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The Dynamics of Union Responses to Migrant Workers in Canada

Abstract

This study examines how five unions in the Canadian province of Alberta responded to a sudden influx of temporary foreign workers (TFWs), as part of Canadian employers' increased use of migrant workers in the mid-2000s. The authors find three types of response to the new TFW members: resistive, facilitative and active. Further these responses are dynamic and changing over time. The different responses are best explained not by the unions' institutional context, but by internal factors shaping each union's response. Drawing upon the concept of referential unionisms, the study explores how unions' self-identity shapes their responses to new challenges such as the influx of migrant workers.

Keywords

Canada, migrant workers, referential unionisms, union representation

Introduction

Unlike many European nations and the US in the post-war period Canada did not embark on a widespread migrant worker program, opting for increased permanent immigration to address population and labour force needs (Martin, 2010). However Canada's preference for permanent immigration began to shift toward temporary migration in the 1970s and accelerated in the early 2000s (Sharma, 2008), manifested partly through changes to its Temporary Foreign Worker Program (TFWP) and leading to a rapid increase in migrant workers, called temporary foreign workers (TFWs) in Canada. Between 2002 and 2011 the TFWP tripled in size (Citizenship and Immigration Canada, 2011) and TFWs became a sizeable, permanent feature of Canada's labour market (Foster, 2012).

Before 2000 the TFWP was a specialised program designed mostly for occupations with international labour pools. Most of these occupations have low unionisation rates; consequently trade unions in Canada had little experience with the program. With the expansion of the TFWP to a wider range of occupations thousands of TFWs were recruited to work in unionised workplaces, forcing unions to confront the complex issues related to integration and representation of migrant workers.

This article explores union responses to the initial wave of TFWs. Specifically it asks three related questions. First, how did unions respond to the arrival of TFWs in their workplaces and did that response change over time? In particular, what services and representations did unions provide to TFWs and what steps did they take, if any, to include TFWs in union structures and processes? Second, what factors shaped unions' reactions to the arrival of TFWs? Third, did TFWs turn to the union with workplace concerns, and were their perceptions of the union affected by the union's response?

The article examines five unions in three industries (health care, construction and meat packing) located in the Canadian province of Alberta. Alberta, in the midst of an expansive oilsands boom, experienced a large increase in TFWs in the early 2000s (Citizenship and Immigration Canada, 2011), making it an ideal location to study how unions respond to sudden influxes of migrant workers.

European Experiences with Migrant Labour

Europe's much longer experience with migrant labour in lower-skilled occupations (Ruhs and Martin, 2008) has resulted in an extensive literature examining union responses to migrant labour. Many studies have looked at what factors shape union responses, finding a complex interplay of dynamics (e.g., Connolly et al., 2014; Marino, 2012; Penninx and Roosblad, 2000).

Trade unions' response to the waves of migrants in the early post-war period ranged from 'benign indifference' to suspicion, and, occasionally, outright hostility (Castles and Kosack, 1973, p. 135). Responses to more recent experience of Eastern European workers has been more diverse (Eldring et al., 2012; James and Karmowska, 2012; Krings, 2007). There is a recognition that European trade unions have engaged this latest wave in a more active manner, even though they remain suspicious (McGovern, 2007), have been more willing to organise this group (Fitzgerald and Hardy, 2010; Krings, 2007; Wrench, 2004) and some have taken steps to integrate them into union structures (Marino, 2012).

Much research has been conducted to identify factors shaping diverse union responses. Penninx and Roosblad (2000) emphasize national factors as important to explaining union responses. They also theorise that unions face three dilemmas related to migrant labour: whether to resist or engage their use; whether to ignore or organise migrant workers; and whether or not to use resources to integrate migrant workers into union processes. Penninx and Roosblad's work

laid important groundwork for understanding union behaviour regarding migrant labour. Subsequent studies have revealed a more complex picture.

National structures and systems still matter, as many studies find significant differences across jurisdictions (Eldring et al., 2012; Krings, 2009). However, as Hardy, Eldring and Schulten (2012, p. 360) conclude, unions' strategies towards migrant workers 'are shaped by the complex interplay of sectoral dynamics, national industrial relations regimes, EU regulations and the agency of individual trade unions'. Others find similar inter-relationships between external factors, such as industry and institutional embeddedness, and internal factors found within individual unions (Connolly et al., 2014; Hardy et al., 2012; Marino and Roosblad, 2008; Turner and Cornfield, 2007).

An interesting avenue of inquiry is exploring the dynamics behind the internal factors. Alberti, Holgate and Tapia (2013) find unions either adopt a universalistic or particularistic approach to migrant workers, as 'workers' in general or as 'migrant workers' with particular experiences. Which approach is taken is, in turn, informed partly by unions' deeper sense of self-identity (Martinez-Lucio and Perrett, 2009). Connolly, Marino and Martinez-Lucio (2014, p.1) provide an analytical framework of internal dynamics, suggesting unions' engagement with 'new logics of actions which have not been part of the historical trade union approach' is shaped by and shapes union identity and strategy.

The emerging picture is of dynamic change both across jurisdictions and industries and within individual unions. Examining the Canadian context will, first, test some of the frameworks developed in the European literature, and second, deepen our understanding of the fluid nature of union responses to migrant workers.

Canadian Context

Canada's experience with migrant labour has been shorter and more occupationally bounded than Europe. Canada's TFWP originates in 1973 as a response to growing controversy over increased permanent immigration (Sharma, 2007). Today the TFWP consists of multiple streams addressing the needs of specific industries and occupations with differing rules and employer obligations (Fudge and McPhail, 2009).

Before 2002, the TFWP was a small program dominated by workers from developed nations in high-skill occupations and industries such as entertainment and science and technology.[i] At that time, the government opened the TFWP to lower-skilled occupations and soon thereafter reduced hurdles for employers to access the program. These two policies led to rapid growth; within a few years, the number of TFWs residing in Canada rose from 90,000 to over 330,000 (Citizenship and Immigration Canada, 2013). The bulk of the growth occurred in lower-skilled occupations such as retail, hospitality and food services and mid-level occupations like construction trades. Country of origin also shifted, with large numbers coming from Philippines, India, Mexico and China. The TFWP has become a permanent feature of Canada's labour market. For example, data since the 2008 economic crash show continuing employer demand for TFWs (Foster, 2012), and certain sectors, such as construction, have developed a reliance on TFWs (Foster and Taylor, 2011). TFWs in Alberta increased dramatically, jumping almost 500% between 2000 and 2012 to over 68,000 TFWs (Citizenship and Immigration Canada, 2013)[ii].

A key feature of the TFWP at the time of the study is most TFWs are prohibited from permanent residency and permitted a maximum residency of four years. The program also restricts TFWs' labour mobility by stipulating occupation, employer and location on work

permits. TFWs cannot legally switch employers or move without obtaining an amended permit. These restrictions produce a status of 'partial citizenship' (Vosko, 2011), where many of the rights of citizenship are denied migrant workers, which creates a position of unstable residency and vulnerability to exploitation for lower-skilled workers (Nakache and Kinoshita, 2010). Reed (2008) argues the purpose of the TFWP is one of maximizing economic advantage for Canadian employers while minimizing government obligations to TFWs through 'managed migration'.

The TFWP is reflective of a shift in Canadian immigration policy from one of permanent settlement to temporary migration (Alboim and Cohl, 2012). It is an employer-driven program, with no quotas or caps. Employers who apply to the federal government must demonstrate an inability to find suitable Canadians to receive approval to recruit. Intended as a check on the system, manipulation of the process by employers and inadequate government enforcement has meant, in practice, the process is ineffective at restricting access to TFWs (Foster, 2012).

The rapid shift in the TFWP has sparked research interest in the program, with studies examining its labour market effects, social effects, and the social construction of TFWs (e.g., Fudge and McPhail, 2009; Gross and Schmidtt, 2009; Preibisch and Hennebry, 2011; Foster and Taylor, 2013). While Canada's use of migrant labour began much later than Europe, similar issues of marginalisation, exploitation and labour market ghettoisation quickly arose.

Canadian Unions and Migrant Workers

Despite less experience with temporary migrant labour, Canada has long been a country of immigration (Whitaker, 1987). Preceding World War Two, the Canadian labour movement held strongly anti-immigrant, and often openly racist, views regarding so-called 'foreigners' arriving in Canada (Goutor, 2007a). 'Labour leaders insisted that a restrictive and racially discriminatory immigration policy was essential for protecting both the standard of living of

Canadian workers and the social, moral, and medical vitality of Canadian communities' (Goutor, 2007b, p. 4). Unions frequently engaged in exclusionary and racist practices, including prohibiting membership to certain ethnic groups (Calliste, 1987), supporting draconian immigration policies (Heron, 1996), and encouraging deportation and social exclusion (Goutor, 2007b).

In the postwar period, union attitudes toward immigrants and racialised workers began to change in parallel with societal values (Kelly and Cui, 2012). While unions were slow at responding to equity issues within their unions (Hunt and Rayside, 2007), they dropped official racist policies and eventually took on human rights as an active political agenda. Many in the Canadian labour movement now advocate for human rights and open immigration (Jackson, 2010).

Within this historical context, the response of Canadian unions to TFWs is expected to be conflicted. Union leaders' public rhetoric to the influx of TFWs has been mixed. Foster (2014) finds union spokespersons initially emphasized a 'Canadians First' approach, arguing TFWs undermined working conditions but under shifting political context began expressing concern over mistreatment of TFWs. The evolving narrative suggests unions were conflicted over TFWs. This conflict arises partly due to tensions in interests; for example, the need to represent existing members can clash with the desire to defend incoming migrant workers. This conflict manifests itself in divergent and uncertain actions around migrant workers.

Referential Unionisms and Closure

To further our understanding of the dynamics around union responses to migrant labour, this paper incorporates two conceptual frameworks currently absent in the literature. These

frameworks provide theoretically-informed explanations for union actions and responses to changing circumstances.

Referential Unionisms

As part of the growing literature on union renewal, Murray et al. (2010) argue in moments of crisis or rapid change unions draw upon internalized collective identities to guide their response. In other words, how a union understands itself will feed into the directions its takes when addressing a new challenge. Murray et al. refer to this tendency as 'referential unionisms'. They explain its role in this manner:

> *[T]rade unionists develop principles and practices that translate both their comprehension of how unions function and the social structures in which that unionism is embedded. These principles and practices, however implicit, make up a system of social representation according to which new situations are evaluated and actions envisaged and undertaken. (Murray et al., 2010, p. 313)*

Referential unionisms brings a new dimension to the interplay of factors shaping union responses to migrant workers. It moves beyond the institutional context to examine the internal life of unions. More precisely, the concept allows us to understand why we see differences between unions operating in the same context. It therefore builds upon the initial work of Martinez-Lucio and Perrett (2009) on union self-identities.

Referential unionisms allows for, and partially explains, both continuity and change in union action. It creates a more fluid understanding of how unions respond to new challenges and, of particular importance for this study, allows for an evolution of responses within a union over time, creating a more dynamic understanding of union adaption.

Closure

It is also useful to remind ourselves of the dual nature of unionism in the post-war era. Parkin (1979) surfaces the duality in his concept of closure. In most contexts, unions are institutions of usurpation in that they actively challenge power in social systems. However,

unions can also engage in exclusionary closure by defending particular aspects of social structures to protect their interests against others lower in status. This has been found to be particularly true among unions representing professionals, usually through the use of credentialism (Campbell and Haiven, 2008).

The concepts of usurpation and closure are important for understanding how different unions respond to migrant workers. For example, does a union represent workers who have professional status in society, and is the identity of the union tied up in protecting that professionalism? If so, the arrival of migrant workers may provoke a defensive response.

It is here referential unionisms and closure link up, for closure strategies arise both out of objective status and ingrained narratives of the union's self-identity. Combined, the two concepts permit a more fluid, integrated understanding of how unions respond to challenges related to migrant workers.

This article seeks to extend and deepen understanding of union responses to migrant labour in three ways. First, it examines unions in a Canadian context, which shares some features of Europe but is also distinct. Second, it brings needed attention to the internal factors shaping union strategy. Third, through the incorporation of new conceptual perspectives, it recognises the fluid nature of union response, thus creating a more integrated understanding of union action.

Method

Three industries were selected for examination: health care, construction and meat packing. All were affected by the growing number of TFWs and selected because each represents different skill levels, ranging from high-skilled (registered nurses), middle-level (construction trades, licensed practical nurses) to low-skilled (meat packing workers). Five unions (outlined below) were included in the study.

The authors conducted 60 interviews with union officials, TFWs, employers, government officials and TFW advocates. The semi-structured interviews were conducted in the fall/winter of 2010-11 and were 45 to 90 minutes in length. Foreign workers were recruited using snowball techniques, offered translation services, interviewed solo or in pairs, offered $40 for their participation, and could withdraw consent at any time. Other participants were selected for their experience with the program. Interviews explored the actions unions took on behalf of TFWs, how union members reacted to TFWs, TFWs' attitudes towards unions, and outcomes for TFWs. A review of collective agreements, work permits and other relevant documents supplemented the interviews.

Unions

The five unions selected all had extensive involvement with TFWs during the first wave of the TFWP growth, and none had previous experience dealing with TFWs. In all cases the employer actively recruited TFWs and unions were placed in a defensive position of responding. All of the unions have union or closed shop clauses in their agreements; all TFWs hired automatically became union members. We briefly summarise the background of each union and the context in which TFWs were introduced to their workplaces.

The United Nurses of Alberta (UNA) represents 25,000 Registered Nurses (RNs) across Alberta. To work as a registered nurse (RN) in Alberta, a candidate must pass an exam and be licensed by the provincial college of nurses. UNA is the exclusive bargaining agent for RNs, which at the time of the TFWs' arrival were employed by nine regional health authorities operating at arms-length from the government. In Canada, RNs usually hold a four-year university degree and provide a wide range of direct patient care, patient assessment and medication dispensation in hospitals and other settings. In 2007, the Edmonton health authority

implemented a plan to recruit 800 RNs, mostly from Philippines and United Kingdom. The credentials of all incoming TFWs were evaluated by the nurses' college. Many were deemed inadequate, and registration was denied until upgrading had occurred. These nurses worked as Licensed Practical Nurses (LPNs) until they completed the registration process. LPNs usually hold a two-year college diploma; their duties overlap that of RNs but they do not perform health assessment, dispense intravenous medication or other higher-level medical functions. UNA represented only those TFWs who successfully registered as RNs, who were more likely to be from the UK (Taylor et al., 2012).

UNA is widely seen as a professionally-narrow but active, militant union. They take pride in representing their members well and have a history of illegal strike action (Gereluk, 2012). UNA also embraces the 'professional' nature of their members' occupation (Campbell and Haiven, 2008).

Alberta Union of Provincial Employees (AUPE) is Alberta's largest union, representing over 80,000 public sector workers. They represent most of the province's LPNs. AUPE represented TFWs who did not meet RN licensure requirements. TFW LPNs were more likely to be from Philippines (Taylor et al., 2012).

United Association of Plumbers and Pipefitters, Local 488 (UA) represents certified plumbers, pipefitters and welders in Northern Alberta. They claim to be the largest supplier of pipe trade workers in Canada. Construction labour relations are distinct from other industries in Canada in that unions representing specific trades bargain with contractors, who in turn bid on construction contracts involving multiple trades. Construction jobs are not guaranteed, often last only a few weeks, vary greatly in their location, and are highly dependent upon economic conditions. In North America, Building Trade unions, including UA, serve two functions. First,

they organize a hiring hall where members are placed on a list and allocated to jobs as work becomes available. Second, they provide health and pension benefits to ensure constant coverage. During the oilsands boom of the early 2000s, many contractors organised by UA began recruiting TFWs to fill labour shortages.

Christian Labour Association of Canada (CLAC) operates in a number of industries, including construction. CLAC emphasises collaboration over confrontation with the employer. In contrast to traditional building trades unions, CLAC represents workers in all construction trades ('wall-to-wall' coverage). They operate a hiring hall and provide independent benefits. CLAC has been accused by other unions of signing inferior agreements and undercutting others' organising drives (Taylor et al., 2007). Like UA, contractors organised by CLAC began recruiting TFWs to allay labour shortages in 2005-2006.

United Food and Commercial Workers Local 1118 (UFCW) represents workers in the meat processing industry. This industry is known for its low wages, hard physical labour and increasing proportion of immigrants in its labour force (Kandel and Parrado, 2005). Two employers organised by UFCW, a pork processing plant in Red Deer and a poultry processing plant in Edmonton, began recruiting TFWs in the mid-2000s.

Union Responses

The unions responded to the increase of TFWs in one of three ways, categorised as: resistive, facilitative and active. These categorisations are based on union actions related to TFWs' accommodation in the workplace, union acceptance of TFWs into the union, and union interactions with employers.

First, it is important to recognize there are specific challenges in representing migrant workers. TFWs may experience issues around language and cultural adaptation that can interfere

with their successful integration into the workplace (Bauböck, 2011). Further, they are coming to a new community, raising challenges for community orientation and inclusion (Vergunst, 2009). TFWs are also in a position of heightened vulnerability, given their residency in Canada is dependent upon a specific employer (Fudge and McPhail, 2009). A lack of familiarity with Canadian employment protections and potential distrust of government agencies may suppress TFWs' ability or willingness to defend their rights (Nakache and Kinoshita, 2010). TFWs also experience additional challenges with training and credential recognition (Taylor et al., 2012).

The increase in TFWs also places additional challenges on unions. TFWP rules can come into conflict with collective agreement provisions. For example, under TFWP rules, TFWs' contracts must be for full-time employment and the TFW is supposed to be the first released if lay-offs are required, potentially breaching contract clauses dealing with seniority and scheduling. A TFW may receive more hours than a permanent resident with higher scheduling privileges. Conversely, a TFW with greater seniority may be laid off before permanent residents with lesser seniority. These conflicts can increase tensions within the union. In construction, where changing jobs is common, TFWs' work permit restrictions make switching job locations more difficult. Each of the three types of union response is discussed in more detail below.

Resistive Responses

Resistive responses are based on a reluctance to embrace TFWs as a part of the workforce/union membership, or to recognize the economic vulnerability of TFWs. It is evident when unions take few steps to facilitate the integration of TFWs or to recognize the unique challenges TFWs face. Resistive strategies can be seen most clearly through the actions of UA and initial reactions by UNA.

A key decision made by UA officials was to classify TFWs as ‘travellers’, a second-tier of union member normally reserved for members of other locals in Canada and the US temporarily working in the jurisdiction. Travellers are given union protection while working on a job, but are restricted in their ability to access the hiring board or receive union-provided benefits in-between jobs. This decision made TFWs marginal within the union. They possessed few voting rights and only received services from the union while directly employed.

Further, working with the employer, the union established a hierarchy of layoffs, with TFWs first on the list regardless of seniority. ‘The layoffs were foreign workers first. The way the unions wanted it was foreign workers, Americans, [Canadian] travellers’ (Recruiter) with Alberta residents the last to be laid-off. This arrangement met the requirements of the TFWP, but constructed a multi-tiered structure of union protection.

UA officials saw their role as protecting so-called “Canadian jobs”. For example:

> *I am a fourth generation here in this union. There's some responsibility to act responsibly to our youth and our Canadian workers. The very first thing I did was look to see what Canada could offer through our trade unions in Canada, and see if that supply was overlooked or not. (Union Representative)*

UA leadership perceived TFWs as a reserve labour pool to be used only once all other options had been pursued.

UA did conduct some safety training for TFWs and ensured the employer provided English-as-a-Second-Language (ESL). It also took steps to ensure TFWs received some health and dental benefits while residing in Canada, but was cautious about how far to extend them. As an official explains it:

> *[TFWs are] only covered for the months that they work and only for the worker, not the family. In a lot of cases these people may not even join the union and they're not members, but we give them life insurance coverage and emergency dental coverage and prescription coverage. The only thing they don't have is long term disability. Of course we're not going to rush to start making promises. There's a few dollars involved here.*

> *We're not going to do healthcare coverage for people around the world who aren't even here.* (Union Representative)

The union premised their actions on the understanding that TFWs were temporary and did not require the full range of union protections and benefits.

UNA took the approach that TFWs would be treated like every other member. However the union was passive around the unique issues that arise for TFWs. 'We treated them like they were members of the union and they had all the entitlements under the collective agreement … [Beyond that] there was nothing we could do' (Union Representative). UNA provided TFWs with the standard orientation given to all new hires. '[The union] just gave us a brief orientation – how it happens and the collective agreement. They explained to us how it works and things like that. But when we were having problems with [the employer], there's very little actually they did' (RN TFW).

The union advocated for TFWs whose work assignment differed from their offer letter, but they perceived it as part of ordinary union duties: 'With the letter of hire, it's a letter of hire under the collective agreement. So we had to fix that. We had to remedy the situation and it is just like any other promise the employer makes' (Union Representative). The union's priority was to uphold the collective agreement, even if it meant breaching TFWP rules:

> *We didn't care whether Canadians got the job first. It is under the collective agreement if you are the successful applicant you get [the job]. Period. End of story. That's our duty of fair representation to the members and the bargaining unit and that's why we took that position. I know the law says that you are supposed to hire Canadians first, but that's not what our collective agreement says.* (Union Representative)

Later, the union realized it had not taken sufficient steps to address TFWs' issues nor to adequately invite TFWs into the life of the union. 'I have to say we were probably deficient ourselves in terms of trying to contact people directly to find out [their concerns]' (Union

Representative). In the latter stages, the union began trying to get union members to meet incoming TFWs at the airport and developed a unique orientation package for TFWs.

Resistive responses are marked by fitting TFWs into an existing mould of union representation. TFWs' heightened vulnerability and the issues arising from their unique employment relationship are either not recognised or are given less priority than the concerns of permanent residents. While unions did not ignore or misrepresent TFWs, they resisted altering union approaches, methods or agreements to address the particular challenges faced by TFWs.

Facilitative Responses

Facilitative responses are marked by the union assisting the employer's goal of recruiting TFWs. Even if TFWs are not seen as the most desirable option, the union adopts an outlook that cooperation with the employer is in the best interests of members because it maintains a steady labour supply to keep projects moving and members employed. This model is best exemplified by CLAC.

Employers report that CLAC was first to cooperate with plans to bring in TFWs for oilsands construction. The union agrees it signed on quickly: 'We're trying to figure out how we can facilitate the whole thing along' (Union Representative). The parties worked together from the beginning to navigate the integration of TFWs into the broader workforce. 'We immediately got CLAC involved. … We definitely had a lot of meetings with [the union leadership] and tried to organize different things' (Employer). Employers acknowledged CLAC's role in meeting the employers' labour supply needs:

> *From my perspective, CLAC are taking a vision of a longer term workforce. ... So CLAC, I wouldn't say wanted to do the TFW program, but had to. Just to be clear, CLAC did not run the program. We ran the program as contractors but CLAC did understand and they did protect us and understood what we were doing, and sponsored us in our petitions to the government.* (Employer)

In an effort to ensure a smooth supply of TFWs, the union contemplated at one point employing the TFWs directly: 'We thought that we as an outfit could [apply to the government] where we bring in 150 pipefitters and these guys can go from site to site' (Union Representative). Later they advocated for an early training process preferred by employers: 'The piece that's necessary right now seems to be more the training aspect, getting these guys up to speed, if we can facilitate that beforehand in those countries. We could actually recruit, train, get them tested and Red Sealed[iii] before they land here – that's the dream' (Union Representative).

The facilitative response is defined by the union's support of the employer's goals around labour supply and use of TFWs. This is not necessarily a repudiation of their functions as a trade union, as they approach the issue from the perspective of what is best for their members. However, it shares with resistive responses a tendency to subsume TFW interests into broader priorities, such as keeping existing members employed.

Active Responses

The third set of responses includes efforts by unions to actively engage on behalf of TFWs. Active responses involve a pro-active attempt to both place limits on employer discretion regarding TFWs and protect the rights of TFWs. A key feature of this approach is recognition of TFWs' heightened vulnerability and unique legal status. Unions adopting this approach were willing to confront the employer regarding TFW issues and were more likely to take steps to include TFWs in the union. The responses of UFCW and AUPE, as well as some of the latter efforts by UNA, can be placed in this category.

From the beginning, UFCW took a clear and aggressive approach with employers wanting to recruit TFWs. Using TFWP rules to its advantage, it refused to offer its consent until the company negotiated an addition to the collective agreement setting out parameters for TFW

recruitment and treatment. In addition to ensuring appropriate orientation and explanation of employee rights, the union also mandated housing arrangements. ‘We required the employer to contract and provide housing that fell within guidelines we negotiated’ (Union Representative).

An important provision in the agreement was a requirement that the employer ‘put forth all candidates for entrance into the AINP [Alberta Immigrant Nominee Program] or equivalent as soon as possible but no later than 8 months after arrival’ (UFCW Local 1118 and Olymel S.E.C., 2011, p. 125). In other words, the union negotiated a requirement that every TFW would be forwarded to one of the few ways TFWs could access permanent residency. In the union’s view, ‘the only way to eliminate the risk of exploitation is to remove the uncertainty about staying in Canada’ (Union Representative).

The union was also active in welcoming and acclimatizing TFWs. ‘For new workers we had City of Red Deer [street] maps. We had an English-as-a-second language instructor who did the orientation’ (Union Representative). Further, the union negotiated employer-paid ESL classes to be taught at the union’s offices with trained ESL instructors, supplemented by union members. The union took steps to ensure multilingual shop stewards were available on the shop floor for every shift to ensure access to union assistance. These steps, union officials said, had the dual purpose of aiding the acclimatisation of TFWs and reducing tensions between permanent resident members and TFWs.

During a strike at the Edmonton plant, the local met with affected TFWs with interpreters to ensure they understood their rights under Canadian labour law, in particular, that ‘no one can suffer reprisals for participating in a legal strike action’ (Westgeest, 2008, p. A18). Further they established a hardship fund to assist TFWs, who, due to TFWP restrictions, were less able to find alternative employment during the dispute (Westgeest, 2008).

Similarly, AUPE realised Filipino TFWs were more likely to end up as LPNs and assigned a representative of Philippines descent to staff the bargaining unit. They also contacted a community-based advocacy group, Filipino Nurses' Association (FNA), for assistance in outreach. AUPE attempted to draw TFWs into the union. They organised educational seminars on human rights, employment rights and other union issues aimed at the new arrivals.

AUPE side-stepped conflicts with collective agreement seniority provisions, which would have prevented TFWs from receiving full-time positions, by leveraging their knowledge of TFWP rules to force the employer to open up more full-time spots. '[The employer] is targeting AUPE for refusing to sign an agreement to extend [its approval from government to use TFWs]; the union insists that it will only do so if the employer abides by its initial commitment to place all of the remaining [TFWs] into a full-time position' (Government Official).

Evident in the actions of both UFCW and AUPE is recognition that extra steps beyond normal organising and servicing practices were required to properly address the complications arising with the use of TFWs. While the steps taken were contingent upon specific contexts, the common thread was a willingness to engage in innovative actions and use the union's bargaining power to advocate in the interests of TFWs without undermining obligations to all members.

TFWs' Attitudes toward Unions

Union responses to migrant workers are strongly affected by these workers' country of origin or cultural background (Hunt and Rayside, 2007). In turn, migrant workers' perceptions of Canadian unions are influenced by initial union responses to their arrival as well as by their experiences (or lack thereof) of unions in their home countries (cf. Cornfield and Canak, 2007) This study asked TFW participants about their impressions of their union, whether they approached the union for assistance, and how the union responded.

Few of the TFWs interviewed pro-actively sought out union assistance or involvement. When confronted with a problem related to work or their residency status, most chose to ignore the issue or tackle it on their own. The most common refrain for not turning to the union was a lack of awareness of how it could help: ‘I don't really know what the union stands for’ (Construction TFW). Others were hesitant lest they be perceived as disrespecting the employer: ‘I'd rather approach my management and say, okay I have a problem, can you assist me? By going to the union, that means you're overstepping them’ (LPN TFW). In contrast, union representatives attributed TFWs’ lack of participation to fear and intimidation: ‘I think a lot of them were scared’ (Union Representative). This reveals a perception gulf between unions and TFWs and suggests unions have more to learn about TFWs.

The unions’ adopted strategies affected TFWs’ perceptions of unions. Unions engaging in Active Responses were perceived as helpful, while those engaging in Resistive and Facilitative Responses were viewed more cynically. For example, members of resistive or facilitative unions commented:

> ‘Yeah, we are at the bottom. They are the full member and we are only the ticket and they will be the first [to get available jobs]’ (Construction TFW)
>
> ‘The union is part of management. There is no recourse, you cannot approach the union if you're being discriminated. You're not supported in any way by the union. You have to keep quiet, keep your mouth shut, don't say anything’ (RN TFW)

In contrast, members of active unions were more appreciative:

> ‘I attended that human rights seminar in December 2009 with [union]. It really encouraged me to speak up and share our experiences. The topic was about human rights

and it doesn't just speak about the Filipinos, but everybody, all races, aboriginals, whoever.' (LPN TFW)

'When we came, they treated us good in the union.' (LPN TFW)

It is worth noting TFWs from similar cultural backgrounds expressed diverging views, suggesting union actions make a difference. The marked attitudinal difference between those who received active union education, engagement and inclusion and those who did not suggests active strategies can be effective in engaging TFWs.

Discussion

The five unions examined in this study were attempting to incorporate newly-arrived TFWs into their workplaces and locals. Their responses reflect the degree to which they recognised and responded to the issues related to TFW employment.

For the most part, the unions shared common external factors. They operated under the same legal regime and two pairs of unions were located in the same sector. The differences in their responses to TFWs therefore point to the internal factors shaping actions unions take with migrant workers. Union reactions to migrant labour are dynamic and rooted in how they interpret their responsibilities. Martinez-Lucio and Perrett (2009) emphasize union self-identity as a factor, while Connolly et al. (2014) conceptualise logics of union action to understand the diversity of response. Logics and self-identity are captured in the concept of referential unionisms.

This study reveals the dynamism of union responses. UNA and UA altered their approaches as they learned more about TFWs. CLAC also contemplated a variety of options for how to accommodate the employer, including considering becoming the employer of record. Even UFCW's pro-active approach required some flexibility in thinking about its role as a union.

Dynamic fluidity is an aspect of union responses under-recognised in the literature. While much of the literature examines differences between unions, this study also draws out differences within unions over time. More attention needs to be paid to the significance of dynamic change.

The concepts of referential unionisms and closure help us understand union responses. For example, if we look more closely at UNA we can see how its embedded self-identity shaped its reactions. Initially its professionalism and narrow focus led to practices of exclusionary closure vis-à-vis TFWs. Their obligation was to assist nurses in achieving a 'high standard of care', thus they offered little assistance to TFWs attempting to gain recognition. They adopted resistive responses justified through their narrowly-defined responsibility to RNs. However, as their experience with TFWs deepened (and TFWs demonstrated their RN competence), their 'militant' self-framing forced them to adopt a more active response. The union's multi-dimensional self-reference created a fluid, dynamic response. The tension between usurpation and closure shifted as TFW RNs came to be seen as less of a threat to established RN interests.

The three types of responses, and the fluidity between them, reflect to some degree each union's referential unionisms and closure position. CLAC's self-identification as collaborationist led to a logic minimising conflict with the employer, at the expense of TFWs. UA reacted to its long-entrenched perceptions that its members are 'Alberta rednecks' who are suspicious of newcomers. The only way to make sense of the TFW influx was to force them into the pre-existing 'traveller' status, which TFWs did not fit well. Their unwillingness to aid TFWs with the Red Seal exam reflected their interests in closure for their ticketed members, which they couched in terms of 'safety'. Efforts that on the surface seemed to accommodate TFWs, such as ESL classes, were framed by UA leaders as facilitating smooth relations with existing members, not as something TFWs needed or deserved, suggesting closure, not usurpation.

Alternatively, UFCW had a long history of representing lower-skilled, marginalised workers. Having less access to closure strategies, the union mindset has been confrontational with employers, leading to greater attempts at usurpation. Their self-awareness about the exploitative nature of work led its leadership to minimise exploitative conditions for TFWs. They were able to adopt a new form of representational function in the interests of pro-actively preventing mistreatment. Similarly AUPE, as a large union, had more experience with cultural diversity and through its institutional strength was able to effectively apply pressure on the employer on behalf of TFWs without challenging its perceived ability to represent existing members.

All the unions studied understood and framed the challenge according to their past self-identities. However, referential unionisms are neither static nor uni-dimensional. As differing elements of the reference came into conflict, the unions found ways of shifting their responses. They did so by either altering their perceptions of TFWs, incorporating them into their circle of interests to be protected by closure strategies, or by drawing upon different aspects of their referential unionisms.

The strength of the concept of referential unionisms is its ability to both explain why unions react the way they do, but also how change can occur. Evolving responses do not require a break from a union's self-identity, as referential unionisms are multi-dimensional. Thus it helps us understand the internal dynamics at play when unions react to an influx of migrant workers.

The divergence in the responses of the five unions studied is not adequately explained by external factors. Instead it is their closure strategies and referential unionisms that shape the approaches taken. It is the anchored yet dynamic nature of those elements of self-identity that

allow us to understand how and why initial responses might evolve, something not considered in the extant literature.

Conclusion

Each of the three types of responses found in this study has advantages and disadvantages. Resistive strategies build upon existing union identities to shore up solidarity among existing union members, at the expense of TFWs. The facilitative approach ensures a minimal degree of disruption and conflict in the workplace but at the cost of the union foregoing its capacity to challenge the employer's agenda. Finally, active responses may be effective at representing and advocating for TFWs but run the risk of angering the employer, producing consequences in other areas.

This study has shown that union responses are not formulaic choices determined by external and internal forces. They involve much more dynamic, fluid processes anchored in both institutional context and situational particularities and also driven by unions' referential self-identities. The dynamic between referential unionisms and external context is fluid, permitting a degree of adaptability and change not previously recognized in the literature. This study hopefully lays some groundwork for further sophistication of models of how unions respond and adapt.

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Endnotes

[i] There were streams for agricultural workers and live-in caregivers who came from Mexico and Philippines, but their numbers made up a small proportion of the program.
[ii] The population of Canada is 35 million. Alberta has 4 million residents.
[iii] The Red Seal is a construction trade certification exam recognised by all jurisdictions in North America.