

# CHRISTINE STRAEHLE | Global Justice, Temporary Migration and Vulnerability

**Abstract:** Liberals are concerned with the equal moral status of all human beings. This article discusses what flows from this premise for moral cosmopolitans when analysing temporary foreign worker programs for low-skilled workers. Some have hailed these programs as a tool to achieve redistributive global goals. However, I argue that in the example of Live-In-Caregivers in Canada, the morally most problematic aspect is that it provokes vulnerability of individual workers. Once in a situation of vulnerability, important conditions of individual autonomy are jeopardized. Even if these programs provide for redistribution of opportunities on a global scale, the challenge such programs pose to the conditions of autonomy can not outweigh these gains. Instead, they need to be re-assessed and changed to fundamentally express equal moral status of all human beings.

**Key words:** Autonomy, Global Justice, Moral Cosmopolitanism, Temporary Labour Migration, Vulnerability



## Introduction

One of the goals of liberal global justice theories is to provide individuals with equal respect. To this end, liberal theorists propose to express the equal moral status all individuals should have through different measures, most commonly put into the form of individual rights. These can be divided into human rights accessible to all people qua their human nature, and more specific sets of rights that arise in the context of the state or a society a person lives in. Rights are then meant to express equal status – either as human beings, or as citizens, or as members of a society. Rights can also be employed to provide and secure the means of another tenet of liberal theory, or so I construe them here: they are meant to allow individuals to live autonomously. Temporary foreign worker programs have recently been discussed in the context of rights provision: liberal authors have argued that temporary foreign workers should be protected by a set of special rights<sup>1</sup>; or that they should be provided with access to a wide range of social and labour rights<sup>2</sup>; or with access over time to citizenship and the kinds of rights it encompasses<sup>3</sup>.

In this paper, I propose to assess temporary foreign worker programs from the perspective of autonomy. I will focus on low-skilled temporary foreign worker

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1 Valeria Ottonelli and Tiziana Torresi. "Inclusivist Egalitarian Liberalism and Temporary Migration: A Dilemma." *Journal of Political Philosophy* 20.2 (2012): 202-24.

2 Joe Carens. "Live-in Domestic, Seasonal Workers, and Others Hard to Locate on the Map of Democracy." *Journal of Political Philosophy* 16 (2008): 371-96.

3 Patti T Lenard and Christine Straehle. "Temporary Labour Migration, Global Redistribution, and Democratic Justice." *Politics, Philosophy & Economics* 11.2 (2012): 206-30.

programs since they have seen a renaissance in immigration regimes across developed countries.<sup>4</sup> Furthermore, some hail them as a tool of distributive global justice since the one thing many developing countries have in abundance are low-skilled workers willing to move to developed rich countries<sup>5</sup> and since remittances temporary foreign workers send home now often outweigh foreign aid in many developing countries.<sup>6</sup> I want to argue that if such programs undermine some aspects of individual autonomy, then they may pose problems to liberal justice theory *even if* they provide individuals with the means to implement some autonomously chosen project in life, and *even if* we can show that the programs yield positive effects for global redistribution.

My lens of analysis is vulnerability; in particular, I employ vulnerability to show that temporary foreign worker programs may negatively affect the conditions of individual autonomy because they create individual vulnerability. Some bemoan the fact that temporary foreign workers often start from a position of vulnerability and that they make themselves even more vulnerable by moving, often accepting work that is dirty, dangerous and badly remunerated.<sup>7</sup> The concern here is that migrants don't start from a strong position of autonomy since they come from low-to-middle income, developing countries that don't offer them a commensurable range of opportunities. Call this the *background condition of vulnerability* many temporary migrants face in their countries of origin. Some temporary labour migration programs help to address vulnerabilities caused by background conditions: they allow access to employment opportunities that improve the socio-economic status and the range of personal opportunities back home significantly. Temporary foreign workers can then often realize some of their chosen goals: they can send their children to school or pay for better housing through their work in developed countries, thus alleviating some of the effects of the background condition of being poor, which I construe to challenge the ability for autonomy. If temporary foreign worker programs only functioned in this way, then they may prove not to be morally problematic for those concerned with conditions of autonomy; rather, it would seem that these programs effectively further and promote such conditions. However, temporary foreign labour programs may also provoke different kinds of vulnerabilities that arise from what I will call *conditions of constraints* imposed by specific programs. If this is the case, then their evaluation from a global justice perspective may prove far less straightforward than we may hope for.

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4 Patti T Lenard and Christine Straehle. "Temporary Labour Migration: Exploitation, Tool of Development, or Both?" *Policy and Society* 29 (2010): 283-94.

5 Lance Pritchett, *Let Their People Come: Breaking the Gridlock on International Labour Mobility* (Washington, DC: Center for Global Development, 2006).

6 World Bank, *Remittance Data* (Washington, DC : World Bank 2009).

7 Lenard and Straehle, 2010.

To illustrate the case I want to make, I will assess the kind of vulnerability migrants – and in particular, women migrating to Canada as unskilled caregivers – face, and how these vulnerabilities weigh against the gains women (and those they care about) may draw from coming to Canada. I will employ the Canadian Live in Caregiver Program (LCP) program as a case study to assess under what conditions women migrants live in Canada, if it allows them to reach their goals, and how the conditions of vulnerability play out in this program, compared to the benefits women migrants can draw from migrating through the program.

The paper is structured as follows: I provide a brief overview of the Canadian LCP in part one. I will define and discuss the kinds of vulnerability I have in mind and their link to the basis of autonomy in section two. In section three, I will conclude that no migration program can be justified from a global justice perspective that undermines the very basis of any egalitarian justice concern, which is to enable individuals to lead autonomous lives.

### **The Canadian Live-in Caregiver Program<sup>8</sup>**

Temporary foreign labour programs are on the rise in developed countries: in Canada, for instance, admissions of temporary foreign workers in 2008 was for the first time higher than admission of permanent migrants, despite the country's status as an immigration country that encourages permanent immigration, whereas temporary foreign labour migrants are mostly expected to come for a short period of time, and then return to their countries of origin.<sup>9</sup> Under the LCP, families can employ qualified foreign-born women (today mainly from the Philippines) to provide child care or elder care in Canada. Central to the LCP is the provision that caregivers live in the employer's home. Canadian families interested in hiring a Live-In Caregiver (LCG) must first get approval to hire a foreign worker from Human Resources and Development Canada (HRSDC). As part of this process, the family must prove that they have made every effort to hire a Canadian citizen or permanent resident, that they are offering wages consistent with prevailing wage rates, and that working conditions meet provincial labour standards. After receiving HRSDC approval, a family can make a job offer to a potential caregiver. When a job offer is made, the caregiver herself is responsible for applying to Citizenship and Immigration Canada (CIC), the ministry overseeing immigration matters, for a temporary work permit. Once a caregiver is hired, employers are required to assure that the caregiver is only employed in the care of children or the elderly, and carries out 'light household duties' only as directly required in the provision of care. In other words, caregivers should not

<sup>8</sup> Part of the following section is based on earlier work ; see Rachel Brickner and Christine Straehle, "The Missing Link: Gender, Immigration Policy and the Live-in Caregiver Program in Canada." *Policy and Society* 29 (2010): 309-20.

<sup>9</sup> See Canadian Council for Refugees at <http://ccrweb.ca/en/migrant-workers>, accessed on Sept 30, 2011.

be used as house cleaners or cooks. Moreover, Canadian families participating in the LCP are required to abide by certain labour law provisions: they have to sign a contract with the person hired, provide a pay check that lists salary deductions (such as contributions to the national unemployment program), and provide appropriate, private living space.<sup>10</sup> These provisions are important to keep in mind since they show that, in principle, the employment of LCG is regulated to assure acceptable working conditions for women migrants. The most attractive feature of the program for migrant women is the opportunity to apply for permanent residency after working legally for 24 months or 3,900 hours over 48 months. Attaining permanent residency is supposed to be almost guaranteed<sup>11</sup> and, indeed, the figures seem to support this claim: CIC issued 21,489 caregiver work permits in 2006, compared to 10,148 in 2002, and 5,942 in 2000<sup>12</sup>. Data from CIC states that 90% of LCGs apply for permanent residency and that 98% of those applicants are successful.<sup>13</sup> It also shows that between 2002-09 the number of caregivers who received permanent residency rose from 3063 to 6272.<sup>14</sup> The Canadian government estimates that 10,000 women will receive permanent residency through the LCP in each of the next ten years, suggesting that access to permanent residency is provided through the program. Many then can sponsor family members to come to Canada.

Assessing the LCP from this perspective, then, we can say that it provides temporary foreign workers with two things: first, it helps unskilled women migrants to realize their 'migration project'<sup>15</sup> by coming to Canada; and second, it helps them to tackle one of the background conditions of vulnerability of their lives and that of their children by allowing them to move permanently to a developed country. Note that the LCP is one of the few programs for unskilled temporary migrants to enable permanent residency; it may thus be deemed unrepresentative for the argument I wish to make here. Instead, I think that it provides a very forceful case study for the kind of justice-based evaluation I am engaged in: if even a program with such a high pay-off – i.e. access to permanent residency – can be shown to be morally problematic, then it seems to me that my argument for the moral problems raised by temporary foreign worker programs is supported, and certainly for those programs with a lesser yield.

10 Information on the process of hiring a caregiver can be found at <http://www.cic.gc.ca/english/work/apply-who-caregiver.asp>.

11 See Daiva Stasiulis and Abigail Bakan, *Negotiating Citizenship: Migrant, Women in Canada and the Global System* (Toronto: University of Toronto Press, 2005); PINAY, *Warning! Domestic Work Can Be Dangerous to Your Immigration Status, Health, Safety and Wallet! – Report on the Findings of a Community-Based Survey on the Work Conditions of Montreal Domestic Workers*. (Montreal, 2008).

12 Depatie-Pelletier, Eugénie. "Under Legal Practices Similar to Slavery According to the U.N. Convention: Canada's 'Non White Temporary' Foreign Workers in 'Low-Skilled' Occupations." (Halifax: Metropolis Conference, 2008).

13 Government of Canada, *Gazette* (Ottawa : Queen's Printer, 2009), Vol. 143, p 3781.

14 See <http://www.cic.gc.ca/english/resources/statistics/facts2009/permanent/01.asp>, accessed June 8, 2010.

15 Ottonelli and Torresi, 2012.

So why would the LCP be problematic? As explained just above, Canadian law specifies the conditions of a contract, including a set number of working hours, wages, vacation time, and benefits. Increasingly, however, there is evidence that LCGs contracts are routinely violated. A study of 148 live-in caregivers in Montreal by PINAY, an organization of Filipina women working on behalf of caregivers, found that only 22.1% of employers always respected the contract, while 25% did not sign a contract at all.<sup>16</sup> Many violations of the employment contracts involved pay, which typically starts at minimum wage. As the report notes, '34% [of interviewees] stated watching the children without getting paid and 43% mentioned not being paid for overtime. In addition, nearly 30% admitted buying items needed at work with their own pocket money'<sup>17</sup>. Respondents also reported performing duties unrelated to caregiving, such as taking care of pets (12.3%); not receiving pay increases when the minimum wage increased (37.7%); and only 75% reported being paid on time.

While some could argue that these are isolated problems with the implementation of the program, critics hold that several structural problems with the LCP provoke caregivers' vulnerability vis-à-vis their employers. One of the most important of these is the live-in requirement. Living in the home of the employer can mean being "on-call" all day or working extremely long hours without proper breaks.<sup>18</sup> The situation is exacerbated when caregivers living in the home of their employers are considered part of the family who "perform work of love", a common misperception of care work, rather than employees with set hours.<sup>19</sup> Sometimes, LCGs also report to find themselves accused by their employers for personal trespasses: expressions of mistrust against caregivers range from accusations of theft to concerns over husband stealing.<sup>20</sup> In PINAY's study, 16% of respondents reported that they had been subject to abuse.<sup>21</sup>

Working and living at the employer's home may mean that LCGs are hesitant to call for help from the employers' phone, especially when, as has been documented, employers have restricted the use of household items on penalty of dismissal or threatened the caregiver with deportation or harm to their families abroad.<sup>22</sup> Caregivers' difficulty in reporting abuse or violations of employment contracts

16 Pinay, 2008, p. 15. 22.7% of respondents indicated that employers followed the contract most of the time; 20.1% said sometimes, and 3.9% said employers never followed the contract.

17 Ibid, p. 16-17.

18 Ibid. See also Jarrah Hodge. "'Unskilled Labour' Canada's Live-in Caregiver Program." *Undercurrent* 3.2 (2006): 60-66.

19 Geraldine Pratt, *Working Feminism* (Philadelphia: Temple University Press, 2004), p. 99-100.

20 Ibid, p. 38-40.

21 PINAY 2008, p. 21. Forms of abuse reported included receiving insults, being treated like a child, being hit, slapped or pushed, or being ignored.

22 Ibid. See also Joy M. Zarembka, "America's Dirty Work: Migrant Maids and Modern-Day Slavery" in Barbara Ehrenreich and Annette R. Hochschild (eds), *Global Woman: Nannies, Maids, and Sex Workers in the New Economy* (New York: Owl Books, 2002), 142-53.



is exacerbated by the lack of regulatory or enforcement mechanism provided. This has been interpreted ‘as giving [employers] “implicit permission to violate contract provisions”’<sup>23</sup>. Local law enforcement authorities may view caregiver-employer problems as private matters and are not always helpful.<sup>24</sup> Moreover, caregivers’ lack of language skills and understanding of their rights is a barrier in accessing various local services.<sup>25</sup> Most significantly, many caregivers refrain from reporting abuses in order not to lose their job, which could jeopardize reaching their goals of obtaining permanent residency. Once a caregiver has been laid off from her employer, she has only two months to find herself another employment and to apply for a new work permit before her immigration status becomes precarious and she slips into illegality.<sup>26</sup>

It is easy to see, then, why some academics and activists argue that the LCP heightens women’s vulnerability. To make sense of this claim, however, we need to say something about vulnerability in general, and its manifestation in the case of LCGs in particular. This is the subject of the next section.

### **Vulnerability, autonomy, and the Canadian Live-In Caregiver program**

Much of liberal political and moral philosophy is concerned with protecting the vulnerable. We can distinguish between what we may call a *background condition of human life* that accounts for human limitations, and which attempts to capture the ‘fragility of human life, action and achievement’<sup>27</sup> and a more specific kind of vulnerability that manifests itself as a *condition of constraint* on human life.<sup>28</sup> In this latter instance, it is not simply the fact of being vulnerable that should motivate moral concern; instead, those who deserve special protection are those who are constraint to protect themselves in the pursuit of their basic interests.<sup>29</sup> In this vein, Gefenas and Schroeder propose that a useful concept of vulnerability may be to say that ‘to be vulnerable means to face a significant probability of incurring an identifiable harm while substantially lacking ability and/or means to

23 Pratt 2004, p.101.

24 PINAY 2008, p. 21-22 ; Zarembeka, 2002.

25 Stasiulis and Bakan, 2005 ; see also Miriam Stewart, Denise Soitzer and Karine Hughes et al, "Immigrant Women Family Caregivers in Canada: Implications for Policies and Programmes in Health and Social Sectors." *Health and Social Care in the Community* 14.4 (2006): 329-40.

This latter article supports Ottonelli and Torresi’s claim that language barriers stand in the way of effective protection that citizenship rights can plausibly have for temporary foreign workers. See Ottonelli and Torresi, 2012.

26 The Canadian government has announced plans in December 2011 to ease access to open workpermits for LCGs who have completed their required hours to be eligible to apply for permanent residency – LCGs who have applied for permanent residency are now eligible for open work permits that allows them to work in the care sector ; they will not have to wait until their permanent residency is approved. This may be an improvement for some, but doesn’t challenge the argument proposed here, which holds that women are made vulnerable while working towards permanent residency. See <http://www.cic.gc.ca/english/department/media/releases/2011/2011-12-15.asp>, accessed Dec 21st, 2011.

27 Onora O’Neill, "Vulnerability and Finitude" in E. Craig (ed.), *Routledge Encyclopedia of Philosophy* (London: Routledge, 1998), accessible online at <http://www.rep.routledge.com>

28 Christine Straehle, "National and Cosmopolitan Solidarity." *Contemporary Political Theory* 9.1 (2010): 110-20.

29 Bob Goodin has first underlined the special moral obligations that result from vulnerability : Robert Goodin, *Protection the Vulnerable: Reassessing Our Social Responsibilities*, (Chicago: Chicago University Press, 1985).

protect oneself<sup>30</sup>. What emerges from these accounts is vulnerability as a moral problem once we have some account of the identifiable harms to which a person is vulnerable; vulnerability is the condition of being more at risk of incurring that identifiable harm than others and lacking effective means of protection. Vulnerability then is problematic for its morally problematic *consequences*: those who are vulnerable and who can't protect their basic interests suffer injustices, inequities and unfairness.<sup>31</sup> One such harmful consequence of vulnerability is that it leads to the loss of the conditions of autonomy, as I will explain just below.

So let me try to tie the conditions of LCGs in Canada together under the heading of vulnerability. It seems to me that low-skilled women migrants are vulnerable in different ways: in a first instance, they are vulnerable since they are considered low-skilled, a status that makes them unlikely to satisfy many of the permanent immigration selection criteria of developed countries today. Their vulnerability, we could argue, is thus that they come from developing countries and aim to come to Canada in order to improve their own lives and those of others they care for. Women migrants come from countries and families for whom their work as a LCG will make all the difference – either in terms of remittances they may be sending, or because over time, once having accessed permanent residency, they will be able to sponsor their family members to come to Canada. The extent of their vulnerability is thus determined by the stakes of the game – being successful as a LCG is the one way they have to access permanent residency, which will make all the difference not only for their own lives, but also for that of many others who depend on them.

Their vulnerability in this first instance is due to a background condition *and* conditions of constraint. This can be explained along three aspects of their lives. First, LCGs come from poor countries; second, they come from countries whose citizens are particularly constrained from accessing the economies of developed countries when compared to citizens of other developed, rich countries. Finally, their set of skills is classified as low compared to those sets of skills sought after by many developed countries, and there are many others who offer the same or a comparable set of skills. These background conditions of their lives then lead to vulnerability as it makes LCGs dependent on others in whose power it is to harm their interests. The specific harm, we may say, is that it is very difficult to implement their migration project outside of temporary foreign worker programs.

The specific condition of constraint LCGs find themselves under is their inability to protect themselves against being exploited; the identifiable harm that

30 Doris Schroeder and Eugenijus Gefenas, "Vulnerability: Too Vague and Too Broad?" *Cambridge Quarterly of Healthcare Ethics* 18.02 (2009): 113-21, p. 117.

31 Samia A. Hurst, "Vulnerability in Research and Health Care; Describing the Elephant in the Room?" *Bioethics* 22.4 (2008): 191-202. Ruth Macklin, "Bioethics, Vulnerability, and Protection" *Bioethics* 17. 5/6 (2003): 472-486.

women migrants are vulnerable to is that of exploitation. I construe exploitation to mean that one person takes an unfair advantage of another, building on a weakness or vulnerability of the exploitee.<sup>32</sup> This need not happen against the will of the exploitee since ‘the morally unsavory forms’ of exploitation can occur with ‘the exploitee’s fully voluntary consent to the exploitative behaviour’<sup>33</sup>. What matters is that exploitation is wrong because it ‘violates the moral norm of *protecting the vulnerable*’<sup>34</sup>. The kind of vulnerability LCGs experience may lead them to giving consent even to conditions of work that are exploitative because something else is valued more – it is more important to realize the goals that motivated their migration. LCGs are vulnerable to harm, more specifically, to the harm of being exploited, because loosing their position as a LCG jeopardizes their project of coming to Canada and becoming permanent residents. This fundamental constraint of their lives renders them unfree, we may say, to object to the demands some employers may put on them, to the abuses and the lack of payment they sometimes suffer. While there may be many families who follow the regulations governing the LCP, some may not. LCGs, however, depend on their employers to be able to attain their goal of permanent residency, and some employers will exploit this fact for their own advantages, asking LCGs to work more hours, not pay them overtime, not provide for holidays, privacy or accuse them with impunity of things that can only arise in the context of living in the place of employment, knowing full well how much is at stake for the LCGs. This suggests that at least one part of the specific vulnerability women experience once in Canada is due to the rules of the program through which they come to Canada.

This sense of vulnerability cannot effectively be addressed by an expansion of social and political rights for temporary workers only but, instead, requires a fundamental change to temporary foreign worker programs. To make sense of this claim, I need to say something about the conditions of autonomy I have in mind, and which may be jeopardized by the vulnerability just described. If my argument is accepted, then temporary foreign workers may well have access to a full range of social and political rights – yet may simply not employ them for their own protection.

My definition of autonomy is non-perfectionist, which is to say that it does not prescribe a specific goal of autonomy. We do not need to lead a specific kind of life in order to be said to be autonomous; rather, I want to propose that in order to be autonomous, we need to have access to a set of conditions that make

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32 See Alan Wertheimer, "Exploitation" in Edward N Zalta (ed.), *The Stanford Encyclopedia of Philosophy (Fall 2008 Edition)*, accessible online at <http://plato.stanford.edu/entries/exploitation/>. See also Alan Wertheimer, *Exploitation* (Princeton: Princeton University Press, 1999).

33 Joel Feinberg, *Harmless Wrongdoing* (Oxford: Oxford University Press, 1988), p. 176 ; 179.

34 Goodin 1988, p. 147, italics in original.



autonomy possible and plausible.<sup>35</sup> I think it uncontroversial to say that to be autonomous implies to have a 'normative sense of self'<sup>36</sup>, what has been called a sense of self-direction and self-definition<sup>37</sup>. Put differently, we need to know what we stand for and what values we endorse. To be able to formulate this, we need to be 'procedurally independent'<sup>38</sup>, which is to say that we have to be able to identify with our decisions, hence coming to the decision may not be influenced in ways that would render the decision making process alien to us. If this is accepted, then I believe it plausible to say that a basic condition of autonomy is a sense of freedom.<sup>39</sup> To be vulnerable, instead, means to lack this condition of autonomy: it is precisely because LCGs under the Canadian system lack such a sense of freedom that they accept and even consent to exploitative working conditions.

I believe it also plausible to say that if we are vulnerable, we are not as independent to conceive of ourselves along the lines described as if we are not vulnerable; instead, to be vulnerable may mean to be molded in ways others design. This may happen in two ways: in a first instance, vulnerability may challenge a sense of authenticity. I construe authenticity as 'being able to construct self-selected rationale for action...making choices and confirming them'<sup>40</sup>. Yet being vulnerable to the harm that somebody can inflict if they so choose and lacking effective protection against it may simply mean that we are no longer able to make choices or confirm them of our own free will. Instead, we will be guided by somebody else's choices and their rationale, rather than our own. This challenges authenticity –yet if we accept that it is a requirement for autonomy, as I do, then it is difficult to see how vulnerability that undermines authenticity can allow for autonomy.

Being vulnerable may also undermine some of the other necessary components of autonomy, like self-respect, self-trust and self-esteem.<sup>41</sup> If we live in accordance with our sense of self, if we strive and can in fact realise a certain vision of ourselves, even though we may fail just as often as we succeed, then it seems plausible to say that our sense of self is in alignment with our actual life. This need not give us

35 John Christman, *The Politics of Persons - Individual Autonomy and Socio-Historical Selves* (Cambridge: Cambridge University Press, 2009).

36 Gerald Dworkin, "The Concept of Autonomy" in John Christman (ed.), *The Inner Citadel*, (Oxford: Oxford University Press, 1989) p. 54-62, p. 61.

37 Katryn Abrams, "From Autonomy to Agency: Feminist Perspectives on Self-Direction,," *William and Mary Law Review* 40.3 (1999): 805-48.

38 Dworkin 1989, p. 61.

39 John Christman, "Saving Poistive Freedom." *Political Theory* 33.1 (2005): 79-88.

40 Dworkin 1989, p. 61.

41 Trudy Govier, "Self-Trust, Autonomy, and Self-Esteem." *Hypatia* 8.1 (1993), 99-120 ;

Joel Anderson and Axel Honneth, "Autonomy, vulnerability, recognition, and justice," in John Christman and Joel Anderson (eds.), *Autonomy and the challenges to liberalism: New essays*. (Cambridge, Cambridge University Press, 2005), p. 127-149 ;

Diana Titjens Meyers, *Gender in the Mirror : Cultural Imagery and Women's Agency* (Oxford: Oxford University Press, 2002).

specific kinds of self-satisfaction but we have at least not violated cherished ideas we hold about ourselves; we can then respect ourselves, either for the fact that we tried, or for the achievements we have made. I illustrated that individual LCGs may accept working conditions that are not stipulated in their contracts simply for fear of losing her job. Recall, again, the earlier discussion of vulnerability and exploitation, in particular that exploitation need not happen against the will of the exploited. Being exploited, however and even if an individual agrees to it for the sake of the long-term goal, may challenge that person's self-respect and self-esteem: she may feel robbed of her achievements as an independent, self-reliant individual, as somebody who would not be exploited, as a nurse, mother or partner, all of which may be roles she has adopted for herself at home, and which may have motivated her to move in the first place; whereas in Canada, she may simply be a caregiver who consents to being exploited.<sup>42</sup>

### Conclusion

Provoking vulnerability as a consequence of public policy is morally problematic for two reasons: first, it violates the moral duty to protect the vulnerable – this part, it seems to me, is widely accepted and uncontroversial. Moreover, however, I have argued that vulnerability challenges the possibility for individual autonomy, something liberal egalitarian justice is deeply concerned about. If my argument is plausible, then it seems to me that temporary foreign worker programs potentially pose a fundamental problem to global justice theory. In this paper, I started from the premise that the goal of global justice theory is to show equal respect for all individuals. I have further stipulated that one way to do so is to provide for conditions of autonomy. In this vein, theorists have discussed different rights, capabilities or other measures of providing individuals with those conditions. Second, I have accepted that temporary foreign workers who decide to move to different shores are autonomous when choosing to migrate – so programs that enable them to do so and carry through their choice of migration may be hailed to be a good thing from a global justice perspective.

I argued that the kind of background condition LCGs face in their country of origin may increase their vulnerability and hamper the possibility of autonomy: if we accept that freedom is an essential element to authenticity and if it is plausible

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42 For evidence of such feelings, see Sara Torres, Denise L. Spitzer, Karen D. Hughes, Jacqueline Oxman-Martinez, and Jill Hanley, "From Temporary Worker to Resident: The LCP and Its Impact through an Intersectional Lens" in Patti T Lenard and Christine Straehle (eds), *Legislated Inequality : Temporary foreign labour programs in Canada* (Kingston and Montreal : McGill-Queen's University Press, 2012) p. 227-243. Torres et al describes the sense of women coming to Canada under the LCP of losing their skills and not being considered for who they are (often women with nursing or other university degrees) but simply as cheap labourers. See also Geraldine Pratt and Caroline Johnson, "Translating Research into Theatre: Nanay: a testimonial play", *B.C. Studies* 163 (2009), 123-132 who document a loss of identity for LCGs in Canada.

that poverty undermines freedom<sup>43</sup>, then we can conclude that the background condition of poverty poses a challenge to autonomy.<sup>44</sup> I accepted that the LCP may be a useful tool to address this challenge to autonomy by alleviating the effect of the background condition of poverty. We may say that this effect of the LCP has to count in favour of accepting it as a meaningful tool to realize global justice, and not only from a redistributive point of view.

The complications start when the same programs provoke other kinds of vulnerabilities that in turn jeopardize the basis of autonomous choices since this motivates much of global justice thinking. Put differently, when it comes to the link between vulnerability and autonomy, the LCP fares less favourably. A program that allows for working conditions that undermine an individual's sense of self undermines the conditions of autonomy. This can not be justified and neither can the gains the LCP provides for individual women compensate for this loss of self. This is not only for the bad effects it has on individual women, but also for reasons of consistency: if the goal of global justice theories is to provide for condition of autonomy, as I have proposed, then programs that undermine these conditions can not be said to satisfy principles of global justice, whatever else they may yield. When assessing temporary foreign worker programs from a global justice perspective, then, liberal theorists have to expand their analysis to possible consequences of the programs, beyond the kinds of redistributive effects the programs may have. I have adopted a moral cosmopolitan perspective that starts from the premise of moral equality of all individuals. From such a perspective, it is not sufficient to say that those who gain access to the labour markets of developed rich countries are already privileged in comparison to their compatriots who lack such access<sup>45</sup>; instead, such a perspective calls us to assess the conditions of temporary foreign worker programs against the ideal that all individuals should have equal access to the conditions of autonomy.

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43 Jeremy Waldron, "Autonomy and Perfectionism in Raz's *Morality fo Freedom*", *South Carolina Law Review*, 62 (1988-1989), 1097-1152, p. 1116.

44 Note that poverty obviously poses all kinds of challenges : we may equally well accept that poverty challenges individual capabilities. In other words, I do not suggest that poverty only challenges the basis of autonomy, but that it may also be understood to do so.

45 I thank one of the anonymous reviewers for pressing me on this point.

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