

Responding to the Academic Sector's Use of TFWPs

CAUT Submission to Immigration, Refugees & Citizenship Canada

August 2018

Introduction

The Canadian Association of University Teachers (CAUT) represents more than 70,000 academic staff at over 120 post-secondary institutions across the country. We appreciate the opportunity to provide input to Immigration, Refugees and Citizenship Canada (IRCC) consultations on the academic sector's use of temporary foreign worker programs.

The academic labour market has seen some significant changes over the last two decades. For instance:

- An increase in university teachers working part-time, part-year by 79% from 2005 to 2015 (Statistics Canada Census 2006 and 2016).
- A decline in assistant professor positions by 18.5% from 2010-11 to 2016-17 (Statistics Canada UCASS 2010-11 and 2016-17).
- Growth in non-permanent residents in the university sector from 4.1% to 6.5% of total, whereas new immigrants remained steady at 6% to 6.2% from 2005 to 2015 (Census 2006 and 2016).
- Rising unemployment among university professors and lecturers from 3.6% in 2005 to 4.9% in 2015 (Census 2006 and 2016).
- An increase in the number of PhD students in Canada by 99% from 1992 to 2011 (National Graduate Survey).
- An increase in the number of full-time tenure-track faculty (TTF) by only 14% from 1992-2011 (UCASS).

It is in this context of **growing underemployment and unemployment in the academic sector** that we situate our recommendations on the use of foreign workers. We echo a central recommendation of the Government of Canada's Fundamental Science Review that "the development and retention of outstanding students, trainees and young researchers" is a top priority for Canadian research institutions.

Summary of recommendations

We recommend that IRCC:

1. Require a Labour Market Impact Assessment (LMIA) for academic workers in both the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP) to better ensure that Canadians and permanent residents are not being overlooked.
2. Ensure that international scholars have access to real pathways to permanency (e.g. by qualifying more international students for permanent residency).
3. Ensure that faculty renewal is occurring – that is, that Canadian universities are employing qualified candidates into new full-time, permanent positions, as opposed to part-time and temporary contract positions.
4. Conduct an in-depth investigation into the barriers faced by researchers (both domestic and international) who are members of equity-seeking groups.

Background: The Canadianization movement

Concerns about a bias against the hiring of Canadian and permanent resident academics arose in the late 1960s. With a wave of hiring unleashed by the expansion of the university and college system over the previous decade, evidence was mounting that Canadian candidates were routinely being rejected in favour of international applicants, principally from the United States and the United Kingdom. In many cases this discrimination stemmed from a problem of self-reproduction. Departments and faculties that had high numbers of international academics actively recruited other non-Canadians in their home countries, often informally and without even posting vacancies.

In response, the then federal Department of Manpower and Immigration introduced rules to ensure fairer hiring procedures. In 1977, it made the advertising of all vacancies mandatory, and in 1981 it further stipulated that universities would be required to consider all Canadian applicants before advertising jobs to international candidates.

While not prohibiting the hiring of international academics, the policies adopted by the federal government at the time did help reverse the tide against Canadian candidates. By the mid-1980s, at the largest institutions in the country the proportion of university professors who held a Canadian PhD reached a peak. That share, however, began to decline by the late 1990s, and has fallen further following a significant weakening of the rules in 2003.¹

Recent developments

In the past three years, the average number of university professors and lecturers who held work permits under the International Mobility Program (IMP) in Canada in a given year was 5,412, and the average number of university professors and lecturers who held work permits under the Temporary Foreign Worker Program (TFWP) in Canada in a given year was 295. The numbers are smaller among college and vocational instructors: in the past three years, the average number of college and vocational instructors who held IMP work permits was 258, and the average number of college and vocational instructors who held TFWP work permits was 93.

Additionally, the IMP and TFWP include post-doctoral and research award recipients. In the past three years, the average number of researchers² who held work permits under the IMP in Canada in a given year was 523, and the average number of researchers who held work permits under the TFWP in Canada in a given year was 32.

Since the number of university professors and lecturers, college and vocational instructors, and researchers who hold work permits under the IMP are much greater than those who hold work permits under the TFWP, we recommend that the IMP require a Labour Market

Impact Assessment (LMIA). This way, the IRCC can best assess the impact of these programs on the academic sector.

Discussion

The growing underemployment and unemployment in the academic sector suggests that the use of both TFWP and IMP, and short-term contract work more generally, must be more judiciously considered by all stakeholders. Multiple supply and demand factors exist. For example, the expansion of graduate level education means that a growing pool of domestic talent exists. An increased reliance on Contract Academic Staff (CAS) at Canadian universities and colleges means that early career researchers in the domestic labour market may not receive the support they need to remain globally competitive. For example, one study of seven universities in Ontario found the number of CAS increased by 69% from 2001 to 2010 (Brownlee 2015, 58). A recent report by the Council of Ontario Universities found that over 50% of undergraduate courses were taught by CAS. Further research is needed to assess how this transition to the use of part-time and CAS is transforming the domestic academic labour market in Canada and may be disadvantaging entry-level domestic talent by neglecting to provide the full-time permanent employment required to support research programmes and excellence in the academic sector.

With the expansion of PhD programs and postdoctoral fellowships, and the growth in CAS positions, the requirements and competitiveness for full-time permanent faculty positions are dramatically increasing. The use of temporary contracts can aggravate this by creating a race to the bottom where highly qualified candidates are engaged on short-term contracts but do not become integrated into their institutions and/or their professions. In this context, it is important that the IMP and TFWP not act as replacements for full-time permanent hiring through the regular immigration process.

1. See Yves Gingras, "The End of the Canadianization Movement." *University Affairs*. November 8, 2010.

2. Includes NOCS codes 4161 - Natural and applied science policy researchers, consultants and program officers, 4162 - Economists and economic policy researchers and analysts, 4163 - Business development officers and marketing researchers and consultants, 4164 - Social policy researchers, consultants and program officers, 4165 - Health policy researchers, consultants and program officers, 4166 - Education policy researchers, consultants and program officers, 4167 - Recreation, sports and fitness policy researchers, consultants and program officers.

Academics working on temporary contracts are often expected to do research on their own time. They may not have the resources or support to apply for grants.

They lack the time and support necessary to carry out the research they have been trained to do. Unlike the case with full-time permanent positions, postdoctoral fellows and research award recipients are also understandably engaged in a continuous job application process, further limiting the time and resources they can devote to their research. The result is an immense loss of social and cultural capital these highly skilled professionals have to offer via their research contributions.

The IRCC states that “Exemptions from the LMIA requirement are determined on the basis of reciprocity, public policy, or competitiveness considerations.” With regard to the latter, competitiveness is based on knowledge of the available pool of domestic and international applicants. It is unclear how competitiveness can be assessed without consulting the pool of existing applicants and/or candidates. All permit applications should therefore undergo LMIAs to understand the full impact of both the IMP and TFWP on the domestic labour market, and the subsequent implications for competitiveness considerations. We recommend that a detailed LMIA indicating an absence of qualified domestic candidates should precede the acceptance of TFWP and IMP applications. Only then would we encourage recruitment of IMP work permit holders, with a particular emphasis on targeting areas of study where there is a dearth of candidates in the domestic labour market.

The IRCC states that the academic sector “benefits from alternate requirements for transition plans” which reduce the number of TFWP permit holders over time. The alternate requirement is a “recruitment reporting framework coordinated by Universities Canada on an annual basis rather than to submit a transition plan, a variance that recognizes the sector’s unique hiring environment.” Factors cited regarding the unique hiring environment include “considerations of collective agreement provisions, public funding structures, and tenure.” But these factors do not explain why the

academic sector should not be accountable to a transition plan, particularly one that reduces the number of professionals hired on short-term contracts. If anything, these dimensions support a transition plan that reduces the use of short-term contracts in Canadian universities — including the TFWP and IMP. For example, the tenure system itself is antithetical to short-term contract employment as it assumes professional advancement and research excellence in the context of a long-term permanent employment relationship with a research institution.

It remains unclear how the academic sector in Canada will benefit from the IMP and TFWP if they have not yet demonstrated a shortage of appropriate candidates. We therefore also recommend the reintroduction of an obligatory transition plan, with a specific emphasis on reducing the number of TFWP and IMP holders over time. This is in line with Universities Canada’s briefing. We further recommend that Universities Canada be required to set hard targets on a year-by-year basis to establish goals for this transition.

With regard to data collection on IMP and TFWP, we would like to see a breakdown by gender, country of origin, race and ethnicity, indigenous status, disability status, sexuality, and income (socio-economic status by the National Occupational System code), where possible. We would like to better understand who is accessing the IMP and TFWP and how they might experience barriers on multiple levels: as early career scholars balancing work and life responsibilities; as international scholars navigating multiple institutional and state systems and requirements; and as scholars from equity-seeking groups. Providing these data would allow for independent research on potential challenges for IMP and TFWP permit holders in the academic sector, which exist in addition to the context of growing under-employment and unemployment in the academic sector.

Conclusion

In sum, we wish to highlight the context of growing underemployment and unemployment at Canadian research institutions. We call attention to this context knowing that it has real impacts on both domestic and international talent. Given this context, we recommend that IRCC require a Labour Market Impact Assessment (LMIA) for academic workers in both the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP) to better ensure that Canadians and permanent residents are not being overlooked. We also urge both IRCC and Universities Canada to lobby for more full-time permanent positions for early-career scholars.

In addition to the labour market assessments, we urge IRCC to ensure that international academics have access to real pathways to permanency. We recognize the importance of attracting global talent to our research institutions, and permanent residency is key to attracting and keeping these scholars and their valuable contributions.

Alongside providing pathways to permanency, we urge both the IRCC and Universities Canada to take measures to ensure that Canadian universities are employing qualified candidates into new full-time, permanent positions, as opposed to part-time and temporary contract positions. There is no replacement for full-time permanent employment in the academic sector, which is key to attracting both domestic and international talent.

We recommend that candidates who are being considered for their valuable international experience and perspectives be recruited for full-time, permanent positions at post-secondary institutions across Canada through the immigration system.

Finally, we wish to underscore the importance of gathering data on the demographic characteristics of TFWP and IMP permit holders. In order to address the issues faced by these scholars, we need to better understand their situation – both as temporarily employed international researchers navigating multiple systems and requirements, but also as early career scholars.

Those who are members of equity-seeking groups face specific and sometimes intersecting barriers to advancement and integration, and therefore data on the demographic composition of this temporary workforce would assist in understanding how they can best be supported – and subsequently, how their contributions will best be supported.