issue of changing the system because all is set up to use this flow of labour, of refugees, immigrants, migrants, to go through the agencies [...].

She mentioned how at the beginning she had a positive view about agencies. However, the IWC popular education allowed her, like other immigrant workers, to understand their location as cheap and vulnerable labour and the role agencies play in their superexploitation.

### **5.5.7.2 Spreading information and knowledge**

The workshops were also a way for the TAWA to spread information. There have been three paths to developing these workshops. The first one is to prepare content about agencies, the triangular labour relationship, and labour rights, focusing on a specific target or group of workers with an identified need or demand. Usually this has been the method used in the case of Dollarama workers and other specific places where outreach was intensively developed. This strategy was also used for groups which share other common features, like im/migrant temp agency women workers. It also requires specific content and contextual elements regarding their place of work. Another example of a focused workshop in a specific group has been the work done with the Guatemalan workers cheated by the “Les progress inc.” agency, so they could be better informed of the TFW programs they are a part of.

The other method for spreading information with workers has been open and more general workshops, by inviting im/migrant workers in general to attend an information session on labour rights and agencies. Although this method was used in the beginnings of the TAWA as a way to find and recruit agency workers, it had limited results. Often hardly any workers arrived for the workshops, up to four or five workers maximum, and in a few cases no workers responded to the invitation. However, these early experiences helped to find some of TAWA’s first members, to develop the contents, ways of presenting them and leading discussions, learn about the strategies to register that information, find the ways to advance in that knowledge and to deliver the workshop. This proved a learning strategy that provided “a package” of materials and experiences that helped to economize time and energy for the future. This material and experience was used later on with workshops targeting specific groups.

Two experiences of failed workshops with the TAWA taught me the value of failure in attempts at organizing workers. The first one was when one of the organizers and I had the idea to develop a workshop for agency workers at a facility near Jean Talon metro station. In 2014, while doing outreach at that metro station, some of the people who passed by and received our flyers mentioned that the IWC's location was too far for them to go for a workshop. They mentioned their interest in attending a workshop if it could be closer to their homes, nearby. So we decided to organize a workshop by renting an old hall for two hours in a facility nearby. Our idea was to facilitate access to workers returning from workplaces. We made flyers and spread the invitation at the same metro station one week earlier. However, no workers came to this location on the day of the workshop.

In our evaluation, we considered that although workers can provide good ideas such as the location for organizing a workshop, it is not the "good idea" that will mobilize workers to attend, but rather, specific and concrete workers' needs and situations of exploitation. In that sense, we understood that a workshop cannot emerge simply because it is a "good idea" to have it in some specific location that is more convenient for workers. Many im/migrant workers do not have a previous concrete sense of the utility of attending a workshop because their situation is not going to change only by attending the workshop, and as I heard from many workers, many of them are trying to find solutions for what they consider to be their personal problems and not collective problems. Many of them seemed to think that a collective workshop would be useless for their specific problems. This is a big challenge in organizing workers and it is part of what Novelli (2012) calls the previous structured context necessary to change. Other reasons I found for workers not to attend workshops related to the need they have to return home for their personal activities, or simply because of their enormous level of fatigue. However, it is not that this method will

necessarily not work, but every good idea needs to be tested in practice first. In another example, in April 2016, several TAWA members proposed a workshop in a community space nearby metro Saint Michel, another critical location where many agency im/migrant workers are picked up by temp agencies for work in factories and farms surrounding Montreal. Despite the hard work of TAWA members doing outreach at this metro station over two weeks, several times per week, no workers attended the workshop. Again, this suggested that easy access to a workshop location is a condition subsumed to the motivation of workers to attend. It also indicates the need to continue to better know workers' needs, aspirations and perspectives.

The third way in which the TAWA learned to disseminate information on labour rights was through workshops and presentations organized and requested by other organizations such as unions, universities, and community organizations. In these cases the organizations contacted the TAWA and asked their members to do a presentation about agencies and TAWA's work. In cases when the audience is not primarily made up of im/migrant workers, the presentations focus more on describing the implications of agencies for the labour/human rights of im/migrant workers, and IWC/TAWA activities on these issues. As such, energies are not put into mobilizing but rather toward informing and creating awareness. However, it was often necessary to assess TAWA's capacity due to the large number of requests to do presentations. TAWA often had to postpone these presentations, as other issues demanded more pressing attention since the primary focus for workshops are im/migrant workers and their mobilization. Another method the TAWA uses to spread and disseminate information has been *The Migrant Voice* newspaper, mentioned earlier.

Figure 9. Covers of the first and fourth editions of *The Migrant Voice*.



**2014 1<sup>ère</sup> édition**  
**Journal** **Noticias** **News**

**VOTRE JOURNAL!** **¡SU PERIÓDICO!** **YOUR NEWSPAPER!**

**2017 4<sup>e</sup> édition**  
**LA LUTTE POUR AUGMENTER LE SALAIRE MINIMUM: OÙ EN SOMMES-NOUS MAINTENANT?**



**2017 4<sup>e</sup> édition**  
**LA VOIX DES MIGRANT(E)S**  
**THE MIGRANT VOICE - LA VOZ DEL MIGRANTE**  
**JOURNAL PERIÓDICO NEWSPAPER**

**LA LUTTE POUR AUGMENTER LE SALAIRE MINIMUM: OÙ EN SOMMES-NOUS MAINTENANT?**

**THE FIGHT TO RAISE THE MINIMUM WAGE TO \$15: WHERE ARE WE NOW?**

**LA LUCHA POR AUMENTAR EL SALARIO MINIMO: ¿DÓNDE NOS ENCONTRAMOS EN ESTE MOMENTO?**

The newspaper is published in three languages: English, French and Spanish. It contains news, articles, images, and sections on temp agencies and the triangular labour relationship. It also shares details of different IWC and TFWA campaigns. In general, the newspaper provides a periodic view of the migrant struggles in Montreal articulated through the IWC. It also provides complementary information on the services provided by the IWC and the TAWA.

The newspaper is also a good tool to accompany the presentations and workshops of TAWA and IWC members. These are opportunities for distributing and sharing the newspaper among attendees. In some scenarios it works as a sort of organizational calling card. Articles were written by activists, workers, students and volunteers of the IWC, the TAWA, PINAY and the TFWA. This knowledge is popularized, helping to spread and create awareness about agencies and the issues im/migrant workers face.

A strategy to disseminate information that started in TAWA's early days was the use of radio shows. Many TAWA and IWC members are linked to community radio stations such as CKUT, McGill University's campus community radio station, and Radio Centre Ville. Some members of the Latin American community have their own radio shows on Radio Centre Ville such as "*Radio Trinchera*" (known before as "*Dignidad Migrante*"), "*Periferias*", "*Noches del Trabajo*", "*Mexicanos Unidos por la Regularización*"<sup>67</sup>, and "*La voix des migrant(e)s*" on CKUT. In their programming and interviews, these shows regularly touched upon the problems faced by immigrants in Quebec and Canada, also highlighting the community calendars for events from immigrants' organizations. Often the issue of agencies was analyzed and the activities of the TAWA and IWC were disseminated. Newsletters were also used to disseminate information among workers who were members of the TAWA in 2013-2014. However, due to the lack of staff to produce them on a regular basis, the fact that many of the members who at some point had joined the TAWA just disappeared or changed email addresses, and the beginning of the publication of "*The Migrant's Voice*", the newsletter stopped due in part to the amount of energy it required to produce it in two languages.

### **5.5.7.3 The Artists' Bloc**

The Artists' Bloc is a group of im/migrant workers and artists of the IWC that started its activism in 2012 as a project funded by Engrenage Noir/Rouage, founded by Koby Rogers Hall, Mostafa Henaway, Noe Arteaga and Eric Shragge. The Artists' Bloc emerged to diversify the ways in which im/migrant workers could raise their voices to express, denounce and build knowledge on the hidden and normalized immigration and migration injustices in Canada and Quebec.

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<sup>67</sup> The recent political, institutional and economic crisis of Radio Centre Ville in 2017 has led to many members and activists of the Spanish team and other teams to seek the support of CKUT to continue with radio shows.

The project started with a process of recruitment among activists and workers interested in developing artistic and popular education activities, and throughout the last five years, the Artists' Bloc has developed theatrical performances, street theatre, installations, painting, video production, poetry, rap and hip hop, sculpture, cabarets, puppets, and public interventions. It has also developed collaborations with other artistic and activist groups, and supported organizations in addition to those under the umbrella of the IWC, such as Solidarity Across Borders.

In practice, most members of the Artists' Bloc have experienced precarity sometimes in multiple ways. Most of its members have worked through agencies, or were part of the TFWP, and some of them are/were undocumented or have precarious status. At the same time, some work directly with the TAWA and the IWC as active members. The commitment from these members occurs across differences in working conditions and migration statuses (Rogers Hall and Salamanca, 2017).

The Artists' Bloc collaborate with the TAWA to disseminate information regarding agencies. This topic has been an axis for the development of creative processes. As a member of the Artists' Bloc and the TAWA, I can see several collaborative confluences between both collectives: the development of theatrical sketches in 2013, 2015 and 2016 regarding agencies' use of im/migrant workers; the collective creation of giant papier mâché boots at the Plaza Côte-des-Neiges artistic residency in January 2015; the development of interactive and playful sessions with agency workers by way of a large-scale metro map at the same residency; the design and development of Theatre of the Oppressed workshops and sessions for TAWA women members in June 2015; the joint organization of recreational outings for TAWA members in summer 2015. Finally, members of the Artists' Bloc have also been involved in TAWA's attempts to produce a video about temp agencies in 2015 (which did not come to fruition), and have participated in the Fifteen dollar campaign in 2015, 2016 and 2017 collaborating with TAWA members in the production of visuals



and street performances within mobilizations, summer picnics, and demonstrations. The combination of several creative forms of expression contributed to popularizing some of the complex situations of agency workers for the general public (Hutzel 2007; Boti and Guy, 2010).

The creation of theatrical sketches and the giant boots, and the use of Theatre of the Oppressed provide the best examples in which popular education and artistic production combined with a critical lens to extend the ways that TAWA's messages could be transmitted among workers. In the first instance, short sketches were produced representing the modus operandi of agencies when using immigrant labour. Sometimes, a quality scene that is 10 minutes long communicates and impacts people's consciousness more than a paper or a book. This illustrates the idea of Zeese and Flowers (2014) that art adds vitality and energy to movements, reaching people at emotional levels, saying what cannot be said with mere facts. In the words of Eric Shragge, the work of the Artists' Bloc creates visibility and enlarges the scope for reaching people:

“...the Artists' Bloc is able to carry those things to different audiences through their own projects [...] there is no question that when the Artists' Bloc does something it is very sharp and clear and their work and participation in activities like the temp agencies and fifteen dollars, and now they are very visible. [...]

For example, members of the Artists' Bloc, by using the technique of Forum theatre (Boal, 2013) from the Theatre of the Oppressed and information from agency workers' testimonies, created scenes of several types of labour abuses of im/migrant women, which were then presented in the workshops that the TAWA developed in order to train im/migrant women in 2015. Forum Theatre develops an interactive process where spectators intervene directly in the dramatic action and act (Boal, 2013). In this case, the creative process mixed previous research processes (some of those stories came from the interviews I did for this thesis) in order to identify actual labour situations that women experience. The performance allowed for the interaction of women workers stopping

scenes of oppression and abuse to direct how the scene should continue in order to overcome the situations of oppression. This technique helped to facilitate discussion about the different paths that could be taken to counter situations of abuse, and in doing so, empowering workers to do the same in workplaces and with temp agencies. But these scenes also allowed for exploring and discussing the feasibility of some reactions, considering the vulnerability of workers and the loopholes of the labour law. In this sense, in their reactions, many of them could realize the importance of having a union or a collective group supporting one worker, and therefore see how collective strength provides necessary support to encourage a woman worker to take a stand against labour abuses. Again, this is part of a reflective process based in action to raise awareness (Freire, 1973), but using the arts as a means for education.

The building of the giant papier mâché boots was another example of collective learning and reflection while producing art with workers. The boots were produced in an artistic residency in January 2015 in Côte-des-Neiges Plaza, located in Côte-des-Neiges a lower-income neighbourhood with high im/migrant population. It was a collective building process between Artists' Bloc members, new agency workers, and TAWA members. As the process was underway, people talked about their reasons for building the giant boots, bringing different testimonies forward about labour abuses related to other work equipment. Through dialogue, more people and participants at the residency could find out about the current labour regulations on health and safety, and how they were not meeting the needs of im/migrant agency workers. People created bonds of solidarity (Padgham, 2006) with participation combined with educational processes (Hutzel, 2007).

A final example was the “game of the agencies”, which was played with the TAWA im/migrant workers and other people present in the residency. The game was played upon a giant map of the

Montreal metro, showing station names that had been swapped with key concepts and words concerning immigration issues in Montreal. The game used a set of giant dice, and as in a board game, workers rolled the dice and moved around the map, encountering different situations that agency workers experience in the labour market. Those situations were collected from previous research (including mine), and the systematization of im/migrant agency worker testimonies. While the game happened, observers also learned about these situations. This experience was replicated in Jarry Park by the Artists' Bloc during the summer of 2015, inviting people and pedestrians to throw the dice and discover the different situations that im/migrant workers experience with agencies. When working alongside the Artists' Bloc, the TAWA could use resources the Artist's Bloc had to offer in order to spread and disseminate information about agencies. Since some TAWA members are also in the Artists' Bloc, this provides for a fluid articulation of the joint activities that they plan. In this process, the TAWA provides the possibilities for the Artists' Bloc to gain access to agency workers, their testimonies, and their realities, which can then be represented and popularized for other workers and for the general public, while making them accessible and engaging (Zeese & Flowers, 2014).

**Figure 10. Pictures of the Artists’Bloc activities**



First picture: the giant boots produced with agency workers from Dollarama to denounce the lack of compliance of health and safety regulations perpetrated by temp agencies. Credits: Patrick Landry. Second picture: Theatrical scene to represent how agencies undervalue previous diplomas, skills and work experience of im/migrant workers. Credits: Thien V.

### **5.5.8 Leadership development**

One of the main axes of the IWC’s work has been to develop leadership among workers as one of the foundations to building a movement with immigrant communities (Hanley and Shragge, 2009;). The TAWA inherited this tradition of developing leadership through workshops, weekly and monthly activities, team meetings and weekly discussions regarding strategies to organize and learn from casework, collective and individual stories.

The consolidation of popular education with leadership development can be traced through the IWC since its beginnings, and relates to its critique of union bureaucratization (Camfield, 2013) which had forgotten this area of their work to keep the labour movement informed and mobilized (Hanley and Shragge, 2009). It can be traced through workshops on issues regarding labour movement history and the Labour Standards Act, as much as in community organizing, where topics have been recurrently developed since the initial activities of the IWC. In this vein, the “Skills for Change” program implemented in 2006 was a way to teach basic computer literacy to

workers alongside an understanding of labour rights analysis and information. Many workers developed those skills while gaining confidence to defend im/migrant labour rights and participate more decidedly in campaigns. The sum total of educational activities, knowledge production and dissemination developed within the IWC in terms of the TAWA organizing and leadership formation is described here by Joey Calugay:

“[...] as we learn we try to develop worker leaders, who not only understand their rights, or understand their situation and see what it is that they need to fight for, but we try to also provide an analysis, and a framework around this, on why do they need to do this, you know, why is it a broader spectrum of expectations, and it is not just simply, this boss against you, rather this society versus working people in general. So, providing that knowledge also provides what is a longer term vision of what they want, and what needs to be changed, not just what needs to be changed in the immediate, in very immediate struggles, although that is very important when those immediate economic struggles, it's very important, whether it is individual casework, or whether it's a collective fight for workplace rights. But those need to be contextualized in the context of what is going on in society, and what is going on in the world, and so, people need to understand, we try to show people that this fight is also about changing the world, changing your society, how it functions. [...], but it is something that is necessary in our organizing work, in developing leadership among working people themselves. We do that through discussions, we do that through educational development processes. We have books, and we write. You know, some of our associations create their own newsletters. We have guidebooks for rights, but also guidebooks on how to organize, radio shows run by workers themselves - even theatre! So those are important tools in disseminating that information in other popular meetings.”

This process has had effects in terms of transforming the views of some of the workers, and developing them as leaders. Viviana Medina describes her transformation process and the way she developed awareness and confidence in her leadership abilities at the TAWA:

“Let's say that our best weapon, from my point of view, is that I feel super valuable and important. They did it through me, preparing me, to be able of being in front of women and men and to say this is the reality. That knowledge production is fantastic because when you say to someone 'this is your right, and you can apply to this and this and this and there are these resources for you', etc., or when you stand up in front of immigrants who just did arrive and don't know how to do the things, well, it is also formidable. I remember in one of the occasions I did a workshop at the YMCA; for me it is very intense to develop these workshops, to me specially because I lived at that place, and every time I go there I remember the fear I felt when I just arrived there, and when I speak with those recent arrivals, I told to all of them how much I would have liked that somebody tells me: 'these

are the agencies, this is what is going to happen, you are going to work like this, you have the right to this, or if this happens you can do this, or if you have some problem, there are organizations like us that can help you'...I would have given a lot to have somebody to inform me about all this. I lost years without anybody telling me 'hey this is your right and apply it, it does not matter what your immigration status is.' Then I believe that the knowledge production and education are fundamental and I see that every day; I think that is the best weapon we have to continue on this, right?"

Therefore, the educative process goes beyond the provision of mere skills to workers, but includes the ability to place their own situation and those of other workers into a bigger analytical frame. It also helps to develop their confidence to raise their voice, and in this way promoting their leadership.

One example of working through leadership was the bad employer bus tour in 2011. This dynamic of taking workers to workplaces, with a feeling of safety and collective support, has helped build conditions where workers could direct their memories to a specific time and place and share their testimonies. Being present at the place where they had been exploited reaffirmed workers' intentions to remain mobilized and to organize other workers. Further, when sharing their feelings with other people on the bus tour – activists and workers – their voices became more powerful and confident. For example, at this opportunity, Abby, an ex-agency worker from Senegal, whose last workplace was Dollarama before joining the IWC and afterward the TAWA, was able to send a powerful message describing the very bad conditions in which he left his job. He mentioned in his intervention during the tour:

“Hi, I am Abby, from the Immigrant Workers Centre. Unlike my previous speaker, I will be reading my statement, because I did not sleep very well last night. The first thing I want to say is that I am especially happy and proud to be here today because here at the Dollarama workplace it was the last workplace when I work for a temp agency. And when I left this place I left in very bad terms with my employer because of the horrible working conditions. When I left, I told them that one day I will be back, and here I am, three years later, in front of Dollarama warehouse, to make a statement. Here is the kind of place where undocumented workers work for temp agencies that are unregulated. There are about five hundred people who work here for various temp agencies. Three years ago, when I

was working here, there were five or six temp agencies that operated and used to work for Dollarama. Many of these workers are immigrants, about 80 percent of these are Asians and Africans, 10 percent from Arab countries and some Latinos and a very small minority of Canadian-born. Temp agency employers believe that Canadians are too aware of their rights and that they are not good to hire. For some, when they arrive here, they have a hard time finding work, because of language barriers, so they trust temp agencies, or they do not have computer skills, and all these things make it difficult to find work in other manners. Many employers say that many immigrants lack Canadian experience, which is ridiculous, as they just arrived in the country, so they end up at temp agencies to find work. They get caught in their web. During 2008 and 2009 economic crisis, the Dollarama chain registered record profits in billions. While other companies closed, Dollarama filled its pockets. One would say that is normal that during an economic crisis people would shop at Dollarama, but these profits are made on the backs of exploited workers that works for temp agencies under horrible and dangerous conditions. Here, at this distribution centre, the work consist of stocking pallets full of boxes that will eventually stock the shelves of Dollarama stores. There are many workers, working with heavy machinery everywhere, very fast all the time. The workers have a quota, and the workers have a certain amount of boxes that they have to fill every day in a rushing to fill that quota, they are being watched to ensure they are doing so, they are all under a big stress, in order to fill that quota. If they do not, they will be fired; they are all under very stressful conditions. Most of these workers have not received sufficient training to work under these circumstances, and the security measures are sort of lacking. All these factors really increase the risk of accidents and the inside of the companies they are working for, the temp agencies are found of hiring under the table workers. There are many undocumented workers, working under the table here, and these are the most exploited, absolutely because they do not have recourse, no way of promoting their rights or their safety, and if they complain, they risk of being moved from the country.” (Rockwel, 2011)

This excerpt from Abby’s intervention which was recorded and uploaded to Vimeo, condenses several elements and aspects of temp agency operations, immigration issues, workplaces, racism and their economic and social contexts. This synthesized and analytical exposition of temp agencies and Dollarama comes from the education process previously developed by the IWC. Leadership building and knowledge production played a major role in developing confidence in workers like Abby, to enable them to tell their personal stories and narratives articulated coherently within a larger framework.

At some point the TAWA, through the support of the CSN, sent some of their members on a brief training course called “Introduction to Labour Health and Safety” in November 2014. The course

was designed for union members who had the role of advising their co-workers on issues of health and safety. The content shared was very useful for the TAWA members who attended. I was invited since at that time I was supporting the logistical activities of the TAWA. In spite of the usefulness of its contents, it was also clear that the course was very union-centric –in concomitance with the idea that unions are mainly in defensive mode (Noiseux, 2013) – because the mechanisms and tools provided for maintaining workers’ rights were designed to be used inside the framework of collective agreements of well-established organized unions, far from the reality of precarious, racialized and vulnerable im/migrant agency workers. However, this course was important in order to get workers inside the TAWA to start thinking of strategies to develop actions against agencies, like standardized letters quoting the legal provisions on work equipment, and for members to see the possibility that the TAWA could develop collective complaints or act as a representative for workers (as was finally recognized by the CNESST in 2017 in the case of health and safety complaints of undocumented workers). Those ideas came forward, were discussed and proposed by workers, which shows the importance of those educative processes that the TAWA could then build upon.



**Figure 11. Specific letter template of the TAWA addressed to agency owners to demand the reimbursement of work safety equipment.**

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[Your Name]  
 [Street Address]  
 [City, ST ZIP Code]  
 November 27, 2014

[Recipient Name]  
 [Title]  
 [Company Name]  
 [Street Address]  
 [City, ST ZIP Code]

Madame, Monsieur,

Je suis employé(e) chez [Nom de l'agence] depuis maintenant [temps depuis embauche] et je travaille en ce moment chez votre client [Nome de l'entreprise-cliente]. Je vous écris aujourd'hui pour vous adresser une demande concernant l'achat de mes chaussures de sécurité.

J'ai récemment appris que selon la *Loi sur la Santé et la Sécurité du Travail* du Québec (LSST), mon employeur doit m'offrir gratuitement l'équipement de protection individuel qu'il m'est obligatoire de porter pour travailler. Voici l'article de la loi qui mentionne ce devoir de l'employeur :

*L'employeur doit prendre les mesures nécessaires pour protéger la santé et assurer la sécurité et l'intégrité physique du travailleur. Il doit notamment:[...] 11° fournir gratuitement au travailleur tous les moyens et équipements de protection individuels choisis par le comité de santé et de sécurité conformément au paragraphe 4° de l'article 78 ou, le cas échéant, les moyens et équipements de protection individuels ou collectifs déterminés par règlement et s'assurer que le travailleur, à l'occasion de son travail, utilise ces moyens et équipements.*

(LSST, art. 51, paragraphe 11°)

Ainsi, je vous demande aujourd'hui si [Nom de l'agence] peut me rembourser l'achat de mes chaussures de sécurité et si vous pouvez m'indiquer de quelle manière je dois procéder pour faire rembourser cet achat.

Je vous remercie à l'avance pour votre collaboration et votre réponse à ma demande.

Cordialement,

[Your Name]  
 [Title]

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Building worker leadership is a feature that differentiates the IWC and the TAWA from many community organizations, which, for the most part, build a client-service relationship. Most other community organizations take up the role of representing immigrant people while just providing services (Shragge, 2003; DeFilippis, Fisher, and Shragge, 2010). The TAWA has sought to avoid

paternalistic attitudes with workers and instead to encourage them to be able to make their own voices heard. Training processes such as workshops, team meetings, even email exchanges, are spaces where workers can gain a sense of safety to bring forth their own ideas and discuss these with other TAWA members, including activists, students, volunteers and academics.

In this sense, leadership in the TAWA is narrowly related with building equity and safe spaces for dialogue, the exchange of opinions and learning, without dismissing the tensions and contradictions that take place in some debates . One process that can illustrate this dynamic arose in June 2015 when core TAWA team members decided to produce a series of short videos about agencies, based on an experience of im/migrant workers and temp agency videos from the Casual Workers Advice Office in South Africa, shared by Aziz Choudry. To produce the script, one TAWA member who recently joined from the Equity Payment Commission, offered to write a first draft. In subsequent meetings, the team discussions focused on the type of language and format chosen to explain the triangular labour relationship. While workers argued that the language in the proposed script sounded too academic, vague and abstract to be easily understood by workers, and that it was unrealistic that workers would express themselves in this way, the TAWA member who drafted the script argued for the need to express what the triangular relationship was with “rigour”, so that people could gain a very clear sense of it. In the end, simple, direct language was chosen. This debate illustrates that TAWA is not a homogeneous organization. It includes different people with different class, gender and ethnic backgrounds. Forgetting this could lead to what Biglia and Gonzales (2013) and Choudry (2013) consider the idealization and romanticization of social movements and organizations, forgetting then that power dynamics also exist, even when subjects are seeking the same objectives. In this case, workers were able to defend their stance just by

arguing that the video was not for the general public, nor academics or universities, but for im/migrant workers highly susceptible to being hired and abused by agencies.

In the TAWA there is still the need to specifically address im/migrant women workers' rights and leadership. This came about because of several cases that came to the IWC seeking help in making complaints against their employers and agencies. Some of the concerns related to women workers were: the struggles to balance work and family responsibilities (Grant and Nadin, 2007, as cited by Chicha, 2009); gender discrimination (which adds to immigration discrimination); absence of payment for and lack of access to maternity leave; sexual and psychological harassment; health and safety concerns at work; and abuses related to undeclared work, given that many im/migrant women were undocumented. These work conditions add to the professional disqualification (Chicha, 2009), professional segregation (Cognet and Fortin, 2003; Chicha and Charest, 2013), lack of equitable payment (Déom and Beaumont, 2008; Beeman, 2011; Chicha and Charest, 2013). Currently TAWA continues to try to make visible these conditions defending im/migrant women who suffered specific cases of abuses through agencies, such as psychological and sexual harassment (Association des travailleuses et travailleurs d'agences de placement TAWA-ATTAP, 2017)

The workshops for women agency workers funded by the BEATI Foundation allowed organizers to go in-depth into their understanding of some of the triple condition they experience as immigrants, agency workers, and women. However, a major issue of this project was the integration of these women into the structure and membership of the TAWA. Their lack of time to attend weekly or bi-weekly meetings was a major obstacle to their active participation. Another problem was to break down the gender barrier with the current male-dominated workers of TAWA. At that time, the workers' group was composed of men with more consolidated leadership

status, while the women were still grappling with their anxiety about speaking publicly. The largely male-dominated model and approach to leadership at the TAWA still needs to be addressed. As Viviana Medina, coordinator of the women's group, reflected on this issue:

“Now, in the real world, things are very different, I did what I had to do, based on a plan or a project. I mean, the training in workshops and all that. But the final objective was to integrate the women, and that integration was not possible because it was not feasible to combine the schedules of women and men. And the other thing is I don't see the will from our group of the TAWA to change some schedules so that women could come to the TAWA meetings. So that discourages me a little bit. And on the other hand, I also don't see that women want this. Then, it could be two things because they don't feel ready (the women), ... or because those women, even after being with us in our workshops, they don't talk about their problems, and they don't tell you so much. So, it is very difficult to make them talk, and yes, they come, and we know they have work problems, and that is why they are here, and in all that also their personal life is affected. But, when you try to reach them there, there are some of them who open up, and there are others who are very closed [...] For the TAWA it would be fantastic to have them inside the group. And the other thing is, how can we keep working? How can we mobilize women? and how can we work to make this group bigger? And by including men and women to work together? Maybe the women need more time, and maybe the men need training in feminism. It is difficult to battle on both fronts, but one has to choose, and there is a real problem inside the TAWA and the IWC. Now with the student interns, more women have arrived. But in the beginning, for example with me, I felt the burden of working with men. Not anymore, because little by little I have gained my own space, and little by little they also have listened to me and respected me, then, well, I think it was a matter of time to end up to understand us better. But inside the TAWA there still exists a problem of how to integrate the work of men and women together”.

Despite the advances made in terms of understanding specific problems women face when working through agencies, and the attempts to increase the number of women members of the TAWA, this is ongoing work which still needs to be pursued.

### **5.5.9 Relationships with unions and other allies**

As Quebec unions remain in a defensive mode trying to respond to austerity policies, the links between immigration and labour policies, temporary labour agencies, racism, and other problems faced by many im/migrant workers related to the rise of precarious work are slow to be seen or are

not addressed as priority issues (Noiseux, 2013). This is in spite of the fact that larger unions have reacted by taking political positions on some measures related to the growth of precarious work, - i.e. the elimination of discrimination under the employment status and abusive earnings scale or the adaptation of child care services to the needs of atypical workers (Noiseux, 2013) or some preoccupations about the need to better integrate and include immigrant workers into unions (Soussi and Icart, 2009)-. In this context, organizations such as the IWC and the TAWA are showing their capacity to provide ways forward for building and evolving the labour movement (Fine, 2006), built around popular education, organizing, leadership development and radical analysis. Nevertheless, and despite criticism, both the IWC and the TAWA feel that the relationship with unions is very important as Joey Calugay mentions:

“(…) at the same time we need to partner anyway with unions. They have resources themselves, but they also have links with their general members. And sometimes, you know, there are sometimes misunderstandings from the unions, just thinking that we are critical of them, without having an analysis of the situation, and we are not anti-union, that is not true. And at the same time, they think we are just a step to unionization, and that is also not true, we are broader than that. We are part of a broader labour movement, and the broad labour movement is not just about unionization, it’s about pushing the interest of labour forward, and with talking about labour I am talking about the majority of the people in society. And addressing the most vulnerable among working people is important, because if you raise the bar for the lowest of society, you raise the bar for everyone; and in some ways migrant and immigrant workers, you know, their issues are our issues, just more acute, you know, in that sense, and you need to address that.”

The failures of unions to address racialized immigrant workers’ conditions in their analysis and responses to precarious labour is part of the current criticism made of unions. Yet the model of Quebec unions largely responds to the idea of a homogeneous working class. This does not, however, signify antagonism towards unions, but became part of the TAWA and IWC agenda to help support unions’ analysis and awareness of the problematic of im/migrant workers, immigration policies and temp agencies. Thus, the TAWA and the IWC have developed closer

relationships with the CSN, for example, which provides staff support, follow up of campaigns, logistics, and funding for the work of the IWC and the TAWA. Despite the recognition of that support, there remains criticism of unions and their lack of prioritizing building relationships with im/migrant organizations, as mentioned by Viviana Medina:

“On the other hand, it is two things; one how I perceive the IWC, and the other is how I perceive the unions, and on this last point, it is that the unions don’t have that relationship as a priority on their list, inside their agenda as that. And they are not saying ‘this is a priority, we are going to face this’, they don’t want to have it, because they see it, and they see it, and they tell you, and they have a whole speech where they tell you ‘yes, the temporary workers, the agency workers, yes let’s do something’, and they spend a whole day doing reflection, and they don’t do anything. And as the most that they do is to provide five thousand or ten thousand dollars to this Centre. That represents things, that is in the field, those efforts are a lot, to go to the farms, outside of Montreal, to the factories, and that allows for all this field work and that is good, because on one side you need those ten thousand dollars to survive, because every year it’s the same problem. Well, by one side yes, it is ok that they give you the ten thousand dollars, but by the other side it is that I don’t see really a strategy, I don’t really see at the end, something like ‘well, why every year do I have to come to your union to ask you for money if you know very well what I am doing? Why every year I have to come here to tell you hey I have a concrete project, what are you talking about if you already know what we do at the IWC’.”

The IWC and the TAWA members are clear that they need the support of unions to reinforce the movement against temp agencies. Some of the issues in building relationships are structure and governance. Union bureaucratic processes/decision-making moves quite slowly – smaller organisations like the IWC are more agile if less well resourced (Fine, 2015). There is also the question of political orientation, as the IWC and the TAWA are more radical and on the offensive. These internal dynamics within unions have big implications for example in terms of funding, solidarity with other organizations, ways of organizing, messages and audiences, etc. However, there is also an understanding that this process of building strategic relationships and alliances with unions demand much work and energy and goes very slowly but must be maintained. Despite that, relationships have been advancing, and the Fifteen dollars minimum wage campaign has intensified the closeness of unions with the TAWA and the problematics of im/migrant workers

that the IWC deals with. But expectations often exceed the results from these approaches, and limitations of the current relationships are still at the front of internal IWC and TAWA discussions. One of the major critiques is that despite the support from unions in several forms, mobilization of their members is still weak, as Mostafa Henaway exemplifies:

“The relationships with the unions, it is interesting because you think they would want to play a more active role, but at the beginning, outside of McGill [unions] and the CSN that became interested slightly, it was really slow. It wasn’t that they were not supportive, they were supportive, but they, I would say they didn’t take the threat very seriously, and for us we say we are doing this as part of the labour movement, and ‘you don’t understand, this was created in the same conditions of the Global South, anti-union, low wage, precarious work, here through placement agencies, and this a serious campaign and it needs to be dealt with’. And it took a few years, and it wasn’t, I would say, only until the TAWA formed, that we were able to have a relationship with the CSN, in particular through the organizing committee and also through the CSN National, and I think that developed strongly in regards to there is still support, there is support from the CSN, from the organizers, from the staff, money, the printing of the Journal, the financial support for events and activities...but we still need mobilization from the unions [...] so I think this is where we are going with the unions, in particular with the CSN, but we’re still a very long ways away, and we had support politically from UNIFOR, from the FTQ, but again, it hasn’t been people, power or organizing power, it has been more support.”

However, in spite of differences, unions such as the CSN still provided a certain guide to establish an organizing model for the TAWA. Despite their decline, unions are still the most powerful organizations defending workers’ rights in North America, by either pushing the government to change labour laws regarding precarious labour or to fight and organize in workplaces as the recent unionizing experience of Couche-Tard supported by the CSN (Rivet-Préfontaine, 2017). Henaway expresses this tension between support and autonomy when working with unions.

I think another big issue is the actual organizing of agency workers, it is not just simply the campaigning, but the actual organizing of agency workers. And still we are trying to find a model between what we do and what the unions do, and to work together to create some kind of hybrid, because at the end of the day, I mean, there are two things that the TAWA needs to do with the unions, and one is to change the laws to restrict the capital for being able to use agency workers to put pressure on workers, and the second is the actual, how do you do that in the work places at the same time right? So it is and I think agency workers,

and the turnover is intensively high, but in many factors the turnover is not very high, so beginning to actually do that work with them...”

Therefore, TAWA’s creation was strategic in terms of becoming an organizational tool to specifically interact and connect more with unions regarding temp agencies. However, both the TAWA and the IWC still expect other forms of support than political, be they in terms of people, organizing capacities and mass mobilizing of their members, also questioning and attacking immigration policies. In the middle of this dynamic, there is also the concern about how to keep the political autonomy of the movement that TAWA, the IWC and other allies try to maintain. Maintaining close relationships with unions is important– especially the CSN, as its support for the IWC and the TAWA helps provide resources to their campaigns, fieldwork and organizing activities. But there is also the need to maintain their political autonomy and to avoid funding dependency. The economic sustainability of the IWC and the TAWA is of big concern, and by building a close relationship with unions, IWC and TAWA are also trying to influence the analysis they may have regarding the labour movement. In this sense, the intention behind the IWC and the TAWA wanting to maintain their political autonomy is to avoid ending up becoming merely the means or a step to find more members for unions, an unexpected derivation of immigrant organizing observed previously in other contexts (Salgado, 2016).

The precaritization process in the labour market is taking place through complex ways which unions are still not adequately addressing (Noiseux, 2013), including the existence of institutional racism, systemic discrimination, and immigration policies. Unions are failing to analyze and respond to the features and effects of those factors in the labour market and in the workforce. This implies they are in a reactive mode more than organizing and deploying educational strategies for being more offensive, and according to Noiseux (2013) their reaction regarding precarious labour is still slow. Organizations such as the IWC and the TAWA may open paths for unions towards



renewing their organizing model, recovering popular education, knowledge production, and leadership formation as strategies to mobilize and organize old and new members in order to take an offensive stance.

#### **5.5.10 Tensions**

As in any other organization, at the IWC and the TAWA, there are tensions, internally among members, or externally with other organizations and individuals. The internal tensions may appear in microdynamics of organizing processes, i.e. internal discussions among members and supporters of the IWC and the TAWA about how to steer the process of organizing toward desired results. In my time participating, I have sometimes experienced them. After a while I learned the value of those tensions and disagreements, because they provide for debate that can be beneficial in extending the analysis of situations and conditions at the time of action and mobilizing (Foley, 1999).

I detected tensions among TAWA and IWC members around issues relevant to funding. I also heard many discussions and disagreements around the closeness that the TAWA and the IWC must have with other allies, strategies to recruit members, to mobilize workers, to conduct research, about different perceptions and opinions on the importance and urgency regarding certain key activities, about the way to create and transmit messages in the Artists' Bloc, and also about the role of knowledge, expertise and academics mixed in and interacting with workers.. I also perceived some tensions from members of the IWC and the TAWA with members from allied organizations regarding different readings and interpretations of organizing methods. From some, mainly anarchist activists, members of other ally organizations, I was told that the IWC has a "Maoist" tradition and sometimes I heard that there is some centralization of power and decision-making, a sort of tension/trade off with continuity and sustainability. However, the IWC and the

TAWA move through these tensions, with positive and concrete results in terms of successful campaigns and building solidarity. Though in some cases, this dynamic may put pressure upon some solidarity building processes with some allied organizations, internally among IWC and TAWA members, and tensions can grow. My experience showed me that not only are tensions and disagreements part of this work, but also other experiences of knowledge production and organizing with workers have this feature (Ximénez and Martínez, 2011).

I consider it important to show three examples of how these processes shape political dynamics. An example of this was the different perceptions inside the TAWA between 2012 and 2013 when there were discussions regarding the ways it must be organized. There were different stances. Some argued for a membership-based organization, others argued for a direct dependency on the IWC, while others still argued for an association entirely independent of the IWC, with an independent structure. However, taking action and reflecting collectively kept the IWC and TAWA moving forward. After several months accepting these different positions, the TAWA took form with a reduced structure, a flexible form in terms of membership, a core group to program activities and work, a minimal staff dependent on the IWC, but without enough political autonomy to participate independently in processes in which the IWC is not directly involved, or to have different allies. Another example of this comes with the various stances on the relationships with unions. Some advocate for closer relationships, while others prefer to maintain their current state of political autonomy. However, these differences allow TAWA members to continually analyze the closeness to unions and other allies, providing more flexibility for these relationships, according to the situation. One example of tensions with allies concerns the beginnings of the promotion of the Fifteen dollars campaign. The campaign launch with a demonstration in October 2015 generated a reaction from some voices inside the FDNS that had asked for \$13.75 an hour.

The FDNS had a clear and longstanding position using the inflation rate over many years to justify an increase in the minimum wage. However, they were surprised to hear that the IWC (which was a member of the FDNS) the TAWA members and the Coalition Against Precarious Work had taken a different position recently. This situation led to a good discussion where it became clear that some IWC members were not aware of the reasons for the FDNS position around the \$13.75 figure, and it allowed people to raise more justifications for the need to fight for 15 dollars. The strategic mobilization from the IWC, TAWA and the Coalition against Precarious Work had already solidified the idea that 15 dollars be the demand. At the end 15 dollars was taken up by the FDNS.

The final example comes from my own experience in dealing with internal tensions. In this process I had to take and assume political decisions, and to justify and defend them. This experience follows the formal launch of the Fifteen dollars campaign. TAWA members, another comrade related to the Coalition and I were put in charge of preparing the contents for the first workshop on October 27<sup>th</sup> 2015 regarding the campaign. The workshop was also the result of some previous approaches developed with members of other organizations such as the *Alternative Socialiste* of the UQAM Students, AMUSE, AMURE, the Communist League, and outreach by TAWA members and the Coalition Against Precarious Work to reach im/migrant workers from Dollarama and Walmart.

For the workshop, my colleague, other TAWA members and I did extensive research to prepare arguments to support the campaign and to create a narrative that showed its plausibility. Information from different processes in the U.S. and Toronto provided insights and inspiration but at the same time, they also showed the high profile of im/migrant workers in this struggle. We also used statistical portraits and data regarding poverty and the unequal distribution of wealth in

Canada, Quebec and Montreal. Near the end of the workshop, some attendees suggested organizing an initial demonstration on November 10<sup>th</sup> 2015, because at the same time there was a national mobilization in the U.S. Other TAWA members and I agreed to discuss that possibility in a meeting after the workshop. Not all the members of the Coalition against Precarious Work remained at the meeting, and only TAWA members ended up joining with members of other groups that had suggested to prepare the mobilization. The objectives were modest: it was going to be a sort of test to see what the press reaction would be, to try to reach fifty people, to get media attention, gauge workers' reactions, our capacity for mobilization, and to start to learn about more strategies to reach workers. It was also an opportunity for the other organizations and workers from Walmart and Dollarama to witness, participate and learn how to organize a demonstration. For these reasons, TAWA members and I considered it important to support this action. The timing was also critical because participants wanted to do it in two weeks and a half's time, which gave us very little time to prepare the action, organize two other meetings, contact the media, make phonecalls, design flyers, do outreach, liaise with the police, prepare banners, etc.

But in the following days, we noticed that other Coalition members were not so comfortable with the fact that this action was being organized in a rush. Comments were also made in the team meetings that this could represent an excessive use of energy in preparing for such a small mobilization. Comments were also made about the need to first create more agreements with other bigger organizations and groups, and to continue with a process of popular education and workshops with them. Other TAWA members and I did not disagree with that stance, but we also argued that it was necessary to start the campaign with something, and that would be the way that the TAWA would learn about mobilizing around 15 dollars, and how to begin contacting and building alliances with other groups and organizations. We also argued that while it was true that

more workshops were necessary, that was not going against the idea of starting with some mobilizations in parallel, even if these were small. Despite the disagreements, other members of the Coalition and of the IWC attended and supported the action that took place in front of the offices of the Quebec Premier. As planned, some media covered the action, and around fifty people participated in the demonstration. The other groups also started a campaign to collect signatures, and we developed outreach in the downtown fast food businesses. Over the next days in the team meetings with other members of the Coalition and of the IWC, other members showed their disagreement with how things had developed. Disagreements were mainly about the need to better understand the quality and composition of other groups before starting the campaign with them. Other members of the TAWA and I understood their argument, but mentioned that at that point we had felt compelled to take a decision because we perceived that some of TAWA members, activists and workers, were expressing the need to develop concrete actions of mobilization in order to build a path to continue forward. I also noticed that some people who support the movement can come to regular meetings, but that at some point, they feel tired of this when they cannot express their dissatisfaction in other ways, and need to feel that they can succeed in organizing actions that make visible their views. We also argued that part of the process of organizing needs to understand and to address those situations for the sake of the movement. The result of this tension inside the Coalition meeting was that the TAWA could continue with their actions, contacts, and meetings with other groups regarding the campaign, but that their members should take care not to represent the IWC or the Coalition against Precarious Work.

Despite those tensions, the action offered much learning on how to keep up the process of organizing and mobilizing workers and groups. The campaign started to gain visibility and more research was developed through many more workshops to feed the economic arguments for the

need for a 15 dollar minimum wage. TAWA members were invited to give more presentations, and the Coalition and the IWC also took on leadership in the subsequent organizing processes. Much of the material from the first mobilization, the pictures, flyers, texts, recordings, and learning about how to approach workers and the press, were also used as elements in subsequent processes such as the creation of the campaign webpage and new workshops.

### **5.6 Barriers, challenges and projections**

One of the main areas of concern for the IWC and the TAWA is the sustainability of organizing, politically and financially, that should continue towards building a movement against temp agencies. Funding is always a challenge, especially in recent years. The range of possible sources of funding for the IWC and for the TAWA has reduced drastically, which has led to directing much energy from their members toward finding new sources.

The IWC relies on funding through unions, donors, workers and occasional small grants from foundations. However, what keeps their doors open, working with a minimal staff, is the relevance of the work that is being done. This relates to organizing sustainability, which means that as long as it is possible to push the experience of precarity and of labour exploitation that im/migrant workers are having into public debate, it will be possible to organize workers and to hopefully move towards a model to generate enough economic resources to survive. This means to build on the arguments and data that justifies the importance of its existence for union members, other community organizations and donors. However, the lack of finances every year is an ongoing issue. Instead, often the lack of financial resources is faced through solidarity networks and volunteers. The case of the Guatemalan workers mentioned earlier is illustrative of this. At a certain moment when the workers were still in detention it was urgent to secure their release.

TAWA and IWC members could immediately activate a contingent of fifteen volunteers – many from the CEDHAL (Latin American Human Rights Committee) and Solidarity Across Borders (SAB) – and transportation to go to the Detention Centre to take workers’ declarations in Spanish and translate them into French. Time was critical at that point, because of the risk of deportation, and constant pressure from CBSA officers demanding workers for pre-removal risk assessments, which could have complicated the process for their release and for their open work permits in order for workers to continue the legal process against the agencies which defrauded them. This rapid reaction was possible due to the consolidated network of support from the IWC and the TAWA, and close relationships with allies such as the CEDHAL and SAB. After the release of the workers, fundraising was undertaken to sustain them while they applied for unemployment insurance, and while they waited for a response from the Federal Ministry of Immigration to provide them with an open work permit. Meanwhile, many workers needed to send remittances home to their families in Guatemala. Again, TAWA and IWC members were able to activate their network of support from members and workers from other organizations, getting enough resources to ensure money for logistics (metro passes, administrative fees for the legal processes, food, lodging, etc). This is an example of organizing for sustainability, which involves maintaining relevance thanks to direct action, intervention, and denunciation, bringing forward the reality (Novelli, 2010) and careful documentation of a case of structural exploitation of im/migrant labour. As such, the support and defence of workers’ rights is not based in a service logic, but in an action logic with a broader understanding of the ways in which immigration policies and programs constrict the ability of workers to defend their rights. Maintaining this relevance has ensured the economic sustainability and continuity of the IWC and of the TAWA.

“The idea is to have a sort of self-sustained movement with a base that could believe and understand the need to move forward and to get organized. The value of being organized,

and keeping the spirit to call for broader changes, not just little things here and there.”  
(Mostafa Henaway)

However, there is another element that presents a constant challenge, which is the high turnover of many workers when they start with the TAWA. I witnessed the arrival of many new agency workers who, after a short period of time, did not come to meetings anymore. However, despite the difficulties to maintain workers with difficult life conditions and unstable, uncertain work, the TAWA was able to bring together a core group of workers, showing that while their precarious situation is an obstacle, it does not make their participation impossible. This demonstrates the need to convince unions that they need to practice, support or reinforce more decidedly proven strategies such as popular education and horizontal organizational structures by organizations such as the IWC and the TAWA, in order to recruit, organize and mobilize precarious workers.

Inside the TAWA, possibly the most critical aspect is the recruitment, organizing and mobilizing of undocumented workers. The problem is their high degree of vulnerability. Undocumented workers are subject to threats of deportation even from temp agencies, with fears of being identified and reported to the authorities. Likewise, their immigration status demands a lot of energy and time from them, limiting their possibilities to participate in the TAWA. This is then part of the challenges for the TAWA to connect with unions in order to raise further solidarity with the situation of undocumented workers. The Fifteen dollars campaign may be building more bridges with unions and other organizations that could generate increased sensitivity to and awareness of im/migrant workers, and specifically this group of precarious status workers.

A constant challenge for the TAWA is to integrate a global analysis of the issues of temp agencies with new members. In the past, the Coalition against Precarious Work's approaches allowed some TAWA core members to successfully link precarity with agencies, and the racialization of



im/migrant workers with global forces such as NAFTA, or bilateral agreements between Canada and other countries. I observed this with leaders of MUR, who deploy a broad analysis of the migration processes from Mexico to Canada in relation to global policies, such as those derived from the NAFTA agreement and/or the role of the Canadian mining industry in Mexico (Monge, 2014). I also recently observed this structural analysis with undocumented Guinean workers recruited by agencies facing deportation and defended by the IWC, TAWA and SAB. In this last case, those workers are able to describe how Canadian mining companies have been active in the past extracting gold and bauxite, and that in 2015 the two countries signed the Agreement for the Promotion and Protection of Investments between Canada and the Republic of Guinea, solidifying the unequal trade relationship between the African nation and Canada.

The current barriers, challenges and projections of the TAWA and the IWC do not negate the advances made in terms of building a movement against agencies. The road has been long and continues to be. The Bill Project 176 represents a partial victory whose importance will depend on how the IWC and TAWA takes advantage of the political opportunities it opens. These opportunities are still based on the pillars and the model the IWC and the TAWA have employed to organize precarious and racialized agency workers. As we saw, this process has not been free from problems and challenges, but has showed its efficacy, although this requires sustained and continued work.

## 6. Conclusions

Through four years of participation as a member of the IWC and the TAWA and in a process of militant research, I have had the opportunity to get involved in TAWA's organizational development in the responses that have been developed in their fight against the injustices caused by temp agencies using immigrant labour in Montreal. Based on this experience and with the support of methodologies such as Global Ethnography and the Extended Case Method, I analyzed in detail accounts and events of the every-day life of workers. This detail included taking account of the incidents which are related with the abuses and labour violations they suffer through temp agencies, but also those related to their migrant status and which have effects upon their conditions of existence. This work was made in order to understand the ways that Global capitalism have concrete effects upon their lives through Canadian immigration, labour, and multicultural policies. I have been able to collect and use information from interviews with immigrant workers from agencies with different immigration status and from my involvement as a member and activist of the TAWA. The fruit of this work has allowed me to respond to two research objectives. The first of these was to better understand the practices of temp agencies and employers in using the vulnerabilities of migrant workers across different sectors in Montreal and how these practices relate to the generation and reproduction of labor precariousness among im/migrant workers. The second was to understand how knowledge production, informal and non-formal education and learning processes are being developed in the course of organizing im/migrant agency workers within by the IWC and the TAWA in Montreal.

## 6.1 About temp agencies

In the first case, the empirical data provided by agency workers and activists from the IWC and TAWA shows us that employment agencies are taking on the role of managers of im/migrant vulnerabilities. This optimizes the cost of labour, and is based on the knowledge that the owners and agency staff have developed about the vulnerabilities of im/migrant workers. Different incidents told by immigrant workers provide evidence that owner and staff from agencies can detect their vulnerability. This knowledge is then applied to provide for the work flexibility needed by employers and clients (Gonos and Martino, 2011). This situation also recalls and responds to the idea of the "good temp" of Smith and Neuwirth (2008). That is to say, the worker willing to work in very precarious conditions, without possibilities of unionizing and ready to be called and recruited according to the convenience of the employers to work on a temporary basis.

These features still cannot be generalized to all agencies, because in this study they have been documented in very precarious work milieus and positions offered to immigrant workers and immigrants with precarious status. Some of the precarious conditions were found in food processing plants in Montreal and surroundings, farms outside of Montreal, small and big agencies which provide nurses and healthcare auxiliaries to private homes, hospitals and clinics, warehouses located inside or outside the island of Montreal, or small cleaning enterprises subcontracted by higher cleaning enterprises. In some cases, the workplaces are big enterprises which do not have the appearance of precarity, but when workers describe their positions and labour conditions, precarity is revealed in their stories . However, extending the different cases analysed individually through my ethnographic intervention, I contend that there is a strong probability that many of the features of work precarity could be present in most of the agencies given the almost total absence of legal regulation and control in which this industry has been growing in the last 30 years, and the

social conditions that create discrimination and exclusion in the labour market. I expect this last statement may work as a hypothesis to guide future research seeking to test quantitative generalizations. It is possible to state that a large number of agencies in the labour market of Montreal are systematically violating labour rights of im/migrant workers based on their migration status and lack of legal protection. This last feature of im/migrant workers is the mark of the current trend of the global labour regime.

Interviewees also described their experiences and abuses in a great variety of agencies, big, small, and in several fields of work. This suggests the need to develop further research getting information not only from workers, but from agencies' operators and their internal registers and documentation. Temp agencies are a relatively underresearched field for social researchers and activists, who need to better understand their internal ways of functioning and of managing im/migrant temporary labour. It is necessary to seek further data to identify generalizations and patterns in order to push for strong restrictions or even prohibition of the triangular labour relationship that agencies are based upon. It is also necessary to link this research to questions regarding federal and provincial immigration policies that create vulnerabilities among immigrants in Canada and Quebec.

However, in my research for this thesis, I have experienced the difficulties of gathering quantitative information regarding labour violations and temp agencies from vulnerable immigrant workers. Monetary resources, time, and possibilities to access the informers are necessary to develop a survey about the precarious labour world of temp agencies. But also the diversity of labour situations arising from the unregulated triangular employment relationship makes it very difficult to frame a survey which really reflects the complexity of this phenomena. Thus, quantitative studies must be done carefully, avoiding the simplification of this problem, because

that could lead to minimizing the negative effects of temp agencies on im/migrants' lives. The fear experienced by undocumented workers and some refugee claimants also poses a barrier to obtaining accurate numbers, as does the power relationship exercised by some temp agencies over these workers. The absence of control of agency practices and of labour protection by government authorities contributes to keeping workers' situations invisible.

In my intervention with the TAWA, I saw how as an alternative to that absence of quantitative information, the activist work and research of the IWC and the TAWA allowed, through action and intervention, the building of knowledge about the role of temp agencies in the Montreal labour market when using immigrant workers. Qualitative studies regarding agencies are also very important. They allow for an examination of the local effects of im/migration policies related to globalization. In my case I pointed to this, through dense and local descriptions of the triangular employment relationship from the point of view of workers and activists in order to better understand the power asymmetries of this relationship and its specific forms according to other factors such as racism, racialization, language, gender, im/migration status, age, and labour sector, education, skills, and diplomas.

In this thesis, I could closely experience the effects of the expansion of agencies into immigrant workers' lives in the current context of globalization. Agencies in Quebec/Canada are increasingly becoming significant players in the shaping of the labour market and the working conditions of vulnerable workers. Alongside a body of critical literature on labour, immigration and equity in Canada (Bannerji, 2000, 2005; Sharma, 2001, 2002, 2005, 2006, 2011; Galabuzi, 2006; Block and Galabuzi, 2011; Venne, 2004; McNally, 2002; Mathew, 2005; Ng, 2006; Berinstein, Goldring, and Bernhard, 2009; Thobani, 2007; Rodriguez, 2010; Fudge, 2011b; Faraday, 2012), the experiences analyzed, the type of labour relationships which im/migrants experienced through agencies and its

labour relationship suggest that in Canada, racialized im/migrant workers inhabit an inferior social category to white citizens and to those who are not visible minorities. They are vulnerable individuals subject to exploitation, discrimination, and abuse.

The different condition and labour market trajectories of these workers are widely defined by their immigration status (Ng, et al., 2013), and by the hidden institutional racism and racialization prevalent in Canadian society (Bannerji, 2000; Thobani, 2007). Racism and racialization through agencies are invisibilized by the lack of legal control and regulation from the state. The state is complicit in structuring the systemic racism in which agencies function. This complicity extends to the role that Canadian and Quebec governments have in contributing to creating vulnerabilities through their immigration and labour policies, and through their disengagement from the ways im/migrants are being introduced into the labour market.

The absence of regulations and controls regarding temp agencies and their explosion in Montreal are also factors contributing to defining the ways this business is expanding (Bernier, 2014a). The business of temp agencies is growing along with labour precarity. However, this process is not occurring automatically, and although it is correct to think that agencies are mainly the result of structural determinants such as those mentioned above – deregulation, immigration policies, racism – they are also dynamic actors shaping labour precarity and racism in work places. In this sense, in these recent years of the capitalist offensive, and the advancement of the “free labour market”, agencies are learning how to manage the vulnerabilities of im/migrants to optimize their profitability. It is here that they appear as specialized agents in charge of this precarious labour. This role seems very marked, especially in the lower rungs of the labour market, where im/migrant workers with precarious status are usually destined (Ng, et al., 2016)

Temp agencies have been able to expand into the labour market in different areas as we saw through the jobs interviewees described, and there are signs that their diversity is growing to become more complex in the field of the staffing industry business. However, in every worker case analyzed, I have observed patterns where the type of im/migration status and some conditions that accompany it (gender, nationality, language, work permit, ethnic group) play a role in the way that agencies place workers in different labour sectors. For example, the food industry, farming, recycling, and cleaning uses lots of undocumented labour. Sectors such as warehouses, mostly in big enterprises, often employ refugees and refused refugees, mainly men. In the case of healthcare, agencies use mostly permanent residents and citizens. However, as mentioned before, further statistical data are necessary to strengthen this assertion.

Furthermore, it was possible to find relationships between labour fields and the preference of certain types of im/migrant statuses and origins. In the case of the warehouse industry and some big enterprises such as Dollarama and David's Tea, most agency workers are black employees coming from francophone African countries and from the Caribe such as Haiti. In the food industry and farmwork, testimonies showed a high employer preference for Latin American labour, mostly Mexicans and Guatemalans. Agreements between Canada and Quebec with governments such as Mexico and Guatemala created the conditions in which these fields are associated with Latin workers. However, Haitian workers who find themselves in limbo due to the Canadian government's actions after the 2010 earthquake have also been drawn towards these two sectors due to their urgent need of jobs and their acceptance of poor work conditions.

In terms of how agencies generate and reproduce labour precariousness, I found many vulnerabilities that may be used, ranging from those related to lack of recognition of work experience and education, lack of language skills, precarious existence (lack of financial planning,

isolation, uncertainty, lack of documents, fear, etc), lack of knowledge about their rights and institutional racism and racialization. These are narrowly related to the type of im/migration status and the specific restrictions they create for workers.

Temp agencies are part of a kind of “intelligentsia” as Rodriguez (2010) describes them, to organize and manage the recruitment and location of this different labour supply.

Despite the contributions of this thesis, there are many aspects which need to be explored and responded to through more research. For example, it is necessary to show and make explicit the trajectory of immigrants through temp agencies, -a question which is also being explored by the Research Project “Recruitment Agencies: silent partners in migrant employment”- That is to ask - how do they arrive there? And why they are trapped there? In terms of the usefulness of information for activists from the TAWA and the IWC, it is important to map agencies, the types of agencies, their size, estimations of how many operate legally and illegally and in which neighbourhoods, work areas or sectors of the Montreal economy<sup>68</sup>. On the other hand, an aspect still left unexplored is that of the social actors which promote agencies’ consolidation in the labour market. I found that actors such as Emploi Quebec, ACCESS, the Labour Ministry, the Canadian Federation of Independent Business play a role in their expansion, though I did not delve further into that question. Future research about this role is necessary in order to make explicit the links of the staffing industry with other social actors.

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<sup>68</sup> In 2018, TAWA and IWC members are working in a research project with the participation of agency workers to better understand and map the warehouse sector of Montreal. This is one of the most important sectors outsourcing labour through agencies. The aim is to extend the knowledge that the IWC and TAWA have about the “Dollarama model” and have a clear understanding of the complexities of the whole sector when using immigrant labour. This project is also destined to recruit and organize more temp agency workers.



## 6.2 About IWC and the TAWA

The second set of questions in this thesis sought to contribute knowledge to better develop organizational processes related to immigrant struggles around labour rights, agencies, and precariousness. Thus, these questions focused on the theme of organizing, seeking to answer how knowledge production, informal and non-formal education, and learning processes were developed in the course of organizing im/migrant temp agency workers in Montreal.

Over several years, the IWC and the TAWA have developed and consolidated a model of organizing. This model is based on four pillars working together: leadership development, community organizing, popular education, and knowledge production. They are recognized by literature about labour movement and organizing (Ness, 2014a) as important to renewing the labour movement (Hanley and Shragge, 2009; Choudry and Thomas, 2013). However, the IWC/TAWA model has been built around providing services such as legal advice on immigration and labour, casework, and language teaching infused with labour rights education for collective action (Hanley and Shragge, 2009), as Gates (2014) observed in other workers' centres in North America. In this sense, the model based on those pillars under which the IWC developed has evolved – along with the TAWA – to include a fourth component which I call “engaged provision of services”, and largely responds to the radical tradition of community and social work which started in the 1970s in North America and that included structural factors and explanations for the living situations of vulnerable groups (Ferguson, 2008). Thus, this is a way to provide services that contributes to increasing the base for workers' support and that improves the possibilities for organizing. This mode of working goes against the subcontracting role of a community organization as a junior partner of the state, providing services to “clients” (Shragge, 2003). However, this type of provision works with a horizontal organization and structure, which avoids

bureaucratizing, as defined by Fine (2011) for workers' centres, and which is focused in organizing and based in building solidarity among those coming for help in service provision. The approach I witnessed in casework has this orientation. Although not all workers coming for support end up connected with other workers, or are recruited to the TAWA, many of them have engaged in mobilizations and educational processes which brought up commonalities among them. Then they were able to understand that their situation was not an isolated and individual problem. The horizontal organization also facilitates that these workers get the support of other IWC/TAWA members and activists for their cases. This support by far exceeds the aid the counselor of the legal clinic on labour and immigration can provide. As this work brings members of the IWC and the TAWA close to the micro-specificities of the triangular employment relationship and the effects it has upon workers' quality of life, it has three concrete effects: increased possibilities to shore up collective feelings of solidarity; increase of the learning among members; and the provision with local and specific facts to be linked with structural determinants at medium level (im/migration policies, for example) and macro-level (international agreements such as NAFTA, and those made between Canada and other countries like Guatemala, Haiti and Guinea). However, still more work is needed to develop, learn and deliver educational processes alongside the base of agency workers, also including those macro-determinants.

The IWC/TAWA model integrates other components to their educational and learning processes: collective reflective processes through meetings, workshops and assemblies connected to action and mobilizing; arts-based activism and education which has been developed in recent years as an important stream to build a movement; diversified ways of spreading information and knowledge; capacity for building alliances and participating in bigger campaigns without losing political autonomy; partnership with engaged academics and student interns; and outreach as a pillar of the

organizing process. Possibly this last component deserves more recognition in the literature about social movements, popular education and organizing given its importance for many social organizations implicated in social change and popular education (McGivney, 2000). In the case of the IWC and the TAWA, its articulation with other activities is a success, given that its value lies in its long term impacts. Evaluating outreach as a short-term impact activity is a mistake. However, it is necessary to reflect and document its importance based on the long-term impact it has for organizations as much as the ways its development has been strategically changed and adapted to TAWA's organizational and organizing needs.

To understand the components that this experience provides to theory, the next section synthesizes lessons and insights from the organizing practices in the emergent movement against agencies led by the IWC and the TAWA.

### **6.3 Lessons and insights from the organizing practices of the IWC and the TAWA**

#### **a) Building relationships with unions, academia, and other community organizations**

A specific and important process I could identify with the TAWA, the IWC and allies, is the relationships that are being built with academics, unions, and other community organizations. The tradition of internal analysis and reflection at the TAWA and the IWC spreads and reinforces itself through these relationships. Though it may seem that because TAWA and IWC are radical political organizations, they may have problems in relating to other organizations, they are open and permeable to other organizations and their members. Many IWC/TAWA members are activists with or otherwise connected to other organizations.

Therefore, the relationships with engaged academics that Bevington and Dixon (2005) describe as important for movement building have an expression through the work of several academics in alliance with the IWC and the TAWA since their beginnings. Academics have contributed finding facts and data about agencies that the IWC and the TAWA have used to generate support from unions such as the FTQ and the CSN. In the case of the CSN, its support has been key to continue with the strengthening of the TAWA.

However, the building of these relationships are not unreflexive and automatic. There are differences which are discussed and considered when building these relationships. For example, a difference between the TAWA and Solidarity Across Border is that the latter holds the philosophy and insists that undocumented workers should lose their fear of participating in public demonstrations, if and when, of course, there are possibilities and strategies to protect them. The reason is that they consider that participation of the undocumented in public demonstrations makes visible for the rest of the population their existence and has an emancipatory effect on them (Monforte and Dufour, 2013). However, TAWA, in light of Bill P6<sup>69</sup>, tends to view that there are some situations when undocumented members are more at risk, and that therefore their situation demands specific analysis to carefully assess how they may participate in a safe way. Thus this difference expresses different principles, analysis and ways to address the situations of the undocumented. In TAWA, those different stances are evaluated constantly in the process of building or carrying relationships with allies. Therefore, a good lesson regarding unions, allies, and even academia or academic subjects, lies in not taking these relationships for granted. In any joint

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<sup>69</sup> A Montreal municipal regulation put into effect in May 2012 in the context of the Maple Spring. Among other things, it indicates that people cannot demonstrate with faces covered and that the itinerary of a march must be provided before the demonstration. However, these two articles were invalidated by the Superior Court of Quebec in July 2016.

process, the TAWA and the IWC deploy a strategic analysis of their situations regarding other allies. Such relationships have been used, for example, in the process of creation of the TAWA with *Au Bas L'Echelle*, Dignidad Migrante, and MUR. The process of building and maintaining alliances is not without tensions, but the IWC and TAWA assumes these to be part of the dynamics of movement building and advances.

#### **b) Participation in diverse scenarios**

TAWA and their members put a lot of energy into participating in different milieus, whether academic, political or artistic, to spread their analysis and to disseminate information. As the success of a movement also lies upon building alliances (Novelli, 2010), the importance of creating the conditions of an informed context where other actors can understand a problem (Novelli, 2010), in this case about agencies, is a priority for building alliances. Academic settings and presentations in public forums have been necessary to refine the narrative about agencies, and to extend the reach of TAWA's defence of rights to other organizations and institutions. In that way, the TAWA has positioned itself in Montreal as a reference organization regarding agencies. It is a place where workers, academics, researchers, union members and community organizations may find resources and information to understand agencies and their effects in precarizing labour. Some literature (Fine, 2006; 2011; Ness, 2014) has noticed how organizations outside of traditional unions have gained importance and visibility, and celebrates the apparent novelty of their forms and strategies for organizing and campaigning. In this case, TAWA's strategy was to extend as much as possible the scenarios and spaces where it may participate, to create and disseminate information about agencies and its struggles. The CNESST's recognition of the importance of TAWA's work in making visible the situation of agency workers, and the consultation the Institute of Public Health held with TAWA in 2016-2017, were examples of the

role TAWA is gaining to influence other institutions and organizations, and also that this strategy is having an impact.

### **c) Increasing visibility**

Increasing visibility of TAWA/IWC is strategic to keep recruiting and organizing temp agency workers and to pressure the provincial government about the need for regulations. Demonstrations, actions, rallies, presentations, press conferences, publications and presence in social media are different ways in which the TAWA and the IWC have increased visibility. These efforts to influence public opinion are part of building a long-term struggle where the TAWA's activities can evolve strategically. However, while visibility has been gained with unions, state institutions and other community and grassroots organizations, TAWA still needs to reinforce its role as a reference point for the defence of labour rights for immigrant workers. Recruitment of new members is always a challenge, and if non-member workers witness gains and advances made by the TAWA, they may feel motivated to organize. This implies ideally that every im/migrant agency worker knows that they can count on TAWA's support, and that they are part of a movement that contests precarious labour, racism and the exploitation and abuses of the agencies. TAWA's Plan of Action for 2018 is considering new strategies to recruit agency workers, identifying new workplaces using agency workers, and planning to refine outreach in these new workplaces.

### **d) Keeping and developing outreach as part of a long-term projection**

TAWA has continued outreach as a core activity. Many positive results in connecting with workers come from this approach. Though many workers come to the IWC offices seeking the help of the TAWA, in order to recruit, organize and research about agency workers' workplaces and conditions, outreach is also essential. The outreach in TAWA seeks to connect with workers

and their reality at work places (McGivney, 2000), disseminate information, and gather information and do research. Due to the importance this activity had and has for the emergence and development of the TAWA, the systematization and analysis of its evolution may shed light on its achievements and weaknesses. There has been a learning process for this activity at the IWC and the TAWA, therefore it could be very relevant and important to have a more systematized view of this activity. This means to better understand when it works or does not work as expected, what type of reactions it may bring out in people, the best places and moments to develop it, and the strategies and forms which are more effective. In my experience at the IWC and the TAWA, I saw the importance of outreach activities. However, there is still no systematizing work and reflection about this activity in terms of its contribution to research processes, knowledge production and educational processes.

#### **e) Maintaining work by campaign and participating in broader campaigns**

Two strategies that have shown to be effective for TAWA's goals until now are campaigning and participating in broader campaigns. Campaigning is a way for the IWC and the TAWA to attack the causes of problems, and not only their effects. This characteristic is closely related to the need to recruit and organize workers so that it is their own voice that questions immigration and labour policies that contribute to exploitation and discrimination in their lives through agencies. However, while the TAWA has developed its own campaigns ("Boots campaign," Guatemalan workers and small campaigns supporting its members), their ability to frame the situation of temp agency im/migrant workers inside a broader structural view has also allowed the TAWA to successfully participate in leading in the Fifteen dollars campaign (Shragge and Yoon, 2017), a more general campaign regarding Quebec social groups affected by precarious work, poverty, austerity, and exclusion. In accordance with Novelli (2010), broader structural views are key to participating and

to developing social justice campaigns. They allow connections between groups and wider understandings of causes produced through the state and other actors. This is one main difference between organizations who only provide services to vulnerable groups trying to alleviate those effects, and those who organize vulnerable people in order to attack the root of the problem (Shragge, 2003).

#### **f) Maintaining and developing knowledge production as a core basis for organizing**

The TAWA has also kept the process of knowledge production as a core element to developing campaigns and popular education. It is also used as a foundation of the organizing processes and for recruitment. The outreach, reflection, testimonies, analysis and systematizing of workers' situations at different enterprises (particularly Dollarama), and other information concerning their business operations (such as their earnings, wages, hiring patterns and agencies that provide staff), were key to developing more effective ways to do outreach and to focus public denunciation. Knowledge increases the effectiveness of campaigns and makes it possible to refine criticism (Choudry, 2014a) and to be accurate with the situations that justify asking for changing policies. This was essential to approaching and demanding that the CNESST improve and increase specific controls and provide workers with more options to complain in the case of labour violations, but also to denounce the CNESST's weak interventions. Knowledge was also foundational to allow TAWA to be able to represent undocumented workers in front of the CSST section of the CNESST. Another example of direct usefulness of knowledge is the reflection, testimonies, analysis and systematizing of undocumented workers' situations and the "fly by night" agencies. This knowledge allowed the TAWA to adopt other strategies to protect undocumented workers, such as direct intervention and the threat of public denunciation of the person in charge of the agency. Therefore, direct intervention also uses and needs activist knowledge production.



Recently, the knowledge that TAWA has produced about agencies has contributed to public denunciations through a series of press articles produced in the paper "La Presse" in May 2017, therefore contributing to raising more public awareness about the agencies' problematic. Finally, by maintaining knowledge production at the core of their activities, the TAWA can challenge the standard rhetoric of temp agencies promoting the benefits of temporary labour, then direct it to enhance its struggle (Martínez and Lorenzi, 2012) while also developing internal capacities to criticize and reflect on their own knowledge production processes (Martínez and Lorenzi, 2012). This improves the certainty that that knowledge is valid and solid, and it is produced with rigour (Choudry, 2014b). It also allows TAWA to develop a critical outlook in their members towards other knowledge and studies produced by other organizations. It is in this way that members of the TAWA found that certain studies, such as those made by the CSST in 2012, Bernier and Vultur (2014) or the Insitute of Public Health of Quebec (2016), did not analyze the role of agencies articulated with racism and immigration policies.

#### **g) Maintaining leadership development in order to build power**

Over all these years, leadership development has been key to the maintenance of the process of building power and mobilization capacities. I witnessed the transformation of some of the worker leaders from when they first came to the TAWA. Besides using their skills to support organizing processes, whether these are linguistic or technical, such as speaking several languages and translation, editing, and communication and media skills, they help other workers to extend their analysis of their situation, facilitating the making of links with structural issues. They are active agents of collective reflection and analysis regarding temp agencies and im/migrant labour. Leaders are also a valve to spread and disseminate information of TAWA and IWC activities and accomplishments among the different im/migrant communities and workplaces. Thus, one of the

main arguments for considering that TAWA and the IWC have an offensive position in regards to labour precarity and immigrant injustice and exploitation, is the leadership formation they develop, a forgotten area of union work (Hanley and Shragge, 2009). Education plays the role of transforming workers into leaders, changing their views and increasing their skills, criticism and confidence. They are able to send powerful messages and even interact with government authorities. In many cases, worker leaders have had previous political experience in their countries of origin, either in unions or other political organizations, a situation which contrasts with many assumptions of Quebec union members which considers that most immigrants do not have a unionist or political background and past (Soussi and Icart, 2009). However, still a major challenge for TAWA and the IWC is to reinforce women's leadership. First steps have been taken in that direction, but more needs to be done to overcome limitations, such as men's dominance or a lack of deeper analysis of their specific labour conditions through agencies. The latter is one important limitation of this research. I decided not to go deeper into the situation of women and gender issues, because it fell outside my research possibilities and energies. However, the current situation and development of TAWA demands more research and intervention regarding this in the future.

#### **h) Keeping popular education and action together**

There is a constant link between popular education and action at the TAWA and the IWC. There are different types of workshops, educational and informational sessions, but all of them work in articulation with campaigns. The publications resulting from popular education (newsletters, *The Migrant Voice*, flyers, and booklets about temp agencies) have had a direct application to mobilizing and defending workers' rights, or for organizing demonstrations, rallies or press conferences. Education is used to recruit workers in concrete ways, to develop worker leadership, and to plan actions in response to labour abuses and violations by temp agencies. In this case,

workshops, educational and informational sessions are core activities for long-term movement building. Lastly, the TAWA has applied this model jointly with the Coalition against Precarious Work and the IWC to design and develop a kit of materials and workshops around the Fifteen dollars campaign. In this way, the TAWA was able to reach several other groups and allies who reproduced this model in their own spaces and political settings, such as student organizations, unions and political organizations like ACORN (Association of Community Organizations for Reform Now) and the IWW (Industrial Workers of the World).

### **i) Building networks of support**

For the TAWA and the IWC, networks of support are essential. The Guatemalan workers' campaign showed the importance of networks of support. Also when it was necessary to provide lodging to some precarious status workers, these networks were essential to finding places where workers could be temporarily housed and fed. This does not mean that the IWC and the TAWA work depends on their networks of support, but that they are critical in situations and times of urgency when needs require immediate reactions and response times.

### **j) Addressing internal and external tensions**

Tensions and conflicts are intrinsic to political activities. As such, they may contribute to generating debate and argument that may foster creative solutions. A very healthy practice inside the IWC and the TAWA is to accept that tensions can be positive ways to move forward. Already Foley (1999) indicates the complicated, complex and contradictory nature of learning and knowledge production in social movements. So, it is important not to romanticize the internal dynamics of TAWA and the IWC around education, learning, and knowledge production. Those processes may also imply the reproduction of power situations and dominant ideas, and the

internal responses to those situations and ideas (i.e. the responses I received from women members of the Artists' Bloc criticizing macho attitudes in my participation and involvement). However, it is on the recognition and acceptance of that dynamic that tensions can move the TAWA and the IWC forward.

### **k) Maintaining radicalism and staying sharp**

Radicalism means to stay in relationship with the roots of critical theory and practice towards confronting capitalism. Marxism, anti-colonial, anti-racist and now feminist theories are the groundwork for the general stance of the IWC and the TAWA but in a very applied sense. It is not people discussing theories, but people adopting critical stances and actions which also question critical theory. Their members feed on critical theory to extend it and apply it in their analysis of neoliberal globalization, immigration policies and the racism experienced by im/migrant workers. This analysis has been proven to be relevant when it is applied in practice, through popular education, knowledge production, and organizing. This implies the unity of theory and practice. A radical stance comes from the critical spirit that uses the knowledge and actions emerging from theory and practice to question conservative and liberal stances that define the social formation of Canada and Quebec, through abstract and ideal concepts like “democracy,” “multiculturalism” and “interculturalism.” The attitude inside the IWC and of TAWA members is radical because they do not negotiate with exploitative structures. It points to social transformation in the long term, and is committed to the formation of a collective base that could lead to major social transformation to overcome capitalism. For example, the organizing that the TAWA is leading in Montreal not only seeks the regulation or control of temp agencies, but the elimination of the triangular relationship and subcontracting which are eroding labour rights, creating and reproducing precariousness and racism, and eroding the labour movement. Without radicalism, the

TAWA and the IWC would become organizations like others that have been more or less co-opted by state policies and funding for community organizations. Then they would be, as Eric Shragge (2003) mentions, a community organization without developing organizing.

#### **6.4 How this thesis is useful for organizing racialized agency workers**

Taking into account what Bevington and Dixon (2005) refer to as relevant knowledge, beyond the systematic analyses of the role of the agencies in the provision of cheap immigrant labour, and the experience of research and activism within the TAWA, this thesis has made concrete contributions to the organizational processes described. For example, the data collected about the practices of agencies in relation to vulnerabilities and immigration status have been used to explain different situations of exploitation, abuse and violation of labour standards in several workshops held with agency workers and members.

The narrative described in this thesis, based on the argument that the agencies are managing the vulnerabilities of im/migrant workers, is starting to be taken up by TAWA members and was discursively displayed in a meeting with the work team of the Minister of Labour of Quebec on June 3, 2017. Workers who attended this meeting described labour conditions of immigrant workers, mainly the situation of undocumented and refugees, in order to describe how they are trapped in the precarious labour conditions produced through agencies but also through immigration policies.

In the same way, the theoretical and contextual information of Chapter 1 of this thesis has served to create working documents for TAWA members to be able to develop assemblies, meetings and workshops. A contribution that I consider really important is that the systematization of the experience of TAWA in Chapter 5, its history and organizational development, as well as the

section regarding its relationship with the unions, as well as the role of these with immigrant workers in Quebec, was presented at a retreat held on September 9, 2017 with TAWA members. The discussions after my presentation showed that the compilation of the history of its organizational development has allowed many members to refresh, know and reflect in a more detailed way on the socio-historic context, process and reasons for TAWA's formation. On the other hand, the discussion also fostered the debate about unions and the direction of organization that TAWA should follow in the future. Notions such as "union bureaucracy" or "immediate response" have been appropriated by many TAWA members, so that the same mistakes made by unions could be avoided. This discussion has also begun to evaluate the possibility of transforming TAWA into a union with a membership base, and many members thus learned about the regulations that allow a union to function in Quebec. Part of the theoretical frame and data of my research regarding agencies in Chapter 1 was also the groundwork for several articles in the newspaper "The immigrants' voice".

Besides my direct involvement as a member of the TAWA, and specific support activities I did through my participation, I have also developed several presentations and participations in conferences. This has allowed the dissemination of analysis about the problem with agencies and the TAWA's role, and has helped to build links and connections with other activists, academics and organizations struggling for social justice.

Finally, I plan to develop an education document on employment agencies, their violations of labour rights, their way of functioning and operations, and the ways in which workers can resort to the TAWA for support. The audience for this publication will be immigrant agency workers. The document will be used in workshops with workers, and will also be used to prevent labour violations of immigrant workers from temp agencies.

Finally, I want to emphasize a general reflection coming from this activist/research/learning experience. Any social movement which wants to achieve social change and concrete transformation, must address the importance of knowledge production and popular education to advance on their demands and campaigns. Social change and transformation do not come because official powers concede without demands, but rather as a result of articulating these activities with social action, forming a solid base of workers and members and taking an offensive stance which many community organizations and unions have forgotten. Personally, I have witnessed this process through this research. I contend that more attention be given to those aspects by social movements and scholars, recognizing that successful in social change is in great part due to the energy put in those two activities.

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## Appendices

### APPENDIX A McGill Research Project

#### **“Education, Knowledge Production and learning: Action and organizing against temporary placement agencies in Montreal”<sup>70</sup>** Letter of Agreement

(Name and address of participating organization here)

Manuel Salamanca  
Ph.D. Candidate of the Department of Integrated Studies in Education, McGill University  
Faculty of Education  
Department of Integrated Studies in Education  
Phone number: 514 677 5770, e-mail: manuel.salamanca@mail.mcgill.ca  
Research Supervisor: Dr. Aziz Choudry

(Date) \_\_\_\_\_

Dear Manuel Salamanca Cardona

This letter serves as official notification that \_\_\_\_\_ (organization name) has agreed to participate in the research study “Education, Knowledge Production and learning: Action and organizing against temporary placement agencies in Montreal” being conducted by Manuel Salamanca Cardona, PhD candidate from the Department of Integrated Studies in Education, McGill University during 2014-2016. Mr Salamanca has explained his research project on the role of temp agencies in Montreal and the learning processes and knowledge production developed inside our organization regarding that problematic. Staff from \_\_\_\_\_ will assist him in providing the information about the cases concerning temp agency workers registered in our organization and their organizing, knowledge production and learning processes whether written or oral by consented recorded interviews.

The organization is aware also that Mr. Salamanca is using participatory observation as part of his methodological approach and that he can register and reflect about the activities of the TAWA developed inside the Immigrant Workers Centre as workshops and meetings but with keeping anonymity and confidentiality of participants and observed people (Section applicable to TAWA and IWC). The organization is also aware that any new member of TAWA or CTI arrived after the beginning of the observational process will be provided with an informed consent about the its development.

Those who are eligible and who are interested in participating directly in the study as informers will be given an informed consent form as well as contact information for Mr. Salamanca. Any

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<sup>70</sup> This was the tentative title of the thesis.



refusal to participate or withdrawal from the study will not affect relationships with the researchers, McGill University, or any other group associated with this project.

I understand that Mr Salamanca will follow all confidentiality requirements demanded by \_\_\_\_\_ (organization name) as well as McGill University. Additionally, I understand that all information on study participants will be kept in a locked cabinet in his home and in safe hard drive with no Internet connection.

For any questions, please contact me at \_\_\_\_\_(phone)

Sincerely,

\_\_\_\_\_ Director

## APPENDIX B

### INFORMED CONSENT FORM [Sample] RESEARCH CONSENT FORM (Activists and organizers)

**Title of Research:** “Education, Knowledge Production and learning: Action and organizing against temporary placement agencies in Montreal”

**Researcher:** Manuel Salamanca Cardona. Ph.D. Candidate of the Department of Integrated Studies in Education (DISE) of the Faculty of Education of McGill University

**Research Supervisor:** Dr. Aziz Choudry

**Contact information:** phone (514-267-5770), email (manuel.salamanca@mcgill.ca)

**Purpose:** This research aims to examine two aspects of current temporary work in Montreal. 1) The role that Temporary Placement Agencies (TPAs) have to redefine labour and labour relationships among im/migrant workers; 2) The knowledge production the emergent movement against TPAs is developing in Montreal to struggle for the regulation of TPAs.

**Procedures:** As a participant, you will be taking part in an interview of 60 to 90 minutes. You will be asked to share your knowledge and perceptions about the Temporary Placement Agencies and your current activities as organizer, educator, and/or activist.

**Benefits and possible risks:** Your participation in this study will contribute to the protection of the labour rights of immigrant workers. There will be no particular risks involved in your participation.

**Confidentiality:** You will not be identified by any individuals (including your employers), employment agencies or governmental organizations. Only pseudonyms will be used in the transcripts and the results of the research and, subsequently, your name will never appear in any documents other than this consent form. You can also keep any private information you do not want to share. Your data may be identifiable by the main researcher but only in order to proceed with an eventual decision from you to withdraw.

**The use of the data:** The interview will be electronically audio-recorded. Both the audio file and transcripts will be stored securely in the office of Mr. Manuel Salamanca. Only Mr. Salamanca will have access to these data. According to policies of McGill University all data must be kept at least seven years after a research is finished. After this time this data will be destroyed. Meanwhile all data, such as the audio file, the coded list of participants, and this consent form, however, will be kept in a safe place where only Mr. Salamanca has access to. The research results, to which you also have a right to access, will be only used for academic and public purposes, including the publication of academic articles and the presentation in community.

**Voluntary participation:** Your participation is entirely voluntary. You have every right to refuse to answer any of the questions or to withdraw at any time. Should you decide to withdraw, all information you provide will be destroyed at that time. Choosing to participate or not to participate in this study will have no effect on the services supplied by your community organizations.

**Consent:** If you agree to participate in this research, please sign at the bottom of this form. Then you will receive a copy of this consent form. If you have any questions or concerns regarding your rights or welfare as a participant in this research study, please contact the McGill Ethics Officer at 514-398-6831 or [Lynda.mcneil@mcgill.ca](mailto:Lynda.mcneil@mcgill.ca). Thank you very much for your participation.

I allow you to audio-record the sessions for transcription \_\_\_\_ YES \_\_\_\_ NO

I agree for the data from my interview to be used by the researcher for future related projects.

\_\_\_\_ YES \_\_\_\_ NO

I understand that the data I provided may be recognized by the researcher in case I want to withdraw from this research

\_\_\_\_ YES \_\_\_\_ NO

I have received a copy of this form and agree to participate in the study under the condition outlined above.

Participant Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Researcher's signature: \_\_\_\_\_

## APPENDIX C

### INFORMED CONSENT FORM [Sample]

#### RESEARCH INFORMED CONSENT FORM (For newly arriving members of TAWA after the observational process of the research started)

**Title of Research:** “Education, Knowledge Production and learning: Action and organizing against temporary placement agencies in Montreal”

**Researcher:** Manuel Salamanca Cardona. Ph.D. Candidate of the Department of Integrated Studies in Education (DISE) of the Faculty of Education of McGill University

**Research Supervisor:** Dr. Aziz Choudry

**Contact information:** phone (514-267-5770), email (manuel.salamanca@mcgill.ca)

**Purpose:** This research aims to examine two aspects of current temporary work in Montreal. 1) The role that Temporary Placement Agencies (TPAs) have to redefine labour and labour relationships among im/migrant workers; 2) The knowledge production the emergent movement against TPAs is developing in Montreal to struggle for the regulation of TPAs.

**Procedures:** As a new member of the TAWA, you are in the context of an observational process currently developed by Manuel Salamanca Cardona, a Ph.D. who is Candidate of the Faculty of Education of McGill University. The researcher is taking notes about daily activities of TAWA and its members in their struggle against Temporary Agency Placements. This is an observational study and does not require your direct participation, other than you permission that the researcher takes notes about activities in which you are involved as member of TAWA.

**Benefits and possible risks:** Being part of the context of the study does not involve any particular risk for you. You will be taking part in a study that will contribute to the protection of the labour rights of immigrant workers.

**Confidentiality:** As a result of the observational process, you will not be identified by any individuals (including your employers), employment agencies or governmental organizations. Your name will never appear in any documents other than this consent form.

**The use of the data:** The research results provided by the observational process of this research, to which you also have a right to access, will be only used for academic and public purposes, including the publication of academic articles and the presentation in community.

**Voluntary participation:** Your consent is entirely voluntary. You have every right to refuse at any moment to not be included in the observational process and to as the researcher not to take notes. If you decide to keep off from the research process, all information registered you're your interactions will be destroyed at that time and excluded from the research results. Choosing to participate or not to participate in this study will have no effect on the services supplied by your community organizations.

**Consent:** If you agree to participate in this research, please sign at the bottom of this form. Then you will receive a copy of this consent form. If you have any questions or concerns regarding your

rights or welfare as a participant in this research study, please contact the McGill Ethics Officer at 514-398-6831 or [Lynda.mcneil@mcgill.ca](mailto:Lynda.mcneil@mcgill.ca). Thank you very much for your participation.

## APPENDIX D

### FORMULAIRE DE CONSENTEMENT À LA RECHERCHE

**Titre de la recherche :** Agences de placement et de recrutement : des partenaires silencieux de l'emploi des migrants

**Chercheure :** D<sup>r</sup> Jill Hanley, École de service social de l'Université McGill

**Coordonnées :** Téléphone : 514-398-4046 / Courriel : [jill.hanley@mcgill.ca](mailto:jill.hanley@mcgill.ca)

**But :** L'objet de cette étude est d'examiner si les personnes migrantes ont la possibilité de faire valoir leur droit au travail sans discrimination, autant sur le plan juridique qu'en pratique, et d'explorer le rôle que jouent les agences de recrutement et de placement dans l'exercice et l'application de ce droit.

**Procédures :** En tant que participant-e à la recherche, vous prendrez part à des entrevues tous les quatre à six mois au cours d'une période de trois ans (neuf entrevues au total). Lors de ces entrevues, vous serez invité-e à parler de vos expériences de travail et de votre parcours. Nous aborderons notamment : vos interactions avec les agences d'emploi; vos expériences d'obtention d'emploi et vos conditions de travail; votre degré de satisfaction à l'égard de votre emploi actuel; et les violations des droits du travail ou des droits de la personne que vous avez subies ou non. Ces entrevues dureront environ 90 minutes. Si vous devez quitter Montréal au cours de l'étude, nous mènerons les entrevues au moyen de Skype ou d'une autre stratégie de communication.

**Avantages et risques possibles :** Le principal avantage de votre participation à cette recherche est l'occasion de mieux comprendre vos droits en matière de travail et de contribuer à la protection des droits d'autres travailleurs migrants. Vous recevrez également des honoraires de 50 \$ par entrevue (450 \$ au total). Vous ne courez aucun risque particulier en participant à cette recherche. Il est toutefois possible que vous ressentiez un malaise ou perceviez d'éventuels désavantages en raison de votre statut précaire d'immigration et de travailleur ou travailleuse d'agence.

**Confidentialité :** Soyez assuré-e que vous ne serez identifié-e par aucun individu (y compris vos employeurs), agence d'emploi ou organisme gouvernemental. Afin de garantir l'anonymat et la confidentialité, votre nom sera remplacé par un pseudonyme dans les transcriptions et les résultats de la recherche et, subséquemment, n'apparaîtra dans aucun document autre que ce formulaire de consentement. Vous pouvez également choisir de ne pas divulguer certains renseignements personnels.

**Utilisation des données :** L'entrevue sera enregistrée électroniquement et les fichiers audio ainsi que les transcriptions seront entreposés de façon sécuritaire dans le bureau de la D<sup>r</sup> Hanley. Mes collègues chercheurs et les assistants de recherche désignés auront accès à ces données. Toute donnée pouvant servir à identifier les participants, comme les fichiers audio, la liste des participant-e-s et ce formulaire de consentement, sera néanmoins détruite une fois la recherche terminée. Les résultats de cette recherche, auxquels vous aurez droit d'accès, seront

exclusivement utilisés à des fins académiques et publiques, y compris la publication d'articles universitaires et la présentation des résultats auprès de la communauté.

**Participation volontaire :** Votre participation est entièrement volontaire. Vous avez le droit de refuser de répondre à toute question ou de vous retirer de la recherche à tout moment. Si vous décidez de vous retirer, toute information que vous avez fournie sera détruite au moment de votre départ. Le choix de participer ou non à cette étude n'aura aucune incidence sur les services fournis par les organismes communautaires que vous fréquentez.

**Consentement :** En parlant de vos expériences de travail, vous faites une précieuse contribution aux droits des travailleurs migrants. Si vous acceptez de participer à cette recherche, veuillez signer à l'endroit indiqué au bas de ce formulaire. Vous recevrez ensuite une copie de ce formulaire de consentement. Pour toute question ou préoccupation relative à vos droits ou à votre bien-être en tant que participant-e à cette étude, veuillez communiquer avec l'Agent d'éthique de McGill au 514-398-6831 ou par courriel : [lynda.mcneil@mcgill.ca](mailto:lynda.mcneil@mcgill.ca). Merci de votre participation.

Je vous permets d'enregistrer les entrevues pour faciliter la transcription. \_\_\_\_\_ OUI \_\_\_\_\_ NON

Je consens à ce que les données de mon entrevue soient utilisées par les chercheurs dans le cadre de projets futurs liés à celui-ci. \_\_\_\_\_ OUI \_\_\_\_\_ NON

J'ai reçu une copie de ce formulaire et je consens à participer à l'étude selon les conditions définies ci-dessus. \_\_\_\_\_ OUI \_\_\_\_\_ NON

Nom du participant / de la participante : \_\_\_\_\_

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

Signature du chercheur : \_\_\_\_\_