

Unfree Wage Labour, Women and the State:  
Employment Visas and Foreign Domestic Workers in Canada

by

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B.A., University of Victoria, 1984


**ACCEPTED** A Thesis Submitted in Partial Fulfilment of the  
**FACULTY OF GRADUATE STUDIES** Requirements for the Degree of  
MASTER OF ARTS

~~DEAN~~


in the Department of Sociology


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ABSTRACT

The present study examines federal government programs to admit women to Canada as foreign domestic workers, their exclusion from labour standards legislation, the conditions of work and wage-rates which result from this exclusion, and attempts to organize foreign domestic workers. [The thesis maintains that foreign domestic workers represent a modern form of unfree wage labour since they are required to remain in domestic work as a condition of entry to Canada. In this sense, foreign domestic labour is unfree because of the legal restrictions on the right of workers to change employer, occupation and/or industry.]

The study also examines the intersection of gender, class and ethnicity in the foreign domestic labour process. The need for domestic workers is increasingly being met by women from the less economically developed areas of the world and the recruitment of these women on temporary employment visas places much of the burden of day care and domestic labour in Canada on disadvantaged women and nations. It is argued that the employment of foreign domestic workers in the homes of privileged families gives rise to differential experiences of oppression by women of different classes and ethnic origins.


Data for the study are taken from the following sources: employment records to admit foreign domestic workers between


January, 1980 and December 31, 1987 supplied by the Research Division of Planning and Research Directorate of the Employment and Immigration Commission, interviews with foreign domestic workers, labour lawyers, community activists, employment agencies, immigration officials and previous studies of foreign domestic workers in Canada and in other advanced industrial nations.

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ACKNOWLEDGEMENTS

This study is indebted to the support and advice of a large number of people. I want to thank the foreign domestic workers who consented to be interviewed despite their fears of deportation. To the community activists and labour lawyers who discussed immigration policy alternatives with me, I also owe a great debt. Of particular help were the staff and volunteers of the Westcoast Domestic Workers' Association and Fely Villasin of the Toronto Organization for Domestic Workers' Rights, the directors, staff and volunteers of the British Columbia Organization to Fight Racism, the Canadian Anti-racism Education and Research Society, the Progressive Indo-Canadian Community Services Society, the Affiliation of Multicultural Societies and Service Agencies, in particular, Charan Gill, Cecilia Kalaw, Randi-Lee Taylor, and Alan Dutton and the British Columbia Representative for the Congress of Black Women of Canada, Betty Lough.

I also want to thank Dr. Rennie Warburton for his patience in reading drafts of the present study and to Drs. Charles Tolman and Bill Carroll for their support of my undergraduate and graduate studies. Thanks also go to Richard Carleton of the Canadian Employment and Immigration Centre, Hull, Quebec, for making the employment records for all

foreign workers between 1980 and 1987 available for analysis and, Walter Piveosan, Research Librarian and Reo Audette, Computer Services, Simon Fraser University for computer assistance.

I must also acknowledge the generous financial assistance provided by the Sara Spencer Foundation and the British Columbia Public Interest Research Group at the University of Victoria and Simon Fraser University, which helped to make this research possible.

Finally, I want to acknowledge all the many personal sacrifices made by my family, Alan, Sean, Michael, Joy, Lynn, Richard and Kim to support this study.

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## 1. INTRODUCTION

Each year thousands of women enter Canada on temporary and restrictive employment visas to work in the homes of privileged families as paid domestic workers. The conditions of work and wage-rates foreign domestic workers receive in Canada have been the subject of a growing number of studies and reports.<sup>1</sup> [The general conclusion of these studies is that foreign domestic workers have historically been undervalued and suffer because of the exclusion of paid domestic work from the same labour standards protections and health and safety regulations which protect Canadian citizens and landed immigrants.<sup>2</sup>]

Writers attribute the underpayment and exclusion of foreign domestic workers from labour standards protections to a variety of factors. [Renaud (1984), for example, argues that domestic work, whether paid or unpaid, is not recognized as important because it is part of the general devaluation of women and the stereotypical view of domestic work as "women's work".] Bolaria and Li stress the status of foreign domestic workers as a modern form of indentured labour (Bolaria and Li, 1988). They argue that while free wage labour is more economical for capital because it economizes on the overhead cost of production, ethnic minority women are still being

recruited as a form of modern indentured labour for low wage jobs which are avoided by most workers in Canada (Bolaria and Li, 1988: 205). [Bolaria and Li maintain that the assignment of minorities to low wage jobs is made possible by economic conditions in the country of origin coupled with racist ideologies which justify the exploitation of ethnic minorities.]

[Calliste (1989) also stresses the impact of colonialism and racism on the selection and treatment of foreign domestic workers. Calliste maintains that racism was constructed as an ideology to justify slavery, colonialism and imperialism and that, as this ideology was reproduced, it "perpetuated the belief that different racial and ethnic groups had inherent attributes which suited them to particular jobs" (Calliste, 1989: 135). She maintains that this ideology of women from the Caribbean as inferior, coupled with sexism, results in the relegation of these women to domestic work and a preference by immigration officials for nationalities other than "black"<sup>3</sup> for landed immigration status.]

[While Silvera (1989) recognizes the impact of racism and sexism on foreign domestic workers, she also calls attention to the class relations of "woman-as-mistress" and the "woman-as-servant". In this view, the subordination of women from the less economically developed areas of the world as paid domestic workers in the homes of privileged women challenges the notion of a shared sisterhood between women and raises

serious questions for feminist thought and the women's movement.)

{ Arat-Koc (1989) also draws attention to the problem which the foreign domestic labour process raises for feminism and the women's movement. For Arat-Koc the supply of foreign domestic workers as a source of cheap "captive labour" does not solve the crisis in day care in Canada, but instead places part of the burden of day care and domestic work on women from the less economically developed areas of the world. She points out that, unlike other workers in Canada, foreign workers on employment visa do not enjoy the basic freedom to leave a particular job or employer and as such constitute a captive labour force in the sense that they are bound to domestic work by legal restrictions in Canada and are largely unable to return to their country of origin because of economic conditions. }

Like Arnopoulous (1979), Bolaria and Li (1988) and Satzewich (1990), Arat-Koc, attributes the legal restrictions on the movement of foreign domestic workers within the labour market to the problem of attracting sufficient numbers of workers to domestic and child care work. She argues that without a source of captive labour which can be channelled and restricted to the domestic sphere, the "crisis" in the provision of day care for children would be exacerbated. In this view, the function of employment visas is to create a labour force for an occupation which cannot attract Canadian

or landed immigrants because of the low wages and conditions of work.

However, while these studies have greatly advanced the understanding of the recruitment, deployment and treatment of foreign domestic workers, there are four main issues which require further examination and elaboration. Foremost is the need to update the analysis of recent changes to the program to admit foreign domestic workers as caregivers. [In the spring of 1992 the new Live-in Caregiver Program (LCP) was introduced to replace the Foreign Domestic Movement Program (FDMP) which, in turn, was instituted in 1981 to protect foreign domestic workers under the employment visa system. The study focuses on the impact of the various programs to admit foreign domestic workers, including the LCP, and assesses their impact on the working conditions within this sector.]

Second, while the literature on foreign domestic workers in Canada addresses some of the complex issues concerning gender and racism few have thoroughly explored the dynamics of gender and ethnicity in the context of class. While most studies of foreign domestic labour note that the situation of foreign domestic workers in Canada is a feminist issue and call on all women to unite to fight the oppression of foreign domestic workers, they largely fail to examine the barriers to this mobilization in terms of the contradictory economic interests of "maids" and "madams" (Cock, 1989) or what Silvera

calls the "woman-as-mistress" and the "woman-as-servant" (Silvera, 1989) dynamic.

Third, the status of foreign domestic workers as "captive" or unfree wage labour has not been systematically examined in terms of assumptions concerning the importance of free wage labour under advanced industrial capitalism. It has generally been assumed that because free wage labour is completely commodified and therefore more economical and efficient, it would therefore replace unfree labour under capitalist relations of production (Pentland, 1981; also see Bolaria and Li, 1988; Satzewich, 1989).

In this sense unfree wage labour refers to relations of production in which labour power is recruited and deployed through the use of extra-economic coercion such as physical, legal and/or political restrictions on the right of workers to change occupations, industry or employer. Thus, unlike free wage labour, unfree wage labour is only partially commodified because it is restricted to particular sectors of the economy (Miles, 1987). On the other hand, like free wage labour, unfree wage labour is commodified in the sense that labour power is sold by the worker for a wage (Miles, 1987). Therefore, unfree wage labour is similar to slave labour because it is tied to a particular job (Corrigan, 1977; Miles, 1987; Bolaria and Li, 1988; Cohen, 1988; Brass, 1989). The debate over the role of unfree and free wage labour under capitalism is examined in chapter three below.

simply helping to reproduce capitalism, unfree wage labour must be thought of as one form of labour recruitment and deployment within capitalism. As such unfree wage labour is not a "necessary anomaly" as Miles (1987) would have it; it is in fact simply necessary. In this view, therefore, while there are differences between types of unfree labour, there is also a sense of "historical continuity rather than rupture" (Cohen, 1988).

Chapter three also argues that state policies governing both free and unfree, settler and non-settler immigration are best understood in terms of inter and intra-class struggles and compromises. This relational class analysis helps to explain why the use of unfree wage labour has not been deployed throughout the occupational structure, but has historically been restricted to unorganized sectors of the economy such as domestic, agricultural and textile work.

Chapter four examines the historical use of unfree labour in Canada. While slave, convict, indentured and contract labour were important sources of unfree labour in earlier stages of economic development, unfree wage labour is now being admitted on restrictive and temporary employment visas to meet labour market demand in low waged sectors of the economy. The chapter concludes that the use of unfree wage labour in both its settler and non-settler form, not only helps to meet structural imbalances in labour market demand by supplying workers who are not free to change occupation,

industry or employer, but also de-proletarianizes workers as a condition of entry to the country.

Chapter five examines recent programs to admit foreign domestic workers, the main source countries from which foreign domestic labour is recruited and the lack of adequate employment standards legislation to protect foreign domestic workers. It is maintained that as long as the federal government is prepared to force workers to remain in domestic work as a condition of entry into Canada, there will be little incentive for employers to raise wages or improve working conditions. As such, the supply of unfree labour tends to expand within the sectors where it is deployed and this tends to create further disincentives for landed immigrants and indigenous workers to enter paid domestic work.

The final chapter summarizes the findings of the study, arguing that while the new LCP was heralded by the federal government as an improvement over past foreign domestic work programs, it will be to the further disadvantage of foreign domestic workers from Asia, Africa and the Caribbean. As advocacy and community groups and opposition members of Parliament have argued, the LCP will do little to protect foreign domestic workers, but will further intensify the racialization of paid domestic work.

It is also concluded that the role of women from the less economically developed areas of the world as unfree domestic labour in Canada indicates that the role of women in civil

society and in production must be approached from the perspective of the differences between women since women are not a homogeneous group, but experience social and economic relations in quite different ways depending on class, ethnicity and status within the labour market. This highlights the importance of rethinking feminist analysis in order to examine the historical and specific manners in which the intersection of gender, ethnicity and class is constructed.

Furthermore, modern forms of unfree wage labour are not relics of pre-capitalist social relations of production, but are created through modern state legislation governing immigration. It is argued that the internationalization of labour, and the use of women to meet labour market demand in low wage sectors of capitalist economies, indicate a need to examine paid work in the domestic sphere not as a mechanical articulation of different modes of production but in terms of the uneven and combined development of capitalism on a global scale. In this view unfree wage labour in the domestic sphere indirectly supports capital by freeing highly skilled female labour from unpaid domestic service and facilitates capital accumulation by lowering the costs of the reproduction of the workforce. The process of lowering the cost of reproduction transfers some of the cost of maintaining the Canadian labour force to the less economically developed areas of the world; those countries which can least afford to support privileged families and employers in Canada. The study of gender from an

international perspective on the linkages between international labour circulation, capital accumulation and paid domestic work is an important area of research which is underdeveloped and which requires further research.

### **1.1 Research Methodology**

The study is based on both quantitative and qualitative data. Previously unpublished statistics on the number and origin of foreign domestic workers were compiled from employment visas issued by Employment and Immigration Canada (EIC) for all workers admitted to Canada between January 1, 1980 and March 31, 1988. Records of employment contain information regarding the seven digit occupational classification as listed in The Canadian Classification and Dictionary of Occupations, 7th ed., (CCDO), gender, country of origin and year, month and day of issue as well as other confidential information. EIC provided the occupation, gender, country and date of issue for all employment visas within the time frame noted above.

To examine the number of foreign domestic workers admitted to Canada by year and country of origin, an occupational category of "domestic work" was constructed from CCDO codes for work related to child care, house keeping services and personal service (see Appendix A for a full list of specific occupations). Since this classification may be more inclusive than used in other works, there may be some

discrepancy between the numbers reported in the present study and other reports. The occupations, country of origin (see Appendix B for a list of country of origin codes) and date of issue were then cross tabulated. These data represent an original contribution to the analysis of employment visas and the study of foreign domestic workers in Canada.

The use of records of employment to estimate the number of foreign domestic workers in Canada has a number of limitations.<sup>4</sup> First, the number of employment visas issued by EIC reflects only the approval by the federal government to allow an employer to hire a specific employee. However, there may be cases when visas are issued but the employer decides not to offer employment, or the employee decides not to accept employment. In both cases, an employment visa is issued. Since the data provided by EIC does not distinguish between waived employment visas and those actually used, the data reported here may over-estimate the number of foreign domestic workers admitted to Canada. This problem is common to all the studies and reports of foreign domestic workers previously published since estimates of the number of foreign domestic workers are based on employment visas issued by EIC.

A second problem with these data is that foreign domestic workers may receive more than one employment visas in any one year since a new permit is issued if a foreign domestic worker receives permission to change employer. While changing employers is only available, and difficult to obtain, for

those workers in special programs (see chapter five below), this may also contribute to an over-estimation of the number of foreign domestic workers in the country for any given year.

Third, some foreign domestic workers are not issued visas because they are exempt from that requirement (e.g., foreign domestic workers employed by foreign diplomats). Nor do the data include foreign domestic workers in the country illegally. Both of these factors may lead to an under-estimation of the number of foreign domestic workers in the country in a given year.

One of the most accurate methods of determining the number of foreign domestic workers employed in Canada would be through employer or employee income tax returns. While this would not count workers illegally in the country and foreign diplomats, it would provide a more accurate method of estimating the size of the population than employment records. Unfortunately, this type of information is confidential and, as such, is not available for research purposes.

Qualitative information regarding the foreign domestic labour process, conditions of work, government policy and the role of advocacy groups was obtained through unstructured interviews with foreign domestic workers, government officials, community activists, immigrant service workers, researchers and lawyers.

Unstructured interviews with foreign domestic workers were conducted in Vancouver, West Vancouver, Victoria and the

lower Mainland between 1985 and 1990. The purpose of these interviews was to gain in-depth knowledge of the conditions of work and the foreign domestic labour process in general. Respondents interviewed for the study were selected through a non-random sampling technique because an enumeration of the entire population of foreign domestic workers is not available.

Two strategies were adopted in drawing the sample. First, because of my association with a number of multicultural, ethno-specific and immigrant servicing agencies, I was introduced to a number of foreign domestic whom I asked for interviews. Second, I also approached foreign domestic workers in the public parks and shopping centres in Victoria and in the affluent areas of West Vancouver and Vancouver as they sat and talked, and supervised their charges. These two sampling procedures were adopted in order to avoid some of the bias which is often associated with non-random samples (Babbie, 1983). However, because of the non-random sampling techniques employed, there is no way of determining whether the sample is representative of the foreign domestic work population as a whole (Babbie, 1983).

A second problem with the sampling method was the relatively large number of workers who refused to be interviewed. Approximately sixty foreign domestic workers were approached and 26 consented to be interviewed. Those who spoke at all gave the fear of jeopardizing their landed immigrant

status or their work situation as the main reasons for not participating in the study. Only the contacts I had within various ethnic minority communities and the time I was willing to spend with each person generated the trust necessary for some of the respondents to discuss their conditions of work and their experiences.

In addition to the problem of self-selection, the validity and reliability of the data may also been jeopardized by interviewer bias, maturation<sup>5</sup> effects and the interaction of interviewer bias and maturation (Stanley and Campbell, 1963; Babbie, 1983). Because of the need to understand the labour process, multiple interviews were conducted with individual respondents. In research extending over time the respondent and interviewer relationship changes and increases the problems of maturation because of experience and reflection (Babbie, 1983). To mitigate against problems of sampling and research design, the thesis relies on relevant secondary sources gathered across Canada over the past two decades using different research designs. This triangulation of research methods coupled with the different areas of the country and sources helps to overcome some of the biases which may affect the reliability and validity of the results of the qualitative research (see Babbie, 1983)

Three issues stood out from the unstructured interviews with foreign domestic workers which I would not have otherwise been sensitive to. First, all of the respondents I contacted

were responsible to, or were employed directly by women. This highlighted the issue of the oppression of women by women and the class dynamics underlying the employer/employee relationship. Second, because the foreign domestic workers I came to know were intent on gaining landed immigrant status, their situation in Canada as part of a bonded forced rotational system emerged as one of the most salient issues. Third, I soon discovered that the employment of foreign domestic workers was not simply by privileged European women, but employers were often of same ethnic background as the employee. Thus, I found Iranian domestic workers employed by Iranian families, Filipino domestic workers employed by Filipino families and European families employed by European families. The reason given for employment within the same ethnic group was that families want to pass down their distinctive cultural heritage and workers from different ethnic groups could not impart what that aspect which was considered to be fundamental to maintaining culture and even family life. As a result, it became increasingly important to examine the foreign domestic labour process not just in terms of the racialization of domestic labour, but in the context of the intersection of class and ethnicity.

To complement the interviews with foreign domestic workers I also examined all the applications for employment from one foreign domestic employment agency in Vancouver. The files on applicants included documentation on education,

marital status, dependents, work experience, hobbies and other information regarding their suitability in Canada as domestic workers. This documentary evidence allowed me to more accurately assess the hypothesis that foreign domestic workers are not simply unskilled workers, or part of a displaced peasantry.

I also became involved with community activists representing or working with foreign domestic workers through my involvement both as a political analyst with the Canadian Anti-racism Education and Research Society (CAERS)<sup>6</sup> and as an organizer with the British Columbia Organization to Fight Racism (BCOFR). I also attended West Coast Domestic Workers' Association meetings and conferences sponsored by the Affiliation of Multicultural Societies and Service Agencies (AMSSA). These activities provided insight into the governments response, or lack of response, to the issue of forcing women into domestic work, the lack of protection under employment standards legislation, and the importance of ending the system of bonding workers to jobs (see Flavelle, 1992 and Heap, 1992).

I also conducted unstructured interviews with government officials, immigration lawyers, and representatives of immigrant servicing and minority advocacy groups in Vancouver, Victoria and Toronto. Appendix C contains a list of those interviewed and their affiliations. These interviews were

intended to broaden my understanding of the issues affecting foreign domestic work and government policy.

Notes

1. The lack of legislative protections afforded to both foreign domestic workers as well as farm workers was the subject of the Select Standing Committee on Labour and Justice struck by the BC provincial government under the New Democrats in 1974, and a federal commission struck by the Liberals in 1981 (Task Force, 1981). See also the BC Human Rights Committee Report (1983), "What this country did to me it did to itself" as well as the more academic studies of Arnopoulos (1979), Renaud (1984), Bolaria and Li (1988), Calliste (1989), Arat-Koc (1989), Satzewich (1990).
2. Foreign domestic workers are excluded from labour standards legislation in Alberta, New Brunswick, Nova Scotia, the North West Territories and the Yukon. They are only partially covered in many of the other provinces and even then they are covered in ways which discriminate against them vis a vis other. These exclusions are discussed in chapter five below.
3. Ethnicity is used throughout this study to refer to groups which are viewed as "different" in terms of skin colour and/or culture by dominant group(s). I have avoided using the term "race" to define these differences since, as Miles (1989) argues, there are no separate human "races" and there is therefore no scientific justification for the use of the term "race" and the idea of "race relations" only reifies a historically contingent social construction (see Miles and Phizacklea, 1980; Satzewich, 1990; Berdichewsky, 1991). However, the notion of visible minorities is also problematic because different groups become more or less "visible", depending on historical conditions and social constructions (see Ng, 1989). Therefore, instead of using such terms as "race", "visible minority", or "women of colour", the present paper uses the term ethnicity to refer to groups having different cultures, skin colours, or other features which become defined in particular historical situations as having salience in social, political and economic relations (see also Bonacich, 1972).
4. Also see the discussion of this problem in Renaud (1984) and CEIC (1990).
5. Maturation refers to the effect of experience on responses. In the context of this study it is used to refer both to respondents and their changing perceptions

of events due to multiple interviews, but also to the questions and the context in which the questions were placed due to the increased knowledge of the interviewer.

6. CAERS was then named the BCOFR Anti-racism Education and Research Society. This was changed in 1991 to CAERS.

## 2. PATRIARCHY AND THE FOREIGN DOMESTIC LABOUR PROCESS

### 2.1 Introduction

The conceptualization of the intersection of gender, ethnicity and class poses one of the most important challenges confronting the analysis of foreign domestic workers in Canada. However, past studies of the foreign domestic labour process have tended to concentrate on the gendered division of labour and the devaluation of women's work under capitalism, the privatized nature of domestic production, or racism and the subordination of women from the less economic developed areas of the world. The attempt to chart the relationship between gender and racism in the context of class relations between maids and madams has been examined in only a few studies.<sup>1</sup>

The purpose of this chapter is to examine debate over the salience of gender, ethnicity, class and status in the labour market to understand the foreign domestic labour process. The chapter begins by briefly reviewing western feminist assumptions about gender, work and the family and the "Black" and Marxist feminist critique of those assumptions. While feminist discourse is now more than ever before a collection of diverse theories, classifying the divisions within feminist

theory in terms of Western and Black and Marxist feminism may serve to highlight the limitations and assumptions underlying much of contemporary feminist thought.<sup>2</sup>

## 2.2 Patriarchy and the Gendered Division of Labour

There has been considerable debate within feminism about the importance of social, economic and political factors in the gendered division of labour and the relegation of women to the privatized household. In a number of seminal articles Hartmann (1976; 1981) argues that the exclusion and exploitation of women both in the home and in production is the result of patriarchy and capitalism.<sup>3</sup> In this view, patriarchy and capitalism are two separate but interacting systems of oppression which benefit all men; working class men in terms of unpaid domestic and sexual services, and employers through the reproduction of labour power and the justification for lower wages for women (Hartmann, 1976; 1981).

Sharing a similar perspective on sexism and the gendered division of labour, Eisenstein (1977; 1979) argues that there is a mutual inter-dependency of patriarchy and capitalism. In her words:

there is a mutual dependence of the capitalist class structure and male supremacy. Understanding this "interdependence" of patriarchy and capitalism is essential to the political analysis of socialist feminism. It becomes necessary to understand that patriarchy (as male supremacy) existed before capitalism and continues in post-capitalist societies. And yet to say that, within the present system of power, either

patriarchy or capitalism causes the other is to fail to understand their present mutually reinforcing system... a relationship which must be understood if the structure of oppression is to be changed. (Eisenstein, 1977: 3)

Hartmann argues that the interaction of capitalism and patriarchy have specifically entailed: (1) the exclusion of women from wage labour, (2) the failure on the part of male dominated unions to organize women, and (3) the emphasis by unions on legislation to protect the "family wage" rather than equal opportunity for women (Hartmann, 1976). Thus, women face a dual system of oppression; one based on patriarchy and the other on capitalism.

However, the dual systems approach to explaining women's oppression has been criticized from a wide variety of perspectives. Following Datar (1981), Mies (1986) argues that the dual systems approach leaves "the problem of how they [patriarchy and capitalism] are related to each other unsolved" (Mies, 1986: 38). In her discussion of the relationship between patriarchy and capitalism, Mies explains that:

Whereas the concept of patriarchy denotes the historical depth of women's exploitation and oppression, the concept of capitalism is expressive of the contemporary manifestation, or the latest development of this system. Women's problems today cannot be explained by merely referring to the old forms of patriarchal dominance. Nor can they be explained if one accepts the position that patriarchy is a "pre-capitalist" system of social relations which has been destroyed and superseded, together with "feudalism", by capitalist relations, because women's exploitation and oppression cannot be explained by the functioning of capitalism alone, at least no capitalism as it is commonly understood. It is my thesis that capitalism cannot function without patriarchy, that the goal of this system, namely the

never-ending process of capital accumulation, cannot be achieved unless patriarchal man-woman relations are maintained or newly created. We cannot, therefore, speak of neo-patriarchy... As capitalism is necessarily patriarchal it would be misleading to talk of two systems, as some feminists do... (Mies, 1986: 38 emphasis in the original)

As a result, Mies collapses patriarchy and capitalism into one concept; capitalist-patriarchy, where capitalism emerges as a modern manifestation of earlier patriarchal relations.

Walby (1986) has also attempted to reformulate the concept of patriarchy to avoid the problems associated with the dual systems approach (see Williams, 1989). She argues that patriarchy is a relatively autonomous set of relations which operate differently within the context of domestic work, paid work, the state, male violence and sexuality. For Walby, patriarchy constantly changes as it intersects with capitalism and racism in different historical conjunctures. As Williams notes, Walby

... sees the state as capable of independently representing patriarchal interests over and above other interests. One example she gives is the lack of response of the state to male violence against women, despite the notion that the law exists to protect everybody equally from illegal violence. (Williams, 1989: 63)

However, other writers have raised empirical problems with the application of the concept of patriarchy as an independent variable in social analysis (see Leeds, 1976; Sen, 1980; Buechler, 1984; Omvedt, 1986). As Sen (1980) shows in a detailed critique of Hartmann's thesis, patriarchy and capitalism were jointly responsible for the exclusion of women

during early industrialization, the exclusion of women during the early period of industrialization may have had more to do with the weakness of unions rather than with the patriarchal interests of men. For Sen:

In such a phase of [early] industrialization... trade unions that work on fairly narrow issues of wages and working conditions are held in check and severely disciplined by the reserve army [of labour]. The union movement was relatively weak in Britain in the 1840s with many unions being attenuations of the craft guilds... Women and children worked under the most authoritarian conditions and were probably very difficult to organize. Rather than representing the patriarchal interest of male workers, the unions's support of protective legislation may have been a defensive strategy for skilled workers who strove to consolidate their own position at the expense of others. (Sen, 1980: 80)

Buechler also raises questions about Hartmann's attempt to explain the exclusion of women from wage labour in terms of patriarchy. In this view, the exclusion of women may best be seen as a response by higher priced labour to the threat of cheap female and child labour.<sup>4</sup> As Buechler states:

A complex context of class antagonism, proletarianization, unemployment, and threats to individual and familial survival is left largely unexamined [in Hartmann's analysis], with the result that admittedly exclusionary policies emerge in her account as straightforward male decisions to exclude women... Hartmann minimizes the threat of low-wage female labour to the level of wages in general. It seems plausible to argue that male workers would resist any source of low wage labour as a threat to their livelihood, and that resistance to female low-wage labour followed from this principle. To the extent that we can explain worker responses on the basis of a generalized, sex-blind opposition to low-wage labour, we must reconsider the necessity of positing patriarchy as an independent explanatory variable on this [the exclusion of women from production] question. (Buechler, 1984: 21, emphasis in the original)

Curtis (1980) maintains that freeing women and children from the appalling conditions of work during the early phase of industrial production in Britain was a progressive struggle at that particular historical conjuncture. He maintains that the exclusion of women from production must be understood not as a conspiracy between working class men and male employers but as an unintended consequence of class struggle over wages and working conditions. He maintains that the fight for the "family wage" was an attempt to improve the quality of working class family life in general and not primarily a struggle for male supremacy uniting male workers and capitalist employers.

Black and Marxist feminists have also questioned the basic assumptions on which the concept of patriarchy rests (see also Guettel, 1974; Dixon, 1983; Palmer, 1983; Davis, 1981: 90; Brand, 1984; Stasiulis, 1987; 1990; Williams, 1989). As Williams (1989) notes, while it is wrong to imply a single unified theoretical analysis within Black feminism, there is a particular type of perspective based on the specific use of concepts which sets Black feminism apart from what she refers to as Western feminism (see also Stasiulis, 1987; 1990). Williams defines Black feminism as having

a thorough-going acknowledgement of differences (as against the universalism of some white feminist uses of "patriarchy") and an international, or global context in which an understanding of slavery, colonialism and imperialism are placed (Williams, 1989; 80)

Similarly, with respect to the Black feminist critique, Stasiulis (1990) states that:

Black feminism maintains that by ignoring race, the analytical formulations of white feminism are impoverished. Because it treats "women" as a homogenous racial category, white feminism is unable to account for the differences and hierarchial structuring in material and discursive conditions that govern Black and white women's lives. Black feminist analyses reveal how, for both white women and women of colour, the relationship to the family, state, production, and reproduction has been mediated simultaneously by class interests, gender divisions, and white supremacist logics, in a way that has constructed barriers to sisterhood across racial lines. Finally, Black feminism discloses the important role played by racially specific gender ideologies and images - part of popular "common sense" - in "naturalizing" the suitability of Black women and women of colour for jobs in the lowest stratum of a labour market already segmented along gender lines, in aiding (as domestic workers) the reproduction of white families, and in justifying differential entitlement and administration of social services. (Stasiulis, 1990: 288)

With respect to the use of the concept patriarchy within Western feminist thought, Williams notes that:

Black feminists have criticized the use of "patriarchy" in a number of ways. First, the way the concept is used by many radical feminists emphasizes women being oppressed as women and therefore suggests, first, that universal solidarity exists between women as women, and, secondly, that stressing men as oppressors implies a collective sense of power used by all men. It is argued [by Black feminists] that this interpretation has led to a blindness of differences of power between women, particularly the racism of some white women and the specific experience by Black women of the racism of the state and its sexism. (Williams, 1989; 71)

Black and Marxist feminists also criticize the Western feminist view that the family is the "site of oppression" for all women regardless of ethnicity and class (Joseph, 1981; Hooks, 1982; Carby, 1982).<sup>5</sup> They argue that Western feminists have failed to consider that while some European women were

forced out of wage labour during early industrialization, women from Africa, Asia and South America were still being forced into slave and wage labour. As Williams notes:

Black feminists have... criticized the feminist idea of the family as the "site of oppression" as not appropriate to Black history and experience. The Black family has been the site of resistance in struggles against slavery and in contemporary struggles.... (Williams, 1989; 70)

In this view, the relationship between Afro-American men and women has been very different from Euro-American men and women from the time of slavery to the present (Davis, 1981 see also Stasiulis (1987; 1990). Brand argues that:

Contrary to the theory that women can be defined primarily by their work in the home, that this is the main function of women in late capitalism, the historically repeated use of Black women's labour outside the home shows that production under capitalism presupposes an exploitable workforce... The reality is that wherever cheap labour outside the home is most required, Black women, women of colour and white working-class women are used, regardless of the family configuration. The common sense notions of white femininity that say women don't work are lodged in the experiences of white middle-class women and are used against all women. These notions obscure the real relations of working-class women... For their part, Black women have always had to work as a condition of their race. It is not then a question of the right to work outside the home, but a matter of economic imperative of waged work and the question of the kind of work available to them. (Brand, 1984: 34-35 emphasis deleted)

Black and Marxist feminists also question the notion that nation states in the West have universally adopted policies to force women into the nuclear family. As Davis shows, in both the United States and South Africa, "Black" families have been dismantled by government legislation which effectively separate men and women from family life (see also Stasiulis,

1987: 1990; Jenson, 1986). In fact, Canadian immigration policies have also historically discouraged the formation of ethnic minority families by encouraging single sex migration. As Bolaria and Li (1988) note, Asian female migration was discouraged during the early 1900s and this led to large Asian bachelor communities. Since the early 1950s employment visa programs have also discouraged the immigration of married women, favouring single women instead (Brand, 1984). These state sponsored policies and programs have resulted in very different relations for ethnic minority and immigrant women within both civil society and production (Jenson, 1986; Stasiulis, 1987: 1990).

Brand (1984) argues that the division of labour according to ethnic origin and skin colour has been more fundamental than divisions based on gender. In this view:

[Afro-Canadian women] have always done manual work, i.e., "non-traditional" work. Our history knows no category called "women's work": there is "white men's work," "white women's work", and "nigger work." "Nigger work" has its roots in slavery in the "new world", and in the ascriptions of less-than-human characteristics to Black peoples as a whole. (Brand, 1984: 29)

For Brand, feminist thought has also failed to adequately conceptualize and address the differences between privileged women and, ethnic minority and working class women. Stasiulis argues that the failure to take into account the differences between women, with respect to minority women in wage labour and the family, is due to ethnocentric assumptions concerning

the value of the nuclear family for capital and the state. As she states that:

Eurocentric reasoning [concerning the economic benefits of the nuclear family] is built upon common misperceptions regarding economic roles for Third World and aboriginal women as negligible, non-productive, and completely dominated by the dictates of menfolk... black feminism problematizes and rejects the central categories and assumptions of mainstream feminist theory. It disputes the notion of the male breadwinner household as the primary locus for the oppression of black women, particularly where the state has been active or complacent in disassembling or destroying the black family. (Stasiulis, 1987: 5)

In this view racism and class have not warranted the attention of Western feminists since they are not experienced as important factors in the lives of "middle class white women". Brand (1984) and Stasiulis (1990) make the same point: Western feminists have tended to ignore ethnicity and class, assuming that their own experiences can be generalized to all women. As Palmer states:

feminists have written and acted as if they have staked out the common feminist ground, and that divergence from this is a diversionary "special interest." White academics, in particular, have formulated theories grounded in notions of universal female powerlessness in relation to men, and of women's deprivation relative to men's satisfaction. Often treating race and class as secondary factors in social organization, feminist theorists write from experiences in which race and class are not felt as oppressive elements in their lives. (Palmer, 1983: 154)

As the following section argues, the employer/employee relationship between foreign domestic workers and their female employers necessitates an in-depth analysis of the intersection between ethnicity, class and status in the labour market.

### 2.3 The Foreign Domestic Labour Process

The failure of the women's movement and feminist thought to adequately address the situation of foreign domestic workers is one of the main concerns of Silvera (1989) and Arat-Koc (1989). In discussing the situation of working class Caribbean women, on temporary employment visas, Silvera concludes that the issue of foreign domestic work has not been addressed by the women's movement because of a "white middle class bias" (Silvera, 1989: 106). Silvera maintains that the rejection of housework by women does not translate into any

shared perceptions between domestic workers and their female employers. The lived relations between the women-as-mistress and the woman-as-servant are complex and rarely mentioned even in contemporary writings on women and work. Even feminist woman-as-mistress is usually silent on the topic in public. (Silvera, 1989: 107)

Silvera states that the relationship between domestic workers and their female employers is usually made invisible by the private nature of the work, but more importantly by assumptions of a shared sisterhood between women. According to Silvera:

...it is because housework takes place in private homes that helps to paper over mistress/servant relations. But it is also made invisible by an assumption that all too often goes unchallenged within the women's movement - the notion that all lived experience between women is reducible to the presence or absence of sisterhood. What gets forgotten in the struggle to make changes in our male-dominated society is that there are degrees of subordination and domination. The (usually) white female employers of Black and Asian domestic workers, although themselves members of a subordinate group because of their sex, are also members of the dominant group by virtue of their race and class, and quite "normally" share the same assumptions on race and class held by

their (usually) white male counterparts. (Silvera, 1989: 107)

The same point is made by Cock (1989) in her study of domestic workers in South Africa. For Cock, the situation of black "maids" and white "madams" challenges any oversimplified notion of women as a homogeneous group with shared interests based in a common source of oppression. As Cock notes:

The situation of black and white women in South Africa presents a challenge to any oversimplified feminist notion of "sisterhood". The challenge is sharpest in the institution of domestic service where the wages paid and the hours of work extracted by white "madams" from their black "maids" suggest a measure of oppression of women by women...

In this context [the exploitation of black women by white women] feminist theory has to be sensitive to the complex inter-relation of race, gender and class. The intersection of these three lines of oppression in the situation of black women in South Africa raises important questions regarding both the limits and the possibilities of feminist struggle. (Cock, 1989: 1)

Carby (1982) argues that in the case of paid domestic labour feminists are forced "to recognize that white women stand in a power relation as oppressors of black women" (quoted in Cock, 1989: 1). For Cock, the solution is for black domestic workers to unionize along with other members of the working class to protect their interests as workers (Cock, 1989: 159).

Arat-Koc (1989) also recognizes the imbalance of power with respect to foreign domestic workers and female employers. She states that rather than solidarity, the shared subordination of maids and madams as women can lead to strategies on the part of female employers to maintain class

and ethnically derived privileges. For Arat-Koc the relationship between women in the employer/employee relationship is not one of sisterhood or solidarity, but is one of "deference from the worker and maternalism from the employer" because the interests of female employers and domestic workers are necessarily in conflict (Arat-Koc, 1989: 46-52) Thus, instead of solving the problem of gender inequality, foreign domestic labour

adds class and racial dimensions to it. Instead of housework and childcare being the responsibility of all women, it becomes the responsibility of some women with subordinate class, racial and citizenship status, who are employed and supervised by those who are liberated from direct physical burdens. (Arat-Koc, 1989: 53)

However, some socialist feminists in the West have begun to acknowledge the need to recognize and appreciate the impact of racism on ethnic minorities and, in particular on ethnic minority women in recent years.<sup>6</sup> As Williams notes:

What most... socialist feminist analyses have in common at a theoretical level is an attempt on the one hand to acknowledge the significance of institutionalized power relationships between men and women which produce gender inequalities, and, on the other, an acknowledgement that capitalism gives rise to differential experiences of oppression by women of different classes. This is important ... in resolving a particular paradox: that the history of welfare provision has been one where it has often been middle-class professional women who have controlled their working-class sisters into being "good" wives and "good" mothers. This is a significant departure from liberal feminism in particular, with its tendency to assume that the interests of middle-class women are also appropriate to working-class women, and radical feminism, with its assumption of a shared and common experience of oppression by all women. (Williams, 1989: 64, emphasis in the original)

Harriss (1989) questions whether the recent attempt by socialist feminism to address the intersection of gender, racism and class has merely resulted in a mechanistic framework in which some women are said to be "double oppressed" or "triple oppressed" without recognizing that oppressive systems work in highly contextualized ways" (Harriss, 1989: 38 cited in Stasiulis, 1990: 293). For Stasiulis, (1990), a more integrative and organic approach to theorizing the intersection of gender, ethnicity and class is called for.

Ng (1989) suggests that one way to avoid the pitfalls and mechanism of double or triple systems of oppression is to examine the intersection of gender, class and ethnicity organically and historically in the context of the production and reproduction of the material conditions of existence. As Ng (1989) correctly states, concepts like gender and ethnicity or 'race' are not independent variables which explain social processes, but are social constructs which depend on other social processes for their motive, force and power.<sup>7</sup> As Ng argues:

The first thing that needs to be said is that gender, race/ethnicity, and class are not fixed entities. They are socially constructed in and through productive and reproductive relations...

it seems to me that our project is not to determine whether gender, race/ethnicity, class or the economic system is the primary source of our oppression. The task is for us to discover how sexism and other forms of gender oppression... are constituted in different historical conjunctures so that dominant groups maintain

their hegemony over the means of production and reproduction. (Ng, 1989:18)

For Ng, therefore, gender and ethnicity are not "primordial", but are socially constructed. She maintains that social analysis must begin by not reifying social processes but by examining the reasons for particular types of historically specific constructions of gender and ethnicity in the context of class oppression. As a result, Ng advocates for a sociological methodology which is grounded in the concrete historical and specific conditions for different groups of women.

As Kline (1989) also argues, feminist thought must be redefined and situated in the concrete experience of specific groups of women. In this view:

feminists must abandon the notion of a universal feminist standpoint or universal feminist epistemology. We can no longer speak of gender relations as though they can be separated from race and class relations, nor continue to focus on women's alleged common experiences, common interests and common enemies, nor assume the feasibility of a universal and all-encompassing feminist theory. The various facets of social relations cannot be abstractly dissociated from one another, nor can the importance of one social division be abstractly prioritized over that of another. On the contrary, we must consider the ways that structures of racism, sexism, heterosexism and class oppression and their ideological formations are historically implicated within a particular context. In doing so we will confront, rather than fear or ignore, the complexity of women's experience of oppression and the consequent differences in women's priorities and concerns, and thus maintain a historically-based and contextual approach to analyzing, strategizing and actively working for women's liberation. (Kline, 1989: 49)

This methodology serves as a fundamental starting point for the analysis of foreign domestic workers. The analysis

begins from the recognition that minority ethnic women on employment visas are being channelled into the domestic sphere as a means to resolve the crisis in day care which has resulted because more women are forced to work and the federal government has not made universal day care a priority. Instead of implementing a universal day care system, more and more women are being admitted to Canada on restrictive employment visas, to free privileged women from unpaid domestic service. This, in turn, serves to place the burden of child care and domestic work on the backs of women from the less economically developed areas of the world.

Second, since privileged women are the beneficiaries of this unfree wage labour, and class is the basis of the employer/employee relationship, a measure of oppression of women by women is evidenced. To examine this type of oppression of women by women requires a perspective which is sensitive to the intersection between gender and ethnicity in the context of class relations.

Finally, the incorporation of women into the Canadian labour market as unfree wage labour as a condition of entry to Canada is the hinge on which the foreign domestic labour process rests. As Arat-Koc states:

Unlike other workers who enjoy the basic freedom to leave a particular job or employer, the only freedom that the foreign worker on employment visa has is to return to her country of origin. In the case of many Third World women who come to Canada out of conditions of economic desperation, there is no choice but to stay in Canada [despite exploitation]. (Arat-Koc, 1989: 48)

Arat-Koc links the legal restrictions on mobility to the problem of meeting labour market demand in a low wage sector of the economy. Like Arnopoulous (1979), she argues that without labour which can be channelled and restricted to the domestic sphere, the "crisis" in the provision of day care for children would be exacerbated. As Arat-Koc notes:

The major effect of Canada's employment visa system on domestic workers has been the creation of a captive labour force which has guaranteed that the turnover in domestic service would remain low no matter how bad the work and living conditions. Unable to leave domestic service without losing their rights to stay in Canada, foreign domestic workers also find it difficult to change employers... (Arat-Koc, 1989: 48)

She contrasts the status of foreign domestic workers as unfree labour with that of unpaid domestic service and other workers with mobility rights. She states that:

Unlike wage labour which is, at least theoretically, mobile, the labour of the housewife is a life-long, or at least marriage-long commitment. Compared to the housewife, the domestic servant should fare better in this respect. However, this is only the case when we consider the free labourer. Domestic servants in Canada, however, have very often been restricted in changing employers, and have not been free to change jobs, or to decide whether or not to sell their labour power. (Arat-Koc, 1989: 39)

Recognizing the importance of the status of foreign domestic workers as captive or unfree wage labour is central to the analysis of this particular labour process and distinguishes these workers from most other workers in Canada. The incorporation of foreign domestic workers into the homes of the upper and middle classes on restrictive permits creates

a special category of worker - one which is not free to circulate in the labour market as free wage labour.

The following chapter examines the concepts of free wage and unfree wage labour. It is argued that the incorporation of unfree wage labour is made possible through restrictions on mobility rights of settler and non-settler immigrants and that the trend to use unfree wage labour is increasing on a global level.

#### 2.4 Summary

This chapter has argued that feminist theory has tended to largely ignore important differences between women based on class, ethnicity and status in the labour market. The tendency within much of traditional Western feminist thought has been to view women as sharing basic experiences which transcend class and ethnic divisions. But following Ng (1989) and Kline (1989), I have argued that the role of women in production needs to be examined historically and specifically in terms of how different groups of women; ethnic minorities, working class, immigrant and employment visa workers, are incorporated into the Canadian labour market. In the case of foreign domestic workers this involves the analysis of the role of unfree wage labour in providing workers for low wage sectors of the Canadian economy where indigenous labour will not, and cannot at present be forced to, work.

Notes

1. Arat-koc (1989) and Silvera (1989) are among the most important. But see Cock's (1989) analysis of "maids and madams" in South Africa for a more systematic discussion.
2. As Williams notes "it is common to identify three dominant approaches within contemporary feminism: liberal feminism, radical feminism and socialist and Marxist feminism (Williams, 1989; see also Lacombe (1989), Guettel (1974), Dixon (1983) and Saunders (1988)). While Stasiulis (1990) retains the distinction between liberal, radical and socialist feminism, she lumps all three into "Western feminism" in terms of the failure to address racism.
3. Hartmann's emphasis on capitalism and patriarchy distinguishes this approach from "liberal" and "radical" feminism (see Lacombe, Williams ). Liberal feminists tend to assign blame a societal "feminine mystique" for the relegation of women to the home (see, for example, Friedan, 1968). Radical feminists place the blame on patriarchy alone (see MacKinnon, 1982; Mitchell, 1971; Firestone; O'Brien, 1981).
4. This theory is similar to the "split labour market" explanation of ethnic conflict as presented by Bonacich (1972; 1980). See also Howell (1982) for farm workers and Dutton (1984) for Asian-European ethnic conflict in British Columbia.
5. For a summary of the literature see Williams (1989) and Stasiulis (1987; 1990)
6. For a review of the literature see Williams (1989) and Stasiulis (1990).
7. Similarly Miles (1982; 1989) and Phizacklea (1984) make the point that the sociology of "race relations" is impossible since there are no "races" and secondly, that "race" is reified in the study of "race relations" so that the processes which create so-called race relations are ignored.

### 3. UNFREE WAGE LABOUR UNDER CAPITALISM

#### 3.1 Introduction

It has been assumed that unfree labour is relatively uneconomical and inefficient and will therefore be replaced by free wage labour under capitalism. The assumption that unfree labour is uneconomical rests on the view that capitalism requires workers who are not tied to occupations and employers through legal and political obligations, but who are free to be drawn in and out of production depending on economic cycles. Free wage labour meets the criterion of efficiency since the labour power of workers who are not bound to employers, occupations or industries is available for sale as a commodity within the labour market and can be made redundant during periods of economic re-structuring or seasonal change.

What has not generally been recognized within the political economy tradition is the creation and continued use of a number of different forms of unfree wage labour, including indentured, convict and foreign contract workers on temporary employment visas. This chapter examines the debate over the continued use of various forms of unfree wage labour, what distinguishes it from early slavery and the role of the modern capitalist state in creating bonded forced rotational

systems of labour deployment (Bohning, 1981; 1984; Sivanandan, 1975; 1979; Carchedi, 1979).

### 3.2 Free versus Unfree Non-wage and Wage Labour

For much of human history the organization of production has involved recruiting and deploying workers through various types of legal, political or physically coercive methods. The creation of free wage labour in Western Europe during the sixteenth and seventeenth centuries marked a radical departure from the past as peasants were forced off the land and to compete as free wage labour for work in the growing urban centres. As Marx (1973) noted, free wage labour is grounded in the necessity, and the right, of workers to sell their labour power as a commodity. In other words, free wage labour rests on the ability of the worker to "decide whether, and to whom, his or her labour power will be sold" (Miles, 1987; 25). Summarizing Marx's view of free wage labour, Miles notes that:

the wage labourer possesses his/her labour power as a form of private property. This gives to the wage labourer an area of personal determination within the limits set primarily by market conditions. In principle, there are a number of potential buyers of labour power, requiring different skills and abilities, for which different wages and conditions are offered. The wage labourer is free to determine which of these positions he or she will attempt to fill, if necessary as a consequence of retraining and further education. Moreover, the wage labourer is formally free to move from one employer to another. (Miles, 1987: 25)

For Marx the freedom to sell one's own labour power was one of the main foundations on which the capitalist mode of production was based. In fact he maintained that the

accumulation of capital leads to an increase in free wage labour - what Marx referred to as the industrial proletariat (Marx, 1973). Marx viewed the modern industrial proletariat as free in a double sense:

... free from the old relations of clientship, bondage, servitude, and secondly free of all belongings and possessions, and of every objective, material form of being free of all property; dependent on the sale of its labour capacity or on begging, vagabondage and robbery as its only source of income. (Marx, 1973: 507 emphasis in the original)

However, Marx did not view the creation and deployment of free wage labour as a complete break with the past. For Marx the transition from unfree to free wage labour was just another form of labour control (Satzewich, 1990; 329). While workers under capitalism were free from the old relations of production, they were not totally free since workers were compelled to sell their labour power or face starvation. As Marx argued in the passage cited above, the freedom of workers under capitalism is a peculiar type of freedom.

The "freedom" of labour under capitalism placed the responsibility for the welfare of the worker on the worker her/himself and this tends to obscure the source of their exploitation. As Marx argued, the freedom of wage labour is relative; although the free wage worker is the owner and seller of his/her labour power, the relations of production under capitalism compel workers to sell their labour power within the labour market in order to survive.

However, despite the emphasis on the creation and expansion of free wage labour found in Marx's (1973; 1974) analysis of capital accumulation, he recognized the continued use of slave labour in the early development of capitalism in Britain (Marx, 1973: 711). For Marx, unfree non-wage labour in the colonies was a "pedestal" for capitalist development and the expansion of free wage labour in Britain (Marx, 1973: 711). According to Marx:

Whilst the cotton industry introduced child-slavery into England, it gave in the United States a stimulus to the transformation of the earlier, more or less patriarchal slavery, into a system of commercial exploitation. In fact, the veiled slavery of the wage-workers in Europe needed for its pedestal, slavery pure and simple in the new world.... (Marx, 1973: 711)

Studies of slavery under capitalism after Marx have tended to view it in the same manner. As Beiguelman (1978) notes, the end of slavery in America is usually seen as:

a progressive purification of capitalism. Since capitalism is a system based on free [wage] labour, slavery is sometimes considered to be a graft that commercial capitalism could originally tolerate, but which had to be eliminated at a more advanced stage. (Beiguelman, 1978: 76)

Pentland's (1981) study of slave labour in the British and French colonies of North America is based on the same assumption; unfree slave labour was relatively uneconomical and inefficient with respect to capital accumulation and was only a "last resort" for early Canadian employers. For Pentland, slavery and other forms of unfree labour were seen as pre-capitalist relics to be eventually replaced by free

wage labour as a more efficient and profitable system of deploying labour. As Satzewich notes:

For Pentland unfree labour emerged as a form of labour recruitment and control in a context of labour scarcity. Because market mechanisms could not produce and distribute adequate supplies of labour, when required and at a cost which employers were willing and able to pay, forms of extra-economic coercion were necessary to recruit and retain a labour force. Shortages in labour were, in turn, due to the relative ease with which people could avoid selling their labour power for a wage because land was free or relatively inexpensive to purchase. (Satzewich, 1989: 90)

Pentland argues that unfree relations of production were eventually replaced in the mid-nineteenth century in Canada by a more "efficient" method of recruiting and deploying labour made possible by increased immigration and the growth of the economy. As a result, unfree labour had no place in Pentland's unilinear view of the historical development of modern industrial capitalism.

Beiguelman (1978) challenges this view of slavery in the Americas. She argues that unfree slave labour was an integral feature of capitalist development because it was the mode in which capital accumulation was accomplished (see also Corrigan, 1977; Brass, 1988; Cohen, 1989). As she states:

[i]t is with reference to capitalism that modern slavery must be defined. In fact, while theoretically it [capitalism] is based on the existence of free labour, capitalism also historically or empirically has involved the establishment of a particular constellation that included Negro slavery in the colonial world, as a mode of capital accumulation...

... empirically and historically colonial slavery must be considered a constituent part of [capitalism]... it follows that a process of progressive purification is not what happens since slavery does not represent a non-

capitalist component... but, on the contrary, constitutes a capitalist creation. Nor is it possible to speak, in this case, of the extension of the system to the periphery of the capitalist world, since slavery turns out to be the form in which capitalism is realized in the colonial economy.... (Beigelman, 1978: 76-77, emphasis in original)

Miles also concludes that unfree labour was not eliminated by the development of capitalism. Nor can it be regarded as peripheral to the reproduction of the capitalist mode of production. As he states:

Thus the fact that the contract migrant labour system embodies a form of unfree wage labour is highly significant, indicating that the historical reproduction of the capitalist mode of production is not synonymous with the progressive elimination of all forms of unfree labour in favour of free labour. Rather it indicates that there are circumstances in which forms of unfree labour are reintroduced and reproduced to ensure the reproduction of the capitalist mode of production. (Miles, 1987:166-67)

Miles distinguishes between modern migrant contract labour and early slave labour in terms of the partial commodification of labour power. In this view:

I call relations of production unfree wage labour to differentiate them from [slavery]... where there was no wage element or commodification of labour power.... The essential criterion for the category of unfree wage labour is found in the existence of politico-legal restrictions on the operation of the labour market. (Miles, 1987: 32 emphasis in the original)

For Miles unfree wage labour is only partially commodified because, while it receives a wage, it lacks mobility rights within the capitalist labour market. This partial commodification of unfree wage labour also distinguishes it from free wage labour. As Miles states:

the human being who enters production relations as a wage labourer retains the ability as a free and active subject to dispose of labour power on the market. Although freedom over the disposal of that labour power is lost as soon as a buyer is found, at which point the individual has to submit to the discipline of the capitalist labour process, the individual nevertheless remains formally free to take that labour power back to the market. (Miles, 1987: 28)

Miles maintains that the creation of modern unfree wage labour in Western Europe was brought about because of labour shortages after post War expansion and was made possible by an articulation of pre-capitalist and capitalist modes of production (Miles, 1987; 213-21). In this view:

... unfree labour may coexist with free labour as a result of an articulation of modes of production either within or between social formations. The continued existence of forms of unfree labour may therefore be explained, in part, in terms of the historical contingent economic advantages realized by the dominant class within the dominant mode of production. However those beneficial consequences cannot be grounded in historical necessity where free labour cannot be reproduced at a price which would permit capital accumulation, i.e., where historical conditions obstruct the full commodification of labour power. Moreover the reproduction of unfree labour in parallel with free labour historically gives way to contradictory consequences which require negotiation. (Miles, 1987; 220-21)

Miles maintains that in post-War Western Europe labour shortages coupled with the need for cheap unskilled labour produced a demand which could only be met by recruiting labour from the pre-capitalist modes of production, from the Middle East, Africa, and some of the former colonies of Britain, France and Germany (Miles, 1987; 155, 159, 167). In other words:

the precondition for labour migration was a shortage of labour within the capitalist economies of Western Europe

which could only be "solved" by recruitment within the various social formations by increasing wages to attract workers from other economic sectors. Such a solution would have obstructed the capital accumulation process, and so another source of labour power from outside these social formations was sought. (Miles, 1987: 167)

While Miles recognizes that unfree wage labour may be created by state restrictions on the free movement of foreign labour, he maintains that it simply helps to reproduce capitalism, but is not part of capitalism itself. Miles argues that while unfree wage labour may be produced and reproduced within capitalism because of restrictions on mobility rights, it is not part of capitalism itself because it is not fully commoditized (Miles, 1987: 32). As Miles states:

although these migrant workers [in Western Europe] received a cash wage, their status as a wage labourer was only formal because both the state and the contract of recruitment prevented them from freely disposing of their labour power on the labour market. (Miles, 1987; 167)

For Miles, therefore, unfree wage labour is a "necessary anomaly" since it is necessary in the sense that it allows employers to fill jobs, but it is an anomaly because it is not fully commodified. In this view, it the articulation of pre-capitalist and capitalist social formations which makes unfree wage labour possible. According to Miles:

An articulation of modes of production may therefore become the basis for the reproduction of unfree relations of production and for their coexistence with capitalist relations of production (Miles, 1987; 214)

The importance of Miles's analysis of contract migrant labour rests on his historical research and the distinctions he draws between free and unfree wage labour. It follows from

this view that unfree wage labour is defined not in terms of cost relative to free wage labour, or by the conditions of work where it is deployed, but in terms of whether or not there are politico-legal restrictions on the rights of the worker to change employer, occupation or industrial sector. In this sense the worker with citizenship and mobility rights<sup>1</sup> can undertake and break employment contracts without fear of deportation. This is unlike migrant contract labour which is bound to particular kinds of work as a condition of entry to a particular country. As such, there is a qualitative difference between unfree and free wage labour which hinges on the denial of mobility rights within the capitalist labour market.

However, as Brass (1988) argues, Miles's emphasis on the articulation of modes of production and labour shortages to explain the recruitment and co-existence of unfree wage labour, leads to a number of important problems. According to Brass:

Despite the general acceptability of this [Miles's] argument, an incipient dualism lurks at the core of the presentation. Miles' theoretical framework is based on the articulation of modes of production, in which the free/unfree couple is projected on to (and thus replicates) the capitalist/non-capitalist dichotomy. This conceptual difference is itself doubly reinforced: on the one hand by the nature of his case studies, the majority of which situate unfree labour in colonial contexts dominated by merchant capital and where industrial capitalism has yet to develop; and on the other, by his view that during the post-war era migrants have come from non-capitalist modes to work as unfree labour in capitalist Western Europe. Such a paradigm commits Miles to a unilinear view of capitalist development, premised on an ultimate transition from unfree to free production

relations, and thus leads to a misrecognition of the structural changes taking place [in capitalism]. (Brass, 1988: 185)

Central to Miles's argument is the notion that an articulation of modes of production occurs due to labour shortages within capitalist social formations. Because of labour shortages employers are forced to draw on unfree labour drawn from pre-capitalist social formations. As a result of this articulation of modes of production modern forms of unfree wage labour are created (see Miles, 1987; 205; 213). However, the scale, size and creation of unfree wage labour globally during periods of economic recession and labour surpluses suggests that the recruitment and deployment of unfree wage labour cannot be conceptualized as simply meeting labour shortages or just co-existing with capitalism. As Corrigan argues:

the expansion of capitalism... hinges on the introduction, on a very large scale, of unfree forms of labour which whole generations of historians have seen as simply feudal relics, the sociological equivalent of cultural lags. In reality... we find that we cannot explain or understand the dynamics of unfree labour relations as other than the specific effects of capitalism's expansion.

We shall never grasp "the facts" if we fail to appreciate labour theoretically as it is itself treated (in practice, in accounts, in State policies) as a commodity which is circulated... These forms of coercion [creating unfree labour] should not be conceptualized as residuals from former modes of production, and essentially irrational; but as indications of capitalism's expansion. Such a reconceptualization makes a modification of the linear model essential... (Corrigan, 1977: 441-45, emphasis in the original)

employers because of their skills as already proletarianized workers (see also Cohen, 1988; Brass, 1988). Morales' study of regional labour markets in the Southwestern United States also confirms the view that modern migrant workers are not just being recruited for unskilled work; "offshore workers" are also important in primary industries such as automobile manufacturing and computer assembly (Morales, 1988). For Morales, the use of undocumented workers in the core manufacturing sectors in the United States is in fact part of a "broad trend towards primary labour market erosion" (Morales, 1988: 570). For Morales:

Given the current economic decline and job loss in the U.S., it is paradoxical that undocumented workers have found employment among basic manufacturing sectors. Although these workers had never previously been linked to auto and other basic industries, the economic climate shaping labor market conditions has substantially changed the demand for undocumented workers... The contemporary situation reveals that immigrants can be equally important during structural transformations distinguished by economic downturns. (Morales, 1988: 570)

The same is true of the employment visa system in Canada. As Bolaria and Li (1988) argue some of the migrant contract labour stemming from the less economically developed areas of the world are part of a "brain drain" of highly skilled professional and trades people. This finding is supported by the analysis of the education and skill levels of foreign domestic workers as reported in chapter five below.

Finally, because Miles focuses on the articulation of modes of production, he tends to see the incorporation of unfree wage labour statically and only in terms of its narrow

economic functions for capital (Brass, 1988; 187). As Brass states:

Although Miles is critical of economism... and refers to the importance of class struggle in determining unfree relations... his focus is nevertheless on conflict generated within the employing class and its workforce. The character and objectives of those challenging the existing social order from below are consequently lost to view, and in this respect Miles' approach is closer to the work of Ragatz and Williams than the tradition exemplified by C.L.R. James and Walter Rodney. Emphasizing the fact that levels and forms of surplus appropriation are not given but fought over, both the latter have drawn attention not only to slaves as agents of the historical process but also (and therefore) to the importance of the connection between labour militancy, unfree relations and workforce restructuring. (Brass, 1988; 187)

Brass argues that attempts to introduce unfree relations of production have been met historically with opposition from free wage labour. The struggle between workers and employers over unfree labour and attempts to re-impose unfree relations of production, set limits on its use and shapes the modes under which it is incorporated.<sup>4</sup> He argues that class struggle over the conditions of work and wages is more important in the imposition, and in some cases the re-imposition of unfreedom, than labour shortages. As a result, the imposition of unfreedom on free wage labour by the state to the benefit of select employers is seen by Brass as a means by which employers seek to control the free wage labour force by defusing a growing proletarian consciousness, undercutting wage-rates and breaking strikes (Brass, 1988; 186-87). As Brass states, "the extent to which unfreedom has been and continues to be used by employers" is directly related to the

attempts by capital to restructure the workforce "in the course of class struggle" (Brass, 1988: 186). In this view:

it is precisely in the combined circumstances of anti-union legislation, compulsory "training"/ "retraining" schemes for youth and the long-term unemployed, the replacement of welfare provision with workfare, cutbacks in the social wage, declining real wage levels, and the rising unemployment now occurring in the metropolitan capitalist countries that the linkage between an oversupply of workers and unfree relations becomes important. In short, this development challenges the assumption that the expansion and operation of the industrial reserve army necessarily leads to and takes the form of an extension of free wage labour. (Brass, 1988: 186)

For Brass, when employers attempt to replace free wage labour with unfree wage labour the "impetus for the reimposition of unfreedom" is often a means to increase profits. For Brass:

where externally recruited labour [foreign labour] is involved it permits them [employers] first to lower the cost of the local workforce by importing unfree, more easily regulated, and thus cheaper foreign labour, and then in turn to lower the cost of the latter when the original foreign/local wage differential has been eliminated. In this way, conditions and payment of both components of the workforce can be decreased continuously, and the level of productivity/profitability (or rate of exploitation) correspondingly maintained or increased. (Brass, 1988: 186-188, emphasis deleted)

The view that the state recruits unfree wage labour to assist employers in maintaining control over production and increasing profits is supported by recent studies of the labour process in North America. For example, in his study of Mexican migrant workers in the farm labour process in the United States, Jenkins shows that rather than attempting to solve a labour scarcity, the use of Mexican workers reveals an

attempt by the state to control the wage rates and working conditions of free wage labour (Jenkins, 1982; see also Howell, 1982).

Attempts to incorporate both unfree, non-settler and free settler immigrants have continued to cause widespread protest in countries where the bulk of "offshore" labour is presently employed. For instance, throughout Western Europe and the Southern United States there have been increasingly violent attempts to restrict the use of unfree wage labour and to repatriate so-called "guest" workers. Yet, attempts to prevent the use of unfree wage labour or to repatriate foreign workers have been largely ineffective. In France, for example, repatriation programs were abandoned in the late 1970s because employers could not find French workers who were willing to do the same work as foreign workers for the same price, or under the same working conditions (Phizacklea; 1983).

Commenting on the growth of foreign labour, an organizer for the French Democratic Confederation of Labour recently stated that while resistance and a "fortress Europe" mentality are growing with the recent popularity of racist and ultra-right nationalists like Le Pen in France, the National Front in Britain, and neo-Nazi organizations in Germany, the use of foreign labour continues to increase throughout Western Europe (Whitney, 1991: 1). As Whitney states, "Any economist will tell you these people [economic migrants] are necessary for the economy" because they do the work that no one else will

do, despite high rates of domestic unemployment (Whitney, 1991).

Efforts to curtail "offshore" workers in the United States have also been largely symbolic (History Task Force, 1979; Sassen-Koob, 1980; Cohen, 1988). Under the Reagan and Bush administrations in the United States, the federal government has cut budget allocations for border patrols responsible for preventing illegal border crossings while at the same time denouncing illegal immigration. Despite political posturing and the publicized threat of fines to employers, the number of foreign workers from Latin America and elsewhere is increasing in the United States with illegal immigrants continuing to perform the bulk of non-unionized low wage work in many Southern states, particularly in construction and agriculture (Jenkins, 1982).

In summary, it has been argued that the use of unfree labour is not just a means to meet labour shortages in low wage sectors of the economy demand during periods of economic expansion, but is often a mechanism of social control undertaken in the context of class struggle. As Cohen notes:

In so far as the state can regulate this process [immigration], it is able to activate or deactivate the outer labour reservoirs ("the proletariat at the gates") and therefore affect the bargaining position of... labour. (Cohen, 1988: 181)

Cohen's emphasis on the role of the state as a mechanism of social control in terms of what type of workers will be admitted, their conditions of entry (as unfree or free wage

labour as settler or non-settler) is central to understanding modern immigration policy. The following section attempts to develop a conceptual framework for the analysis of the state in the context of immigration and labour market regulation and control.

### 3.3 Unfree Wage Labour and the State

The prevailing theory of the state in creating unfree labour is that it acts as a "relation of production" as an "unmasked agent of exploitation" (Miles, 1989; Cohen, 1989). In this view:

Where the relations of production are unfree, the role of the state as a relation of production is essentially and directly pivotal to their constitution and reproduction. If labour power is recruited, retained, and exploited directly by politico-legal means, then the intercession of the state between producer and non-producer, by orchestrating and legitimating the politico-legal conditions of their interdependence, is unmediated. Therefore as a relation of production the state confronts the labourer as an unmasked agent of exploitation. (Miles, 1987: 183)

For Miles the capitalist state is not a neutral body which protects the general rights of workers and employers alike. Instead, the central function of the state is to promote the conditions necessary for private capital accumulation by acting as an instrument of the capitalist class, or in Miles's words, as an "unmasked agent of exploitation".<sup>5</sup>

However, the view of the state as serving the direct interests of capital in creating unfree labour through

restrictive immigration legislation is problematic. As Panitch (1977) argues, "crude economistic interpretation[s] of the state make it in fact impossible to understand the real functions" the state plays in capitalist society.<sup>6</sup> As Panitch states:

For the state to act only at the behest of particular segments of the bourgeoisie would be dysfunctional to it managing the common affairs of that class. For it to accomplish this task it needs a degree of independence from that class, a "relative autonomy".... (Panitch, 1979: 4)

Brym (1989) gives two important reasons why the state cannot be conceived simply as an instrument of the capitalist class in Western liberal democracies. He argues that the liberal state is forced to maintain a degree of autonomy from both the working and capitalist classes because of electoral politics and class struggle within capitalist societies. As Brym argues, functionaries of the state have an

occupational interest in not offending any class or group to such a degree that their re-election or re-appointment is jeopardized. Remaining somewhat removed from the will of the capitalist class is thus a matter of survival for the political elite. (Brym, 1989: 87)

A second reason for the autonomy of the state in Western liberal democracies is that:

state policies and institutions are no more than long-lasting legal resolutions of historically specific conflicts among classes and other groups. In other words, states are socio-legal structures that reflect the distribution of resources, organization, and support - in short, of power - among classes and other groups at given points in time.... (Brym, 1989: 87)

However, Brym argues that the "autonomy" of the capitalist state is not fixed, but must be seen as variable and dependent on the balance of class forces. For Brym:

[t]he view that state institutions and policies reflect contemporary and historical class and other group conflicts suggests that state autonomy is not a fixed quantity but a variable. That is, states may be more or less autonomous of the capitalist class, and there is an association between degree of autonomy and the distribution of power between superordinate and subordinate classes: the lower the ratio of superordinate to subordinate class power, the more autonomous the state from the capitalist class. (Brym, 1989: 87-88)

From this perspective therefore, the state is not a monolithic entity which originates historically with one general purpose or goal. Nor is the state merely a distillation of struggles. Instead, the state arises from and within class based struggles and conflict and must continually re-establish itself in the process of class conflict. Thus, as Poulantzas (1978)<sup>7</sup> argues, the capitalist state is not only the "site and arena of class struggles; it is the political space where economic conflicts are given voice". As such the capitalist state can be conceptualized as "a relation, more exactly a material condensation of the relation between classes and fractions of classes as they are expressed" (Poulantzas, cited in Carnoy, 1984: 123). From this view it is impossible to understand how the state is organized and functions without recognizing its role in mediating conflict between dominant and dominated classes; how the state assumes a degree of "relative autonomy" from each class (Poulantzas, 1978).

The recognition of the relative autonomy of the state was key to understanding capitalist relations of production and class struggle from Marx and Engels's perspective. As Engels argued, the state arose as an attempt to reconcile conflict between the rising bourgeoisie and the proletariat. In this view, capitalism requires

a power seemingly standing above society that would alleviate the conflict and keep it within the bounds of "order"; and this power, arisen out of society but placing itself above it, and alienating itself more and more from it, is the state.... (Engels, 1977: 326-327)

For Engels the relative autonomy of the state occurs when the power of the ruling class is balanced by the power of the "subjugated" class. As he points out:

periods occur in which the warring classes balance each other so nearly that the state power, as ostensible mediator, acquires, for the moment, a certain degree of independence of both. (Engels, 1977: 329)

In this view of law in capitalist societies, state legislation and policy are not simply tools of the capitalist class, nor do they simply facilitate capital accumulation by acting merely as a relation of production. Legislation is a reflection and embodiment of the history of past class struggles and compromises. As Engels stated, it is dysfunctional for a code of law to be

the blunt, unmitigated, unadulterated expression of the domination of class - this in itself would offend the "conception of right". Even in the Code Napoleon the pure consistent conception of right held by the revolutionary bourgeoisie of 1792-96 is already adulterated in many ways and in so far as it is embodied there, daily has to undergo all sorts of attenuation, owing to the rising power of the proletariat.... (Engels cited in Humphries and Greenberg, 1984: 174, emphasis added)

The view of the state as a dynamic battlefield between warring classes provides a partial framework for understanding state legislation and policy in creating categories of unfree labour.<sup>8</sup> "Battles" over state policy usually take the form of isolated groups petitioning the state for change. Only when groups coalesce during times of prolonged and severe economic recession does the need for change take the form of class struggle.

The following chapter addresses the conflict over the immigration of free and unfree wage labour. While more detailed research is required, it is maintained that the incorporation of unfree wage labour into the Canadian labour market has been met with opposition and that, as a result, both free and unfree, settler and non-settler immigration has historically been channelled into sectors of the economy in a way which has attempted to avoid competition with organized workers. These conflicts point to the need to examine the incorporation of different forms of labour in Canada as part of a long history involving class struggle over employer attempts to recruit and worker attempts to exclude free and unfree wage labour in Canada.

However, in addition to recognizing the role of class struggle over immigration, immigration policy needs to be understood in terms of the analysis of the role of the state in the context of the global mobility of capital and its effect on class relations within particular nation states. As

von Braunmuhl (1979) argues, the analysis of the state and how it functions cannot be viewed as though it were an isolated unit independent of the international capitalist system. Instead, the state needs to be viewed in terms of its relationship within a world of nation states tied together by interdependence in trade, the internationalization of commodity production (Fay, 1979) and the movement of labour as a commodity in both free and unfree forms.

For von Braunmuhl (1979), a nation-state's specific position in the hierarchy of states within the international system sets limits on individual state practices. As a result, the form and function of the capitalist state will vary between nation-states and no one nation state can serve as a model for all capitalist states. It is important therefore to distinguish between the "national security" state of Latin America, the "over-developed" nation-state of Pakistan (Alavi, 1972), and liberal democratic states of the core industrialized nations. In the case of the creation and the modes of incorporating unfree labour, the development of the Canadian state within a "world regional political economy" (Cohen, 1989) allows employers to benefit from the extraction of labour from the former colonized areas of the world to the benefit of Canadian employers. The process of incorporating workers from the less economically developed areas of the world as unfree labour is clearly shown in the following chapters.

### 3.4 Summary

This chapter has questioned the assumption that unfree labour is a relic of pre-capitalist social formations and only incorporated under capitalist relations of production during labour shortages. It was argued that unfree wage labour is integral to capitalism not in a mechanical or dualistic sense as reproducing capitalist relations of production, but is created and maintained as a means of both enabling capital accumulation and as a mechanism of social control. Thus it was maintained that unfree wage labour cannot be adequately understood simply as a "necessary anomaly" under capitalist relations of production.

It was also argued that contemporary state policies in the Western industrialized nations create categories of workers with differential rights with respect to movement of labour. Although the modern state plays a central role in the creation of modern forms of unfree wage labour through restrictive immigration legislation, the view of the state as an agent, or instrument, of the capitalist class was rejected in favour of the view that the state is an embodiment of class struggles and compromises. As the following chapter attempts to show, this class relational view of the state helps to explain the complex history of the attempts by employers to incorporate unfree labour and the attempts by workers to restrict its use in Canada.

### Notes

1. Citizenship rights are not synonymous with mobility rights. See Bill C-86 introduced in the Canadian Parliament in the Spring of 1992. Under this proposed legislation, workers may be channelled into particular jobs in particular areas of the country much like workers on employment visas (see AMSSA's (1992) and NDP immigration critic Dan Heap's (1992) submissions to the Special Legislative Committee on Bill C-86).
2. This estimate includes indentured, illegal and, in short, all those workers without full citizenship rights. The commonality between indentured, "guest", offshore and illegal workers is that they are restricted to certain occupations because of de jure regulations or de facto arrangements. For a discussion of foreign worker movement programs in Western Europe see among others Lever-Tracy (1983), Nikolinakos (1975), Sivanandan (1975:1988), Carchedi (1979), Brass (1989), Cohen (1989).
3. While it could be correctly argued that there are differences between state sanctioned "guest" and illegal alien workers, it should also be recognized that both categories of workers suffer the same general conditions of work, are prevented from accessing political rights and are forced into similar sectors of the economy. Whether the nation-state chooses to sanction a particular type of labour migration or not, often depends on the economic and political climate and the mode in which migrants are incorporated into the labour market. This can be clearly seen with respect to the movement of "illegal" workers across the Mexican/US border. For the use of undocumented workers in the U.S. see the History Task Force (1979), Sassen-Koob (1980), Martin and Miller (1980), Miller (1981; 1990).
4. For example, while Satzewich (1990a) recognizes four different ways in which foreign labour is incorporated into the Canadian labour market, he does not discuss the history of the class struggle over its use and the sectors to which it has been restricted through such class based struggles.
5. See Domhoff (1967) and Miliband (1969; 1972) for the theory of the state as an instrument of the capitalist class. For the application of this theory to unfree labour in Canada see Cappon (1973), Bolaria (1984) and Bolaria and Li (1988). For a discussion of the idea of

the state as a relation of production see Picciotto and Holloway (1978) and for a critique of this position see Fay (1986).

6. For a critical discussion of instrumentalism see among others Poulantzas (1972), Panitch (1979), Cuneo (1980), Stevenson (1983), Carnoy (1984) and Jessop (1984).
7. For a critical discussion of Poulantzas' early works in relation to his more recent thought see Carnoy (1984). For a discussion of class theories of the state see Wright (1976), Sckopol (1979), Burawoy (1979;1985) and Carnoy (1984).
8. See Cuneo's (1980) analysis of state policy with respect to the introduction of the Unemployment Insurance Act in Canada. See Dutton (1984) with respect to the development of ethnic conflict and racist immigration policy in Canada.

#### 4. UNFREE LABOUR IN CANADA

##### 4.1 Introduction

The present chapter examines the use of unfree labour in Canada, focusing on the role of the state in restricting the free movement of foreign workers within the labour market. It is argued that government immigration programs to create unfree labour have been shaped by two main factors. On the one hand, employers have attempted to gain access to unfree labour through temporary and restrictive immigration programs. On the other hand, workers have attempted to exclude foreign labour through anti-alien immigration and labour legislation. It is this class struggle over the attempts to incorporate unfree labour into the labour market that has shaped, and continues to shape, Canadian immigration policy. Class struggle over immigration also helps to explain why modern forms of unfree wage labour are largely restricted to sectors of the economy where it does not directly, or immediately, threaten free wage labour.

#### 4.2 Unfree Labour and Early Economic Development

Slave labour was used for nearly two centuries in Canada (Pentland, 1981). One of the first recorded slave transactions occurred in Quebec in 1629. However, it was not until France granted permission to the local government to import slaves in 1689 that slavery was formally recognized. In Upper Canada recognition followed shortly after when Britain granted permission for the use and sale of slaves. While the aboriginal population was sometimes a source of slave labour, the most favoured slaves were imported from other British or French colonies (Pentland, 1981: 1-4).

According to Pentland, the use of slaves was extremely limited in Canada in contrast to the other French and British colonies where slavery became the basis of the cotton, sugar cane and spice industries. Pentland explains the limited use of slavery in terms of efficiency and cost. The expense of importing, feeding and housing slaves over the long northern winters when there was little work prevented its widespread use. Slaves were also relatively difficult to retain in the vast unsettled territories of the north. But more importantly, for Pentland slaves were not an efficient means of maximizing quality and output. In this view, unfree labour is relatively inefficient when compared with free wage labour since the economic imperative forces free wage labour to maximize output in order to survive. As Pentland states:

Commercial capitalism [in Canada] has been, however, a system that asked remarkably few questions about the

was used.<sup>2</sup> Trades people, for example, objected to employers using convicts as a source of labour because they feared that it would drive the cost of labour down (Pentland, 1981: 20).

According to one source:

convict Labour being hired out to contractors for the manufacture of such articles as are in more general domestic use, establishments for the disposal by retail, within this City of Convict made Boots and Shoes, ready made Clothing, Chairs, Cabinetmakers ware, Blacksmiths Work, and various other articles are now in full operation; this has had the effect of driving a large number of our Mechanics from the City and neighbourhood, by lowering the price of articles manufactured... to a price at which they cannot be produced by an honest Mechanic, having a family to support.... (Provincial Secretary, quoted in Pentland, 1981: 20)

The opposition by trades people resulted in the restricted use of convict labour for the manufacture of goods in the early period of capitalist development in Canada (Pentland, 1981; 13-21). As a result, the main forms of unfree labour utilized throughout the nineteenth and early twentieth centuries were unfree migrant labourers recruited from abroad as indentured and contract labour.

Indentured and contract workers were an important source of labour in largescale construction projects which required workers for long periods. The indentured labour system was based on contracting with workers for a specific type of work for a fixed time in return for wages, passage to Canada and room-and-board. Although wages were paid to indentured workers, like slave labour, indentured workers were not free to change employers since, "economically the indentured servant [had] accepted the position of a slave - a slave with

a termination date" (Pentland, 1981: 8). By the late 1700s the demand for indentured servants in North America had grown to the point where "the indentured traffic was taken over by specialists who provided capital, enlisted servants and auctioned their human stock in American ports" (Pentland, 1981: 8). Thus, while slavery per se was never well established, other forms of unfree labour became useful mechanisms for meeting certain types of labour market demand.

Much of the demand for foreign contract labour occurred during the construction of large scale railway projects. For example, in 1854 the Grand Trunk rail road in Eastern Canada hired over 4,000 artisans and unskilled workers under contract from the United States. While Pentland (1981) found that wages and working conditions for contract labour were generally favourable, this was not always the case. For instance, between 1879 and 1881 labour contractors for the Canadian Pacific Railway imported an estimated 18,000 Chinese workers to British Columbia, paying them one-half what Euro-Canadians received (Ward, 1978: 17; Roy, 1976: 1989; Stanton, 1980; Wickberg et. al, 1982).

The resulting split labour market<sup>3</sup> led to a riot in Vancouver in 1887, the introduction of a head tax system on Chinese immigrants and to a wide panoply of legislation designed to prevent the use of all cheap "alien" labour in the province (Roy, 1976; Stanton, 1980a: 1980b; Dutton, 1984). In

fact, Chinese head taxes, anti-Asian labour legislation and the Alien Labour Act of 1897 can all be seen as part of an attempt to protect high wage "European jobs" by imposing restrictions on the use of all forms of cheap labour (Lipton, 1967; Jamieson, 1968; Roy, 1979; Stanton, 1980a; Avery, 1983; Dutton, 1984). As Dutton (1984) argues, the contradictory interests of capital and labour over immigration and labour legislation indicates the importance of viewing state anti-alien immigration legislation in terms of class struggle.

In practice, however, legislation did little to stop the flow of cheap labour since employers were able to recruit workers from India, Japan and a variety of other countries, including the United States (Lipton, 1967; Jamieson, 1968; Stanton, 1980a). These workers continued to be used to break strikes and to under cut wage-rates<sup>4</sup> (Lipton, 1967; Jamieson, 1968; Stanton, 1980a, Law Union, 1981; Avery, 1983). As Avery notes, in Eastern Canada employers were often able to disregard legislation

[and] continued to import Italian navvies from the United States and actually developed a scheme whereby these men were supplied on a regular basis by an organization operating out of Montreal... By 1904 there were between 6,000 and 8,000 destitute Italian labourers in Montreal... Yet no attempt was subsequently made to strengthen the Alien Labour Law [by the federal government]. If anything, the trend was in the opposite direction. (Avery, 1983: 56)

Between 1911 and 1914 alone, 50,000 immigrant workers from Eastern Europe, Italy and Wales entered Canada on contract to railway companies (Avery, 1983: 61). This occurred

in the midst of a period of record settler immigration - between 1910 and 1913 over 1.3 million immigrants settled in Canada. This period marked one of the largest movements of free and unfree settler immigrants to Canada with over three million immigrants arriving during the last decade of the nineteenth century and the first two of the twentieth centuries (Hawkins, 1972: 371-372). The incorporation of unfree contract labour during this period of record free settler immigration lends support to the thesis that unfree labour creates its own demand in those sectors where it is incorporated (See Bolaria and Li, 1988).

What may have contributed to the continued demand for indentured and contract labour was the tendency for free wage labour to leave Canada for the United States when ever the opportunity arose (Hawkins, 1973). In contrast, unfree wage labour could be forced to work within selected industries as a condition of entry to the country. As a result, unfree wage labour in both settler and non-settler forms is relatively permanent in contrast to settler immigration which is, by definition, transient.

However, the recruitment of unfree wage labour in the early twentieth century was dwarfed in comparison to the creation of unfree wage labour during World War II, when virtually the entire Canadian labour force had restrictions imposed under the provisions of the War Measures Act. This Act empowered the federal government to restrict the free movement

of labour and to channel workers into sectors of the economy where a need was declared (Satzewich, 1989; Heron, 1989).

The Canadian National Labour Supply Council (CNLSC) was created specifically to oversee and control the movement of labour between employers, occupations and industries. The CNLSC was replaced in 1942 by the National Service (NS) which established an elaborate system of labour priorities to better allocate workers to jobs (Satzewich, 1989). Referring to the NS, Satzewich states that:

all workers [during the second World War] were required to seek work through the National Employment Service, a state run labour exchange. In essential industries, government permission was needed before a worker could be discharged, and farmers and farm workers could not leave employment... without a permit... (Satzewich, 1989: 95)

The agricultural sector received special attention and elaborate methods of labour recruitment and deployment were devised. According to Satzewich:

In each province a Dominion-Provincial Farm Labour Committee was formed to identify pools of potential labour, locate sectors where there were labour shortages, and organize the transportation of labour to areas where it was needed. (Satzewich, 1989: 95)

Beside the extensive control and use of unfree wage labour through the NS, the federal government continued to recruit temporary migrant contract workers from abroad. Source countries included the United States and Mexico. Interned Japanese-Canadians,<sup>5</sup> convict labour, conscientious objectors and German prisoners of war also provided additional sources of unfree non-wage and wage labour for the agricultural sector (Satzewich, 1989).

### 4.3 Unfree Wage Labour and Post-War Expansion

Post-War economic expansion resulted in a continued demand for both free and unfree settler immigration in Canada. However, this demand was constrained by political considerations based on the prior history of class struggle over the incorporation of foreign workers into the Canadian labour market. Indeed, post-War immigration policy was a reflection of not only the growing demand for labour, but also the need to maintain social stability through proper economic planning (Hawkins, 1972). As Prime Minister MacKenzie King stated in 1947:

The new immigration policy of the government is to foster the growth of the population of Canada by the encouragement of immigration... The fear has been expressed that immigration would lead to a reduction of the standard of living. This need not be the case if immigration is properly planned, the result will be the reverse... (MacKenzie King, cited in Hawkins, 1972)

As articulated by MacKenzie King, the approach to immigration policy after 1945 was to plan immigration in order to meet the labour market demands of an expanding economy, to ensure future economic growth and development, but also to ensure social stability by "properly planning" immigration to reduce economic competition over jobs, thereby minimizing social unrest (Hawkins, 1977; Law Union, 1981; Bolaria, 1984).

Two sectors of the economy where the federal government recognized a need for labour and where unfree wage labour could be incorporated without posing an immediate threat to organized workers were agriculture and domestic work. One

source of unfree wage labour for the agricultural sector after World War II was Polish war veterans who had fought with the allied forces, but who were in refugee camps in Italy. Polish war veterans were allowed to immigrate to Canada after signing contracts agreeing to remain in agricultural work for specified time periods. The Royal Canadian Mounted Police were charged with returning workers to farms if they attempted to leave (Satzewich, 1989: 97-98).

Another source of unfree wage labour was obtained through the introduction of the Caribbean Domestic Workers Program (CDWP). Under the CDWP women from the Caribbean were allowed to work in Canada with a promise of citizenship after successful completion of one year of domestic work (Bolaria and Li, 1988). Between 1955 and 1960, about 300 indentured domestic workers were admitted per year under the CDWP. This number increased to over 1,000 a year during the period between 1960 and 1965, and provided one of the only means for women from the Caribbean to immigrate to Canada (Bolaria and Li, 1988: 200-201; Calliste, 1989).

Displaced persons from Eastern Europe were also incorporated as foreign domestic workers along with a number of women from Britain, Germany and Switzerland (Satzewich, 1990). Between 1947 and 1950, over 10,000 domestic workers arrived in Canada from Eastern Europe, becoming "unfree settler labour" (Satzewich, 1990; 33-37).

By the early 1960s it was apparent the increased demand for labour in both the expanding professional and industrial sectors of the economy could not be met through existing immigration policy. As a result a "point system" was introduced in 1967 to more closely match immigration to labour market demand (Law Union, 1981). The point system marked a decisive turning point in Canadian immigration policy since former distinctions between people based on ethnic origin and skin colour were formally eliminated as bases for discrimination (Hawkins, 1977; Stanton, 1980; Law Union, 1981). Under the new system, applicants for immigration were considered in terms of their education, skill, training and human capital investment, rather than ethnicity or country of origin. This led to a dramatic change in patterns of immigration with Asia, Africa and the nations of Central and South America supplying more than half of all new immigrants to Canada in the early 1970s (Hawkins, 1988; Stanton, 1980).

In the mid-1950s and throughout the 1960's programs like the CDWP were essential to the labour market strategy of the federal government. While employers gained access to cheap foreign labour for the domestic sphere, government officials were displeased that "black" women would not remain in domestic work after they had been accepted as landed immigrants. As Calliste states:

Although Caribbean women remained in domestic service longer than Europeans who came on similar schemes, some officials of the Departments of Immigration and Labour were disappointed by the former group's high mobility

rate out of domestic service, particularly during the downturn in the economy and the high unemployment rates in the semi-skilled and unskilled jobs in 1958-59. (Calliste, 1989: 145)

According to Calliste and Silvera (1989) Canadian immigration officials often treated working class women from the Caribbean in a racist and sexist manner. While Caribbean women were often advised to omit information on family dependents in order to qualify as domestic workers in Canada, the federal government then turned around and deported the same women after they had received landed immigrant status on the grounds that they had falsified their applications (Silvera, 1989; vi; Calliste, 1989; 145).

However, as Silvera points out, fathers from the Caribbean who had also been advised to commit the same offense were not deported by immigration officials. Nor are there reported cases of non-black women being deported for not reporting dependents. Silvera explains that:

The attack against domestics had to be understood against the background of changing economic conditions in Canada and the consequent changing need for imported cheap labour. It was in the late 1970's when the Canadian economic picture had changed and local unemployment had risen to a new high that the government began to round up these women on charges of fraud. Many felt the intent of the government was to intimidate these women and to send them home now that their services were no longer needed. It was the general opinion that this attack on domestics was part of a policy to appease those uninformed Canadians who erroneously believed that Black immigrants were denying jobs to the unemployed. (Silvera, 1989: vii)

By the late 1970s and early 1980s economic recessions had drastically reduced the demand for settler immigration. As a result, the number of immigrants admitted fell to less than

85,000 per year in the early 1980s. This contrasts with the early 1970s when rates of immigration exceeded well over 200,000 per year (Employment and Immigration, 1985). Because of recurring recessions new regulations required that even sponsored immigrants<sup>6</sup> and "assisted relatives"<sup>7</sup> show a guarantee of employment before being admitted (Law Union, 1981).

However, reduced settler immigration and a more stringent policy of matching immigration to skilled labour market demand intensified the shortage of workers in labour intensive and competitive sectors of the Canadian economy, particularly in fruit harvesting, garment and domestic work (Cappon 1973; Arnopoulous, 1979; Bolaria and Li 1988). As Arnopoulous states:

[during] the economic boom of the 1950s and 1960s highly trained professionals were lured from Western Europe. Now [the late 1970s] there are gaps in the unskilled labour sectors. Rather than bringing in landed immigrants who can choose their own jobs, Canada is now importing thousands of third world domestics and farm workers who are tied to low wage jobs through restrictive permits. (Arnopoulous, 1979: 1)

In response to the demand for "unskilled" labour which could be channelled into labour intensive and low-wage sectors of the economy, the Federal government in 1973 introduced a more restrictive employment visa system (Cappon, 1973; Marr, 1977: 1985; Bolaria, 1984; 1988; Boyd, 1986; Wong, 1984). Through the implementation of a temporary employment visa system the state has transformed "what had been immigrant

settler labour, into migrant non-settler labour" and created a new form of unfree labour (Satzewich, 1990: 336-338).

#### 4.4 The Employment Visas System

The employment visa system differs markedly from previous ad hoc regulations governing foreign workers (Marr, 1977; Wong, 1984). Prior to 1973 visitors could take jobs in Canada without an employment visa by simply applying for a work permit through Manpower and Immigration (Marr, 1977: 1985). Under the employment visa system labour market demand is assessed and visas are issued to foreign workers before they are allowed to enter the country.

The mechanisms for incorporating unfree wage labour through the employment visa system are relatively simple. Employers apply for permission to hire visa workers through Employment and Immigration Canada (EIC) in each province. EIC is charged with deciding if there is a shortage of workers for an occupation. If a shortage is determined, employers may recruit visa workers directly. Employers lacking overseas contacts may use employment agencies overseas to recruit workers. If this fails, they may call on EIC to recruit workers (Wong, 1984: 88). Employers requiring large numbers of workers may arrange for blocks of labour through bilateral agreements between the federal government and other nations (EIC, 1980).

Just as immigration policy over free settler immigration is governed by considerations for ensuring "social cohesion" and meeting labour market demand, so is the employment visa system. As the Ministry of Employment and Immigration states, the system has three main objectives; it is designed to meet "the urgent search by employers to fill jobs that cannot be filled domestically", to more efficiently keep "track of Canada's temporary worker population" and, finally, to "safeguard the employment prospects of Canadian residents against unwarranted resort to foreign workers" (Canadian Employment and Immigration Centre, cited in Wong, 1984: 87).

Stating that his primary concern was to protect workers and to simultaneously help employers, Robert Andras, then Minister of Employment and Immigration, explained to farm owners in Red Deer, Alberta that:

there will be circumstances when workers other than Canadians or landed immigrants will be required to bolster the agricultural work force for a temporary period. If Canadians or landed immigrants are not available or unwilling to do the work, and if employers are prepared to provide adequate wages and working conditions, my department will admit the necessary numbers of offshore workers through approved programs, in the first instance. If these are inadequate to meet the demands, the necessary offshore workers will be permitted entry.... (Andras, 1974).

However, government officials have been more frank about the need for restrictive employment visas to meet labour market demand in low wage sectors like domestic work. As the federal Task Force (Task Force, 1981) report on foreign domestic workers argues, the employment visa system is

necessary if the "crisis" in day care is to be ameliorated. The need to tie workers to low wage occupations has been a repeated consideration throughout the history of recruiting domestic labour for privileged Canadian homes (Task Force, 1981; Calliste, 1989; Bolaria and Li, 1988; Satzewich, 1990).

As Arnopoulous notes:

Senior immigration officials state privately that this policy [the employment visa system] was introduced because women will work as live-in domestics only if they have no choice. They point out that Canadian women tend to go on unemployment insurance or even welfare before they take domestic jobs. They add that allowing domestics to enter Canada as landed immigrants with all the rights of permanent residents does not help either. On arrival, the women soon discover that factory work pays better. (Arnopoulous, 1979: 25)

Bolaria and Li (1988) also maintain that there is a direct parallel between the use of employment visas in Canada to force workers into seasonal and low wage sectors of the economy and early slavery (Bolaria and Li, 1988: 35-38). They maintain that foreign workers recruited on employment visas for the domestic and agricultural sectors in Canada are a highly regulated work force and are

subjected to super-exploitation because of their tenuous entrance status and conditions of employment. These Blacks come from Third World countries where economic deprivation compels them to accept seasonal employment in Canada as a means to escape poverty for themselves and their families. In many ways the visa workers are subjected to similar conditions of indentured servitude as those experienced by Blacks in the early days. The exploitation of Black seasonal workers is facilitated partly by their vulnerable legal status and partly by the racial discrimination that subjugates non-whites to menial employment (Bolaria and Li, 1988; 203)

The increasing importance of the visa system as a means of supplying unfree wage labour can be seen in Table 1 on page 136.<sup>8</sup> The table clearly shows how the need for labour is increasingly being met by unfree non-settler immigration (see also Bolaria and Li, 1988; Satzewich, 1990).

In 1973, when the first systematic data collection began, the number of permits issued to admit foreign workers more than doubled from 83,912 to 188,810 by 1987. At the same time, the number of free settler immigrants declined from 184,200 in 1973 to 146,994 in 1987.<sup>9</sup> In this time period free settler immigration reached a post War high of 218,465 in 1974 and a low of 84,302 in 1985. However, at no time did the number of permits to admit temporary workers decline below the level established in 1973.

Comparing only that part of the free settler immigration population admitted under the independent class as workers (i.e., those "destined" to the labour market) with workers admitted under temporary employment contracts, more accurately illustrates the importance of unfree wage labour. Table 1 shows that while more than 90,000 settler immigrants were admitted as independent workers destined for the labour market in the early 1970s, that number declined to less than 39,000 by the early 1980s. In contrast, workers on employment visas rose from just over 80,000 in the early 1970s to over 188,000 by the late 1980s.

These statistics clearly indicate the impact of economic recessions and high unemployment on the number of settler immigrants who qualified under the point system as workers destined to the labour market. These statistics also clearly show that the demand for unfree wage labour increased despite economic recessions.

The increase could be the result of the greater reliance of employers within certain sectors on unfree wage labour. If this is true, it would further support Bolaria and Li's (1988) thesis that unfree wage labour creates its own demand because employers are not forced to raise wages to attract free wage labour due to available sources of unfree wage labour.

However, while the statistics reported above clearly indicate a growth in unfree wage labour, it must be acknowledged that the ratio of unfree to free wage labour is low and that unfree wage labour admittedly represents only a small fraction of the total work force in Canada. Nevertheless, what is important is not the absolute size of the unfree wage labour force, but the very existence of immigration policies to create unfree wage labour in the advanced industrial nations to meet labour market demand. Such policies, challenge the view that unfree wage labour is inimical to capitalism and destined to be replaced by free wage labour. As long as policies exist within the advanced industrial nations to create unfree labour, employers will continue to draw on it for low wage sectors even during

periods of high unemployment. As a result, much more recognition must be paid to the different ways labour can, and is, being incorporated into not only the Canadian labour market, but internationally despite the benefits to employers of supposedly more efficient free wage labour.

It is also important to note that the increase in foreign worker permits issued by the federal government has occurred despite high rates of domestic unemployment. As Bolaria and Li point out, the number of employment authorization permits issued since 1973

took place at a time when unemployment increased from 5.5 in 1973 to 11.3 in 1984. It should be noted that during the period 1982-84, when Canada imported a large number of workers under the Employment Authorization Program, the unemployment rate in this country was 11% or higher. It is also clear that while the number of immigrant workers declined during this period the number of non-immigrant workers substantially increased. The cost of non-immigrant labour is likely to be lower, as temporary workers are less likely to bring their dependents to Canada. (Bolaria and Li, 1988: 228-29)

The growth of the employment visa system appears, therefore, to be largely independent of rates of unemployment.<sup>10</sup> While further research is required, this tends to support Bolaria and Li's (1988) argument that the demand for unfree labour is not dependent on rates of national unemployment or labour shortages. The demand for unfree labour appears not to be affected by cyclical variation but is expanding within the sectors of the economy where it is located (Bolaria and Li, 1988). This observation would certainly appear to be supported with regard to the need for

foreign domestic workers. These workers now represent one of the largest movements of temporary foreign workers in Canada and their numbers are increasing despite high rates of unemployment (Employment and Immigration, 1989: 33-6, IS 15.26 section c. Arnopoulous, 1979; Boyd, 1986). The reasons for this demand and the conditions of work which are experienced by foreign domestic workers are examined in detail in the following chapter.

#### 4.5 Summary

This chapter has provided examples of the various forms of unfree labour utilized in the development of capitalism in Canada. While there are clear differences between slave, contract, indentured, convict and workers on temporary employment visas, there is also historical continuity in the use of unfree labour. Workers continue to be incorporated into the labour market as unfree wage labour through a visa system which, like earlier methods of recruiting unfree labour, denies the right of workers to change employers, occupations and industry. The chapter has shown that the number of permits issued to allow foreign workers into Canada has increased dramatically since the early 1970s while, at the same time, patterns of settler immigration have closely followed economic cycles. It has been argued that government concerns with social cohesion - managing the fear of loss of jobs caused by

the incorporation of unfree and free, non-settler and settler immigration - has played an important role in shaping immigration policy and the use of employment visas to meet particular types of labour market demand. The role of the state in encouraging immigration to meet labour market demand and, at the same time, attempting to maintain social cohesion points to the need for further studies of state policy in the context of class struggles.

8. In 1984 data collection methods were changed by Employment and Immigration Canada. Statistics were gathered so that refugees on employment visas were placed in a separate "other" category. The change in data collection methods is revealing of the increased demand for visa over settler immigration since refugees are not included after 1984 and accounted for less than 11% of employment visas issued in 1987 (Employment and Immigration, 1989).
9. While the federal government has announced plans to increase free settler immigration to 250,000 for much of the 1990s, the number of employment visas is also expected to rise (EIC, 1990; also see Chapter 5 below).
10. Pietropaolo (1992) states that in 1992 there were 11,000 migrant farm workers on employment visas in Ontario under the Caribbean and Mexican Seasonal Agricultural Workers' Program making minimum wage or higher. This is despite the record level of unemployment in the province.

## 5. FOREIGN DOMESTIC WORKERS IN CANADA

### 5.1 Introduction

Foreign domestic workers admitted to Canada under the employment visa system are probably the most undervalued and overworked group in the Canadian labour force. This results from three main factors. First, while there have been a number of improvements in some provinces, foreign domestic workers are generally excluded to varying degrees from labour standards legislation governing hours of work, overtime pay and health and safety regulations. Second, the federal government has historically failed to adequately protect foreign domestic workers on visas because of jurisdictional disputes regarding employment agreements between foreign domestic workers and their employers. Finally, the most serious barrier facing foreign domestic workers, is restrictions on their mobility rights. Employment visas are used to prevent foreign domestic workers from changing occupations as a condition of working in Canada. Despite consultation with advocacy groups and promises to liberalize the Foreign Domestic Movement Program (FDMP), the status of foreign domestic workers has not been changed under the Live-in Caregiver Program (LCP). If anything the program is more

restrictive and further racializes domestic work in Canada. As a result, employers have little incentive to raise wages or improve working conditions. As Arat-koc (1989) notes, there is a zero-sum relationship between foreign domestic workers and employers - the more wages are paid, the less the employer is able to keep. Without state intervention, little will be done to protect foreign domestic workers. But since the state is not a neutral institution, the needs of the electorate, i.e., women with voting rights, will tend to take precedence over foreign domestic workers who do not have voting rights.

#### 5.2 The Demand for Foreign Domestic Workers

The demand for foreign domestic workers has increased each year since the introduction of the employment visa system in 1973. One of the largest increases occurred between 1980 and 1987 when the number of permits issued more than doubled.<sup>1</sup> As Table 2 shows on page 137, while 9,212 permits were issued for foreign domestic workers in 1980, the number had increased to 20,733 by 1987. The West Coast Domestic Workers' Association (1990) reports that the number of foreign domestic work permits issued has continued to increase, with more than 24,000 issued by the federal government in 1988.

Based on this trend, Employment and Immigration Canada (EIC, 1990) estimates that the number of foreign domestic workers admitted to Canada would more than double by 1995. As

a number of recent EIC (EIC, 1989; 1990) reports state, there will be an increased demand for domestic workers which cannot be met within Canada because:

as the labour force participation of mothers continues to increase, the need for quality child care services to meet the growing demand will pose ever increasing problems for Canadian families. Because of this, we must accept that the demand for foreign domestics is not likely to decrease in the near future. (Employment and Immigration, 1989: 33-36)

However, interviews with CEIC officials indicate a concern that increasing the number of foreign domestic workers allowed to apply for landed immigrant status under the FDMP would not serve the interests of Canada, citing education, low skill level, adaptation problems and abuse of the system for gaining landed status. The recent introduction of the LCP speaks directly to these concerns; the number of occupational categories have been reduced under the LCP and, rather than a liberalization of the program, educational standards and training requirements have been raised. This will likely result in the exclusion of women from the less economically developed areas of the world. This will mean that more foreign domestic workers will be required to enter Canada on general employment visas and they will therefore be denied the few protections and benefits promised under the LCP (see below).

Despite cut backs under the LCP, the demand for foreign domestic workers is expected to increase and will probably continue to be met by workers under the general employment visa system. This expected increased demand is the result of

three main factors. First, since the Second World War there has been a well documented increase in the participation rates of women in the Canadian labour market (Armstrong and Armstrong, 1978: 1985: 1990; Fox and Fox, 1990). While 37.1 percent of all women between the ages of 20 and 34 were in the labour force in 1951, almost 70 percent were in the labour force by 1981 (Arat-Koc, 1989). Of women with pre-school children, approximately two thirds now work outside the home (Estable, 1986; Arat-Koc, 1989).

Second, the increased participation of women in the labour force has created new demands on already inadequate day care services in Canada. As a result, many single parent and dual income families have not been able to find adequate day care services. Following the Report of the Task Force on Child Care, Arat-Koc (1989) notes that only 9 percent of children whose parents work or study are able to obtain licensed day care spaces. Over 80 percent of children requiring care must use unlicensed arrangements and the quality and dependability of such care is unknown (Arat-Koc, 1989: 34-35).

Privileged families, however, are able to overcome the shortage of daycare space by hiring offshore workers on temporary employment visas. The recruitment of foreign domestic workers by privileged families is documented in the recent report of the Task Force on Foreign Domestic Workers (Task Force, 1981). This report shows that the majority of foreign domestic workers are employed by upper income Canadian

families to free women from the domestic sphere to pursue leisure activities or to take up employment for the purposes of self-fulfilment or to raise the family wage.

As a study of the use of foreign domestic workers in Winnipeg found in 1976, 67.2 percent of the families employing foreign domestic labour earned over \$40,000 while another 24 percent were in the \$30-40,000 range (Task Force, 1981: 39). In addition, the Canadian Employment Centre found in a study of the Toronto area that 65.2 percent of families using foreign domestic workers in 1980 earned over \$40,000 and a further 16.6 percent made between \$30,000 and \$40,000 (Task Force, 1981: 44).

Third, indigenous and landed immigrant women have refused to work in this sector because of the wages and working conditions. Despite the high income of employers, foreign domestic workers are generally paid below the minimum wage and suffer some of the worst working conditions in Canada (Arnopoulous, 1979; Ramirez, 1982; Epstein, 1983: 1980; Establè, 1986; Arat-Koc, 1989). As Hook (1981) states, "[e]mployers with higher incomes are employing non-Canadian foreign domestic workers who are living in the home of the employer and receiving less than the minimum wage" (Hook, cited in Task Force, 1981: 102). This creates a demand for lower cost unfree wage labour which can be forced to remain in the domestic sphere by restrictive immigration visas.

### 5.3 The Supply of Foreign Domestic Workers

Foreign domestic workers are recruited from a variety of countries around the world. However, like guest workers in Western Europe, the majority are drawn from less economically developed countries where high levels of unemployment and poverty create a demand on part of the population to migrate to support themselves and their families.<sup>2</sup>

The declining importance of Western European countries as a source of foreign domestic workers in Canada and the increased importance of countries which are less economically developed is shown in Table 2 on page 137. While 30.1 percent of all domestic work permits were issued to workers from the United Kingdom in 1980, that number had declined to 11.0 percent by 1987. Regionally, the total number of work permits issued to workers from Europe dropped during this period from 24.4 percent to 18.9 percent, while permits to workers from Asia rose from 14.8 percent in 1980, to 49.5 percent in 1987.<sup>3</sup>

Taken together, the United Kingdom, Continental Europe, United States and Australia combined accounted for 58.9 percent of foreign domestic workers entering Canada in 1980 while Asia, the Caribbean, Central/South America and Africa contributed 41.2 percent. By 1987, however, this trend was reversed; economically developed regions of the world contributed 35.5 percent of foreign domestic workers, compared with 64.5 percent for the less economically developed regions.

The Philippines has emerged as the largest contributor of

foreign domestic workers to Canada, supplying just under half of all domestic workers on visas. This is shown in Table 3 on page 138. Again, the declining importance of economically developed countries as the main suppliers of foreign domestic workers is clear. While England contributed 21.9 percent of all foreign domestic workers in 1980, it only provided 8.3 percent in 1987. On the other hand, while the Philippines contributed only 11.3 percent in 1980, by 1987 this country alone accounted for 44.5 percent of all foreign domestic workers. The Philippines has remained the top source country for supplying domestic workers to Canada since 1982.

These findings are supported by the West Coast Domestic Workers' Association (WCDWA, 1989) study of permits issued to foreign domestic workers for 1988. The WCDWA states that the number of foreign domestic workers admitted to Canada in 1988 was 24,416 and of these, 13,175 permits were issued to workers from the Philippines. As a result, the Philippines accounted for more than half of all foreign domestic work permits in 1988.<sup>4</sup>

The second largest source country for that same year was Great Britain, supplying 2,622 workers (WCDWA Newsletter, August 1989;3). Of those entering Canada under the Foreign Domestic Movement Program (FDMP), 63.2% permits were issued to women from the Philippines and the Caribbean as compared to 22.3% from the United Kingdom and Europe (WCDWA Newsletter, August 1989;3).

There are two main reasons for suggesting that the number of Filipino women may continue to increase as a percentage of the total intake of foreign domestic workers (EIC, 1990). The first is that the number of Filipino women willing to work in Canada as paid domestic workers will likely continue as economic conditions in that country deteriorate. Indeed, it is not surprising that the Philippines is a major source of foreign contract labour not just for Canada but also for many countries around the world because, as Mitter (1986) states:

the export of human labour has become an integral part of the export-oriented development programme [in the Philippines]. By 1979, the Philippine government was earning \$1 billion a year from foreign remittances, nearly 15 percent of its total export earnings. Recruitment and the sending of remittances were not left to the personal choice of the workers either. The Philippines Overseas Employment Administration Agency was instructed by the government to conduct a census of unemployed skilled industrial workers and advertise a "skilled package" for jobs overseas. In 1983, to increase the amount of currency coming back to the Philippines, the government passed a decree which compelled a large number of Filipino workers abroad to remit between 50 and 80 percent of their wages. (Mitter, 1986: 37)

The "new" international reserve army of labour, created by poverty and high levels of unemployment in the less economically developed regions of the world, has resulted in a growing number of workers willing to relocate to the advanced industrial economies where they are forced to live without political rights and where they are subject to a greater degree of exploitation and social control by employers than the regular work force (Castells, 1975; Carchedi, 1979; Sivanandan, 1979: 1983: 1989; Sassen-Koob, 1980: 1981a; Portes

and Walton, 1981; Dixon and Jonas, 1982 Bolaria, 1984; Cohen, 1988; Brass, 1988).

The second reason why foreign workers from countries like the Philippines are in demand is that many are not simply peasants drawn from pre-capitalist social formations, but are often part of the "brain drain" from the less economically developed nations (Corrigan, 1977; Portes and Walton, 1981; Dixon and Jonas, 1982; Bolaria, 1984; Cohen, 1987; Brass, 1989).

The demand for educated workers for the domestic sphere is only to be expected since the modern homes of those families which can afford to hire domestic labour use relatively sophisticated electronic cleaning equipment and alarm systems, much like the modern factory or the modern office. In fact the family which benefits from the use of foreign domestic labour in the home does not require an untrained person from a subsistence farming economy, but a fully trained worker who can plan schedules, converse in one or more languages and operate modern household equipment (EIC, 1989).

The argument that foreign domestic workers are skilled is reinforced by EIC regulations governing the admission of foreign domestic workers. Basic requirements for admission to Canada include the ability to speak, read and write in either French or English, one year experience as a full time paid domestic worker or training from a recognized school showing

Canada. Four applicants had worked in the countries of Saudi Arabia, Greece, Italy, Spain, West Germany and Switzerland. Eight had been employed in clerical occupations before entering domestic work and two had been nurses. Only one of the applicants reported parents' occupation as farming. Parents of the other respondents were identified as industrial workers or were in "middle class" occupations such as teaching, business, accounting and medicine.

Interviews with domestic workers in Vancouver and Victoria also lend support to the picture of a highly trained and educated work force which is deproletarianized and turned into a source of unfree wage labour as a condition of entry into Canada. The twenty eight individuals interviewed for this study reported that they were from middle class families and had worked in a number of other countries around the world. Many of the domestic workers interviewed were fluent in English or another European language, some spoke two or three languages. These languages included Italian, German, Spanish and French. Several spoke Chinese as a second language and two spoke Arabic. While this is a non-representative sample, these findings tend to support the argument that foreign domestic workers are not part of an unfree peasant labour force.

#### 5.4 Federal Programs and Foreign Domestic Workers

Foreign domestic workers fall into two main categories and receive different treatment as a result of their placement in either one of these two categories. The first category consists of those foreign domestic workers admitted under the Foreign Domestic Movement Program(FDMP)<sup>6</sup> and the new Live-in Caregiver Program (LCP). It is estimated that 11,000 foreign domestic workers were covered by the FDMP in 1989 (EIC, 1990).

The FDMP was introduced as a result of the 1981 House of Commons Task Force Report on the situation of foreign domestic workers in Canada (Task Force, 1981). Chaired by Llyod Axworthy, a liberal Member of Parliament, the Task Force found that foreign domestic workers were unduly exploited and that special protections were needed to correct the injustice.<sup>7</sup>

However, while foreign domestic workers covered by the FDMP were given special protection under federally regulated employment agreements,<sup>8</sup> there have been a great number of complaints that agreements were not enforced and were never enforceable because of the division of powers between provincial and federal levels of government. Indeed, labour legislation is under provincial jurisdiction and, as a result, federal employment agreements cannot be enforced as labour "contracts".

The recognition of the jurisdictional problem forced the federal government to change the title of the employment

agreement from an "employment contract" to an "employment agreement" (Breti and Davidson, 1989). Thus, the earlier and much stronger worded contract was recognized for what it was - a loose agreement in principle, but not a legally binding document specifying rights and precise terms and conditions of work.

The jurisdictional issue over employment relationships results in the following paradox: Foreign domestic workers must abide by employment agreements or face termination and deportation while employers are not legally bound by, and can largely ignore, the agreement (Breti and Davidson, 1989). As a result, the agreement works out to be a "contract" with respect to the rights of the employer and the obligations of the employee, but a loose agreement with respect to the rights of the employee. Indeed, domestic workers are caught between a federal government which promises protection and provincial statutes which either do not provide, or are ineffective, in protecting foreign domestic workers. According to the West Coast Domestic Workers' Association (WCDWA):

The only protection a domestic worker has is the Employment Contract which is drawn up and witnessed by Canada Employment and Immigration and signed by the employer and the employee. When a domestic signs an employment contract, she knows that if she does not do the minimum amount of work stated on it, she will be fired. If this happens, she then faces the prospect of not being allowed to find another employer and of being forced to leave Canada. If an employer refuses to live up to the terms of the employment contract, there is nothing she can do to make her employer change. Employment and Immigration will not investigate a complaint and make the employer behave properly. The contract is not binding on the employer. The Immigration Department pretends that

employment contracts are serious documents but only takes action if domestics are at fault. (WCDWA Newsletter, April, 1987: 7)

While some employers may voluntarily comply with employment agreements, the majority of the foreign domestic workers interviewed for this study complained that they suffered because of the lack of a legally binding contract. As one foreign domestic worker stated:

the [federal] government's literature on domestic work in Canada, the [employment authorization] applications, the work contract you sign [with the employer], all these things... and immigration [Canada Employment and Immigration Centres] overseas tell you one story, but when you arrive you learn the truth. The employer tells you she can do anything she wants and you should just be grateful to be in a free country or get out. Free by whose standards, I ask you? (Field notes; 1987)

A number of foreign domestic workers interviewed for the study also complained about racism. Complaints ranged from employers not allowing workers to cook the foods they liked because of the "smell", to overt racism, including slurs about ethnic origin and stereotyping of women from non-European cultures as being best suited for domestic or menial tasks. In the words of one foreign domestic worker:

As soon as I arrived it started. At the airport she said "come along silly girl, good thing you are black I would never have found you". She expected me to live in her basement, in a room without a door that locked and with no window. Whenever I asked her if I could cook my own food, she would laugh and say that I had to get used to "Canadian" cooking. (Field Notes, 1989)

Other complaints appeared to be class-based. One family who brought a domestic worker to Canada from the same village they originated from in the Middle East and assumed that

because the worker was poor and semi-literate, they could raise her child better than she could. She recounted that:

They [her employers] are stealing my life. My daughter treats them as her mother and father. My daughter is embarrassed when she brings friends home from school. She pretends that they are her parents and I just work there. I cry every night. I don't know what to do. (Field notes, 1987)

According to the foreign domestic workers interviewed for this study, wage rates, overtime pay and agreed upon living arrangements were either ignored or modified by employers without the consent of the employee. As one respondent in Victoria stated, an agreement with her employer was signed, providing a minimum hourly pay rate, her own bedroom and bathroom for a rental fee of \$250 per month. However, shortly after she took up employment the employer decided to rescind the agreement. The employee complained that:

I did have it [a private bedroom] for awhile, until her mother came to live with us. Now her mother has my room and I share a room with the new baby. She still deducts \$250 from my pay cheque though; she says it's just temporary. I feel that her mother will be staying from now on. That's what she [the employer's mother] told me. (Field notes, November, 1987)

However, foreign domestic workers rarely report abuses because they rightly fear complaints will affect their chance of gaining landed status. In fact the question of gaining landed status has been a point of contention for foreign domestic worker advocates since the introduction of the FDMP (Breti and Davidson, 1989).

A second problem with the FDMP is that while foreign domestic workers are promised the right to apply for landed

status from within Canada, a right not provided to other workers on employment visas, landed status is difficult to obtain. The following explains how the process of assessment discriminates against those women from the less economically developed areas of the world differentially from women who apply from Western Europe.

Foreign domestic workers are assessed for landed status on three separate occasions. The first two are designed to prepare the applicant for the third much more stringent assessment procedure. On the first two assessments foreign domestic workers are evaluated according to financial stability, employment skills, experience in the labour market, language competency, social adaptability, and personal suitability.

However, because foreign domestic workers receive low wages, work long hours and are restricted from taking other employment or courses in government funded educational institutions, it is difficult to meet the criteria for landed status. Indeed, foreign domestic workers are prohibited from attending any educational institutions sponsored directly by the provincial or federal governments and are forced to rely on private institutions which often makes the cost of upgrading courses for language improvement and skill upgrading prohibitive (WCDWA Newsletter, 1990; April p.4). Only private institutions may be attended, contingent on permission being granted by immigration officials before arriving in Canada.

Foreign domestic workers are also prohibited from taking employment in other sectors and this makes it difficult to show progress in gaining "Canadian experience".

Social adaptation requirements are also difficult to meet because domestic workers rarely have the time off or the financial resources to participate in social events. Most social interaction for foreign domestic workers takes place within the family setting of the employer or with other foreign domestic workers in parks or in social gatherings sponsored by foreign domestic worker associations. Social adaptation is especially difficult for women from the less economically developed regions of the world when they are isolated in private households. This makes it difficult to fulfil the social adaptation requirement for assessment.

Assessment criteria on the basis of dependents also poses a problem for foreign domestic workers. Because workers with children are usually not placed in Canada, there have been some cases where information regarding marital status and/or children has been misrepresented or not accurately disclosed (Arnopoulous, 1979; Epstein, 1983; Estable, 1986). However, failure to fully disclose this information is considered a serious matter by immigration officials and, until 1987, was punishable by deportation.<sup>9</sup> Finally, assessment criteria based on personal suitability are extremely vague and leave it to the discretion of the immigration official to decide on the success or failure of the application.

On the third and final assessment foreign domestic workers are evaluated according to the same criteria as individuals applying under the point system for landed immigrant status. These criteria emphasize skills, education and the need to match workers to labour market demand. While special consideration is given to skills acquired through upgrading and Canadian experience, few foreign domestic workers can find the time or the money to obtain the needed skills to match labour market demand, and plans to remain in domestic work after landing would be seen as an inability to support oneself in Canada because of the low wages. Therefore, the financial stability assessment is not promising.

These barriers have led advocacy groups to complain that few foreign domestic workers are able to successfully pass even the first two assessments. Indeed the status of foreign domestic workers as unfree labour effectively marginalizes them from the resources necessary to meet the assessment requirements for landing. As a brief by the TODWR to the Ontario Standing Committee on Labour states:

Unlike other immigrant workers for whom there is a demand, foreign domestic workers are not given commensurate points to be able to enter Canada as permanent residents. Because domestic work is considered "low skill" work, they cannot get enough points in this category; and even if they don't need higher levels of education to apply for domestic work, they can only gain enough points in this category if they have higher education. And so domestic workers are brought to Canada as visitors [non-landed]. But they have to meet admission criteria that are not required of visitors but of permanent residents.... No amount of examination of provincial labour laws and no amount of improved information and counselling will substantially improve

the working conditions of a domestic worker for as long as she is in Canada on temporary status. (TODWR, 1992: 4)

The barriers to immigration which confront foreign domestic workers are not only a means to discriminate against foreign domestic workers, they also function to control protest from workers while in Canada. As the WCDWA (1989) and the TODWR (1992) argue, the nature of the assessment procedures force foreign domestic workers to comply with unacceptable work conditions in the hope of gaining landed status (Arnopoulous, 1979; Task Force, 1981).

The respondents interviewed for the present study feared a complaint against an employer, the assessment procedure or any individual immigration official, could translate into a negative evaluation. As one foreign domestic worker stated, she was not willing to complain of non-payment of wages, long hours and a lack of time off for upgrading, because of fear of reprisals from EIC. This foreign domestic worker was once an executive secretary for a United States oil company in the Middle East. She feared that voicing a complaint to an immigration official would result in deportation, or would in some way negatively impact on her application for landed status. In her words:

What can I do? I can't go back [to Iran]. Nothing will change so here I sit, if I go back to Iran maybe they will not kill me -- but then I will have to cover my face -- I will not be allowed to work, it will be terrible. So, I make no trouble, I just wait and hope [for landed status]. (Field notes, November, 1986)

This situation was typical of the foreign domestic workers interviewed for the present study. Because workers are in such a precarious situation, and depend heavily on a positive evaluation from employers in order to meet the assessment criteria, they often described their situation in Canada as a form of slavery (see also Epstein, 1980; Bolaria and Li, 1984). Many foreign domestic workers have reported that they were afraid to complain because they were concerned that even the most innocuous statement might eventually affect their chances of qualifying for landed status (Arnopoulous, 1979; Task Force, 1981; Estable, 1986; WCDWA, 1989; TODWR, 1990). As the TODWR notes:

the foreign domestic worker must meet the criteria of a "satisfactory" employment record when being assessed for landed status. This essentially forces workers to tolerate abuses for fear of jeopardizing their chance to become landed immigrants.... (TODWR, Newsletter, Feb. 1990: 2)

The introduction of the LCP in 1992 was heralded by EIC as a solution to the problems identified by foreign domestic workers and advocacy groups. Workers and advocacy groups hoped that their briefs and submissions would have an effect on liberalizing the program. However, rather than eliminating the live-in requirement of the FDMP it has been extended.<sup>10</sup> Further, instead of making landed immigrant status easier to obtain, the LCP now requires foreign domestic workers to have grade 12 equivalency and at least 6 months training in an accredited training school (EIC, 1992).<sup>11</sup>

Critics of the LCP argue that requiring Canadian equivalency and training in accredited schools will drastically reduce the number of women from non-traditional source countries who may have otherwise been able to qualify as foreign domestic workers under the FDMP.<sup>12</sup> As the TODWR states, the LCP

will create more barriers for women of colour and reinforce a systemic racism in Canada's Immigration policy... [and will discriminate against] this class of worker and renders them vulnerable to a system of indentured service that should have no place in our society. (TODWR, 1992a: 2)

The potential for discrimination against Caribbean, Asian and African workers under the LCP is consistent with the history of attempts to encourage permanent immigration from only Western European source countries. In the words of Margaret Mitchell:

The new regulations [as proposed by the Minister of Immigration] discriminate against interested women from Third World countries... In many developing countries education equivalent to a Canadian grade 12 level is not readily accessible to [the] majority of the population... These barriers [grade 12 equivalency] discriminate against many of the FDM applicants from developing countries such as the Philippines and the Caribbean, and encourage applicants from Europe and the United States of America (Mitchell, 1992)

In defense of the LCP, EIC (1992a) claims that Canada is being flooded with unskilled foreign domestic workers seeking landed status. As a result immigration officials argued that more restrictions on foreign domestic workers were warranted. Citing abuses of the system by some foreign domestic workers, officials state that there should be no special provisions for

domestic workers on employment visas and that they should be treated like all other temporary workers; that is, returned to their home country upon termination of the work visa.

EIC admits that the LCP is primarily designed to admit only those workers best suited to adapt to Canadian labour market requirements after leaving the program (EIC, 1992a). The LCP accomplishes this by reducing the over-all number of categories of workers admitted under the program from six to two categories. While the FDMP covered housekeepers, companions, servant-domestic, babysitter, children's nurse and parents' helper<sup>13</sup>, the LCP will only cover companions and babysitters<sup>14</sup> (EIC, 1992a).

The restrictions imposed by the LCP stand in marked contrast to the provisions of the FDMP which was more inclusive and allowed foreign domestic workers to apply for landed status after two years of indentured labour. In turn, the FDMP, must be seen as more regressive than even the earlier Caribbean Domestic Worker Program (CDWP) which allowed landed status after one year. Clearly, despite attempts to defend the LCP as a more liberal response to the need for unfree wage labour, it merely shifts the responsibility for the rights of foreign domestic workers from the federal government to the provinces. The LCP does not advance the rights of women from non-traditional source countries of immigration but reproduces the racism and sexism of past policy and practices (see for example Calliste (1989) and

Silvera (1989). In addition, the LCP reduces the number of categories of workers covered under the program. This will probably tend to increase the number of foreign domestic workers admitted under general employment visas.

Workers on general employment visas have even fewer prospects for settlement and there were approximately 13,000 general employment visas issued to domestic workers not covered by the FDMP in 1987. Indeed, foreign domestic workers on general visas cannot apply for landed status while in Canada but must leave the country before being allowed to apply for landed status. Nor are they given special consideration for landed status when, or if, they apply (see Satzewich, 1990).

#### 5.5 Provincial Labour Standards Legislation

Workers on general visas not covered under the FDMP or the LCP have one advantage. Because they are not covered by these two programs, they are not forced to live in the homes of employers. This makes it possible for them to receive better protection under provincial labour standards legislation, where that is available. However, protection under provincial labour standards legislation is limited. In Alberta, Saskatchewan, New Brunswick, Prince Edward Island and Nova Scotia there are no labour standards provisions for domestic workers (Employment and Immigration, 1981; Estable, 1986).

In the provinces with labour standards protections, domestic workers who do not live in the residence of the employer are treated differently than live-in domestic workers. For example, live-out domestic workers in Newfoundland, Ontario, Quebec, and British Columbia, are covered by labour standards legislation which provide for a minimum daily or weekly wage and vacations. However, domestic workers who live in the homes of employers are excluded from these provisions. In British Columbia, for example, live-in domestic workers are excluded from legislation regulating minimum hourly wage, hours of work, overtime pay,<sup>15</sup> vacation and annual holidays and maternity leave benefits.<sup>16</sup>

Since many foreign domestic workers are not informed of the distinction between live-in and live-out workers they readily enter into live-in contracts which exclude them from labour standards legislation. However, even with prior knowledge of this distinction, many foreign domestic workers find that they are unable to secure a contract to come to Canada unless they accept a live-in agreement. Once they arrive many realize that they cannot afford the luxury of a separate residence and must accept live in arrangements.

As a result, many foreign domestic workers are required to work below the minimum hourly wage afforded to other workers, rarely get over-time pay, or days off and vacation time. Advocacy groups complain that many employers of live-in domestic workers, insist that they work at least 6 days a

week, be on call for more than 8 hours a day and work when ill.<sup>17</sup> As one foreign domestic worker interviewed for this study said:

... ever since the baby [the employer's child] was born I have been working overtime a lot more than before. Even when I am sick I work. I don't get very much more money though... I only get paid a small amount extra at the end of the month. (Field notes, March, 1989)

According to another respondent interviewed in Vancouver, she is sometimes given "clothes the employer no longer wants... " [and maybe] "a movie ticket" in lieu of wages. As she stated: "this [payment in kind] does not help to pay my bills, or help me support my parents in Iran, or give me money for courses so I can get out of this damn [sic] situation." (Field notes, December, 1988)

Another foreign domestic worker in Vancouver stated that payment of wages was vital not only to her, but to her family, as she was the main source of disposable income for her family in the Philippines (see also the Vancouver Sun, January 21:A1). This respondent also stated that she had not seen her daughter in two years and wanted to contribute to her education. In her words:

I haven't seen my family in a very long time. Mostly I feel lonely. The only friends I have, I meet like you in the park. I can't talk to [my employer] because she doesn't want to hear me complain. I am only a worker. Sometimes she tries to treat me like "one of the family" when it suits her - in front of her friends when I bring tea. She does not want to be my friend, just my boss. I don't think she likes me because I'm not Canadian and I have an accent. Most times, she likes it when I do my work and don't get in her way - except to take care of her children because she only likes me to be around them when she has time. (Field notes, 1989)

The foreign domestic workers interviewed for this study reported that live-in status resulted in a lack of any clear distinction between hours of work and hours of rest. Because there is no clear end of the work day, or end of the work week, there is a lack of respect for the rights of the individual worker. Many complained that employers took advantage of them on every occasion. According to one domestic worker:

An agency in the Philippines got me a job as a domestic worker with a family with a baby in Deep Cove in North Vancouver. I had to wear a uniform with a white apron. I worked from 5:30 in the morning until 8 or 9 in the evening, seven days a week. If they were having a party, I would have to work until 2 or 3 in the morning. It was not unusual for me to have to cook food, serve drinks, serve dinner and clean up for 30 guests. Sometimes I would be invited to go along with the family to a friend's house for dinner. But I was expected to serve dinner there, too... my employers didn't give me enough food. They even counted the cans in the kitchen. I was not allowed to eat the same food they did, and I had to eat my dinner in the kitchen when I finished work at 8 or 9 in the evening. (WCDWA newsletter, 1987, Aug: 5)

These conditions of work and the lack of protection by labour standards legislation have resulted in a growing number of community advocacy groups to lobby on behalf of foreign domestic workers. The efforts made by these groups to improve conditions and create more equitable work contracts are examined below.

### 5.6 Organizing for Change

There are a number of foreign domestic worker advocacy groups across Canada. These include the International Coalition to End Domestic Exploitation (INTERCEDE), the Montreal Domestic Workers' Association (MDWA), the Labour Advocacy and Research Association (LARA), the British Columbia Domestic Association (BCDA), the Committee for the Advancement of the Rights of Domestic Workers (CARDWO), the Toronto Organization For Domestic Worker Rights (TODWR), the International Committee Against Racism (INCAR) and the West Coast Domestic Workers' Association (WCDWA). LARA was formed in British Columbia in 1975 to provide legal information to visa holders (Epstein, 1983), while BCDA and CARDWO addressed provincial and Federal legislative reform. INCAR, along with the Service, Office and Retail Workers' Union (SORWUC), have attempted to form domestic workers' unions. In 1986 the WCDWA was formed to represent foreign domestic workers and to press for legislation to protect domestic workers in British Columbia.

These organizations have joined a long history of attempts to organize domestic workers. One of the first such attempts was the Home and Domestic Employees Union formed in 1913 (LARA, n.d.). The union focused on changing hours of work and wage rates. While there were 2,000 domestic workers in the province at the time, the isolation of paid domestic workers and a lack of resources resulted in the failure of the union.

In 1936 the Domestic Workers' Union also failed when they could not sign enough workers (LARA, n.d.). In the period between 1936 and 1944, Dorothy Steeves, a C.C.F. Member of the Legislature, attempted to have domestic and farm workers in British Columbia protected under the same provincial minimum wage legislation as other workers (LARA, n.d.). However, this attempt to provide equal treatment to all workers also failed because neither domestic nor farm workers could be organized in sufficient numbers to make the union a viable political force.

At present, neither the West Coast Domestic Workers' Association nor the Canadian Farmworkers' Union believes that the new NDP government will include either group under the same labour standards protections as other workers (Field notes, Gill, 1992). Gill believes that the best that farm and domestic workers can hope for is an increase in the minimum daily wage and health and safety standards protections.

The WCDWA hopes to test the legality of the exclusion of foreign domestic workers from labour standards legislation through a Charter of Rights and Freedoms test case. If proposed amendments to the federal Human Rights Act to include citizenship as a prohibited ground of discrimination are adopted this may also help to ensure foreign domestic workers protection from discrimination in terms of labour and health and safety legislation. However, these two legal remedies are perhaps all that foreign domestic workers can hope for in the

present climate of recession and the influence of right-wing political parties.

Certainly, there has not been a large public outcry at the discrimination facing foreign domestic workers. One reason may be the difficulty which mainstream women's groups and immigrant and visible minority associations and groups have with the issue of freeing Canadian women from domestic work. As Arat-Koc argues, foreign domestic workers pose a problem for mainstream women's organizations because curtailing the supply of foreign domestic workers would create hardship for women who rely on paid live-in workers.

Recent divisions within some foreign domestic worker's associations stem from different and contradictory class interests. As one foreign domestic worker explained about a recent crisis in one organization representing foreign domestic workers:

The split is between white middle class "wanna be" lawyers and we women who do the work. We were kicked out [of the organization] because we want an end to the foreign domestic work system. We wanted to say that in Ottawa during the hearings over the program [the Foreign Domestic Movement Program], but the lawyers would not allow us and threatened us. We were forced out over the control of the organization. The question was of the right to demand landed immigrant status (private correspondence, 1992)

Ng (1988) analyzed an immigrant servicing agency in Toronto and found a similar disjunction and conflict between the mandate of the organization to serve the needs of immigrant women and the needs of staff as part of a

bureaucracy. Ng argues that despite the best of intentions, paid staff assumed the role of labour brokers for employers in order to ensure continued state funding. The situation of some foreign domestic work advocacy groups may be similar; the needs of the funding bodies may determine the objectives and priorities independent of the needs of the women they serve.

However, not all women's groups have ignored the issue of foreign domestic workers. In 1973 the Vancouver Status of Women presented a brief to the Special legislative Committee on Agricultural and Domestic workers in which it was argued that all workers, regardless of status in Canada, should be afforded labour standards and health and safety protections. Since then INTERCEDE, the British Columbia Organization to Fight Racism (BCOFR),<sup>18</sup> among others, have consistently opposed the use of foreign domestic workers as unfree labour. However, few of the immigrant, multicultural or ethno-specific organizations or the immigrant and ethnic minority women's organizations in British Columbia or nationally have made foreign domestic work or employment authorizations an issue.

In 1990 the National Action Committee on the Status of Women, a 500 group umbrella organization, adopted a resolution which asserted the opposition to "any system of indentured service which restricts foreign domestic workers in their choice of employment, employers and residence" and supported "the entry of foreign domestic workers to Canada as landed immigrants" (INTERCEDE, June, 1990). Yet, as noted above,

those immigrant and ethnic minority organizations which are members of NAC have not made foreign domestic labour a major issue. It remains to be seen how much organizational initiative will be devoted to lobbying for change. In fact the federal government has adopted a much more restrictive foreign domestic workers movement program - the Live-in Childcare Program, despite NAC's resolution. While pressure from INTERCEDE and other advocacy groups may have influence the outcome of the Task Force on Foreign Domestic Workers in 1981, the political and economic climate has changed. There is more resistance to immigration from right-wing groups and there appears to be less sensitivity to the rights of workers, especially immigrant and visible minority groups.<sup>19</sup>

Employers and employment agencies, however, have been very active, lobbying for even further restrictive legislation. As a recent Toronto Star report noted, employment agencies and employers are alarmed at what they regard as a trend towards protecting the rights of domestic workers at the expense of employers and have formed a coalition to lobby Ottawa (Flavelle, 1990). The coalition cited the requirement to pay domestic workers over-time after 44 hours of work as an example of the government favouring domestic workers over employers. Flavelle cites one female employer as saying that "We [the members of the coalition] really feel the pendulum has swung too much on the side of the girls and what's

happening now is Canadian parents are being held at bay (Flavelle, 1990).

### 5.6 Policy Alternatives

Government policy is not static, however. There have been a number of changes to legislation and regulations governing the incorporation of foreign domestic workers into the Canadian labour market. But not all changes have been progressive. The history of policy and rules governing foreign domestic workers has, if anything, been regressive.

In 1972 the New Democratic Party formed the government in British Columbia and one of the first initiatives was to form a special legislative review of farm and domestic work. While many groups, including various NDP constituency associations recommended that domestic and farm workers receive the same rights as other workers, the government was slow to protect the lowest paid and most poorly treated workers in the province. The NDP government passed legislation giving farm and domestic workers the right to form unions (Dutton, 1984).

Similarly, there were only minor changes to legislative discrimination under the Social Credit government. In 1985 the Employment Standards Act provided a minimum daily wage of \$29 for domestic workers and this was increased to \$40 per day in 1990. However, because there is no limit on hours of work, and

because employers can charge the worker for accommodation, actual (or real) wages paid are often much lower.<sup>20</sup>

One reason for the failure of government to correct this abusive situation which many foreign domestic workers experience is the over-riding concern to provide daycare to privileged women. As a recent federal government study concluded, employment visas are necessary to provide women with quality child care because of a lack of alternative sources (Task Force, 1981). The Task Force (1981) noted that while an alternative to the employment visa system would be preferred, it could not be eliminated. In this view:

Domestic workers are underpaid because domestic work - when it is done by our relations as well as by our employees - is seriously undervalued. Not until we recognize the skill and dedication required for work in the home, particularly with children, can we expect proud workers to seek home work. We cannot wait for that moment, however, in suspended animation. Short term solutions must be found. Among them is finding substitutes for our least well-paid domestic workers - those on temporary employment authorizations. These substitutes may be better paid workers - Canadian or landed - or day care and other external services. But in our haste to replace domestics, we must still press for quality substitutes, and resist the impetus of mere "market forces" toward plentiful, low quality, day-care institutions. (Task Force, 1981: 96)

Nor did the Task Force recommend that foreign domestic workers be given extra recognition under the immigration point system. The reason given was that it would reduce the number of domestic workers and adversely affect access to low cost daycare. According to the Task Force:

[if] special assessment criteria are established applicable only to this group of foreign domestic workers it would distort the entry system... it is perhaps

inevitable that requiring entry by landing would reduce the overall numbers of domestics coming to Canada in any period. They would be vying with their countrymen for "landing" places, and the criteria of assessment would be more exacting than those now used to issue employment authorizations... Therefore, even with a modification of the point system, a "landings only" approach could produce a drastic reduction in supply. (Task Force, 1981: 87)

As a result, the Task Force failed to make the kind of recommendations necessary to substantially protect the interests of foreign domestic workers. Rather than recommending that employment agreements be made binding in law, the Task Force stated that attempts should be made to improve the "status" of domestic workers so that Canadians would be more attracted to this kind of work.

In the interim, it has been suggested that a larger tax break to employers who hire domestic workers would be passed on in the form of higher wages to domestic workers. As the Task Force argued, under the Income Tax Act employers pay a substantial portion of the expense for domestic workers out of their after-tax dollars.<sup>21</sup> By increasing the write off for domestic workers, more money would be available to employers who, it was assumed, would pass on their savings to employees.

Arnopoulous's (1979) study of foreign domestic workers is also largely ambivalent about the situation of foreign domestic workers. Arnopoulous argues that the best way to deal with the exploitation of domestic workers on employment visas is not to do away with employment visas but to establish a

non-profit government agency to place foreign domestic workers and to enforce work contracts. According to Arnopoulous:

The policies regarding admission of foreign domestics on work permits could also be revamped so that third world women are not subject to exploitation by Canadian families. The best system would perhaps entail the creation of a non-profit agency which could control placement of foreign domestics through a work contract which the agency could enforce. (Arnopoulous, 1979: 49)

However, it is not a better government-controlled contract that domestic workers require, but citizenship rights through landed immigrant status and full coverage under labour standards legislation. As Ng (1988) found in her analysis of immigrant servicing agencies, the attempt by women counsellors to act as advocates simply fails because counsellors are forced to become the agents of capital as a result of funding concerns and bureaucratic interference. For Ng, immigrant serving societies have become labour brokers for employers and functionaries of federal or provincial governments, despite the best of intentions. As stated in a recent WCDWA newsletter:

Attention all domestic workers! Be on the lookout for unscrupulous agencies... they only want to get your employer's money and they don't care what happens to you, the domestic worker.... Too often agencies will only accept foreign domestics: they know that foreigners are less likely than their Canadian counterparts to complain about working conditions.... I personally know of one agency that only recommends Filipinas... they are less likely to stand up for their rights. Some agencies will not take a domestic worker unless she has taken an expensive "training" course. But usually the course is run by the agency (under a different name, of course) so that the agency makes money twice: once from the domestic worker in tuition fees and once from the employer.... (WCDWA, Newsletter, Aug. 1987: 1)

To address both systemic barriers and exploitation by employers and agencies, more radical options to protect foreign domestic workers have been advocated by grass roots organizations.<sup>22</sup> It is argued that if foreign domestic workers are good enough to work in Canada then it must be recognized that they are good enough to become permanent citizens with all the rights and privileges that entails. As a result, advocacy groups recommend that domestic workers should be admitted as landed immigrants and that in the interim employer/employee agreements be made legally binding.<sup>23</sup>

Granting landed immigrant status would be an important step in raising the wages, the status and protecting the legal and civil rights of foreign domestic workers in Canada. However, the chances of this proposal being accepted by the federal government are extremely small given that it would allow foreign domestic workers to join the free labour force and to move into higher wage jobs in other sectors of the economy. Granting landed status would contradict the purpose of the LCP - which is to force women to remain in domestic work as a condition of entry to Canada. And without continued access to foreign domestic workers, there would be an even greater "crisis" in day care provision. Cancellation would result in higher wages for paid domestic work, but perhaps fewer women will be able to leave the home for paid employment if a national day care policy and funding commensurate with need

are not adopted. Again, a national child care policy seems unlikely with the priorities established by the present Conservative government.<sup>24</sup>

#### 5.6 Summary

This chapter has shown that foreign domestic workers are increasingly being recruited from economically less developed regions of the world to meet the demand for domestic labour in Canada. It was argued that foreign domestic workers do not represent an already unfree labour reserve drawn on from pre-capitalist social formations. Instead, there is evidence, albeit limited, to suggest that foreign domestic workers represent a de-proletarianized work force turned into unfree wage labour by federally sanctioned programs to restrict mobility rights.

It has also been argued that attempts to ameliorate the problems which foreign domestic workers face in the domestic sphere is hampered by the over-riding concern for the day care needs of privileged families in Canada. As long as employment visas are made available to bring women from the less economically developed areas of the world to Canada, to work below the minimum wage and under conditions which few workers Canadian or landed immigrants would tolerate, the demand for unfree domestic labour will continue to increase regardless of the recent attempts to impose tighter restrictions on

admissibility (i.e., "upgrading qualifications"). The federal government must continue to create unfree wage labour for the domestic sphere, or expect protest from a potentially powerful segment of the electorate; privileged women who want to escape unpaid domestic service.

Notes

1. These data exclude those domestic workers in Canada illegally, those on special ministerial permits and those already working as domestic workers in Canada prior to 1980. These data include waived visas issued for foreign domestic workers and this may overstate the actual number of foreign domestic workers in Canada at any one time (Renaud, 1984). For other measures of the total number of foreign domestic workers in Canada see EIC (1990) and the West Coast Domestic Worker's Association (1989). The measure of the number of work permits issued in the present study results in a number which is considerably less than estimated by Estable (1986) who believes that there are more than 30,000 foreign domestic workers in Canada.
2. See Castles and Kosack (1973), Nikolinakos (1975), Sivanandan (1975), Portes and Walton (1981), Task Force (1981) and Sassen Koob, (1983) for this analysis.
3. Since many foreign domestic workers apply to work in a variety of countries and make application for a visa from the last country worked, the number of foreign domestic workers from the less economically developed areas of the world entering Canada as foreign domestic workers may be understated.
4. Preliminary EIC (1990) forecasts indicate a similar trend for the early 1990s.
5. The observations of the Westcoast Domestic Workers' Association (1989) and Toronto Organization for Domestic Workers' Rights (1989) support these findings.
6. In December of 1991 the federal government announced plans to eliminate the FDMP, but later proposed changes to the criteria for acceptance into the program (EIC, 1992). EIC justified the tighter restrictions on the grounds that the FDMP was expanding too rapidly and was responsible for allowing "unqualified" workers to gain landed immigrant status (EIC, 1992). One federal Minister rejected complaints about the new regulations, stating that because foreign domestic workers are already highly skilled the new regulations would have little impact on admissions or on those able to qualify for landed status (Weiner, 1992).
7. Critics have charged that the FDMP is little more than an extension of earlier foreign domestic movement programs introduced in the mid-1950s to bring Caribbean workers to

Canada as indentured labour (Bolaria and Li, 1988; Calliste, 1989). Those foreign domestic workers movement programs allowed Caribbean women to gain landed status after one year of indentured labour in Canada (Calliste, 1989). Because of the rapid movement of "Black" women out of domestic work after gaining landed status, the program was cancelled and the Employment Authorization System was instituted in 1973 as a means of better regulating and channelling workers into designated occupations. The new program did not allow for landed status. (Bolaria and Li, 1988; Calliste, 1989).

8. Under these agreements in British Columbia foreign domestic workers are to receive a minimum daily wage of \$40, a 40 hour work week and an hourly over-time rate of 1.5. Employers are also required to provide 3 consecutive hours off per week and contribute \$20 towards upgrading skills.
9. In November of 1989 the Director of Immigration for British Columbia stated that domestic workers who may have misrepresented their marital status in the past could correct the record without threat of deportation or an immigration inquiry (WCDWA Newsletter, 1990, April).
10. See NDP multicultural critic Mitchell's (1992) and NDP immigration critic Heap's (1992) briefs and letters to the Minister of Employment and Immigration.
11. See NDP multicultural critic Mitchell (1992) and NDP immigration critic Heap's (1992) briefs and letters to the Minister of Immigration.
12. There is at present no accreditation process in Canada for determining equivalency for countries other than Western Europe, Australia and the United States (Government of Alberta, 1992) However, the proposed changes may have little impact since they will likely be challenged under provincial and federal human rights legislation which protect against policies which tend to discriminate because of country of origin (B.C. Human Rights Coalition, 1992).
13. See the Employment and Immigration Canada, Immigration Manual, IS 15.61, subsection 2, Domestic Occupations Recognized under FDM Programs, (EIC, 1986:49).
14. According to the revised program a "live-in caregiver" is a worker who provides child care, senior home support

care, or care of the disabled, without supervision, in a private home (EIC, 1992a).

15. In 1987 the Women's Legal Education and Action Fund (LEAF) in Vancouver contacted the WCDWA about undertaking a court challenge to have live-in domestic workers covered under labour standards legislation for overtime pay (WCDWA Newsletter, 1987, Feb:1) and in 1989 a case was undertaken for the challenge, but a date has not been set (WCDWA Newsletter, 1989, June:6).
16. Employment Standards Act 1988, Sec 3.1 -7.9; B.C. Employment Standards Information Bulletin 1988, No.9 Section 3b, (iv) and No. 13, Section a and b; Ministry of Labour, 1988, Sections a and b, November.
17. See the briefs presented to different government hearings by the Committee for the Advancement of the Rights' of Domestic Workers (1982), Household Workers' Association of Montreal (1987), Toronto Organization for Domestic Worker Rights' (1989) and the West Coast Domestic Workers' Association (1989).
18. BCOFR has participated in rallies against the use of women as unfree wage labour and against the exclusion of foreign domestic workers from employment standards.
19. See chapter six below on proposed amendments to the 1978 Immigration Act and AMSSA's (1992) brief on those changes.
20. In 1990 allowable deductions for accommodation was limited to \$250.00 per month.
21. Presently, an estimated 30 percent to 50 percent (depending on province) of the wages and costs associated with paid domestic work are tax deductible (Task Force, 1981).
22. See West Coast Domestic Workers' Association and the Toronto Organization for Domestic Workers' Rights Newsletters. Charan Gill, Multicultural Advisor to the province and, President of the B.C. Organization to Fight Racism has also been an outspoken advocate of full citizenship rights.
23. For a summary of the recommendations made by the West Coast Domestic Workers' Association see their December, 1989 Newsletter volume 1, number 22 and Rans (1988) for the Toronto Organization for Domestic Workers' Rights summary.

24. Note that even important initiatives like the Court Challenges Program have been cancelled, despite opposition from visible minority, Native, women and the physically challenged groups.

## 6. CONCLUSION

The study has attempted to address the complex issues raised by the use of unfree wage labour for the domestic sphere. It was argued that unfree labour is not a relic of pre-capitalist social formations, but continues to be created by modern state legislation which channels workers into low wage sectors of the economy. Following Cohen it was maintained that:

capitalism has been characterized by a combination of unfree and free labour regimes from its genesis to the present day... While clear differences exist between each period - mercantile, industrial, imperial and transnational - in the forms of labour deployed, there is also a sense of historical continuity rather than rupture. In each phase [of the development of capitalism] a mix of "free" and "unfree" labour forms is evident. (Cohen, 1988: 252)

Programs like the new Live-in Caregiver Program reinforce the argument that foreign domestic workers are admitted to Canada as unfree wage labour. Indeed the new LCP is less favourable to women from the less economically developed areas of the world and, as critics argue, the program will further racialize domestic work by imposing stricter qualification requirements. While the LCP was heralded by Bernard Valcourt, Minister of Employment and Immigration, as an improvement over past foreign domestic work programs, it is in fact regressive.

However, programs to admit women as foreign domestic workers represent only a small portion of unfree wage labour in Canada. In addition to agricultural and other workers admitted on temporary employment visas, under Bill C-86, proposed legislation to amend the 1976 Immigration Act,<sup>1</sup> the federal government will be able to greatly expand both the number and type of unfree workers admitted to the country in the near future (EIC, 1992b).

Through Bill C-86 the federal government will be empowered to force independent class settler immigrants into particular occupations and regions as a condition of entry to the country.<sup>2</sup> As the EIC (1992a) notes, under the 1976 Immigration Act independent applicants "are free to move and work where they want - even to a region where their skills are not needed and where they are in competition with unemployed Canadians" (EIC, 1992a). Bill C-86 will change this by allowing

the government to stipulate where people, selected on the basis of needed skills, can settle or the kinds of jobs they may hold, for temporary, specified periods after coming to Canada. Applicants [for landing] will understand that they gain the right to come to Canada because they agree to settle in a particular locale and/or to work in particular jobs, both for a temporary, specified period of time. (EIC, 1992a: 3)

Thus unfree wage labour will result not just from the employment visa system but will be expanded to include those settler immigrants who qualify under the independent category as workers destined to the labour market. With immigration legislation of this type, there should be no further need for

programs like the LCP, since under immigration legislation they will be forced to work in designated occupations and regions of the country.

In defense of Bill C-86, Bernard Valcourt, Minister of Employment and Immigration Canada, states that immigrants will only have to work for a "specified" time period. However, it is likely that employers will become more dependent on indentured labour and governments will be challenged to force workers to stay in certain geographical regions and in jobs for longer and longer periods. The more successful the program in creating unfree wage labour, the more likely it will be that the federal government will increase the duration of the "specified time period" by employers and groups representing the interests of employers (see AMSSA, 1992; Heap, 1992). As a result, Canada, like Western Europe, will likely become home to more and more "guest" workers; workers without full citizenship rights.

While further research is required, the study has also attempted to examine some of the questions regarding the intersection of gender, ethnicity and class in the foreign domestic labour process. The employment of women from Asia and the Caribbean in the homes of privileged families not only raises questions regarding gender and ethnicity, but forces us to address these issues in the context of class.

Understanding the complex relationships within the domestic sphere involves the rejection of simplistic notions

of women as a homogeneous group with a shared a "sisterhood" based in a common oppression. As ethnic minority and working class women have argued, family life and experiences in the labour force are not the same for all women, but are conditioned by racism and class. As a consequence, the lives of women must be examined historically and specifically in terms of the way different groups of women are incorporated into the labour market. Strategic alliances between organized labour, advocacy groups, ethno-specific organization, immigrant servicing agencies and multicultural organizations for improving the conditions of work for ethnic minority and working class women rest on the analysis and appreciation of these differences. Arat-koc (1989), Silvera (1989) and Cock (1989) therefore focus on the barriers to mobilizing for positive social change. Since the class interests of employers and employees are in conflict, especially since increased benefits to employees result in a financial loss of purchasing power for employers, class relations in the domestic sphere must be addressed. As Black and Marxist feminists have argued, the historic and specific role of minority ethnic and working class women in Canadian society has not received the attention it deserves in feminist thought. The relationship between maids and madams (Cock, 1989), or as Silvera states, the "woman-as-servant" and the "women-as-mistress", must be challenged both in feminist theory and practice.

It has also been maintained that the linkages between international labour migration and the domestic sphere clearly indicate that not all domestic work in Canada can be viewed as independent or separate from the wider and more "public" sphere of capitalist production. The case of foreign domestic workers shows that domestic employment cannot be viewed as if it were discrete or separate from the dominant mode of production, but must be studied in the context of state control over the incorporation of unfree non-settler and settler immigration. This includes the international migration of women to meet labour demand in advanced capitalist societies. How this migration is organized and under what conditions it is deployed, whether free, unfree wage or non-waged, settler or non-settler, is an area of growing importance in the political economy of the international restructuring of capital. While much more research is required, the present study will hopefully contribute in even a small way to understanding part of this dynamic.

Finally, the role of the state in creating sources of unfree wage labour under both the employment visa system and proposed immigration legislation shows that the Canadian state cannot be viewed as a neutral body designed to protect the rights of individuals or groups equally. Clearly, state immigration policy and programs are designed to discourage ethnic minority family formation and, under the present

employment visa system, to restrict the mobility rights of migrant workers in Canada.

On the other hand, the state cannot be viewed as an instrument of the capitalist class because the incorporation of foreign labour, whether involving free or unfree, settler or non-settler immigrants, has not been at the whim of employers. Instead, immigration policy has been the object of class struggles and it has been largely shaped in response to pressure from both employers and organized workers. As argued in chapter four, the distribution of unfree and free, settler and non-settler immigration reflects the need of the federal government to plan economic growth, while at the same time attempting to minimize social unrest by protecting jobs in organized sectors of the economy from direct competition from immigrant labour (see Boyd, 1986; Multicultural Programs, B.C., 1990).

**NOTES**

1. Bill C-86 has gone through two readings in the House during July, 1992 and is now before a Legislative Committee. The Minister responsible plans to go to third reading in the Fall of 1993.
2. Those with sufficient money to qualify as entrepreneurs (the new "head tax"), family class and refugees will not be subject to this provision of the Bill. They will be free to move throughout Canada.

**TABLE 1**  
**SETTLER VERSUS NON-SETTLER IMMIGRATION, 1973-1987**

<u>YEAR</u>	<u>LANDED<sup>1</sup></u>	<u>DESTINED<sup>2</sup></u>	<u>VISA<sup>3</sup></u>
1973	184,200	92,228	83,912
1974	218,465	106,083	86,183
1975	187,881	89,189	96,045
1976	149,429	61,461	91,103
1977	114,914	47,625	89,102
1978	86,313	35,211	82,914
1979	112,096	48,234	94,413
1980	143,117	63,745	108,771
1981	128,618	59,969	126,575
1982	121,147	55,472	125,857
1983	89,157	37,109	130,711
1984	88,239	38,500	143,977
1985	84,302	38,453	156,157
1986	99,219	48,200	172,829
1987	146,994	74,406	188,810

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Source: Compiled by the author from Canadian Employment and Immigration Statistics. Various tables and years.

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<sup>1</sup> "Landed" includes all immigrants granted permission to enter Canada to establish permanent residence, including independent workers "destined" for the labour market, immediate family members, sponsored relatives, entrepreneurs and refugees.

<sup>2</sup> "Destined" refers to that category of landed immigrant given permission to enter Canada because of a recognized need for particular work skills. The destined category is included in landed in column one, but represents individuals who do not qualify under the sponsored family class, entrepreneurial or refugee categories because they are admitted as workers.

<sup>3</sup> "Visa" refers to all permits granted to allow foreign workers to enter Canada for one year periods. However, there are categories of workers who do not require employment authorizations including diplomats, foreign business representatives and foreign journalists.

**TABLE 2**  
**DOMESTIC WORKERS TO CANADA BY WORLD REGION, 1980-1987**

	1980	1981	1982	1983	1984	1985	1986	1987
UK	2775 30.1 <sup>1</sup>	3960 28.0	3950 25.5	3132 20.1	2620 6.4	2184 13.7	2199 12.6	2275 11
EUROPE	2247 24.4	2799 19.8	2747 17.8	2449 16.2	2795 17.5	3203 20.1	3617 20.7	3921 18.9
USA	192 2.1	256 1.8	258 1.7	268 1.8	287 1.8	298 1.9	310 1.8	321 1.5
AUSTRLA	212 2.3	302 2.1	402 2.6	491 3.3	498 3.1	587 3.7	811 4.6	848 4.1
ASIA	1364 14.8	3351 23.7	4423 28.6	4668 30.9	4905 30.7	5506 34.6	7477 42.8	10254 49.5
CARIB	1822 19.8	2557 18.1	2635 17.0	2795 18.5	3210 20.1	2597 16.3	1860 10.6	1560 7.5
CEN&SOU AMERICA	539 5.9	809 5.7	931 6.0	1139 7.5	1504 9.4	1371 8.6	986 5.6	1274 6.1
AFRICA	61 .7	103 .7	126 .8	147 1.0	155 1.0	182 1.1	212 1.2	280 1.4
TOTAL	9212	14137	15472	15088	15974	15928	17472	20733

Source: Compiled by the author from the records of employment visas, Employment and Immigration, Hull, Quebec.

<sup>1</sup> As a percentage of all foreign domestic workers entering Canada.

TABLE 3

## TOP 5 SOURCE COUNTRIES OF DOMESTIC WORKERS, 1980-1987

YEAR	1980	1981	1982
	ENGLAND (21.9) <sup>1</sup>	ENGLAND (19.8)	PHILIPN (24.1)
	PHILIPN (11.3)	PHILIPN (19.7)	ENGLAND (17.5)
	JAMAICA ( 9.7)	JAMAICA ( 8.6)	JAMAICA ( 7.8)
	SCOTLND ( 5.6)	SCOTLND ( 5.6)	SCOTLND ( 5.8)
	SWITZLN ( 5.4)	SWITZLN ( 4.1)	SWITZLN ( 3.8)
TOTL	N= 9212	13137	15472
YEAR	1983	1984	1985
	PHILIPN (26.4)	PHILIPN (24.8)	PHILIPN (29.0)
	ENGLAND (14.3)	ENGLAND (11.5)	ENGLAND ( 9.7)
	JAMAICA ( 9.0)	JAMAICA (11.3)	JAMAICA (10.2)
	SCOTLND ( 4.6)	GUYANA ( 4.7)	GERMANY ( 4.7)
	GERMANY ( 3.4)	GERMANY ( 4.0)	GUYANA ( 3.8)
TOTL	N= 15088	15974	15928
YEAR	1986	1987	
	PHILIPN (47.9)	PHILIPN (44.5)	
	ENGLAND ( 9.2)	ENGLAND ( 8.3)	
	JAMAICA ( 5.9)	GERMANY ( 4.2)	
	GERMANY ( 4.7)	AUSTLIA ( 3.1)	
	FRANCE ( 2.5)	JAMAICA ( 3.0)	
TOTL	N= 17472	20733	

Source: Compiled by the author from the records of employment visas supplied by Employment and Immigration, Hull, Quebec.

<sup>1</sup> As a percentage of all the total foreign domestic workers on visas entering Canada for that year.

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APPENDIX A: DOMESTIC WORK CLASSIFICATION CODES

- 2731-110 Governess
- 3131-134 Nurse Maid Private
- 6121-118 Domestic Cook
- 6142-110 Housekeeper, Servant, Butler
  - 114 Valet
  - 126 Personal and Household Service Individual, Companion, Housekeeping Maid, Housekeeping Aide
  - 130 Domestic Worker, Domestic, Domestic Couple, Domestic Servant, Head Housekeeper, Hired Boy/Girl, Hired Worker (private household), House Servant, House Maid Helper
- 6147-114 Child-care Worker, Nurse Maid, Nursery Attendant, Children's Nurse
  - 118 Child-care Attendant
  - 122 Daycare Worker Infant
  - 130 Parents Helper
  - 134 Nurse Maid Private
- 6149-000 Personal Service Workers (household)
- 6191-109 Janitors, Charworkers and Cleaners,
  - 110 Head Charwoman, Head Cleaner
  - 114 Caretaker (live-in), Cleaning Lady, Light Duty Cleaner

Source: The Canadian Classification and Dictionary of Occupations, (7th ed.)



652 Netherlands Antilles  
 653 Guadeloupe  
 654 Haiti  
 655 Martinique  
 656 Puerto Rico  
 657 Virgin Is. USA  
 699 West Indies N.E.S.

**SOUTH AMERICA**

703 Argentina  
 709 Brazil  
 711 Guyana  
 721 Chile  
 722 Colombia  
 723 Peru  
 724 Uruguay  
 725 Venezuela  
 751 Bolivia  
 752 Surinam  
 753 Ecuador  
 754 French Guiana  
 755 Paraguay  
 799 South America N.E.S.

**AFRICA**

101 Egypt  
 111 Malawi  
 112 Zambia  
 113 Zimbabwe  
 121 South Africa Rep.  
 122 Namibia  
 130 Tanzania  
 131 Algeria  
 132 Kenya  
 133 Morocco  
 135 Tunisia  
 136 Uganda  
 151 Angola  
 152 Lesotho  
 153 Botswana  
 154 Burundi  
 155 Cameroon  
 156 Chad  
 157 Central African Rep.  
 158 Zaire Rep. of  
 159 Congo Rep. of  
 160 Benin Peoples Rep.  
 161 Ethiopia  
 163 Gabon Republic  
 164 Gambia  
 165 Ghana  
 166 Guinea Rep of

167 Guinea-Bissau  
 169 Ivory Coast  
 170 Liberia  
 171 Libya  
 172 Malagasy Rep.  
 173 Mali Republic  
 174 Mauritania  
 175 Mozambique  
 176 Niger  
 177 Nigeria  
 178 Guinea-Equatorial  
 179 Rwanda  
 180 Senegal  
 181 Sierra Leone  
 182 Somalia Republic  
 183 Djibouti, Rep. of  
 184 Western Sahara  
 185 Sudan Dem. Rep. of  
 186 Swaziland  
 187 Togo Rep. of  
 188 Burkino- Faso  
 199 Africa N. E. S.

**ASIA**

201 Sri Lanka  
 202 China-Mainland  
 203 Taiwan  
 204 Hong Kong  
 205 India  
 206 Israel  
 207 Japan  
 208 Lebanon  
 209 Pakistan  
 210 Syria  
 212 Bangladesh  
 221 Cyprus  
 222 Indonesia Rep.  
 223 Iran  
 224 Iraq  
 225 Jordan  
 226 Kuwait  
 227 Philippines Rep. of the  
 231 Saudi Arabia  
 241 Burma  
 242 Malaysia Fed. of  
 246 Singapore  
 252 Afghanistan  
 253 Bahrain  
 254 Bhutan  
 255 Brunei  
 256 Kampuchea Dem. Rep.  
 257 Korea North

258 Korea South  
 260 Laos  
 261 Macao  
 262 Mongolian Peoples Rep.  
 263 Oman  
 264 Nepal  
 265 Qatar  
 267 Thailand  
 268 Tibet  
 270 Vietnam Soc. Rep. of  
 273 Yemen Arab Rep.  
 274 Yemen Dem. Rep.  
 280 United Arab Emirates  
 299 Asia Nes

**AUSTRALIA**

305 Australia  
 339 New Zealand  
 341 Naura (IND.)  
 342 Papua New Guinea  
 399 Australia N.E.S.

**OCEANIA & OTHER**

801 Fiji  
 821 Southern and Antarctic  
 Terr.  
 822 New Caledonia  
 823 Vanuata  
 824 Solomon Is. Brit  
 826 Tuvalu  
 830 US Tr. T. Pacific  
 831 Kiribati  
 832 Guam  
 840 Cook Islands  
 841 Futuna Wallis  
 842 Pitcairn Island  
 843 Samoa American  
 844 Samoa West  
 845 French Polynesia  
 846 Tonga  
 899 Oceania N.E.S.  
 901 Maldives Rep. of  
 902 Mauritius  
 903 Reunion  
 904 Seychelles  
 905 Cumoros  
 906 Mayotte  
 911 Cape Verde  
 912 Falkland Islands  
 914 Sao Tome E Principe  
 915 St. Helena  
 979 Stateless

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June , 1992

*September 29, 1992*