

'Illegalized' Migrant Workers and the Struggle for a Living Wage

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ABSTRACT: A higher proportion of workers are earning sub-poverty wages today, compared to few decades ago. Illegalized migrant workers have been disproportionately affected by this trend through super-exploitative employer practices. To improve the wages of low-wage workers, members of unions, community groups, activists, and support coalitions have launched living wage campaigns in cities in the USA, UK and, more recently, Canada. Recognizing that illegalized migrant workers' lack of legal status is valuable to neoliberalism's economic "success", yet at the same time, subjects them to arrest and/or deportation by federal immigration authorities, this paper examines modern living wage campaigns, and how they have incorporated the situation of illegalized migrant workers into their agenda. A review of the literature shows that living wage campaigns have not been very successful in achieving their broad goals while at the same time protecting low-waged illegalized migrant workers. These findings indicate that current and future living wage campaigns should consider working closely with Sanctuary City campaigns to improve their strategies for protecting illegalized migrants from arrest and/or deportation while working to improve the working and living conditions of low-waged workers, including the illegalized.

KEYWORDS: Living Wage; Poverty; Illegalized Migrants; Exploitation; Rights

"...the basic premise of the living wage movement could not be more simple: that anyone who works for a living should not have to raise a family in poverty" (Pollin and Luce 1998, 1).

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“...irregular/undocumented/clandestine migrants [illegalized migrants] ... find themselves in ‘a situation of radical rightlessness’, without ‘voice’ or access to counter-balancing resources for representation. Their situation could be designated as one of hyper-precarity, marked by super-exploitation.” (Likić-Brborić and Schierup, 2015, 231).

INTRODUCTION

Within the past few decades, the income gap between low-wage workers and high-wage workers in western countries has increased, and a higher proportion of workers are earning sub-poverty wages today, compared to few decades ago. The living wage movement is centred on the struggle for what the International Labour Organization (ILO) calls the decent work and wages agenda to address the growing global problem of the working poor (ILO, n.d.). Illegalized migrant workers, who have become an important segment of the working population in western countries, are disproportionately affected by this trend through super-exploitative employer practices (Steinlight and Glazov, 2008). Their lack of formal legal status strips them of basic rights, exposing such workers to extreme exploitation by their employers.

To counter these changes, unions, community groups, activists, and support coalitions have launched living wage campaigns in cities in the USA, UK and, more recently, Canada. This living wage movement pushes for change at the levels of policy and practice that will provide vulnerable workers with living wages and is helping more broadly, to revitalize the labour movement at a grass roots level. In this paper, we examine the development of the modern living wage movement considering its contribution to the support of vulnerable workers and the situation of illegalized migrant workers in light of the emerging living wage campaign in Toronto, Canada.

The working population that the living wage movement addresses is an impoverished and disempowered segment of the workforce that is disproportionately racialized, gendered and often of immigrant background. However, the most vulnerable of the vulnerable, workers who lack full legal status, are often not included in the movement’s target population. Therefore, we explore how illegalized migrants fit within the living wage movement. As workers without access to many basic rights and lacking full legal status, illegalized migrants confront special circumstances. For example, they tend to work in the shadow economy where they are vulnerable to abuse, and lack access to government supported services for citizens and legal residents, which forms an important component of low-wage workers’ overall wage package. In

addition, workers who lack full legal status are unable to easily pursue legal action against employer violations of their rights. Illegalized workers have become a necessary component of the contemporary labour market required by neoliberal capitalism. Hence, illegalized workers are an expected, necessary but under-acknowledged contributor to neoliberalism's economic "success".

APPROACH

We examine the contemporary living wage campaign with particular reference to illegalized migrant workers in Toronto. As a point of entry into our investigation, we completed an extensive review of the English-language literature on the living wage movement in the UK, US and Canada, and on the labour market experiences of illegalized migrants. This review included peer-reviewed scholarly literature as well as grey literature drawn from civil society, municipal documents and public media sources (e.g. newspaper articles, living wage movement websites) published since 1990 when the contemporary living wage movement commenced. The relevant literature was identified through a variety of search terms, and various combinations of these terms including: "living wage," "(im)migrant", "undocumented", "non-status", "irregular", "precarious", "alien(s)", "illegal(s)", "unauthorized", "informal", and "illegalized", "labour market", "employment rights", and "labour rights".

We define "illegalized migrant" as "a migrant who does not have the right to work or reside in which he or she lives because state policies have rendered him or her "illegal." (Bauder and Shields, 2015, 421). Most illegalized migrants have entered the country legally with the state's authorization, as in the case of temporary foreign workers, foreign students, visitors, refugee claimants, but their status has lapsed. Other terms that have been used to describe this group include: illegal aliens, unauthorized, undocumented, irregular and clandestine migrants (Bartram, et al., 2014; pgs. 144-148; Hannan, 2015, 144). We employ the term illegalized because it "shifts the emphasis away from the individual and towards the recognition of a societal process that situates immigrants in positions of precarity and illegality" (Bauder, 2013, 2).

BACKGROUND: RISING INEQUALITY, THE LIVING WAGE, MIGRATION, AND ILLEGALIZATION

Socio-economic inequality has existed within nation-states, subnational regions, and cities for centuries. However, intensified globalization of economic activity, the emergence of "global cities", and the corresponding transformations in the organization of the labour process

since the 1960's, have led to an increase in the socio-economic gap between low-wage and high-wage workers. This transformation has pushed larger numbers of workers into situations of serious economic vulnerability (Sassen, 2006). A Fordist economy “created the conditions for the expansion of a vast middle class [life styles] because it: (1) facilitated unionization; (2) was based in good part on household consumption, and hence wage levels mattered in that they created effective demand; and (3) the wage levels and social benefits typical of the leading sectors became a model for broader sectors of the economy” (Sassen, 2006, 151). In contrast, the Post-Fordist domination of economy by the finance and services industries was associated with “the growth of an informal economy in large cities and highly developed countries” (Sassen, 2006, 152).

Major cities in highly developed countries, including Toronto, experienced greater informalization in the labour market, the decline of standard employment relationships, and an increase of employment precarity and own account self-employment (see Lewchuk, et al. 2015). Saskia Sassen (2006) observed that a series of trends in global cities, including, on the one hand, the demand for high-priced, customized services and products by a narrowly based but growing high-income population; and on the other hand, the increased need for low-cost services and products by an expanding low-income population reflected in a polarizing economy. The rise of a more informal economy has become a conduit “for reducing costs, and for providing flexibility in instances where this is essential and advantageous, resulting in the various shifts in the earnings distribution and income structure in global cities” (Sassen, 2006, 162). The recent report *The Precarious Penalty* vividly documents the growth of precarious insecure work within the labour force of the Toronto region (Lewchuk, et al., 2015; also see Lewchuk et al., this volume).

Guy Standing (2011) has expanded on global neoliberal capitalism's need for hyper exploitable precarious labour. Migrants “make up a disproportionate part of the growing social category whose experience in the world of work is marked by ‘precarity’ in terms of informal labour, wage squeezes, temporariness, uncertainty, and pernicious risk” (Schierup et al., 2014, 2). For Standing, illegalized migrants form a core element of the group of low-wage and vulnerable workers he calls the *precarariat* (Standing, 2011). According to Schierup et al. (2014, 2):

“Exclusivist migration policies, together with the ‘irregularization’ of citizenship, have forged a globally fragmented and disposable labour force in industry, entertainment, hospitality, care-work,

cleaning, and domestic services subject to long hours of dangerous, demanding, demeaning, and dirty work in permanent fear of dismissal and, potentially, deportation. These workers are exceedingly vulnerable and many basic labour, citizenship, and human rights simply do not apply to them. It is a precarious workforce present globally; segmented and discriminated against through ascription of race and ethnicity and also gender through insertion into specific sections of the local and national labour markets.”

While all low-wage workers including non-migrant and “legal” migrant workers have been the focus of attention for the living wage movement, illegalized migrants are playing a special role to modern capitalism, which requires corresponding attention within the living-wage movement.

THE LIVING WAGE MOVEMENT

In 1906, John Ryan, a Roman Catholic priest, argued that, “the laborer’s claim to a Living Wage is of the nature of a *right*” (Ryan, 1920, *Revised and abridged edition*, 3). He further stated that “the laborer’s right to a decent livelihood is superior to the employer’s right to enjoy goods that are superfluous to his social position” (Ryan, 1920, 3). Drawing from these ideas, unions, community groups and religious and other civil society organizations today, are lobbying municipalities to pass laws requiring employers to pay employees a living wage for work done for the city and to persuade employers to voluntarily pay a living wage to their employees. The calculation for the “modern” day living wage is usually based on the official poverty threshold for a family of four and centred on the concept that people who work full-time jobs, and their families, should not be forced to live in poverty (Devinatz, 2013). The living-wage movement, however, is about more than raising workers’ wages to above sub-poverty levels. It encompasses a much broader agenda for improving the overall labour market conditions of low-wage workers (Pollin and Luce, 1998; Reynolds, 2001). Pollin and Luce (1998, 7-8) explain: “The living wage movement is resisting dominant economic trends and posing an alternative economic vision, making it an effective voice for economic justice in the United States. [It]... is committed to reversing the economy-wide wage squeeze, stopping tax giveaways to big businesses, reenergizing the labor movement, and ending the war on the poor.”

The goals of the Los Angeles living-wage campaign, for example, were to “directly affect the lives of workers who are getting a raise; to

develop a tool for union organizing actions; and to raise the public issue of the need for a living wage, the problem of wage inequity, and a certain level of dignified treatment for workers” (Pollin and Luce, 1998, 8). Religious and union support for the modern living wage movement has also been tied to a broad agenda for equality and economic fairness (Holgate, 2013; Pollin and Luce, 1998). While some living-wage campaigns have been unsuccessful and some living wage ordinances have been repealed, there are many examples of living-wage campaigns that achieved their goals (Holgate, 2011; Levin-Waldman, 2008; Luce, 2005; Reynolds, 2001). Beginning in Baltimore in the early 1990s, the living-wage movement quickly spread to dozens of cities in the US, UK, and Canada. While some effort has been made to bring living wage policies to the national and regional scales (BBC, 2015; Freeman, 2005), it is at the municipal level of government that the greatest successes have been achieved. Living wage movements tend to target municipalities in the core of larger metropolitan areas because “the problem of poverty and low-wage employment are more severe in cities than sub-urban regions” (Pollin and Luce, 1998, 54).

In practice, cities typically will adopt only one of two versions of living wage policies. The first is the contractor-only ordinance, which covers companies that possess contracts with municipal governments. The second applies to private businesses that receive financial support from the governments. Either way, these two kinds of statutes end up applying to less than 3% of the low-wage workforce (Fairris and Reich, 2005). Nonetheless, Pollin and Luce maintain that living wage ordinances benefit low-wage workers, employers, and society in both direct and indirect ways:

“As the low-wage family comes to rely far less on government support to keep themselves afloat, the corollary is that the government spends correspondingly less to help working people survive the effects of earning sub-poverty wages. ... [F]irms employing a high concentration of low-wage workers will themselves benefit through establishing a living wage standard. This is because the raises to the low-wage workers will reduce absenteeism and turnover, i.e., the rate at which workers quit their jobs and firms then have to replace them (Pollin and Luce, 1998, 20-21).”

Evaluations of the effects living-wage ordinances’ on poverty levels, employment rates, and employee productivity show mixed results. While reducing the likelihood of families living in poverty (Neumark and Adams,

2003; Schoenberger, 2000), living-wage ordinances have also been found to reduce employment by 3.2% to 17% depending on the type of ordinance that was passed (Fairris, 2005; Neumark and Adams, 2003; Yelowitz, 2005). In contrast, Reich et al. (2005) found employment increased by 15.6% after the San Francisco Airport's living wage policy was passed. Similarly, Lester (2011) concluded that the implementation of living wage policies in 19 California cities did not adversely impact employment growth. Employers in London were also found to have benefited from living wage ordinances, with reports of higher work productivity associated with paying living wages (Wills et al., 2009a). Similarly, living wage firms were found to have lower rates of labour turnover and employee absenteeism, and a higher morale compared to non-living wage firms in the US (Brenner, 2005; Reich et al., 2005). Living wage ordinances have made it easier for unions to organize low-wage workers and have contributed to the development of broad labour community coalitions that promote labour rights (De Graauw, 2015; Hearn and Bergos, 2011; Luce, 2004; Pastor, 2001; Tapia and Turner, 2013). Nevertheless, living wage campaigns continue to face opposition from business and its political allies.

Opponents argue that an increase in wages would weaken firms with a high proportion of low-wage workers, although studies suggest that cost impacts are modest (Lamman, 2014; Pollin, 2005; Schoenberger, 2000). Employers have also retaliated against workers who have been part of living wage initiatives. After employees unionized as a part of the living wage movement for example, a UK employer reported the presence of illegalized migrant staff in their organization to UK immigration authorities, who then conducted a worksite raid that led to their arrest and deportation (Hearn and Bergos, 2011; Ivereigh, 2009). Employers in the US have similarly reported illegalized migrant workers to immigration authorities, after learning about their attempts to: fight for unpaid wages; report labour violations; and participate in unionizing drives (Harris, 2013; Smith et al., 2009; Smith and Cho, 2013). Despite resistance and retaliation efforts from living wage opponents, public support for living wage campaigns is strong, with local campaigns emerging in cities across North America, including Toronto (CCPA, 2015; Living Wage Canada, 2013; Living Wage Canada: Ontario, 2013; Luce, 2005).

LIVING WAGE ADVOCACY EFFORTS AND ILLEGALIZED MIGRANTS IN THE US, UK, AND CANADA

Campaigners have applied a variety of strategies and tactics to counter resistance from living wage opponents including: taking advantage of political opportunity structures, helping to frame public policy debate, multi-racial coalition building, union organizing, grassroots actions, engaging in research, evaluation and evidence collection, educating workers about their rights, campaigning around regularization of illegalized migrant workers, and other forms of activism (de Graauw, 2015; Lopes and Hall, 2015; Luce, 2005; Pastor, 2001; Reynolds, 2001; Wills, 2008, Wills et al., 2009b). As a result of these strategies, many cities and employers have adopted voluntary or mandatory living wage policies. While these responses have benefited many low-wage workers, some employers have retaliated against illegalized migrant workers. Such incidents in the US and the UK can provide important lessons for Toronto's living wage campaign.

A growing number of workers in the US are earning sub-poverty level wages due to the growth of the informal economy. Profit-maximizing, subcontracting and sweatshop work have resulted in greater earnings and occupation dispersions, weak unions and a growing share of casualized low-wage jobs along with a narrower layer of high-income jobs in cities across the US (NELP, 2011; Peck and Theodore, 2001; Pollin and Luce, 1998; Sassen, 2006). While many low-wage workers have been affected, illegalized migrants have been disproportionately pushed into poverty. They often experience violations of basic employment standards rights, and retaliation by employers after attempts to defend themselves (Bernhardt et al., 2009; Sassen, 1998; Smith and Cho, 2013). In response to the rise of low wage work over 100 US municipalities had passed living wage ordinances by the early 2000s (Freeman, 2005).

Leading up to the first living wage ordinance in the US, the first living wage campaign was initiated in the early 1990s by a group of pastors in Baltimore who became concerned about the increase in workers using their soup kitchen. As members of the Industrial Areas Foundation (AIF), the pastors joined the American Federation of State, County, and Municipal Employees (AFSCME), and the Baltimoreans United in Leadership Development (BUILD), a coalition of worker centres, to form the local living-wage campaign to pressure the Mayor for a resolution to the increasing number of impoverished workers (Devinatz, 2013; Pollin and Luce, 1998; Reynolds, 2001). After facing strong opposition from the business community, the City passed the country's first municipal living wage ordinance in 1994 (Pollin and Luce, 1998). Soon thereafter, religious

organizations, community groups, labour unions, and student associations joined the IAF, AFSCME and other political actors to initiate living wage campaigns in other US cities (Devinatz, 2013). As a result, living wage regulations were adopted in New York City, Santa Clara County, Milwaukee, Jersey City, Los Angeles, and numerous other cities in the late 1990s. Living-wage campaigns also sprung up at colleges and universities across the US, including Harvard, Wesleyan, John Hopkins, Brown, and the University of Virginia. Living wage campaigns applied a range of strategies and tactics to persuade city authorities to pass living-wage ordinances and for employers to adopt living wage policies.

The Los Angeles living-wage campaign was linked to a broader process to save hundreds of jobs at the airport and to organize 30,000 non-union airport workers. Led by the Los Angeles Alliance for a New Economy (LAANE), the Los Angeles living wage campaign applied multiple strategies and tactics before winning an 18-month battle with City Council in 1997 (Reynolds, 2001; Saito and Truong, 2014). To win over a City Council that was led by an unsupportive mayor, LAANE led the living wage initiative with the goal of linking policy development and union organizing. The campaign conducted phone-in operations, asked organizations to fax letters of support, and mailed council members over a thousand decorated paper plates during Thanksgiving that symbolized the struggle to feed a family on poverty wages (Levin-Waldman, 2008; Reynolds, 2001). The campaign also used the media to champion living wage employers and to highlight the social-justice dimensions of the living wage issues. Two employers, for example, wrote opinion pieces for *The Los Angeles Times* explaining how high-wage policies have benefitted their companies. In addition, workers organized a media event that took reporters and City Hall staff on a tour that showed the conditions under which they work. Workers further made testaments at City Hall about work injuries that went untreated, lack of insurance, families crowded into one-bedroom apartments to make rent, and how they visited food pantries to obtain enough groceries to live on.

Workers' participation also developed an activist nucleus among low-wage workers that fed into union activity. The Service Employees International Union (SEIU), for example, won union jobs for janitors using the living wage law, whereas the Hotel and Restaurant Employees Union (HERE) used the coalition's support to win union recognition in Hollywood. Furthermore, Los Angeles' living wage campaign runs its own contract and financial assistance database, trains workers about labour law, and maintains a coalition network capable of going after employer violators, as well as employers that attempt to bust unions (Pollin and

Luce, 1998; Reynolds, 2001).

In contrast to Portland's and Los Angeles' living wage campaign, which faced weak and moderate levels of opposition respectively, Chicago's living wage campaign confronted strong opposition for three years before the City passed an ordinance in 1999. To gain public and political support for their agenda, the Chicago campaign employed a variety of strategies including participation in the May Day march through downtown Chicago, achieving media coverage through news articles that supported the "wage warriors", championing prominent society members to pressure the un-supportive Mayor for his support, shaming the Mayor at the 1996 Democratic convention, and by taking busloads of delegates on "tours of shame," which included visits to low-wage employers who had public contracts and financial assistance. The campaign built a very strong coalition of more than 60 organizations, with a combined membership of 250,000. Upon hearing of the strength of the movement, the City illegally closed its doors to the public from attending the City Council meeting in which aldermen voted down the proposed living wage ordinance. When the Mayor and Council began the preparation for proposing salary increases for themselves in 1998 they realized that they could not risk a backlash from the living wage movement who would publicize the hypocrisy. A living wage law was therefore passed, although its terms were narrower than the originally proposed ordinance (Reynolds, 2001).

Although cities with larger immigrant populations and higher union density are more likely to pass living-wage ordinances than cities that do not have these demographics (Levin-Waldman, 2008), less is known about the link between living-wage campaigns, living-wage ordinances and illegalized migrant workers. Employers have fired illegalized migrant workers or called immigration authorities to arrest and deport workers after these workers attempted to retrieve withheld pay, obtain safer working conditions, pay increases and unionize (Harris, 2013; Nissen, 2005; Smith et al., 2009; Smith and Cho, 2013). The US literature, however, does not demonstrate the extent to which living-wage campaign strategies and tactics have prompted employer retaliation against illegalized migrant workers. Furthermore, if living-wage campaigns in the US have resulted in employer retaliation towards illegalized migrant workers, what have living-wage campaigns done to protect illegalized migrant workers from being fired, arrested and deported?

Like the US, income inequality has risen rapidly in the UK during the past four decades. Changes in global production and employment systems have led to growth of precarious flexible, part-time, fixed-term,

temporary, or agency work, rather than full-time permanent work (McDowell et al., 2009; Sassen, 2006; Thornley et al., 2010; Wills, 2009c; Wills et al., 2009d). Also similar to the US, workers who earn sub-poverty level wages in the UK are more likely to be immigrants and illegalized migrants than native-born residents. As “invisible” workers immigrant and illegalized migrant workers often remain hidden from public view when they clean banks, hospitals, or universities while the city sleeps, or when they cook meals in the kitchens of countless restaurants (Hearn and Bergos, 2011; 2009; Rienzo, 2011). Studies have found that UK employers prefer to hire exploitable immigrants (with or without legal documents) to gain competitive advantage (Hearn and Bergos, 2011; Tapia and Turner, 2007).

The East London Communities Organization (TELCO) launched London’s first living wage campaign in 2001 (Holgate, 2009). The Unison trade union and the Transport and General Workers Union (TGWU) provided funds and the human resources to support workers to organize. After securing increases in pay, holidays, pensions and sick pay for cleaners in the early 2000s, TGWU and Unison’s union membership grew and the living wage campaign expanded. Additional lobbying efforts secured the living wage for all people working on the 2004 Olympic projects, and resulted in the establishment of a Living Wage Unit in the Greater London Authority. Supported by the Justice for Janitors Campaign in the US, the TGWU began a sector-wide campaign to unionize cleaners in the City and Canary Wharf and worked with London Citizens (Formerly TELCO) to demand a living wage for all. Within months, the campaign expanded to higher education, focusing on low-paid contracted cleaners at multiple universities across London. The living wage campaign has employed a variety of strategies to achieve pay increases for low-paid, mainly migrant workers. However, as in the US, the campaigns have not been without opposition (Hearn and Bergos, 2011; Holgate, 2009; Lopes and Hall, 2015).

Throughout the living wage campaigns, TELCO, workers, and unions employed a variety of tactics to persuade employers and the City to adopt the living wage. During the beginning of the campaign, public protests (marches, demonstrations, public assemblies) and lobbying of politicians and employers attracted the support of the Mayor and trade unions (Tapia and Turner, 2013). TGWU then decided to focus on a strategy for growth, putting more resources into organizing workers, many of whom were immigrants. Including immigrants gave the labour movement an opportunity to transform itself into a stronger force. Once the unions shifted their attitudes towards immigrants, and immigrants

began joining previously closed unions, they acquired new positions within the union structures, changing the union from within (Tapia and Turner, 2013). The growth in membership influenced unions to fight not only for a living wage, but also for structural changes in the labour market, demanding better social protection for immigrant workers, and, by extension, for all workers. Campaigns framed the issues in terms of social justice and fairness. Through sustained campaigns, including demonstrations, strikes and civil disobedience, vulnerable workers and their union supporters were able to pressure employers and policy makers to win significant concessions (Tapia and Turner, 2013; Lopes and Hall, 2015).

TELCO initiated a 'Strangers into Citizens' campaign, after learning about the City's role in exploiting illegalized migrant workers. The campaign came together in May 2007 at Trafalgar Square to call for regularization. The campaign's proposal was debated in the UK House of Commons in June 2007. By September 2007, the Liberal Democrats adopted the idea of an earned route to citizenship with residence conditions of 10 years and the UK Border Agency began granting legal status to thousands of asylum seekers whose claims had failed (Ivereigh, 2009). Not all illegalized migrant workers benefitted from regularization, however, due to strict exclusionary criteria (e.g. proof of long association with the UK). Furthermore, UK unions were not united on this initiative (Tapia and Turner, 2013; Ivereigh, 2009). On the one hand, union leaders perceived regularization as a very difficult and contentious issue that many members would not support. On the other hand, some leaders found TELCOs campaign to be too limited because it was tied to too many conditions. While an opening was created for the union to support regularization of illegalized migrant workers, the political willingness and strategy of the union leaders to make regularization a priority remained absent (Tapia and Turner, 2013). The deportation of eight cleaners in early 2009, approximately one year after the living wage was won for cleaners at the School of Oriental and African Studies (SOAS) at the University of London indicated that "it is not enough to be able to organize a successful campaign around union recognition and pay and conditions, unions must also be in a position to protect their activists" (Hearn and Bergos, 77). More specifically, "there are a number of important lessons for the trade union movement to learn; namely, the need to have specific legal and campaigning strategies in place to defend its migrant activists as well as calling for the regularization of 'irregular' workers" (Hearn and Bergos 2011, 65).

TEMPORARY FOREIGN WORKERS AND THE RISE OF LOW-WAGE ILLEGALIZED WORK IN CANADA

Canada's growing Temporary Foreign Worker (TFW) program is a prime example the use of cheap vulnerable migrant labour to perform expanding shares of the low skilled and poorly paid work in the economy. Rooted in the 1973 Non-Immigrant Employment Authorization Program (NIEAP) and 1966 Seasonal Agricultural Workers Program (SAWP), Canada's TFW program has rapidly expanded during recent decades. While 69,901 TFWs were employed in Canada in 1973 in agriculture, by 2012, 338,221 TFWs were employed across Canada in agricultural, domestic, live-in caregiving work, food processing, catering, fast-food services, hotel housekeeping and services, engineering, and construction (Sharma, 2006; Curry, 2014). The TFW program is projected to continue to expand in upcoming decades (ILO, 2009; Sawchuk and Kempf, 2008). Prior to the TFW program, most migrants who entered Canada to work were issued a "permanent resident status", giving them access to labour rights and enabling them to eventually apply for citizenship. With the implementation of the TFW, however, the Canadian government began channeling migrant workers into two major status streams: (1) a low-skilled stream that issued "temporary migration status" and few real opportunities for gaining citizenship, and (2) a high-skilled stream that offered pathways to permanent resident status and eventually citizenship (Basok, 2004). Unlike the high-skilled immigrant workers who have pathways to citizenship, TFW low-skilled migrants' are treated as disposable "guest workers", subjecting them to exploitative employment conditions (Binford, 2009).

Employers continue to claim to need temporary migrant workers because of labour shortages in low-wage, low-skilled work (Barnetson and Foster, 2013). They characterize the TFW program as a labour market necessity and as an opportunity to workers in developing countries to earn valuable dollars to send home. However, the TFW program has been more accurately described as a program that bonds workers to importing particular employer (Sharma, 2006), resulting in "low wages, often below the minimum, and long hours with no overtime pay; dangerous working conditions, crowded and unhealthy accommodation; denial of access to public healthcare and employment insurance, despite paying into the programs; and being virtually held captive by employers or contractors who seize identification documents" (Walia, 2012: 72). Due to these labour conditions, some TFWs choose to leave their employer to seek employment elsewhere, in which case they lose their status in Canada. Other TFWs overstay their visas. In both cases, workers become "illegalized" (Bauder, 2013).

There are other ways in which migrants and refugees become illegalized. Their paperwork can become lost in the bureaucracy; their application for asylum may be; or they can cross the border without the proper documents (Bauder, 2013). In Canada, most illegalized migrants likely entered the country with legal status of some kind (Marsden, 2012). While, their precise number is unknown, reports estimate that the number ranges from 80,000 to 500,000, with half of them residing in Toronto (Magalhaes et al., 2010; MCI, 2012). A 2000 RCMP report further estimated that approximately 15,000 migrants cross the US-Canada border annually without proper authorization (Oxman-Martinez et al., 2005). The expanding TFW program will likely contribute to an increase of illegalized migrants due to an estimated overstay rate of 1.5%⁴ (Basok, 2007). In 1976, the Canadian Immigration Act criminalized the employment of illegalized migrants through employer sanctions. The criminalization of employing illegalized migrants continued with IRPA in 2001, which states that, “every person commits an offence who ... employs a foreign national in a capacity in which the foreign national is not authorized under this Act to be employed”. While employers who violate this law can be fined up to \$50,000 or imprisoned for up to two years, employers easily escape prosecution if they conducted “due diligence,” for example by asking for a SIN number, when hiring employees (Library of Congress, 2015). Illegalized migrant workers face the real brunt of sanctions as they are subject to arrest and deportation. To evade the arm of the law, they become extremely vulnerable to employer abuse and exploitation.

American studies have found that US immigration and border policies enacted between 1985 to 2010 increased the vulnerability and undercut bargaining power in the lower segment of the labour force, where many illegalized migrants work (Massey and Gentsch, 2014). Once contacted by a disgruntled employer or employee, immigration officials conduct worksite raids, whereby they arrest, detain, and/or deport illegalized migrant workers (Smith et al., 2009). Although illegalized migrants are formally be protected by labour rights, fear of employer retaliation usually prevents them from accessing these rights (Mondragon, 2011). Employers therefore continue to super-exploit illegalized migrants in the US (Braker, 2012-2013; Heyman, 1998; Smith et al., 2009), and findings from studies conducted in Canada indicate that illegalized migrants may be facing a similar situation here (Goldring & Landolt, 2012; Magalhaes et al.; Monsebraaten, 2009).

⁴ This rate would likely also increase in the case of a major economic downturn where TFWs come to be laid off by their sponsoring employer before the expiry of their contract, as with the recent depression of commodity prices such as oil.

Researchers have therefore argued that most important functions served by the illegal population is political, and resides in illegalized workers' vulnerability to employers, who can control them easily due to their lack of formal legal status (Grasmuck 1984, Rivera-Batiz 1999, Champlin and Hake 2006). Furthermore, employers prefer illegalized workers during phases of rapid industrial transformation because their lack of legal protection prevents them from unionizing and protesting wage erosion (Morales 1983-1984). "The category 'illegal alien' is [therefore] a profoundly useful and profitable one that effectively serves to create and sustain a legally vulnerable – and hence, relatively tractable and thus 'cheap' – reserve of labor" (De Genova 2002, 440). The lack of status prevents migrants from competing for employment with native-born and legal immigrants on the same terms and conditions. Instead, they are bonded to employers, forced into accepting greatly inequitable remuneration for their work and kept in low-paying occupations that legal residents would not accept (Donato et al., 1992; Gentsch and Massey, 2012; Gomberg-Munoz and Nussbaum-Barberena, 2011).

THE LIVING WAGE AND THE STRUGGLE FOR THE PROTECTION OF ILLEGALIZED WORKERS IN TORONTO

Similar to the US and UK, Canada's labour market policies and practices have shifted dramatically during the past few decades, resulting in the polarization of workers' income levels especially in cities (Hulchanski, 2010; Lewchuk et al., 2015; OECD, 2011). Without intervention, projections indicate that 60% of Toronto neighbourhoods will be low or very low-income neighbourhoods by 2025, threatening social cohesion and the overall inclusiveness and health of the city (City of Toronto, 2011; Hulchanski, 2010). Illegalized migrants are particularly susceptible to employer exploitation. They often work in poor and unsafe work conditions, and do not receive protection against unfair labour practices (Goldring and Landolt, 2012; Magalhaes et al., 2010; Sidhu, 2013).

To counteract these trends, living-wage campaigns have emerged in Canadian municipalities such as Toronto and Vancouver. Unlike cities in the US, however, explicit living wage ordinances have not to date been passed in Canadian cities (Pei, 2015). Canada's first living-wage campaign was officially launched in Vancouver in 2007. In Toronto, the emergence of efforts resisting the expansion of precarious work can be traced to Councilor Ana Bailão's request of Toronto's Community Development and Recreation Committee to study the social and economic impact of the city's intentions to begin contracting-out cleaning and custodial work

(City of Toronto, 2011; Vosko et al., 2013). Citing concerns of the ILO, the United Way, and the Toronto Community Foundation about the disproportionate impact of precarious employment on immigrants, Bailão demanded that the study focus “on the social impact of hundreds of jobs being performed at salaries that are barely above minimum wage, often with no benefits, and particularly the impact on [low-income] priority neighbourhoods.” (City of Toronto, 2011). After the study’s completion, the city took several steps to reduce the negative impacts of contracting-out services, including: updating the City’s Fair Wage Schedule to reflect prevailing market rates, directing the Fair Wage Schedule to be revised every three years, and revising requirements for companies that bid for custodial services to improve job quality contractors’ employees (Wellesley Institute, 2015). The Toronto City Council also directed its staff to develop of a job quality assessment tool that includes a living wage standard and that considers other dimensions of job quality, including skills and training opportunities, and working conditions (City of Toronto, 2013; Wellesley Institute, 2015).

In addition, the Canadian Centre for Policy Alternatives (CCPA), the Toronto and York Region Labour Council, CUPE Local 79, ACORN Canada, Social Planning Toronto, the Solidarity City Network, Justicia for Migrant Workers, the Worker’s Action Centre, and Savings and numerous Credit Unions are advocating for the living wage in Toronto and elsewhere in Canada (CCPA, n.d.). The CCPA has determined the cost of raising a family of four in various Canadian cities as an evidence base in support of living wage policies. Toronto’s 2015 living wage is calculated to be \$18.52 per hour, which includes the costs for rent, transportation, child-care, food, clothing, internet, and laundry (CCPA, 2015). It builds into its living wage calculation that workers have access to public benefits such as healthcare, employment insurance, housing benefits etc. In general, however, these services are often refused to illegalized migrants who are unable to show identification cards required by service delivery staff and other public officials (Sidhu, 2013; Solidarity City Network, 2013).

To provide access to such benefits to illegalized migrants in Toronto, and in response to pressure from No One Is Illegal, the Solidarity City Network, and other activist organizations, Toronto became Canada’s first Sanctuary City in 2013. As a Sanctuary City, Toronto improved upon the previous *Don’t Ask Don’t Tell* Policy, which enabled city staff to serve illegalized migrant clients without asking about their immigration status. The formal Sanctuary City designation is now supposed to ensure that all residents receive access to the City’s funded core services, including

healthcare, education, income support programs, employment protection, affordable housing, settlement services, social assistance and legal services (Cities of Migration, 2013). Despite becoming a Sanctuary City evaluations have shown that illegalized migrants continue to face barriers to accessing these benefits (Sidhu, 2013; Solidarity City Network, 2013). Sanctuary City activists are therefore continuing their struggle towards ensuring the successful delivery of municipal services to illegalized migrants and the broadening of coverage to public supports provided by the provincial and federal governments, while simultaneously protecting illegalized migrants from arrest and/or deportation. As the literature review has shown, living wage campaigns have not been very successful in achieving their broad goals while at the same time protecting low-waged illegalized migrant workers. Current and future living wage campaigns should consider working closely with Sanctuary City campaigns to improve their strategies for protecting to illegalized migrants from arrest and/or deportation while working to improve the working and living conditions of low-waged workers, including the illegalized. The public supports provided by Sanctuary City protections are important to illegalized migrants' economic and social well-being and are in this way complementary to living wage campaigns.

CONCLUSION

The living-wage movement has directed its attention to workers who are, in Guy Standing terms, the precariat. Illegalized migrants constitute the most precarious and exploited of this segment of the precarious labour force. Neoliberal globalization requires a disciplined and low-wage labour force to sustain its economic foundations. In fact, global cities like Toronto are a prime location in which to observe increasing income polarization and labour market insecurity for ever larger numbers of workers. Therefore, living-wage campaigns have been most marked, and seen their greatest successes, at the urban scale.

Although illegalized migrants are among the most exploited workers, they are often invisible, even within the living-wage movement. The neoliberal logic maintains that "illegal" migrant work is ultimately a supply problem, and that tolerating or legalizing "illegal" migrants only create incentives that increases the supply of such migrants. Hence, the solution according to this logic is to address the supply side and blame vulnerable illegalized migrants for the existence and increased use of unauthorized low-waged work. Consequently, authorities are targeting illegalized migrants in addressing this policy problem. However, from the political economy perspective that Sassen and Standing assume,

illegalized migrant work is driven from the demand side. Vulnerable and exploitable workers facilitate capital accumulation and labour market segmentation (Bauder 2006). Illegalized work is built into the very DNA of modern neoliberal capitalism.

Addressing the situation of illegalized migrant workers is a way to confront the uncontrolled power of capital in a hyper neoliberal world. The labour market situation of illegalized migrants reveals some of the most exploitative aspects of neoliberal capitalism and the policy framework that supports it. The living-wage movement offers important strategies and tactics employed of active resistance to neoliberal globalization. However, illegalized migrant workers could be placed more centrally within this struggle and more visibly and organically connected to living-wage movement. The struggle for a living wage is not only an issue for low-waged citizens and legal residents, but also for *all* workers, including the illegalized. Winning living wages for illegalized workers is connected to broader protections from exploitation by employers and solidarity among workers. A living wage, enhanced security and status of migrants deemed “illegal” by the state is central to a progressive policy agenda.

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