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Temporary Foreign Workers in Alberta's Oil Sector

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Abstract

Alberta is currently in the midst of the largest economic growth ever recorded by a Canadian province, with growth rates challenging China's. This is due to increases in oil exploration and production. With all economic upswings, come challenges, and Alberta is currently experiencing an urgent labour shortage. The Alberta Government and Alberta's oil companies have gone global in their search for labour and the number of temporary foreign workers (TFWs) coming to Alberta is vastly increasing. Through a case study analysis of TFWs in Alberta's oil sector, this paper will examine the growth of temporary foreign worker programs (TFWPs) in Alberta. The objective of the paper is to explore the interests, perspectives, and actions of employers, governments, and unions in regard to Alberta's TFWP. This will be analyzed in a context of global TFWPs and international labour migration. The paper concludes that globalization of labour is actively occurring in Alberta through a new geography of recruitment. The paper will demonstrate that oil companies are not the leading force behind international recruitment for labour, as might be expected, but that the primary leader in international recruitment for TFWs is the Alberta Government.

Introduction

Alberta, Canada is currently experiencing a labour shortage of a scale unprecedented in Canada. This is due to massive levels of economic growth (Alberta's economy expanded by 6.9% in 2006, the best performance of any province since 1993) from the increases in the oil and gas industry (Harding and Chase, 3 May 2007). In Alberta, one in six employees is employed directly or indirectly in the energy sector, and as a whole the province added 86,000 jobs in 2006¹ (Harding, 18 July 2007). The Alberta Government predicts that over the next decade Alberta will add approximately 400,000 jobs, with a shortage of over 100,000 workers (AEI, 2007). As a result, the Alberta Government and oil companies are turning to temporary foreign workers (TFWs) as a key part of the solution to labour shortages. The number of TFWs in Alberta has increased in the last two years, with 15,172 people granted temporary work permits for Alberta in 2006 (CIC, 2007). This was over a 30% increase of the number of TFWs admitted to Alberta in 2005, and these numbers are predicted to increase (CIC, 2007).

Labour has become a central topic in Alberta's media and a primary concern for

oil companies. Companies and organizations are creating new strategies and policies to deal with the 'manpower' problem. Key terms utilized to describe the situation, such as 'manpower', 'labour crunch', and 'economic immigration', illustrate how the issue is currently viewed in Alberta: as an economic deterrent to progress. Research is abundant on the topic of 'how to solve the labour problem', but at present there is little reflection on what is happening in Alberta, particularly in terms of implications of temporary foreign worker programmes (TFWPs), long term planning, and globalization.

The objective of this paper is to explore the case of temporary foreign workers in Alberta's oil sector. The paper is divided into three chapters: the first is theoretical looking at temporary migration, the second an empirical chapter that looks at the case study of TFWs in Alberta's oil sector, and the third chapter synthesizes the theoretical and empirical work to draw conclusions regarding temporary foreign workers in Alberta's oil sector.

Temporary Migration

Globally, temporary migration is on the rise (OECD, 2004: 71). Migration in search of work is not a new world phenomenon, but international migrations⁶ csh/ 6.3803 w3w, n8.g in (w,

¹ The population of Alberta is 3,242,824 people (Alberta Municipal Affairs and Housing. Available at: www.municipalaffairsandhousing.gov.ab.ca).

restrictions (Martin, Abella, and Kuptsch, 2006: 6, from Torpey, 1999). Temporary migration can be divided into different categories, such as skilled or unskilled workers, and guest worker programmes versus seasonal worker programmes. Skilled worker programmes are the emphasis of many industrialized countries and many industrial state governments are easing restrictions on visas and entry for skilled migrants (OECD, 2004; Economist, 2006). “The Talent War” and the “Battle for Brainpower” (Economist, 2006) demonstrate the perception of a global skills shortage and many governments are working to recruit and attract the highly skilled, which is viewed as politically legitimate (Hollifield, 2004: 902).

The unskilled, on the other hand, have far more difficulties in getting visas and gaining legal entry for work as the level of restrictions on unskilled workers is higher than for skilled workers in most industrial states. Unskilled workers are not viewed as desirable by states and are generally recruited to fill jobs that nationals are unwilling to do, otherwise known as the 3-D

20 different nonimmigrant worker programmes (Martin, 2003). Overall the new policies do not differ extensively from the historical programmes, except that they are stricter on length of stay, family reunification, and prohibit settlement (Miller and Martin, 1982). Castles and Miller (2003) state, "Somehow, policies that were generally viewed as regressive and discriminatory in the 1960s and 1970s could be viewed as innovative and progressive after 1990" (101).

The ILO and the UN (United Nations) have both made efforts to protect the rights of international migrant workers. The ILO Migration for Employment Convention, 1949 (No. 97) - 47 ratifications – and Migrant Workers Convention, 1975 (No. 143) – 23 ratifications – both provide measures for the protection of migrant workers (ILO, 2007- website). The UN Convention on the Protection of all Migrant Workers and Members of their families entered into force on 1 July 2003, but only has 22 ratifications, most of which are from emigrant countries (Martin, 2003: 30). These documents have served to provide a vision of ethical international standards, however, they are not applied by most countries with migrant worker programmes and have no means of enforcement. In effect, a migrant worker is subject to a vulnerable position, as by leaving their home state they give up their rights as citizens when they migrate. Most host countries argue that migrant workers are subject to the laws for migrant workers in that state, providing that they are in the state with legal status. The protection of migrant workers is not clearly defined and agreed upon at an international level, as demonstrated by the lack of receiving countries convention ratifications, which reinforces the vulnerability of migrant workers.

It is not difficult to see that TFWPs are highly contested in the current era (Ruhs, 2005: 1). Proponents of TFWPs argue that they can be beneficial to all involved and contend that TFWPs are ethical and highly desirable in liberal democracies when designed with innovative policies that avoid

past policy failures (Ruhs, 2005; Weinstein, 2002; Martin, 2003). Opponents of TFWPs make the case that TFWPs are unethical in a liberal democracy, violate the human rights of workers, are capital and elite driven, do not benefit the receiving society as a whole, and are not necessary as other policies can be utilized (Bartam, 2005).

The support or opposition of TFWPs is affected from the position in which one views TFWPs. Ruhs and Chang (2004) state that at the core of TFWPs is the issue of migrant's rights potentially conflicting with national's rights and national identity (72). Thus the implementation of TFWPs becomes a balancing of rights. Generally the rights of the migrant worker are secondary to the rights of the nationals, which follows the nation state world system wherein the prime responsibility of states is to their citizens.

Problems of Temporary Foreign Worker Programmes

Historical and contemporary migrant worker programmes are face many problems. This section will focus on three specific problems that are reoccurring within the literature as problematic to TFWPs and provide some alternatives and solutions to policies that have continually plagued these programmes. The first is the tethering of

United Kingdom's highly skilled workers programme, which demonstrates the difference in treatment of high skilled and low skilled workers (Ruhs, 2005b: 5).

The fundamental problem with this policy is that it inbreeds migrant vulnerability. First, it prevents migrants from being able to 'vote with their feet' and find another job if their employer is abusive, as a citizen or landed immigrant would be able to do (Weinstein, 2002: 230). Second, the tethering of migrant workers can lead to systemic abuses as migrant workers are forced into company loyalty as a matter of law (Weinstein, 2002: 230). Thus, a preference for migrant workers may emerge among employers as the cost for their loyalty is far less than of a local employees (Weinstein, 2002: 230).

Employers are reluctant to change this policy as they may lose their employee prior to recouping their recruitment costs (Ruhs, 2005a: 214). Ruhs suggests that as an alternative employer's could create an organized collective recruitment policy for the sector where there is a shortage and allow migrants to move freely within the sector (2005a: 214). This would allow migrants greater freedom, and employers to recoup their recruiting costs (Ruhs, 2005a: 214). It would also minimize external effects on the receiving society, which would be dealing with the abuses of the migrant workers, and the sending society in terms of decreasing difficulty of entry and dealing with the abuse of their nationals.

Dependence

There are two types of dependence that can be identified and differentiated. First, dependence occurs when migrant workers, as well as their families, communities, and home countries, become dependent on their foreign wage and resist policy changes that might reduce emigration opportunities (Martin, 2003: 10). This type of dependence has been a key reason for historical guest worker programmes lasting longer and growing larger than policy makers anticipated (Martin, 2003: 10). Although the focus of this paper is on receiving states, this type of dependence

needs to be central to policy maker's awareness as it illustrates how the needs of migrants and sending states can impact the TFWP overall.

A second view of dependence occurs when a structural dependence arises within the receiving society on the employment of migrant workers and the low wages that often prevail in sectors with high migrant

would want to save the levy and encourage employers to look for alternatives such as mechanization of the production process, or outsourcing (Martin, 2003: 28; Ruhs, 2005a: 214). The only country that operates a somewhat comparable policy is Singapore, where the government charges 'foreign worker levies' for the hiring of migrant workers in particular sectors (Ruhs, 2005a: 214). The fees could then be used for funds to generate enforcement, integration, and for other purposes related to the TFWs (Martin, 2003: 28). Thus, such a fee could be utilized to cover the administration costs of the programme and therefore reduce the externalities incurred by the government and host society, as Weinstein identifies as a key problem (2002: 233).

A second option to protect the rights of the nation states citizens is to provide direct compensation to local workers. This could occur through a fee as mentioned above, or through union membership (Ruhs, 2005a: 215). In Australia, the government consults with local interest groups and the public regarding the size and intake of migrants (Ruhs, 2005a: 215). In order for a TFWP to be successful, governments should be negotiating with unions and the public, and this would be one method for gathering support.

Commodification of Temporary Foreign Workers

A key problem with TFWPs is that migrants are regarded as stocks, that is, instead of ordering 50 t-shirts from a country, one is ordering 50 migrants. This is evidently a problem, as migrants are not commodities, but people who have agency and rights. These assumptions led to the belief that migrants were available to come or leave at the whim of the employer. In practice, migrants perspectives change with time, some may apply to stay permanently in the host country and apply for family reunification, others may stay illegally, and some may return as the programme anticipates (Ruhs, 2005a: 216). It is essential, however, that policy makers account for these distortions, but maintain

a focus on the temporariness of the programme (Ruhs, 2005a: 216).

One method to encourage returns would be financial payments for return. This could include the migrant receiving their social security payments once they have returned home (Ruhs, 2005: 216; OECD, 2004: 85). The OECD argues that it is inequitable to require TFWs to pay into social security programmes from which they will receive little or no benefit. Thus, if these payments are not given to the migrant upon return then an option is that they are paid to the families or communities at home while the migrant is working in the receiving state (2004: 85). In this instance employers could be responsible for providing a bonus

to migrant worker programmes, and three key policies are needed to support this approach. The key elements of such an approach include:

1. "an open, transparent discussion of all economic, social, cultural and other impacts of international migration for migrants and non-migrants in receiving and sending countries;
2. the acknowledgement of the need for national policymakers to give at least some preference in their policy decisions to the interests of citizens;
3. the recognition that the interests of migrant workers need to be actively protected and promoted, including both migrants' rights and economic welfare, two factors that may sometimes conflict;
4. the responsibility of receiving countries to make their labour immigration policies development-friendly for sending countries, and,
5. the need to avoid policy contradictions by aligning the objectives of labour immigration policies more closely with those of international trade and investment policies."

Three policies are needed:

1. "some freedom of movement for labour migrants in the receiving country's labour market;
2. regulation of employers' costs of migrant workers by setting flexible work permit fees, and,
3. mixed incentives-enforcement measures to encourage the return of migrants on expiry of their work permits."

Ruhs model provides depth and his balanced approach to TFWPs incorporates lessons learned from past problems with TFWPs. Ruhs model thus will be taken as a theoretical model of best practices. It will be utilized for comparing how the case

study of TFWs in Alberta's oil sector meets the best practices noted here.

Temporary Foreign Workers in Alberta's Oil Sector

The Alberta Boom

Alberta is currently experiencing the highest levels of economic growth ever recorded by any Canadian Province (Statistics Canada, 2006). The boom has been termed 'North America's biggest resources boom since the Klondike gold rush' by the Financial Times (Simon, 8 May 2007) and is making headlines around the world. The basis for the boom is Alberta's oil sands, as an increasing number of multinational and national companies expand their oil productions in Alberta. The reserves are distributed among three primary fields; Athabasca, Cold Lake, and Peace River, as illustrated in Figure 2 (appended).

In June 2006, 69% of all possible oil sands leases were still available (Alberta Energy, 2007). In 2006, Alberta's oil sands were expected to produce one million barrels per day of oil sands product (RIWG, 2006). This is expected to increase to three million barrels per day in 2010, and possibly four million barrels per day by 2015 (RIWG, 2006). The Athabasca oil sands - the largest and most developed reserve - remains at the centre of the growth. Currently, in this region, there are nine companies operating, seven projects under construction, and 31 planned projects that are in regulatory or planning phases, as shown in the yellow and green in Figure 3 as appended (RIWG, 2006).

Prior to 2003, Canada did not feature as a key region of crude oil production (Falola and Genova, 2005: 4). In 2003, Canada and the United States Department of Energy Information Administration changed the definition of what constitutes Canadian crude oil reserves, resulting in Canada having the second largest proven reserves of crude oil - Saudi Arabia has the first - in the world (Reynolds, 2005: 53). This change in definition was initially quite contentious, but has now been internationally accepted. Previously, Alberta's reserves were considered too

costly to extract and refine² and therefore were not counted in international oil stocks. With the increases in oil prices, technological improvements, increased concerns regarding global supply, the fact that only 26% of world oil leases are open to private companies, and the volatile political situations surrounding much of the world's oil, Alberta's oil sands have become economically viable and profitable²his

model, with labour flowing to oil centres such as the Gulf, Iran, Nigeria, Venezuela, and Texas in the 1970s and migrants today continue to provide the majority of labour in the Gulf (Harris, 2003: 4464).

Alberta's experience has not been an exception as the present levels of migration can only be challenged by the settling of the wild west in the 1800s. In 2006, net inter-provincial migration to Alberta reached a record high for any province in Canada at 57, 105 people (Pereira et al., 2007: 4). Fort McMurray, the city for the oil sands, has been a beacon for Canadians from the Atlantic Provinces, such as Newfoundland and Labrador, where high unemployment rates have ensued since the 1980's. Fort

along with the Alberta Ministry of Agriculture,

to promote 'economic immigration' as a government strategy to alleviate pressures on the labour force and ensure Alberta's continued economic success (Olsen, 2007). This is part of the '*Value- Added*' Strategy and the *Securing Tomorrow's Prosperity* strategy, both of which contribute to Alberta's labour strategy (Olsen, 2007).

Alberta's 10-year labour force strategy is

pushing for an opening of the TFW procedures in Alberta to make the process more efficient and accessible. The Federal Government has worked to improve access to the programme by opening an office to deal with TFW applications in Calgary in October 2006 (O'Donnell, 16 Nov. 2006). In addition, the Federal Government has reduced the recruitment process from one month to a week for occupations that are listed as 'under pressure'. These initiatives demonstrate that the Federal Government is working to improve access to the TFWP for Alberta employers.

Oil Companies

Oil companies are increasingly concerned about labour costs and shortages in Alberta. In July 2007, the break-even price for a barrel of oil increased to \$54.00 per barrel, from \$45.00 per barrel in July 2006 (Dutta, 4 July 2007). The increase is primarily from increases in labour costs and material costs (Dutta, 4 July 2007). Neil Camarata, Vice-President of Oilsands for Petro-Canada stated, "Our two biggest worries were [are] keeping a handle on cost and getting workers to build the facilities" in regards to the planned 2008 construction of Petro-Canada's \$26 billion Fort Hills project (Dutta, 29 June 2007). Oil companies need to ensure a secure workforce within a certain price range to maintain profitability.

All of the individuals interviewed stated that their organizations were concerned about labour. Each organization felt that they were able to get the staff required at the moment, but recruitment processes were taking longer, were more competitive and the interviewees were concerned about the future. Only one of the interviewees currently had TFWs on site, but five others stated that they were considering using TFWs in the future.

From the interviews it appears that five key areas emerged that affect the interests of a

The second area that emerges regarding the employment of TFWs is the relationship between the oil company and their contractors. All oil companies contract out their construction work to construction companies, who are thus responsible for hiring and training employees. However, all contractors on a site are responsible for following the safety regulations and policies of the oil company. Therefore, if it is the policy of an oil company that TFWs are not permitted on site, then all of their contractors must follow this policy. It is important for an oil company to trust and utilize good contractors to ensure their safety record and to meet their targets and deadlines. Additionally, in terms of corporate social responsibility oil companies must accept any wrongdoings by a contractor as their own.

An example of this is in April 2007; two

Philippines are fluent in English, whereas Chinese workers are not. Thus, if the choice is China, cost is prioritized over language/ safety issues.

The final issue is recruitment, and if recruitment is occurring in-house or through third party recruiting companies. Recruitment is becoming more important to corporations as competition for workers increases. Most oil companies have internal recruitment teams that focus on attracting skilled workers (engineers, geologists, financial officers) to their organization. In some circumstances the recruitment teams are also in charge of working to find skilled trades workers, often classified as unskilled workers.

This is where recruitment of workers becomes an interesting facet in that this can be the responsibility of the oil company, the contractor, or a third party recruiting company. In Calgary, *The Calgary Herald* has reported that recruitment fraud is an increasing problem in the city (Beaubien, 27 June 2007). Numerous companies are emerging in the area of foreign recruitment, and many are not certified agencies (Cryderman, 1 July 2007). Recruitment companies are offering promises of good jobs and wages in Canada, and even more, the opportunity to immigrate to Canada and for family reunification. These allegations are not entirely false, but the number of workers to receive the opportunity to stay in Canada is small.

In Canada, it is illegal to charge an individual to come to work in Canada. Employers have reported that they are receiving proposals where companies are blatantly stating that there is no charge to the company and that the individual will incur all of the costs included with coming to Canada (conference, 2007). Fraudulent recruiting companies are charging individuals \$15,000 - \$20,000 to come to Canada, and when these individuals arrive they find they do not have a job (Beaubien, 27 June 2007). Third party recruiting companies add another level to the issue and are an additional responsibility for oil companies to manage.

A final issue that half of the respondents identified as being concerned about was cultural integration. International workers require an additional level of cultural integration policies and support compared to Canadian workers. Those concerned mentioned the challenges of culture shock and adaptation, and how this can impact worker productivity and job satisfaction. Those who were not concerned generally had experience working with international workers and felt the challenges could be overcome.

Although oil companies are not heavily utilizing TFWs at present, they are on the radar and companies are starting to develop strategies and policies that incorporate TFWs. It was stated by every employer that there is a preference for skilled trades workers with Canadian experience, and that employing TFWs was an option to only be utilized when recruitment in Canada was unsuccessful. The need for workers is not yet acute enough to have oil companies recruiting internationally en masse, but labour forecasts suggest that the peak shortages will occur in 2010. Thus, the use of TFWs is justified here from a position of acute labour shortages in the skilled trades across Canada. The prediction is that employers will start to seriously look internationally and in the near to immediate future one interviewee stated that contractors are anticipating that up to 40% of their staff will be TFWs. These numbers suggest a need for solidifying policies and ensuring sound recruitment for the protection of workers rights.

Unions

Throughout history unions have been fundamental in achieving workers rights, such as increased wages, safety and rights at work:

“Unions reduce wage inequality, increase industrial democracy and often raise productivity..in the political sphere, unions are an important voice for some of society's weakest and most

vulnerable groups, as well as for their own members.” (Freeman and Medoff, 1984: 5).

In Canada, union membership has been decreasing: in 2006, 25.2% of the civilian labour force were unionized, compared to 28.4% in 1991 (HRSDC, 2007).

In Alberta, the largest representative of unions is the Alberta Federation of Labour (AFL), which represents 31 unions and nearly 125,000 workers from across the province (AFL, 2003). Two other significant unions are the Alberta Buildings Trades Council (ABTC), representing 16 trade unions with 22 locals and over 48, 000 union members, and the Christian Labour Association of Canada (CLAC), representing approximately 15,000 members in Alberta (Klaszus, 2007).

On the issue of TFWs, the AFL and ABTC are opposed to the government’s current policies. Both unions have contested the TFW policies through writing letters to AEI Minister Iris Evans. The AFL has started a campaign against the use of TFWs in Alberta, and has hired a lawyer to assist TFWs in need. The AFL has established a toll-free line for TFW to call their lawyer when they are being mis-treated by employers or need assistance (CBC, 25 May 2007). The new post was overwhelmed with calls from workers who have cases such as illegal deductions from their cheques and broken promises from employers (CBC, 25 May 2007). The ABTC, has appealed to their senator and put pressure on the government to re-evaluate TFW policies in Alberta (ABTC, 13 July 2007).

CLAC, on the other hand, has supported TFW policies. At present, CNRL has TFWs on its Horizon site. In 2004, when in the planning stages of their \$6 billion Horizon operations north of Fort McMurray, CNRL made a deal with the Government of Alberta to invoke a special status under the Alberta Labour Relations Code that is rarely utilized (Klaszus, 2007). Division 8 of the Labour Relations Code, which has not been invoked since 1989, “allows a company to negotiate a single collective agreement with

a single union to cover all employees on the site, regardless of their union affiliation” (Klaszus, 2007). In order to be approved for such status the project must be “significant to the economy of Alberta” and the provincial cabinet must decide that the arrangement is “in the public interest” (Klaszus, 2007). In 2005, CNRL and CLAC made a deal that all workers on the Horizon site (6,000 plus) would be represented by CLAC, regardless if they have a membership to a different union or are non-unionized (Klaszus, 2007). Workers did not ratify the agreement; it was simply enforced.

This agreement has come under great criticism from the AFL, and the media. The AFL views the agreement between CLAC

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of the Earth, and Greenpeace, and indigenous peoples across the province.

A second issue is that of inter-provincial mobility for skilled trades. The Red Seal Certificate allows skilled trades to work inter-provincially in Canada, but at present, the Red Seal Secretariat says that only 16% of skilled tradespeople in Canada have the accreditation. Skilled tradespeople are unemployed in other Canadian provinces, but cannot work in Alberta without the Red Seal certification. This pegs the question posed by the AFL, why look internationally, when nationally workers are available and only require support for accreditation?

A third problem posed by the AFL is the apprenticeship programme in Alberta for skilled trades. The AFL quotes that approximately only 50% of tradespeople are completing apprenticeships, with over 40% citing their non-completion due to not having enough work. To complete an apprentice under the current programme, one needs to complete a certain number of hours of work. If one is laid off or cannot find the work, then they cannot complete the programme. The AFL argues that addressing the problems with the apprenticeship programme would increase the number of skilled tradespeople in Alberta and reduce the need for TFWs.

The points raised by the AFL are worthy of exploration and discussion. As the largest representative of unionized workers in Alberta, the AFL's opposition to TFW demonstrates that the majority of unionized workers in Alberta do not support government policies. The AFL protested CNRL's 2006 annual general meeting with signs that read "*Immigration YES Temporary Foreign Workers NO*", illustrating their point that TFW policies are unethical and workers should not be treated that way,

lead to abuse as that level of risk is not affordable for the majority of TFWs. This is a violation of core labour standards in that workers are placed in a situation where they do not have the right of 'voting with their feet'.

As stated previously, Ruhs has suggested that as an alternative, employers could create an organized collective recruitment policy for the sector and allow TFWs to move freely within that sector. In Alberta, to implement this suggestion, The Government of Canada, who is primarily responsible for administering the TFWP, would have to give consent to allow for transferable work permits among different employers. In the oil sector, or the construction sector, this type of idea could be effective if administered by an organization such as the Alberta Construction Association, an organization that acts as an umbrella

TFWs are viewed as stocks that can be brought in or out as required. The attitude that the rotation principle will be honoured and effective is cited by Martin, Abella, and Kuptsch (2006) as a key failure of the historical TFWPs. The viewing of migrants as a commodity that follows the rules is a key problem with Alberta's TFW program at present. Martin (2003) has stated that it is essential to account for distortion in TFWPs, and Ruhs (2005a) has emphasized the importance of incorporating migrant agency and rights into the design of TFWPs, yet the degree to which this is currently occurring in Alberta appears minimal.

One methodology recommended by Ruhs (2005a) for achieving this is to recognize that some TFWs will want to stay and to provide routes for TFWs to become permanent residents. In some ways this has been achieved in Alberta's TFWP. For instance, the Provincial Nominee Programme (PNP) allows employers to nominate TFWs for permanent immigration status to Canada. However, only skilled workers can be nominated, or specific semi-skilled workers. At current, the semi-skilled workers that can be nominated are: food and beverage processing industry, hotel and lodging industry, manufacturing industry, and trucking industry (Rupil, 2007). Even if an employer nominates a

5. It is uncertain if the immigration policies have been aligned with the objectives of international trade and investment policies.

The programme fails to meet the three policies laid down by Ruhs of freedom of movement for workers, flexible work permit fees, and incentive measures to encourage return, that are essential to meet a theoretical best practices for TFWPs. Overall Alberta's TFWP does not meet the theoretical best practices for TFWPs. If the program were revised to incorporate all of these policies, it is plausible that many of the problems would decrease.

It is important to remind ourselves that this is a theoretical approach to best practices and has not been implemented by any state. The largest oil-producing region in the world, the Middle East, relies on TFWs for operations and workers have minimal rights in this region. Canada is a liberal democracy, unlike the countries of the Middle East, and thus the standards are and should be higher than in the Middle East. In terms of comparing Canada's programme to other non-oil related TFWPs in other liberal democracies, it appears to be on par. For instance, Germany's project-tied workers programme "allows a German firm to subcontract part of a construction project to foreign firms that provide primarily labour" (Martin, Abella, and Kuptsch, 2006: 98). The programme is controversial and leaves migrants quite vulnerable in Germany as they are geographically in Germany, but still employed through their home country and considered workers of their home country (Martin, Abella, and Kuptsch, 2006: 98). From a general viewpoint, on an international scale, problems with TFWPs appear to be commonplace. Alberta is not an exception, nor does it appear far worse or far better than other TFWP programmes, however, that does not justify ignoring the problems with the current programme. Alberta should still be aiming to improve the programme and achieve the international best practices approach.

Recommendations

The final section of this chapter will reflect on areas where Alberta's TFWP can be improved through three key recommendations. Given that Alberta's TFWP is going to expand and continue and there is a lack of viable alternatives, these recommendations are made in an effort for realistic improvements. The recommendations put forth do incorporate

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The third and final recommendation is to allow some freedom of movement for migrant workers, as stressed by Ruhs (2005a) and Weinstein (2002). The details of this would have to be worked out through consultation, and could be a key task of the working group to find a 'made in Alberta solution' to this challenge that meets the needs of the various stakeholders. A basis for this could come from exploring the UK's highly skilled worker programme and utilizing some of the concepts of freedom of movement within that programme.

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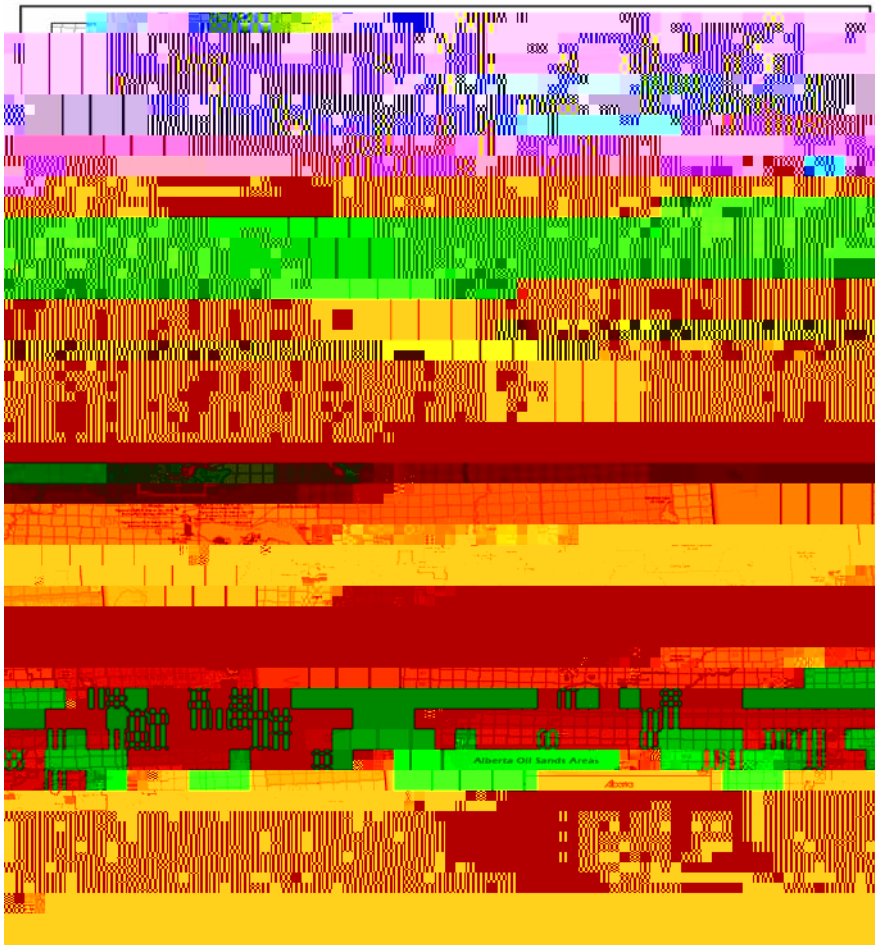
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Appendices

Figure 2: Alberta Oil Sands Areas Map



Source: Energy Alberta, Available at: www.energy.ab.ca

Figure 3: Athabasca Oil Sands Lease Map



Source: OPTI Canada, Available at: www.opti.com