

**ACCOUNTING FOR RACIALIZED IMMIGRANT WORKERS:
HISTORIOGRAPHY OF THE COLOUR CODED SYSTEM OF DISABILITY
EXCLUSION**

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ABSTRACT

Canada's quest and historical reliance on an immigrant labour force to sustain the nation's economic and population growth are well established. This has been the case since the formation of New France, where the conquest of people and acquisition of lands and resources, in part, inspired the recording of the first North American census of 1666. However, record keeping practices that commenced in what is now called Canada were part of a larger scheme of a systematic power over governance structure in settler-colonial administrative edicts that cast the foundational structure for inclusion and exclusion criteria based on a colonial racist ideological model of who should be accounted for in the French settlement. As such, Indigenous People were not counted. Similarly, the records of people of Black African ancestry who were brought to New France through the inter-continental routes as enslaved labourers were obliterated from official administrative records.

In this first-of-a-kind historiographical query, primary and secondary records of racialized immigrant workers were examined to determine the extent to which Indigenous and racialized immigrant workers existed in governmental demographic records and other sources over time, inclusive of contributions, incurred injuries, disability and fatalities in labour force participation.

A purposeful, cross-regional selection of Canada's occupational health policy experts was engaged in semi-structured interviews on the question of demographic identity, including the intersectionality dimension of race and immigrant status. Insightful findings on the gaps in evolving race-based data collection in the nation's contemporary

occupational health and safety systems were garnered, revealing significant implications regarding the vestiges of colonial determinism in a perpetual colonial system, which underlies the absence of Indigenous and racialized workers from the nation's informatics on occupational health and safety.

Ultimately, this project implicates an urgency for policy changes, aligned with the nation's persistent reliance on racialized immigrant workers while relegating them to over-representation in work that is more dangerous and injury prone without visible accountability. Dismantling the current policy framework for health and safety by imposing meaningful strategic intervention measures and data collection on ethno-racial demographic identity in the nation's public reporting systems is the resounding outcome of this project.

DEDICATION

This project is dedicated to my granddaughter Sadie. Your beautiful light within served as the energy that fueled my journey's completion. Always set your aims high and your reach far. Take guidance from the wisdom of family and knowledge keepers like W. E. B. Du Bois (1868–1963), who said, “Strive for that greatness of spirit that measures life not by its disappointments but by its possibilities” (Correspondence of W. E. B. Du Bois, 1980). Lead from the same inner light that I see in you, as I have no doubt it will guide you towards your greatest fulfillment in life. Always remember that I love you beyond what words can express.

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To my immediate family, whose unwavering support has made this journey possible. This dissertation would not have been attempted without your encouragement, and then Sadie came along to give the final push across the finish line. To my family, including all of those who ‘stood in the gap,’ recognizing the bonds that tie us together, memories and shared histories that we have kept alive through the forced migration journey. You have given true meaning to the African proverb—“it takes a village”—even when that village extended across the diaspora, as Aunts, Uncles and Cousins, you remained constant sources of support. A family line also includes members, many of whom have already passed away, especially my mother, grandparents and others of distant ancestry who remain un-named, un-identified, caught in the web of untold histories, yet remain connected by the psychic memory of ancestry. Those who have passed are the forebearers of knowledge who were considered throughout this project's journey. Your spirit of survival, resilience and resistance are never forgotten.

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to a quiet space for key informant interviews, which was vital to my research.

I extend my gratitude to all of the key informants across Canada who willingly gave their time and insight toward my project. Your sense of commitment and service towards an ‘unknown’ student serve as a model for what it means to give time and patience on difficult conversations such as race and demographic data collection in occupational health and safety (OH&S). Without you and the connections you provided, this project could not have been completed.

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LIST OF ACRONYMS

AWCBC	Association of Workers' Compensation Boards of Canada
CCHS	Canadian Community Health Survey
CIC	Citizenship and Immigration Canada
CRT	Critical Race Theory
DRM	Disability Rights Movement
HRSDC	Human Resources and Skills Development Canada
IWH	Institute for Work and Health
NHS	National Household Survey
NPHS	National Population Health Survey
NWISP	National Work Injuries Statistics Program
OH&S	Occupational Health and Safety
SAWP	Seasonal Agricultural Worker Program
TFW	Temporary Foreign Worker
TFWP	Temporary Foreign Worker Program
WCAT	Workers' Compensation Appeal Tribunal
WCB	Workmen's Compensation Board from 1914 to 1985 and Workers' Compensation Board after 1985
WSIAT	Workplace Safety and Insurance Appeal Tribunal
WSIB	Workplace Safety and Insurance Board

LIST OF TERMS

- Aboriginal:** In Canada, the term ‘Aboriginal identity’ denotes Statistics Canada's broad reference for persons who self-identify as First Nations (North American Indian), Métis or Inuk (Inuit) and/or those who are Registered or Treaty Indians (that is, registered under the Indian Act of Canada). It is recognized that the term “Indian” is attributed to a colonial misnomer from Christopher Columbus’ age of discovery. The terms ‘Aboriginal People’ and ‘First Nations’ are sometimes used interchangeably. The term 'Aboriginal' or 'Indigenous' used on the Statistics Canada website refers to individuals identifying themselves as ‘First Nations people, Métis or Inuit’ (Statistics Canada, Aboriginal Peoples in Canada-2016, 2017).
- Canadian born:** Statistics Canada identifies Canadian-born, including children born of immigrants, as persons born in Canada and are therefore not part of any immigrant group. Canadian-born children of immigrants are considered Canadian-born citizens.
- Im/migrant:** According to the Statistics Canada Dictionary, Census of Population, “Immigrants are those born outside of Canada and are,

or have been, landed immigrants. A landed immigrant is a person who has been granted the right to live in Canada permanently by immigration authorities. Some immigrants have lived in Canada for many years, while others are recent arrivals. Immigrants are grouped according to their period of arrival (i.e., when they obtained landed immigrant status), as follows:

Well established: Those who have lived in Canada for over ten years

Established: Those who have lived in Canada for five to ten years

Recent/new: Those who arrived in Canada within five years of a census period (Statistics Canada Census of Population-2016, 2018, p. 144)

For purposes of this research: The contracted term *im/migrant* will be used throughout to denote a reference to people who migrate with a reasonable expectation that they will be entrants to the labour market, regardless of the ‘legal’ classification or statuses attributed under immigration laws. The term immigrant will be used when strictly applied to a permanent status residence. This contracted use (*im/migrant*) is used in studies of immigration and labour market participation.

Race/Racialized:	The term racialized reflects the current understanding that while ‘race’ is a prohibited ground for discrimination under the Human Rights Code, it continues to permeate lived experience as a socially constructed concept. Even though biological notions of differences between people, strictly based on physical features, have been scientifically discredited, the racial binary of superiority/inferiority ideology remains a construct, which creates inequities in society.
Temporary Foreign Worker:	A Temporary Foreign Worker is a person who enters Canada under the Temporary Foreign Worker Program for the purpose of work. TFWs are granted permits to work in Canada for a limited period with designated employer(s) once it can be demonstrated that Canadian workers are not available to fill the position.
Visible Minority:	As outlined under the Employment Equity Act, visible minorities are identified as persons other than those of Aboriginal identity who are considered non-Caucasian or non-white. The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean and Japanese. The use of the phrase visible minority is currently regarded as a pejorative term because

it implies small in numbers or less in value. The term racialized also reflects a departure from what has traditionally implied “White” as the norm against which all other groups are compared.

CHAPTER 1: INTRODUCTION: THE INEXORABLE LINK OF CONTEMPORARY IMMIGRATION POLICY TO THE HISTORICAL LEGACY OF RECORDS OF EXCLUSION IN LABOUR MIGRATION

The need is urgent to build a progressive coalition that will engage both governments and other actors in society in a meaningful debate about the nature of denial that too often accompanies the discussion of racial inequality and adopt an aggressive anti-racist approach to designing new institutions, policies and programs. Only through such measures can we forge a 21st century that will bear witness to our aspirations to be a diverse and multicultural/multiracial society (Galabuzi, 2006, p. 21).

1.1 Overview of the Study

International governance bodies such as the World Health Organization (WHO) and the International Labour Organisation (ILO) as well as Canadian scholars have recognized that occupational risks, injuries and fatalities are not evenly distributed, and that there are disparities among groups of workers. However, when the moniker of demographic identity such as race, disability or im/migrant status is accounted for, there is a stark difference in the experience of the burdens of occupational health and safety (OH&S) risks. Currently, Canada rates the highest among industrialized nations, with an average of 240,000 per capita intake of im/migrants per year. If trends continue, projections are that by 2030, Canada's net growth will primarily be derived from immigration. Of the 1,212,075 permanent recent immigrants entering from 2011 to 2016, the vast majority (60.3%) are destined for the labour market. Despite these sources of evidence, along with calls for targeted strategies to identify and address the disparities that racialized immigrant workers experience, OH&S practices of including Indigenous and ethno-racial identifying information within the nation's OH&S systems remain obscure.

The three-fold purpose of this study was first to examine the broad context of determining how Canada is positioned to account for the OH&S of Indigenous and racialized immigrant workers. This involved examining the nexus of work and the historiography of records to determine the extant records of racialized immigrant workers' contributions, including recordings of incurrence of work-related disability from the pre-colonial periods to colonization and the legalization of slave holding in Canada to contemporary times. Secondly, to examine archival sources, methods of record keeping, images, population demographics and statistical reports to determine the impact of historical legacies of record keeping on contemporary administrative systems and practices in OH&S. Thirdly, to undertake an inter-jurisdictional scan of OH&S regulations and practices in data collection, including primary sources such as key informant interviews, and Ontario Ministry of Labour (MOL) workplace injury and fatality investigation reports to determine the scope of availability of race-based, demographic identifying information collection from among the nation's informatics sources.

Historical records and images were examined, drawing on overlapping critical frameworks, including critical race theory (CRT) and focused ethnography. A purposive selection of 27 key informants, representing experts in OH&S, diverse discursive perspectives, including commentators on Indigenous histories and racialization of immigration policy, were engaged in reviewing OH&S administration over time. The study's findings are informed by key data sources, including demographic statistics from the 2016 Census, highlighting historical and current shifts in Canada's demographics. In

addition, the OH&S Policy and Procedures Manual and Event Detail Reports from 2005 to 2017 were obtained under a Freedom of Information (FOI) request to substantiate the extant demographic data collection. Workplace injuries and fatalities reports that the AWCBC collected and published under the National Work Injuries Statistics Program (NWISP), were also examined to extrapolate on the most prevalent and currently available OH&S categories.

The overarching results indicate that Canada's regulatory and administrative data informatics sources are bereft of processes and practices that provide disaggregated identifying demographic data to support efficacy in OH&S for Canada's Indigenous and racialized immigrant workers. While Indigenous and racialized immigrant workers and their children are poised to enter the workforce at unprecedented levels, the nation's OH&S informatics sources remain steeped in the legacy of rendering homogenous reporting, manifesting a lack of capacity to provide disaggregated data, which is crucial for efficacy in reporting and responding to emerging OH&S concerns. Canada's Indigenous Peoples have experienced an unprecedented population growth rate of 42.5 percent over the last decade, surpassing the non-Aboriginal population by more than four times their growth and representing 1,673,785 Aboriginal Peoples or 4.9 percent of Canada's population (Statistics Canada, 2017c). In addition, in 2011, an estimated 46.2 percent of the Indigenous population was 24 years old or less, compared to 29.5 percent of the non-Indigenous population. At the same time, there is no evidence of a concerted effort to trace Canada's Aboriginal Peoples' occupational health and safety outcomes. This gap in accounting does not appear to be due to challenges in designing and gathering

OH&S data informatics. An examination of historical records indicates that despite the exclusion of accounting for Aboriginal Peoples in Canada's first recorded population census of 1666 New France, in more contemporary times, the British colonial government enacted policies of accounting for records of 'individual Indians' and 'Bands' since the 1850s. Similarly, the Canadian Government formalized the registration of Aboriginal Peoples under the Department of Aboriginal Affairs and Northern Development in Canada (AANDC). All of these efforts to establish official statistical data sources were primarily to account for those who would be eligible for military service, from which an official history of Aboriginal Peoples in the military could be written; however, parallel efforts for recording workforce contributions and OH&S outcomes cannot be found.

In terms of racialized immigrant workers, results indicate that for the first time in the history of Canada's census of sociodemographic data gathering, people from the continent of Africa have moved from a status of virtual invisibility to accounting for 13.4 percent of the recent immigrants to Canada. This represents a quadruple increase from the 1971 levels (3.2 %), surpassing Europe as a majority source continent. The top five countries of birth of African-born residents entering Canada are Nigeria, Algeria, Egypt, Morocco and Cameroon. Asia (which includes the Middle East) leads the way as the top continent for recent immigrants and has increased from 58.3 percent in 2006 to 56.9 percent in 2011. The seven top countries of birth are the Philippines, India, China, Iran, Pakistan, Syria and South Korea, representing the majority (61.8%) of new residents to Canada from 2011 to 2016 from Asia. Furthermore, based on Statistics Canada reporting

(2018), the vast majority of first-generation or second-generation children (74%) were from countries of ancestry in Asia, Africa, the Caribbean and Central and South America. These findings indicate the racialized immigrant and Canadian-born workers' current and future participation within racialized demographic identities.

Overall, there is an irrefutable nexus between the need for workers and racialized immigrant workers over waves of forced migration from the pre-colonial period to the colonial period of slaveholding to the industrial and contemporary period. An inexorable link between work and migration has proven to be a mainstay of economic and population growth, along with progressive efforts in refining records management and informatics regarding workplace demographics and injuries over time. However, the accounting for the plight of racialized immigrant workers, Aboriginal Peoples and the incurrence of work-related injuries, disabilities and fatalities throughout the historical evolution of informatics sources remain obscure. The historical administration of records has maintained a regulatory system inscribed with a legacy of excluding demographic identity of race and immigrant status from Canada's OH&S. The study's findings situate the reprioritization of OH&S systems' management strategies for the twenty-first century in the context of the OH&S disparities for Canada's Indigenous and racialized immigrant workers. The lack of demographic data informatics for Indigenous and racialized workers remains at the forefront of the underinvested, with input from a patchwork of various sample studies and discretely accessible database sources. Given the projected rates of labour market entrants, the lack of OH&S disaggregated demographics reporting is at a critical state of prioritizing such that Canada can be positioned in a state of preparedness

to protect the workers' rights, well-being and OH&S outcomes for these historically marginalized groups, which is foundational to the security of the nation's productivity.

1.2 The Urgency for Attention to OH&S for the Nation's Racialized and First Nations Workers

Overall, it appears almost certain that by 2030, Canada will be entirely reliant on immigration for population and labour market growth, based on a scenario of decreasing birth rate, retirement and consistency in immigration levels. If immigration levels continue at their current pace, from source countries of primarily racialized populations where the first language is neither English nor French (the Philippines, China, India), roughly one in every three persons in the labour force will be of foreign-born or racialized backgrounds (Statistics Canada, 2012). Canada's linguistic diversity reflects over 200 languages reported as most frequently spoken at home (Statistics Canada, 2012). In addition, over 80 percent of those speaking a non-official immigrant language reside in Canada's six largest census metropolitan areas: Toronto, Montréal, Vancouver, Calgary, Edmonton and Ottawa. Currently, "More than 40% of the immigrant-language population in Canada have a mother tongue of European origin, while persons with one of the various Asian languages as their mother tongue comprise 56% of the immigrant-language population in the country" (Statistics Canada, 2012, p. 2). This current remarkable background of diversity (see Figure 1) in the workforce and recent changes to the immigrant selection process implies a greater need for attention to the plight of racialized immigrant workers and their occupational health and safety relative to systems

responsiveness to ethno-racial diversity.

Another significant dimension in consideration of im/migrant workers and labour force participation is the recent policy announcements and subsequent enactment of policies that directly affect the “Express Entry” Skilled Workers Program, im/immigrants under the TFW program. Accordingly, effective January 1, 2015, changes to the immigration selection policy of temporary high-skilled foreign workers will allow employers to pay these workers up to 15 percent less than the prevailing local wage and those classified under the “low-skilled worker” category can be paid 5 percent less. In addition, systems that protect workers’ health and would give workers a minimal level of a safety net, were eliminated, affecting the estimated 30,000 migrant workers who are selected under the Seasonal Agricultural Workers Program (SAWP) each year. Previously, these workers who contributed an estimated \$3.4 million to the Employment Insurance (EI) system, were never eligible for full EI benefits. They could access up to 35 weeks of EI benefits—even when outside Canada—to care for themselves, newborn or sick children. Under the new system, they would no longer be eligible for any parental leave or benefits (Black, & Keung, 2012; Human Resources and Skills Development Canada, 2008; Vincent, 2013). In reporting a court challenge to the limited availability of benefits, the following was noted:

The case dates back to July 2009, when Cruz de Jesus applied for parental benefits for his child born in September 2008. Cruz de Jesus, who worked in Canada from April to November 2008 and had been a seasonal farmworker for 24 years, requested that his claim be antedated to commence in November of 2008, as he only learned of his

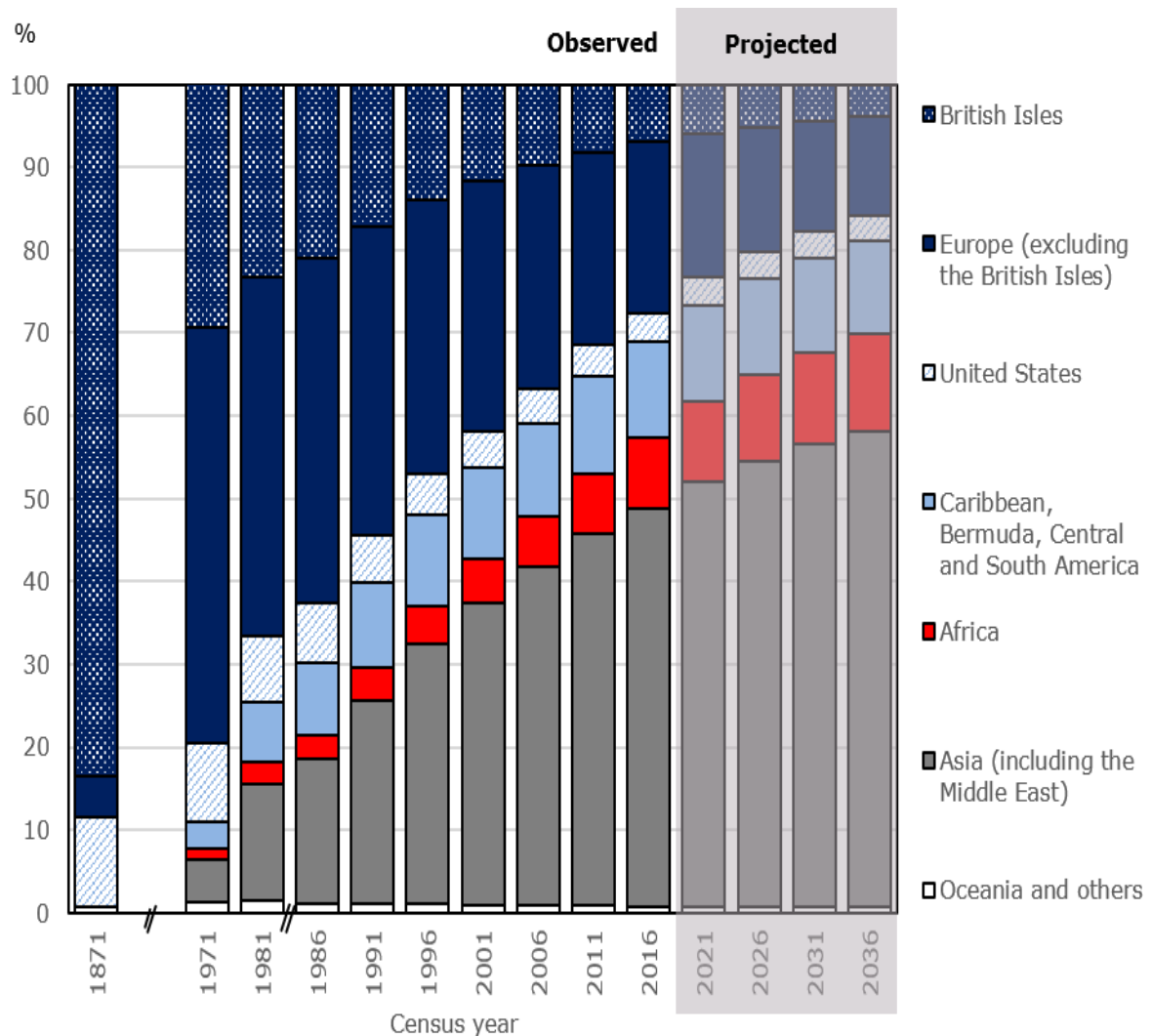
entitlement shortly before making his application, the appeal court decision said. The same issue was raised in 101 other appeals to boards of referees, who dismissed 18 of these appeals and allowed the others. Cruz de Jesus' application for judicial review was filed as the lead application and consolidated with the remaining claims. Evans noted that as other employees do, migrant workers have EI contributions deducted from their paycheques, but unlike most employees, they are generally ineligible for benefits such as regular EI benefits because they leave Canada at the end of their seasonal employment (Occupational Health and Safety Canada Magazine, 2013).

Despite these disparities, as documented mainly by the news media and advocacy organizations, Canada's immigration policy framework continues to be popularized under three core principles: 1) a social component with a specific objective of uniting families through family reunification/sponsorship; 2) a humanitarian component aimed at satisfying Canada's position as a signatory to the United Nations' Convention Relating to the Status of Refugees and the Convention Against Torture; and 3) an economic component that is aimed at attracting permanent residents (skilled workers, business/investors) as well as providing rapid response for workers under the Temporary Foreign Workers Program (TFWP). Under the TFWP, employers must demonstrate through a "Labour Market Opinion" (LMO) that Canadian workers are not available to fulfill a labour demand. The TFWP facilitates hiring lower-skill workers such as live-in caregivers, seasonal/agricultural workers (under the SAWP, and workers under the "Pilot Project," created in response to labour demand in the construction of Alberta's oil and gas industry. Approval for hiring TFW is required from three federal departments: Human

Resources and Skills Development Canada (HRSDC), Citizenship and Immigration
Canada (CIC) and Canada Border Services Agency (CBSA).

Figure 1

Distribution of foreign-born population, by region of birth, Canada, 1871 to 2036, by Statistics Canada. Reproduced from:
<https://www.statcan.gc.ca/en/dai/btd/othervisuals/other009>



Note: // refers to a break in the time series.

Sources: Statistics Canada, Census of Population, 1871 to 2006, 2016; National Household Survey, 2011; Immigration and Diversity: Population Projections for Canada and its Regions, 2011 to 2036 (reference scenario).

While strategic policy initiatives have been undertaken to attract im/migrants in response to maintaining Canada's labour market advantage, parallel efforts in

safeguarding their occupational health and wellbeing are not evident since ‘race and immigrant status’ are not reflected in the nation’s statistical data reporting systems for occupational health and safety. As a result, it remains unclear how policymakers are informed about occupational health and safety events for im/migrant workers. To clarify this issue, I will investigate Canada's occupational health and safety statistical and reporting systems to determine if sociodemographic data such as race and immigrant status are reflected in data collection. An issue in this project is to determine the occupational health and safety information systems and what, if any, factors prevent the collection of occupational health and safety data based on the socio-demographic identity of race and immigrant/national identity status. These matters hold significance in critical disability studies, the determinant of health, and the intersectional dimensions of race and immigrant status. The overarching consideration of Canada’s economic productivity, which will be reliant almost exclusively on an immigrant labour force arriving from countries of majority racialized populations where the first language is neither French nor English (Statistics Canada, 2012), is the foundational theme of this study. The other underlying dimensions of the questions include the need to know how occupational incidents, workplace-related injuries, disabilities and fatalities concerning racialized im/migrant workers are identified and tracked within Canada’s occupational health and safety informatics systems such that intervention and prevention strategies can be leveraged to safeguard the occupational health and safety of immigrant workers.

1.3 The Significance of this Research

The significance of the present study is underscored by the dual challenges associated with Canada's increasing reliance on an immigrant labour force and an emerging body of literature that highlights that im/migrant workers have greater exposure to occupational risks due to their over-representation in work that is deemed to be more dangerous and injury prone. At the same time, validation of these claims has not been substantiated beyond population sample studies. For instance, observation from Premji, Duguay, Messing and Lippel's (2010) study finds few Canadian data sources provide information that would make it possible to examine occupational health and safety disparities based on linguistic, immigrant and ethnocultural identity status. While Premji et al. (2010) conclude that immigrants, 'visible' and linguistic minorities in Montréal are exposed to increased occupational risks, this is a highly stratified study where disaggregated data was collected and estimated from three separate data sources: Statistics Canada census data, accepted claims data from Québec's Workers' Compensation Board (2000–2002), and Statistics Canada's (2000) Survey of Employment, Payrolls and Hours. Furthermore, it is argued that "the inclusion of socio-demographic information in administrative databases can be problematic since these data have the potential to be interpreted in a way that encourages discriminatory practices" (Premji et al., 2010, p. 883). But such arguments do not rationalize how the United States Bureau of Labor Statistics gathered race-based demographics as part of its census on occupational health and safety over the centuries and to the current day.

In fact, in the United States, due to an acceptance of a "long struggle with issues of

race” (Wiatrowski, 2005, p. 5), race-based and ethnicity classifications have been part of the country’s population census since 1790, with changes occurring over time to refine and better define these classifications for a greater range of choice and options for non/responding by employers and employees. For this reason, those engaged in epidemiological science, occupational health, and safety prevention can approach their discipline with a broader scope of understanding of environmental, sociopolitical and individual impacts of working conditions on the diverse working population. Wiatrowski (2005) highlights those refinements in OH&S data collection in the twenty-first century have made available identifying options for workers of Hispanic origin, among many varied backgrounds, including American Indian, Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White as well as options for “multiple races.” As a result, the OH&S industry in the United States can validate from their official Bureau of Labor Statistics (BLS) that in the United States from a selected point in time, for example, from 1992 to 2003, “the number of fatalities among Hispanics have occurred among foreign-born Hispanics (p. 7). In addition, a correlation can be drawn between the demographic trend of Hispanic workers in the labour market, their employment in dangerous jobs, and the experience of the majority of workplace fatalities occurring among foreign-born Hispanic workers (Wiatrowski, 2005). While collection practices in the United States are not a panacea for “the best” or even a “problem-free comprehensive system,” given the identified challenges with maintaining consistency, accuracy and determining methods of public dissemination of OH&S, it offers insight into the working conditions of its racially diverse populations. Furthermore, there is an

established OH&S informatics system in the US, which ostensibly has spearheaded an evolving framework for navigating knowledge transfer in OH&S. There is a purposeful intention of engaging an expanded vision of worker characteristics inclusive of the worker's demographic identity as part of its mechanisms of intervention in workplace injuries, disabilities and fatalities (Tedone, 2017).

While a number of challenges have been identified in an international review of data collection in OH&S (Tedone, 2017), and with a finding that the system is riddled with challenges, also demonstrates that tracking occupational health and safety based on demographic identity acknowledges the historical and current “struggle with race.” Still, provides a focus for clarity in areas for improvement, which considers the importance of change and gives credence to identity status in the BLS's system of OH&S:

The occupational safety and health statistics program in the first decade of the 21st century is vastly different from its predecessors in past years. Industries and occupations have evolved; race and geography classifications have become more detailed and more precise, and new definitions and new medical conditions have entered the OSHS lexicon. BLS data on the occupational safety and health of workers has expanded to reflect this new environment (Wiatrowski, 2005, p. 10).

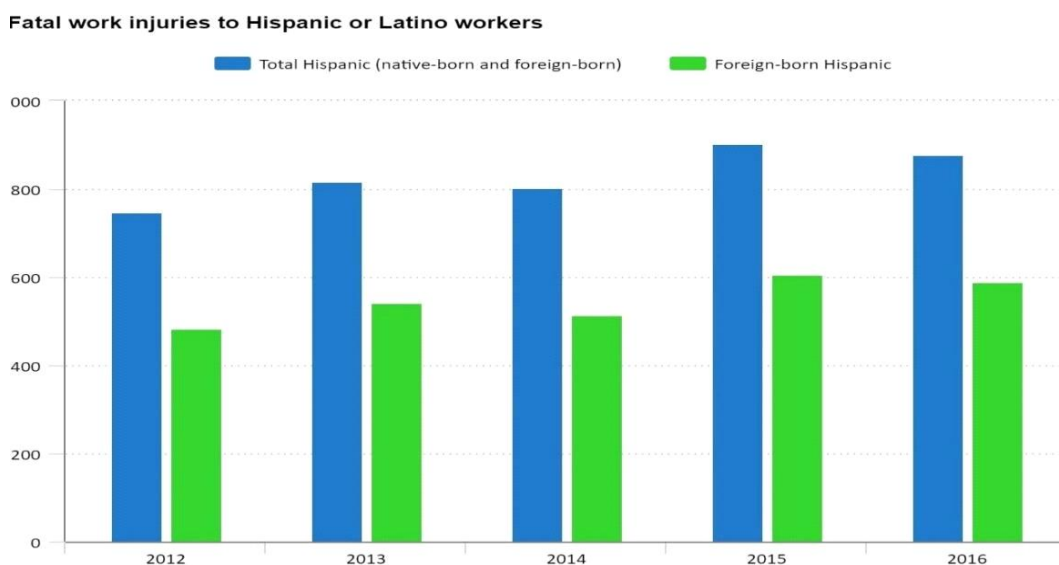
When placing the Premji and Lewchuk (2014) study in the context of international comparisons, the challenges and the potential opportunities for expanding ethno-racial demographic identity in Canada's OH&S systems can be extended beyond linguistic minorities. As such, one of the key considerations in undertaking my research is to provide greater clarity on the current state of identifying demographic data in Canada's OH&S systems. For example, what demographic identifying information is available within national reporting systems such as the Association of Workers' Compensation Boards of Canada (AWCBC) and across the provincial/territorial jurisdictions remains

obscure. Furthermore, what prevents the collecting and reporting of OH&S based on ethno-racial identity remains unclear. Premji and Lewchuck's (2014) finding that such collection is not done compels further examination since the current rationalizations stand in stark opposition to the fact that the United States of America Bureau of Labor Statistics collects and provide public dissemination of occupational injury and fatalities statistics based on socio-demographic information—race, nationality and immigrant/citizen status.

In an international study, Ahonen and Benavides (2006) concluded that Spain's immigrant workers, including men and women across all age groups, experience an increased risk of non-fatal and fatal occupational injury compared with Spanish-born workers.

Table 1

Fatal work injuries to Hispanic or Latino workers. Charts related to the latest census of fatal occupational injuries, by the United States Department of Labor. Reproduced from [Charts, census of fatal occupational injuries to Hispanic or Latino workers](#).



These findings indicate that Spain has also developed mechanisms for reporting occupational injuries, including immigrant/nationality identity status. In recognizing that the business of occupational health and safety is a universal concern, before 1996, the International Labour Office (ILO, 1988) urged nation states to implement reliable and consistent methods for the collection and dissemination of statistics on occupational accidents and diseases (Laurie & ILO, 1988). At the same time, among 113 countries, areas and territories, the collection was rated as highly variable in methodologies and practices. While some countries such as the United States and elsewhere in Europe have advanced development strategies in occupational injury statistics, a consistent process for improvement for purposes of public information and prevention is warranted since “occupational injuries in the majority of countries are only partial [...] and it would be useful to examine other possible sources of information to supplement them” (Laurie & ILO, 1988, p. 25). The Ahonen and Benavides (2006) study concurs with observations of Laurie and the ILO, which note that: “Occupational health, in general, deserves a more central place in our thoughts about health, but it seems that health of foreign workers requires even more attention than that of native-born populations” (Ahonen & Benavides, p. 425).

While there are evident concerns with collecting race-based data (Premji et al., 2010), the Canadian Human Rights policy guidelines inform that collecting race-based data, which prohibits discrimination, is encouraged as it is consistent with the framework of systems of rights protection under various legislation such as the federal Employment Equity Act, and section 15(2) of the Charter of Rights and Freedoms. In fact, the Ontario

Human Rights Commission has clarified that despite a frequently expressed sensitivity and fear of contravening privacy and confidentiality, exercising appropriate systems of collection, analytics and educative utility of race-based data will strengthen the Code's protected grounds for human rights:

A failure to collect and analyze data does not, in and of itself, form the basis for a complaint to the Commission. Rather, the collection and analysis of data may be a component of the duty to take action to prevent violation of the Code. Therefore, where a *prima facie* complaint of discrimination is made out, the Commission will consider the failure to collect and analyze data as part of its analysis of whether the respondent has met its duty to ensure it is not in violation of the Code (Ontario Human Rights Commission, 2005, p. 46).

However, one of the benefits drawn from the Premji et al. (2010) study is the confirmation of a significant problem with the lack of data sources in Canada, noting that “the absence of information on ethnicity, language, and immigrant status in administrative databases and the limitations of national and provincial surveys contribute to the invisibility of the problem” (p. 883).

1.4 Situating Critical Disability Studies

My thesis is motivated by an interest in critical disability studies (CDIS) as praxis and applicable critical theoretical approaches in immigration policy, and a practitioner lens on the intersectionality dimensions of Canada's immigration policy, the Workplace Safety and Insurance Board's policies, and disability, injuries and fatalities among racialized immigrant workers. While CDIS has grown exponentially in the Western academic world since the 1970s, thereby reflecting achievements, constraints and struggles in the twenty-first century, “CDIS is still in its infancy” (Meekosha &

Shuttleworth, 2009, p. 48). As an outcome of the critical literary canonical text, occurring in tandem with the disability rights movement, a number of legislative changes have evolved towards securing institutional policy practices for accommodation and environmental accessibility, as evident under provincial laws such as Accessibility for Ontarians with Disabilities Act (AODA) and international monitoring instruments as espoused by the Convention on the Rights of Persons with Disabilities (CRPD) (Prince, 2009). However, there is much work to be done to achieve full equity and inclusion. In addition, there is increasing demand for diversification of topics beyond the binary schisms of the social model versus the medical model conceptualizations of disability discrimination. In this regard, “the process of identity formation in respect of disabled people cannot be understood without reference to the historical process leading to the formation of cultural images of disabled people” (Oliver, 1990, p. 60). My thesis posits that while CDIS is dominated by a Euro-Western tradition of binary proportions, the multi-layered interlocking considerations that my project introduces underlie contemporary arguments (Bell, 2012; Meekosha & Shuttleworth, 2009; Oliver, 1990) that disability’s theoretical models, which are an outgrowth of critical social theory and have their origins in the 1930s Frankfurt School of critical reasoning, require expansion.

Within the Frankfurt paradigm, capitalism which is identified as the source of disability, stigma and discrimination must therefore be expanded. It has also been noted that scholarship at the intersection of race and disability has been minoritized within the CDIS discipline, a field that has not gained mainstream recognition (Thomas, 2007). My project offers that which Meekosha and Shuttleworth (2009) propose as a pathway for

contributing to alternative forms of emancipatory critical discourses, given the observation of stagnation within the revisionist efforts in traditional critical theory that previously leaned towards an exclusive “materialist-oriented” understanding of disability at the expense of a groundswell of voices in the modern-day sociopolitical climate.

However, attempts toward diverse approaches in CDIS have arguably met with anonymous reactions:

One assumption in this emancipatory discourse was that disabled people could reach a consensus on what constituted emancipation. The result was over a decade of dogmatic policing of disciplinary researchers and theoretical and practice boundaries. Those who argued for a widening of the disability studies agenda, both empirically and theoretically, were perceived as heretical to the materialist truths that constituted disabled people’s situation (Meekosha & Shuttleworth, 2009, p. 55).

In the past decade, in his posthumous publication, Chris Bell (1974–2009) offers a “*Modest Proposal*” for the disability studies field and gives a scathing rebuke of the exclusion of scholarly ontologies of disability in the Black experience. However, given the observation of a historical propensity towards “entrenching whiteness as its constitutive underpinning” (Bell, 2006, p. 275), highlights the cases of Harriet Tubman and Emmett Till, as bearing significant contribution to the Black disability experience. But while linked to civil rights and the emancipatory framework, these historical figures remain “rarely spotlighted” as exculpatory historical sources of intersectional examination in CDIS:

At the age of fifteen, she intervened on behalf of another slave and was struck in the head by an overseer with a metal weight. From then on, Harriet Tubman suffered dizzy spells and sleeping seizures. A disability perspective (re) positions Tubman’s instantaneous disabling alongside her subsequent actions of attaining her own freedom and then returning to the South on numerous trips to liberate other enslaved. Such daring action would be unremittingly dangerous for any individual;

only if we factor in Tubman's bouts of illness does our understanding of her actions as well as her corporeality become fully accurate. Tubman is certainly not the only historical figure whose disabled status is rarely spotlighted [...] the murder of Emmett Till in 1955 [was] one of the galvanizing events of the civil rights movement. However, Till's short life became legendary; few [know] that Till had been left with a speech impairment as a result of a bout with bulbar polio. His mother had taught him, when he had trouble speaking, to whistle in order to get his throat muscles to relax. Visiting relatives in Mississippi from his Chicago home, Till had been tortured and then murdered for having whistled at a white woman (Bell, 2012, pp. 2–3).

From this vantage point of locating diverse intersecting histories and lived experiences within CDIS, I posit my study among the emerging scholarship, including that of Bell, which aims to interrogate disability beyond an essentialist form of identity, including overlapping, connectivity of topics concerning the historiography of accounting for racialized immigrant workers.

From a theoretical scope, the Foucauldian critique in biopolitics and governmentality is deployed to support the framing of the interlinked structures of discounting histories amid government-directed policies, procedures and practices regarding immigration workplace health and safety. Foucault (2003) attributes the term “multiple genealogical investigations” to situations where tracing the “historical knowledge of struggles” in the effort to reclaim the “buried and disqualified knowledge” while situating an emancipatory vernacular concerning racialized immigrant workers and workplace-incurred injury and disability within CDIS intersectionality. For the purposes of this project, Foucault's arguments of biopower (how power is administered over people) and governmentality (*tactics, procedures, institutions* used in relation to populations) are engaged in a problematizing administrative capacity, tracking of “accidents, infirmities and various anomalies” along with the “introduction of more

subtle mechanisms: insurance, safety measures and so on” (Foucault, 2003, p. 244). In praxis, as it relates to this project, governmentality in the colonial settlement of New France, the enslavement of First Nations and African-descended Peoples, and the subsequent establishment of segregated residential schools were governance systems structured mainly for the purpose of rationalizing economic and cultural dominance. Analogous to these discursive interpretations, Foucault links racism as core aspects of governmentality and biopower by directly articulating how the modern state weaponizes race beyond “individual mentalities,” regulating it through a web of organized systems before it is unleashed by “technological power,” and ultimately results in state-sponsored actions that are often perilous to the safety, well-being mortality of the racialized other. Hence, this historiographic study of racialized immigrant workers within CDIS opens space for engaging a Foucauldian methodology by challenging traditional historical claims of root causes of conflicts between groups that have been propagated in the modern neo-liberal society but bear a genealogy in the old traditions of sovereign rule with built-in contingencies for exclusion of the racialized other. Within Foucault’s counter-historical discourses of “Society Must Be Defended,” a non-distinguishing line between disability stigma and racialized identity markers is noted. “The Abnormals, [Foucault said:] You see how psychiatry can use this notion of degeneracy, these analyses of heredity to establish a connection with, or rather to give rise to racism” (Foucault, 2003, p. 286). Hence, the intersection of race, disability, retracing of history and accounting for racialized immigrant workers, injury and disability arising from workplace participation serves as a methodological source for knowledge mobilization in

emancipatory transformative actions. By examining the historiography of record keeping systems, in the genealogy of discounting racialized Black immigrant workers, and the operationalized governmental processes, CDIS can advance a new corpus of discursive engagement on matters that “torment the social body” (Foucault, 2003, p. 258). The explicatory exercise is intended to envelop theory as praxis in application to the exclusionary strategies emerging from the genealogy conquering nations yet emerging within twenty-first century systems of workplace accountability.

Crenshaw’s (1989) ground-breaking work and coinage of intersectionality has crossed the multidisciplinary boundary in literary criticism and emerged from the critique rendered on the 1976 court ruling against five African American assembly line workers in favour of General Motors (GM) in St. Louis, Missouri. Crenshaw, a law professor, rendered a scholarly legal review of how the structural interpretation of anti-discrimination labour law under the Civil Rights Act of 1964 operated systematically against African and American women, favouring the auto giant. Accordingly, Crenshaw’s analysis revealed that the African American women plaintiffs could not make a successful claim of workplace discrimination based on race and gender, which is “a combination of both.” On the other hand, GM benefited from the protections of legal structures under the law because the company could easily prove that they had hired some women who had seniority protection from layoffs—albeit all white women. All of the African American women employees of lesser seniority were also just women—albeit hired only because of the passage of the Civil Rights Act—and therefore they had no claim to race/gender-based protections under the law. Crenshaw’s (1989) critical race legal theory did not

explicitly outline an application of intersectionality in disability and race and certainly did not hint at intersectional identity access to workplace occupational health and safety. But the model, as Crenshaw conceived, has been applied across disciplines, and can seamlessly be applied to Black racialized workers' exclusion from occupational health and safety informatics. The central feature of Crenshaw's argument is that in the analysis of any system that holds power relationships while claiming fair, anti-discrimination policies and practices, a singular vector of identity must by necessity be interrogated based on intersecting demographic identities to determine the systemic connecting points of advantages/disadvantages. This is needed in order to address the complex layers of oppression and discrimination based on group/individual identity factors. Permission is provided through Crenshaw's musings for a broader utility of intersectionality to "dispel simplistic interpretations":

Intersectionality may provide the means for dealing with other marginalizations as well [...] The most one could expect is that we will dare to speak against internal exclusions and marginalizations, that we might call attention to how the identity of "the group" has been centered the intersectional identities of a few [...] Through an awareness of intersectionality, we can better acknowledge the differences among us and negotiate the means by which these differences will find expression in constructing group politics (Crenshaw, 1991, p. 1299).

Therefore, reference for the broader application of intersectionality as Crenshaw (1991) envisaged was intended to advance beyond the origins of feminist liberatory critique of the vestiges of "mainstream liberal discourses" wherein "race and gender interact" to determine Black women's experiences in employment. Hence, by encouraging further use of its application, Crenshaw's intersectionality theoretical framework is prominent in this project of racialized immigrant workers, who are not evident in the Canada's

occupational health and safety systems.

While the topic of race, disability and immigration status has, for the most part, eluded prominent analysis of CDIS, it has been argued that disability was used not only to justify slavery but historically used as a navigator for determining inclusion and exclusion across a broad range of intersecting demographic identities and citizenry:

Disability has functioned historically to justify inequality for disabled people themselves, but it has also done so for women and minority groups. That is, not only has it been considered justifiable to treat disabled people unequally, but the concept of disability has been used to justify discrimination against other groups by attributing disability to them [...] When categories of citizenship were questioned, challenged, and disrupted, disability was called on to clarify and define who deserved, and who was deservedly excluded from, citizenship [...] Thus, while disabled people can be considered one of the minority groups historically assigned inferior status and subjected to discrimination, disability has functioned for all such groups as a sign of and justification for inferiority (Baynton, 2001, p. 33).

It is against this backdrop of observed spasticity of historical regard for disability and its obvious intersectional connectedness, especially in workplace issues and identity status, that CDIS has come under criticism for being fraught with neglect of the intersection of race and disability, especially in relation to Black African Americans (Bell, 2006; 2012).

In sardonic retort to these observations of the exclusion of diversification in CDIS scholarship, Bell outlines an anticipated response to ‘what can be done?’ regarding these derelictions in CDIS: “Do not change a thing. Let’s keep doing what we’re doing. Let’s remain firmly rooted in this wave of disability, consciously opting not to move to the next. Let’s continue to acknowledge white individuals as the Disability Studies core constituency (Bell, 2006, p. 278). This is followed by a listing of a series of historical figures that CDIS scholars can use to draw on the intersectionality of race and Black/African American identity as part of CDIS’ intellectual tradition.

It should be noted that amid the sources of criticism on omissions in CDIS, renowned historical commentators on socio-political intellectual issues have also not dedicated significant attention to the intersection of Black embodiment and disability discourses, except in a few indirect instances of canonical coinage to depict the effects of nation-state targeted physical and psychological violence on the stigmatization of Black identity as a cultural fixture. Contemporary scholars such as Erevelles (2011) are among the few critical thought scholars who locate the intersectionality of race and disability as mutually constitutive discourses within CDIS. Erevelles (2011) also endorses an anti-essentialist perspective in narrating the cultural schema of stigma, given the potency of “triple jeopardy,” and the identity of race, class and disability. Intersectionality is then the focal point of advancing an understanding of intersectionality theorizing in CDIS in narrating the lived experiences of abjection of racialized community members who are interpreted as presenting a “now-lethal triple combination” of embodied abjection of Black community members. As informed by her own life experience with her spouse:

Our terror, I knew, was shared by other Black men who, because their disabilities included involuntary physical movements (e.g., cerebral palsy) and/or real/apparent cognitive differences (e.g., autism), were often thought to be drug addicts or drunks, and therefore dangerous. To be perceived as a dangerous Black man in the wrong place at the wrong time by a frightened person armed with a gun could result in death. Already having experienced being pulled over several times by police for no apparent reason when driving through white neighborhoods (both in the northeast and in the south), Robert’s fears were justified, despite the other privileges we had occasion to enjoy (Erevelles, 2011, p. 4).

Erevelles (2015) accentuates the need for future strategy in CDIS, which incorporates dealing with the structure of historical materialism, eked out of the “battered flesh” (disability) from the transgressions of the transatlantic middle passage transportation of

humans. This argument is located in consideration of prominence given to early nineteenth-century philosophers, such as Kant (1724–1804) and Hume (1711–1776), who engaged in entrenching racist ideologies where race and disability were cast in one reference to “different breeds of men,” providing further justification for “European conquest of racialized others” and pathways for the erasure of histories, bodies and cultures (Erevelles, 2015, p. 146). But this uptake of intersectionality in critical race discourses “has been difficult” because there is a compelling requirement to dissect the complexity of the relationship between race and disability as opposed to providing “simplistic and problematic” rationalizations (Erevelles, 2015). Herein lies another purpose in locating this project in CDIS—the opportunity to present research, including archival sources that present interlocking histories, that forecasted identity formations along with the varied layers of ideologies that have culturally curated these identities within as well as the demarcation of inclusions and exclusions. There remains the issue that Erevelles raises about the challenges associated with the Black intellectual engagement of the intersectionality of race and disability.

In the late nineteenth and early twentieth centuries, a subtle inference to disability intersectionality can be found in the DuBois (1896; 1903) coinage of “double consciousness” and the “veil,” which together inculcate the duality of the experience of being Black, and American, based on analysis of the historical records of the African American slave trade and the post-emancipation period. Du Bois (1868–1963), a renowned American-born sociologist who later became a Ghanaian citizen, was a public intellectual who received numerous accolades and held positions that included professor

of history and economics at Atlanta University, prolific researcher, Pan-Africanist leader in the struggle over racial inequity, and co-founder of the National Association for the Advancement of Colored People (NAACP) in 1909. Historian David Lewis (1993), who met Du Bois at age 12 and annotated his biography, confirms Du Bois' interdisciplinary influence over Franz Fanon (1925–1961).

Forty years later, the anti-imperialist philosopher Franz Fanon would almost certainly have Du Bois in mind when he exhorted the non-whites of the world to unite and risk losing nothing but the chains of their minds [...] For Du Bois, physical violence—assassinations, conspiracies, and barricades—was repugnant in principle and counterproductive in practice. But the violence of ideas, the insurgency of attitudes, the rupture of deference, and the constitutional assault upon oppressive institutions were the essential pre-conditions of black liberation. It was self-evident to him that had not *The Crisis* been, in a sense, a personal organ and the expression of myself. It would never have attained its popularity and effectiveness (Lewis, 1993, p. 478).

Therefore, it is safe to say that Fanon, who Du Bois influenced, touched on the psychological aspects of intersectionality, moving from the simplistic to more complex renderings depicted in the first-person encounters and colonial systemic anti-Black racism experiences in *Black Skins White Masks* (1967) and *The Wretched of the Earth* (1963). Further to Lewis' perspective of the far-reaching legacy of Du Bois' influence, it has also been determined that in Fanon's conceptual framing of intersectionality, he “maps the journey of a Black French Caribbean man coming to terms with anti-Black racism as a disabling state of being [...] Fanon goes beyond rhetorically employing disability and impairment as a metaphor or symbol for racist effects of colonialism” (Kennedy & Newton, 2016, p. 379).

But while these lexical cannons of the historiography of slavery and colonization have been instrumental in producing the most oppressive forms of material and social

marginalization in human history, this representation is not commensurate with the need for diversification of topics in CDIS. This research project intends to contribute to the effort of locating this project in CDIS as part of intersectionality accounts of disability and racialized immigrant workers, including the vestiges of slavery, which has not been undertaken to a substantial degree, even though “racialized historical legacies of slavery can still be seen today” (Kennedy & Newton, 2016, p. 382).

These key historical figures in literary criticism and leaders of Black civil rights of the late nineteenth to early twentieth centuries were not always in agreement on the pathways to ‘Black liberation’ but they maintained professional decorum, as reflected by Du Bois’ sending of a handwritten note of congratulations to Booker T. Washington (c. 1856–1915) on his iconic “Atlantic Compromise” speech (Du Bois, 1895). The critiques and intellectual sparring between Du Bois and Washington were revealed in academic circles at the time, and recently reinvigorated as a potential source for examining Black liberation influences as an intersectional lens in CDIS. As noted by the reaffirmations that “accommodations,” which have become the pillar of legislative protections for full recognition and participation in the fabric of society, its conceptualization originated in the African-American civil rights movement, which was then co-opted by the disability rights movement and gained momentum:

But while racial accommodation evokes blacks accommodating the white majority, in the disability context, accommodation means changing society in response to disability. The term has thus shifted radically in both sense and reference. Accommodation gained prominence as a keyword in disability politics and theory through legal discourse (Adams, Reiss & Serlin, 2015).

The significance of change amid public policy response to racialized workers in the

labour market, notwithstanding the framework of the social determinants of health (Raphael, 2016) and those evolving within occupational health and safety system (Tucker, 2003 as well as international instruments (such as the UN Conventions), underpins this research. However, as noted within CDIS discourse: “There is much discussion on the rights of disabled people with the new UN Convention, but little on the responsibilities of those profiting out of the production of disability” (Meekosha & Shuttleworth, 2009, p. 64). This research unfolds amid the complex plethora of historical and current demographic trends, which present a new area of interrogation at a pivotal time in our sociopolitical climate. The proceeding section will outline the key questions that shape the research plan and following chapters. Overall, the undertaking of this project of accounting for racialized immigrant workers represents an opportunity for diversification in CDIS, which envelopes the historiography and the intersectional dimensions of the production of disability and the extent of this representation in the nation’s informatics sources.

1.5 Chapter Outline

My research posits that informatics data sources that account for race and immigrant status, among other demographic identities, are required for effective policy measures to safeguard the occupational health and safety of racialized im/migrant workers. The foregoing section provided an introductory overview to centralize the context based on this positional framing. Central themes to the context of this position are the demographic population shifts due to Canada’s immigration policies over time, the

intersectional dimensions of race, disability and other identifying statuses, and the placement of race as a critical lens in the CDIS discipline.

Overall, this dissertation comprises six sections. *Chapter 1* sets the context and highlights the significance of this research. The historiographical approach sets the foundation for connecting current conditions to the influences of historical legacies. This approach to history does not follow a traditional linear sequencing of events but rather endeavours to draw the connections to the past and current sociopolitical climate of labour migration and the critical need for knowledge epistemologies concerning demographic identity representation in OH&S. *Chapter 2* commences with the genealogy of racialism and labouring in Canada from the age of discovery, nation building and the waves of immigration, which provided the impetus for formalizing administrative systems such as the census and population data collections. *Chapter 3* focuses on the objectives, research plan and methodological aspects. Theoretical framings, their linkages to occupational health and safety, the intersections of race, work and disability, including differentiating approaches concerning racialism, will be situated within a traditional qualitative and quantitative research scope. *Chapter 4* presents the current state of occupational health and safety data collection in Canada. A thematic summary of my key informant interviews across regional jurisdictions in Canada will be provided, which will be complemented by information in the public domain. In addition, a critical analysis of select cases in the public domain and those gathered under a freedom of information request from Ontario's Ministry of Labour with confidential information redacted is undertaken. *Chapter 5* discusses the implications of the current body of knowledge and

meanings for Canada's occupational health and safety policies. It provides reflexivity and knowledge transfer for the OH&S policy framework for Canada's twenty-first century labour market.

CHAPTER 2: GUIDING PRINCIPLES FOR METHODOLOGICAL AND THEORETICAL FRAMINGS

This research design and methodological section describes the philosophical underpinnings and considerations in this study's design, methodology and theoretical framings. According to Bogdan and Biklen (1982), research methods should clarify the type of research being undertaken. By extension, the researcher must provide the reader with an explanation of the rationale used in carrying out the research and the methodologies and techniques used to identify and select the information. This will allow for critical analysis, validity and reliability of the results. Creswell and Guetterman (2019) also highlight the importance of contemplating the planning, implementing and evaluating aspects from among the three approaches to research—qualitative, quantitative and mixed methods—and to do so at the outset of a research project, given their importance to what will largely be interpretive reporting in the findings stage of the research. These guiding notes were informative in decision-making on methodology and design for the scope of my study, which centres on accounting for racialized im/migrant workers in Canada's OH&S systems. Furthermore, reflecting on the schooling of these traditional methodologies prompted consideration of how best to serve the subtexts of my thesis topic, which includes a range of intersectional subtexts.

The work of sociologist Stanfield (2011), *Rethinking Race and Ethnicity in Research Methods*, was instrumental in helping me to determine the methods and design for this study as it draws attention to the importance of recognizing the need for “new epistemologies, theories and methodologies” in the wake of a rising interest in race,

ethnicity, transnationality and other intersectional identities since the 1980s (p. 21). Stanfield (2011) cites Du Bois' (1896) seminal publication on *The Suppression of the African Slave Trade to the United States* to exemplify the first significant undertaking that exposed the interconnecting ideologies of global, national and domestic events to transnational identities, institutions, systems and local communities as well as its impact on transforming knowledge to systems in the treatment of local communities and movements. This Du Bois study is also used to impress the impact of knowledge transfer through triangulation. "This is especially important in global racial studies research since so much of global trends voluntary and involuntary population movements of the racialized oppressed stemmed from the oppressive behaviors of sovereign states and resistance efforts as responses to oppressive sovereign states" (Stanfield, 2011, p. 24).

Another consideration, which was invoked in this trajectory of new methodologies in the field of race and ethnicity and the limitations of traditional approaches, involved the work of the University of Ottawa scholar Saba Alvi, who studies epistemological methods and racialized subjects. Alvi (2015) offers a perspective that not only highlights the challenges with traditional research approaches but also argues for engaging the lens of advocacy and participatory research as a means of advancing knowledge in areas where challenges are evident when conducting research and have the potential for recognizing emerging new knowledge. Aligned with this proposal, *The Thesis of the Voices of Change: Participatory Research in the United States and Canada*, forwarded by Park (1993), reflects the ingress of "marginalized bodies and "racialized discourses" within research design and methodologies. While advocating for participatory research as

a “natural process,” Park (1993) provides an overview of its emergency in Toronto, Canada with the formation of an International Council in 1977. In principle, a “larger discourse” of research as praxis (coined as participatory research) is regarded as a means of enhancing the quest “for ways of working and ways of thinking which strengthen democratic practice and the hope for genuinely transformative relationships” (Park, 1993, p. xiv).

Overall, in situating my research design, methodology and theoretical framings, these reflections of divergent epistemologies serve as influential points of reference in advancing a liberated mixed-method approach for my research. The rationale for this more liberated application of such epistemologies is summarized as follows:

For decades, Black scholars across the Diaspora have written about the need to incorporate issues of race, class, gender and culture into qualitative research methodologies. Generally, there has been a great deal of resistance to accepting Indigenous/African centred (AC) research orientations. Indeed, methodological practices and knowledge production that emphasize cultural concepts regarding African, African-American, Caribbean, Latin American, Asian American and indigenous cultures are still not considered ‘mainstream’ but rather ‘post-colonial’ or ‘decolonizing researching methodologies’ (Akom, 2011, p. 113).

In applying these contemplations to my research, I decided to utilize a mixed-method approach, supported by critical theoretical framings, to advance knowledge transfer within the OH&S field concerning racialized im/migrant workers.

2.1 Mixed-Method Research Design

For the purposes of my research, a mixed-method approach was used, which, according to Dei and Johal (2005), espouses the opportunity for efficacy and “collaborative research approaches” for purposes of difference-making when undertaking

subjects that implicate the intersectional dimensions of race, class and gender, among others. In this study, the experiences of racialized workers not only implicate race but also intersectional identities such as immigrant status, disability in the context of workplace injury, the historiography of records pertaining to their representation in the labour market and occupational health and safety systems as well as the influences of immigration and other social policies. Accounting for racialized immigrant workers implicates the need for demographic data analysis as well as an examination of public media reporting of the experience of racialized immigrant workers. An initial scoping review of the literature revealed a spasticity of research concerning racialized workers and their representation in occupational health and safety systems. Therefore, I engaged a mixed-method exploratory approach to reduce bias, validate assumptions, and gather a rich and diverse range of information to substantiate findings from various sources.

Furthermore, within this mixed-method approach, a triangulation of various sources would be available for further corroboration and production of verifiable and valid findings from an inquiry into the collection of demographics identifying information in Canada's OH&S systems. These varied sources include provincial/regional WSIB injury/fatality reports, key informants reporting of observations and trends or firsthand accounts of key informants' understandings of administrative practices, processes in data collection, their utilization in OH&S, and meanings for policy impact for workers. According to Denzin (1978) and Patton (1999), triangulation and mixed-method approaches are compatible and effective means of verifying consistency in the research findings. Given that my research examines the historiography of accounting for racialized

immigrant workers across different time periods and geographical regions, triangulation was also utilized to provide a framework for analysis across different periods of time and geographical regions, thereby adding a more robust approach to compiling the research findings. In application to this study, it was anticipated that triangulation would support greater transparency in claims-making from the findings. Dei (2005) emphasizes “transparency and accountability” as important knowledge transfer components concerning research related to race and intersectional identities.

Murphy, Mackenzie, Waysome, Gaywalker, Palmer, Rose and Rigby (2016) undertook an international, mixed-methods study of health workers’ migration. This study seeks to better understand the historical and current drivers of migration of health care workers from four countries—Jamaica, India, the Philippines and South Africa—and the consequences and impact of such migratory trends on source countries. Multiple data points, experiential information, and key informant interviews with government officials were undertaken, and a cross-referencing method to extract information was used. The method used was illustrative of a triangulation approach in collecting and analyzing data findings for further collaboration on better management strategies such that improvements in migratory patterns can be achieved across multiple stakeholder sectors.

In my study, I also deploy a mixed-method approach to centre a consultative/collaborative approach in selecting key informants who are recognized as having knowledge and/or expertise in the three broad areas of inquiry (see Appendix A: Sources of Data Collection Matrix). These areas include: 1) Inclusivity of demographic data in occupational health and safety data collection systems; 2) The legislative

framework for demographic data collection, and 3) Performance indicators. I operationalized the four lines of inquiry concurrently to foster a rapid and integrative process commencing with a comprehensive literature review (CLR). Onwuegbuzie and Frels (2016) provide a model for CLR as a method of data collection. They argue that a CLR is a departure from what is traditionally understood as a systematic literature review. In its application, the researcher comprehensively uses literature and systematically works through the historical and theoretical literature to secure an unbiased perspective of the subject under study. My research commenced with a CLR, which is defined as follows:

The word data refers to a body of information. This body of information can be extracted from many sources such as words, numbers, images, hyperlinks, audio, and video. Therefore, the information that the literature reviewer collects to inform a literature review represents data. Thus, it makes sense that the literature review process can be viewed as a data collection tool—that is, as a means of collecting a body of information pertinent to a topic of interest. As a data collection tool, the literature review involves activities such as identifying, recording, understanding, meaning-making and transmitting the information. Indeed, the literature review process is actualized through data collection. In its optimal form, the literature review represents a formal data collection process wherein information is gathered in a comprehensive way (Onwuegbuzie & Frels, 2016, p. 49).

2.2 Literature Review as a Form of Data Collection

This study was undertaken in context (as outlined in the Introduction) of the overarching consideration of Canada's economic productivity becoming almost exclusively reliant on an immigrant labour force arriving from countries of majority racialized populations where the first language is neither French nor English (Statistics Canada, 2012). "Projections show that immigration will remain a major contributor to future demographic growth. Starting in 2031, more than 80% of this growth is projected

to come from immigration, compared to about 67% in 2011” (Statistics Canada, 2018, p. 3). These facts were influential in motivating my desire to explore the question of the representation of racialized immigrant workers as an identified distinct demographic group within Canada’s OH&S systems. In keeping with the traditional paradigm of a literature review, “It sets the broad context of the study, clearly demarcates what is and what is not within the scope of the investigation, and justifies those decisions” (Boote & Beile, 2005, p. 3). Recognizing that my initial beliefs warranted further in-depth study and analysis led to the formation of my thesis topic and the resultant questions for inquiry. My initial observation of the importance of these demographic trends led to the understanding that while these trends bear significance from a public policy perspective, it was unclear how policymakers were being informed about the occupational health and safety of im/migrant workers. This motivation for clarity generated the underlying questions for inquiry: what are the OH&S systems that inform on the occupational health and safety of racialized immigrant workers, and what, if any, factors prevent the collection of OH&S data based on the socio-demographic identity of race, immigrant/national identity status. These questions are set in the context that Canada will be reliant almost exclusively on an immigrant labour force in the future.

I used an exploratory approach in my research to consider the guiding demographics gleaned from the literature. There is a dearth of official OH&S statistical reporting of injuries and fatalities regarding im/migrants workers. Hence, the literature was a central informative source, motivating the research. However, a literature review is also a stand-alone aspect of a research project.

According to Onwuegbuzie and Frels (2016), a literature review is a standard part of the research tradition. As a methodology, it forms what is considered “primary” research with broad meanings attached to the selected literature for studies with significant historical underpinnings. This research involved a historical scan of the experiences of racialized immigrant workers. My thesis questions the accounting for racialized immigrant workers within Canada’s OH&S systems. I undertook a historical scan as an investigative tool to unearth the representation of racialized im/migrant workers within systems and records to verify the accounting of this demographic group of workers. In this literature review, diverse sources of literature were reviewed: historical archival documents including images, photographs, legal documents, historical data sources and records such as census data, newspaper articles (historical advertisements, such as slave posters), grey literature, communications, journal articles and videos. Search engine databases produced documents using various permeations of terms from the thesis title. These terms include: racialized immigrant workers; occupational health and safety systems; workplace injury, slavery, and labour; slavery in Canada; Canada, immigrant workers; OH&S systems demographic data collection; Given that primary and secondary sources related to my thesis topics were required to satisfy a rich selection of references, I completed an initial scoping review of abstracts from the following sources:

1. Library-held books within the general topic areas related to the thesis;
2. Pro-Quest academic database search engine and Google Scholar platforms were used to identify a wide selection of abstracts, journal articles, reports, policy/legislation and

other publications related to the thesis topics;

3. The internet and the World Wide Web for grey literature, including news reports, home pages of legal advocacy organizations representing immigrant workers, videos, release/outcomes of legal/human rights cases, OH&S provincial/regional ministry departments;

4. Archival sources were accessed via in-person visits to the Archives of Ontario and online sources. Telephone contact with National Library and Archives Canada helped to ascertain the best search methods for historical records;

5. Key informants' recommended sources, including scholarly articles, OH&S and population demographic-related articles and databases, briefings, reports, public letters of advocacy to governments, OH&S sector research, private collection and first-hand observations/reports of key informants.

2.3 Inclusion-Exclusion Criterion

It has been a traditional practice to delineate the inclusion and exclusion criteria of the literature review in conjunction with the researcher's perspective (Bogdan & Biklen, 1982; Boote & Beile, 2005; Creswell, 2007). In this context, I adopted the perspective of what has been broadly acknowledging discourse regarding limitations of the available literature in areas concerning racialized people and the broad topic of population health. In an extensive literature review conducted on behalf of Health Nexus and Health Equity Council Ontario, Patychuk (2011) notes the challenges of applying inclusion/exclusion criteria while searching the extant literature: "Although the diversity of the population of

Ontario since pre-Confederation, monoculturalism (Eurocentrism) has been the norm. Ethno-racial groups are seen as special interest groups with little attention to how ethno-racial health inequalities emerge within the broader social, political-economic context “(van Ryn & Fu, 2003). In Ontario, the failure to develop health policy, programs and services in “a framework that acknowledges the entire population as essentially diverse has marginalized (subordinated) and made invisible racialized community health inequalities (Sabloff et al., cited in Patychuk, 2011, p. 8). My research supports this notion of a critical need to include ‘minoritized’ populations as an essential feature of OH&S administration. Hence, a quest ensued for sources of available accounting records for racialized workers—a distinct demographic group—and furthermore, to navigate the historical and contemporary barriers to inclusion/exclusion. These records are synthesized in the introductory sections and supplemented by the findings from key informant interviews (and their recommended sources), as reported in the Summary of Findings section.

2.4 Key Informant Interviews

A purposeful selection of key informants was used along with a “snowball” approach to secure an across Canada regional representation, inclusive of provinces/territories, for a semi-structured interview that included 15 guided questions grouped under three thematic areas of inquiry: inclusivity of demographic data in OH&S; the legislative framework for demographic data collection; and performance indicators. As the name suggests, “snowball sampling” is a transdisciplinary research method and,

when deployed, enables researchers to gather potential interviewees from one to the other, thereby building the number of participants, especially in instances where study subject matter experts may be hard to find or not readily identifiable (Atkinson & Flint, 2001; Hancock & Gile, 2011; Cohen & Arieli, 2011). Purposeful sampling was the most advantageous to identifying participants for my research in a time-efficient and diverse manner. The intention was for the selection of key informants to be reflective of a national representation of Canada's provinces/territories and not, therefore, be exclusively reliant upon my locating participants. This process started with initially identifying a few key informants as a starting point and introducing my research. As the interview process unfolded, key informants were engaged in identifying other potential participants from among their networks. According to Dolores and Tongco (2007), purposeful sampling, also referred to as "judgment sampling," is highly effective when the researcher has determined what needs to be known and precedes finding specific people who can serve as key informants in supplying the required information. Following ethics approval from York University, Faculty of Graduate Studies, I commenced with "getting the ball rolling" by first contacting the AWCBC to determine the best means of outreach to experts in Canadian provinces/territories, with knowledge of occupational health and safety data collection and reporting. The AWCBC personnel would not provide specific names or sources but referred to the publicly available listing of OH&S systems/sources for each province/territory. This information provided a starting point for contacting various provincial partners within the public access system associated with WCBs and other related research and education institutions. From this search, a broader

purposive selection process was applied. Once the name of a key informant was identified, I reviewed their publicly available CV, affiliations, credentials and published works, among other publicly available information, to determine/validate their affiliations. In other words, when a contact name was provided, I further “qualified” potential participants for selection as a key informant via a review of their publicly available resumes for description of their roles/responsibilities. This review also extended to ensuring that the key informants were listed in their organization’s online directory or that their record of connection to the title, role, responsibility(ies) and organizational/departmental identifying contact information could be validated via other means. These initial steps of starting the snowball process in identifying key informants also included a small number of specialists who are public-service figures in research in education in OH&S fields and with rights-based organizations. Due to my insider knowledge of these organizations, I reached out directly to these organizations and, in some cases, specific individuals, based on their public presence, to solicit their participation as key informants. Further to these initial steps, the snowball effect was highly advantageous in identifying key informants from across Canada and generating recommendations for sources in literature and databases for further consideration of their demographic representation of racialized workers.

The experience with this linkage between the snowball approach and purposive sampling was effective in a recent Ontario Alliance of Black School Educators (ONABSE) study concerning racialized Black educators in Ontario, where the researchers focused on determining the contributions of Black educators to the student

population (ONABSE & Turner Consulting, 2015). At the outset, the researchers noted: “While there are various studies that explore the experiences of African Canadians in the labour market, none have specifically explored the experiential realities of Black educators” (p. 1). This insight parallels my findings, which found that while there were various studies on the racialized immigrant experience in the labour market, there were none specifically related to their presence in Canada’s OH&S database systems. Furthermore, noting the initial sparsity of subject matter experts who were known to the ONABSE researchers (a total of ten), the benefits of utilizing a snowball technique complemented with a purposive selection approach proved to be highly successful in securing an increase in key informant participation and in eliminating personal bias:

This research study uses survey and interview data collected from a non-random sample of African Canadian educators in Ontario. The link to the online survey was distributed to Black educators who are members of ONABSE. In addition, networks of Black educators at various school boards across Ontario were asked to distribute the link to the online survey to their members. Given that not all Black educators are members of these associations, survey respondents were asked to share the survey with other Black educators in Ontario. This snowball sampling technique allowed existing participants to recruit additional survey respondents from among their networks. The link to the online survey was also shared through social media. In total, 148 Black educators completed this survey (ONABSE & Turner Consulting, 2015, p. 15).

My approach in utilizing a purposive approach was also motivated by the importance of identifying secondary source case examples that could serve the purpose of including the ‘voices’ of racialized immigrant workers without having to extend ethics protocols for first-hand interviews of individuals regarded as being part of a vulnerable population. In this regard, the purposive selection approach also provided an opportunity for key informants to recommend secondary sources of case examples, articles and other

communications that are already within the public legal domain and wherein voices of racialized workers are evident. During interviews, key informants working in the legal domain pointed to case examples that are already in the public domain and have formed significant debates because of their prominence in OH&S injury/fatality reporting in public media reporting. Curtis, Gesler, Smith and Washburn (2000) highlight the importance of using effective sampling strategies in qualitative research involving case studies in order to support the “conceptual framework and research questions addressed by the research” (p. 1003).

I contacted 30 individuals to participate as key informants. All responded favourably, but 3 out of the 30 (10%) stated that they would limit their responses to public access sources for which they determined a signed authorization was not required. These informants provided direction on relevant public domain information for Canada’s OH&S systems. The remaining participants (27 or 90%) completed a signed consent form in keeping with the approved ethics protocols that York University’s Faculty of Graduate Studies provided. Overall, seven key informants were initial sources of contact for starting the snowball approach. Some of these key informants (not personally known to me but identified by their public roles) were initial contact sources. An overview of key informant profiles (see Table 1) links the themes to areas of expertise.

Table 2

Methods summary: Area of inquiry cross-referenced with key informants' backgrounds, themes and sources

Areas of Inquiry (Semi-structured)	Key Informants (N=27) Background/title of area of expertise Cross-referenced to themes of inquiry	Sources of Data Used (in addition to literature)
Inclusivity of demographic data in occupational health and safety data collection system	Data Specialists/WSIB System Administrative Data Systems/Social Research Consortium Privacy Consultant/Public Health Consultant/Public Health Population Data Specialist Community Advisor Researcher/Occupational Health Race/Gender Health Survey Data Data/WSIB	Content and textual thematic analysis of Key Informants' (KI) interviews, including KIs' recommendations of sources: - Cross-regional statistics gathered by AWCBC - Canada's OH&S, MOL data, labour and population databases
The legislative framework for demographic data collection	Education Policy Monitoring Labour Relations Health Policy/Racialized Minorities Health and Social Services	Content and textual thematic analysis of KI interviews, including KIs' recommendations of sources of legislation including: - WSIB - WSA - OH&S systems, immigration policy, governance for OH&S, labour and population databases
Performance Indicators (author to use for writing—use ombudsman office, IAVGO community legal clinic, public media exposure, case studies)	Legal/Advocacy Evaluation Health Policy Health Policies and Practices Risk Management (global/domestic) Worker Representative OHS Surveillance/Evaluation Compensation System/Audit	Content and textual thematic analysis of KI interviews, including KIs' recommendations of sources of statistical information and data such as: - Fatality reports from MOL - AWCB annual statistics of injuries, fatalities

2.5 Procedures

The procedural approach to my research draws on the critical framework provided by Dei (2005), which emphasizes collaboration, use of a “critical gaze” and transparency as significant tools in instances of racialism, given that “research and praxis means challenging and rupturing the very structures one is trying to work with” (p. 10). This framework also recognizes that “there are risks” that are inherent and distinct when dealing with topics of race, and as such, the researcher must be prepared to maintain constancy of diligence in the methods and procedures by bearing in mind a few key questions while developing and implementing the procedures.

By virtue of the dictates and politics of the discourse, anti-racism research bears a tremendous burden on researchers to find ways to resolve/address critical questions. Anti-racism research must deal with whether the collaborating parties in a research study necessarily share a common understanding of the nature and politics of research (e.g., definitions, boundaries, objectives). How do anti-racists work with their subjects in a genuine spirit of collaboration and power-sharing in the context of an open and insidious denial of the privilege that comes with particular racial identities, e.g., white identity? The anti-racist researcher always stands accused of bringing up the issue of race and racism when and where it never existed. Today, we are faced with conflicting and complicated readings of power and difference. How do diverse parties work together in social research in the context of the complexity of power of asymmetrical relations? We ask people to commit to our projects and give us their time and space, all in the name of searching for knowledge, but we avoid burdening ourselves with asking whether research

will lead to meaningful change in the lives of our subjects (students and schools). Will anti-racist research make a difference?

Guided by an anti-racist framework (Dei & Johal, 2005), I applied critical reflexivity to garner the level of collaboration required when interacting with key informants. In this regard, Dei and Johal (2005) not only rationalize the importance of this form of research method as a means of “searching for knowledge,” but emphasize its centrality of “difference-making,” which were prominent in my consideration of research procedures. As depicted in Appendix C: Methods, an introductory phase of the interview with all 27 key informants involved an explanation that sensitized the “difference-making” construct. In overview, I followed these procedures:

1. Introduction and instructions to participants

I initiated contact with all key informants via an initial telephone call, at which time I provided an introduction and research overview. Three of the 27 key informant interviews were conducted in person, while the remaining 24 were completed via telephone calls. During the introduction phase, the consent form, along with guiding questions for the interview, was sent via e-mail with a provisional date established for an interview pursuant to the return of the signed consent form. I informed key informants that the interview would be open-ended and conversational in format, anticipated to last for approximately 45 minutes to an hour, and advised that I would record notes. In keeping with the parameters of the ethics protocols, I advised interviewees that there was no deception involved in the process, that the research was focused on learning about demographic identifying information in Canada’s OH&S data collection systems, and

that they could withdraw/relinquish their consent at any phase of the process.

2. Debriefing

According to Onwuegbuzie, Collins and Leech (2008), the researcher is considered “the main instrument” in carrying out the research. In addition, a critical aspect of this conveyance is to utilize the debriefing stage of the research to engage in the process of critical reflection. This means actively participating in a conscientious process of analyzing and clarifying any potential crisis, also termed “the crises of legitimation and praxis” (p. 3). While debriefing is regarded as a customary part of ending an interview, it is a central aspect of accomplishing a key aspect of the research. In application, “it involves a conversation between the researcher and debriefer resulting in the co-construction of knowledge” (Onwuegbuzie et al., 2008, p. 10). As such, critically reflecting on Onwuegbuzie et al.’s emphasis, juxtaposing awareness that the selected key informants are subject matter experts in the OH&S field and have familiarity with consent protocols, the debriefing took the form of a collaborative conversation to allow for any research-related knowledge gaps, further to reaffirming the ethics protocols, including the interviewee’s non-participation at any time in the process.

3. Analysis

Interview notes were recorded, reviewed and coded in conjunction with the major themes of inquiry. I assigned a numerical assignment (of 1, 2, and 3 representing each thematic area) by the name of each key informant on a grid, which listed the description of their areas of expertise. In some instances, a key informant may have only one area of expertise within their profile, while others may have two or more areas that they were

able to address in the course of the interview. This process of utilizing a grid facilitated the thematic summary without revealing any of the participants' identifying information, except in cases where supplementary consent was given. In such instances, a separate signed consent and the information were included in the findings.

2.6 Theoretical Frameworks

Emancipatory theorizing and synthesis of mixed-method research are regarded as a hallmark in disseminating the results of a study (Akom, 2011; McColl, Adair, Davey & Kates, 2013; Ortali, 2017). For the purposes of this study, Critical Race Theory (CRT) was the overarching theoretical framework that guided this research. From a philosophical/theoretical lens, CRT was deployed to contextualize and explicate dimensions of racialism in the historiography of racialized im/migrant workers who continue to be part of a transnational labour force. CRT theorists argue that “unlike traditional civil rights, which stresses instrumentalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, rationalism, and neutral principles of constitutional law” (Delgado & Stefancic, 2012, p. 3). Due to the acknowledged blatant racism that forms the legacy of the historical oppression of Aboriginal Peoples and Canada's immigration policies, with its inexorable links to labour market participation and the throng of publications on discriminatory institutional practices, the CRT lens provides a frame of reference in the textual analysis of documents.

CRT proponents have advanced a burgeoning body of literature that highlights the

mantra that race is socially constructed. However, from the perspective of the historical presence of racialized workers in Canada's labour market, historical, social, political and economic functions shape racialized identity. Therefore, the colour blindness claims, which are often used to rationalize that which has been embedded in laws, policies and what is referred to as "the ordinary business of society," obscures historical oppression, lived experience and current inequities: "Colourblindness can be admirable, as when a government decision-maker refuses to give in to local prejudices. But it can be perverse, for example, when it stands in the way of taking account of difference in order to help those in need" (Delgado & Stefancic, 2012, p. 26).

Within the scope of this research on OH&S systems, the homogenous term "injured worker" pre-supposes essentialism above all other forms of intersectional identifying information. In direct countenance, the CRT framework centres on the complexity of racialized identity and im/migrant status, among others, as a socio-political source of critical emancipatory theorizing where the battle lines for freedom have also forged standards in dialectic intellectual traditions (Allen, 1971; Bell, 1992; Eze, 1997).

The CRT framework also asserts several branches for analysis within its model, noting that race alone cannot account for disempowerment and intersectionality. Therefore, an anti-essentialism perspective of race is central to analyzing all forms of oppression in society, given that "everyone has potentially conflicting, overlapping identities, loyalties, and allegiances" (Delgado & Stefancic, 2012, p. 10).

In terms of CRT as a methodological tool, the thesis of accounting for racialized immigrant workers in Canada's OH&S systems application in research methodology in

direct application to the analysis of race, acquired workplace disability, occupational health and safety policy, and immigration policy, CRT provides a framework for a critical interpretation of the findings. This is in keeping with the CRT discipline, which maintains an interconnectedness of oppression in society to institutions. Therefore, the human experience must be examined from multidimensional points in order to work toward its eradication and escape the danger of its reproduction. Central to the CRT framework is the requirement to ask critical questions, such as, do all people who have historically struggled for social justice and equal rights experience oppression in the same way (Delgado & Stefancic, 2012)? Within the context of the methodological analysis of this research and the historiography of the lived experience of Canada's racialized immigrant workers, the CRT critical questions and the findings from all lines of inquiry were developed and contextualized for advancing knowledge transfer in the area of occupational health and safety and racialized immigrant workers.

This research also uses an institutional ethnographical (IE) approach in textual analysis, espoused by Canadian Sociologist Dorothy E. Smith. Although rooted in feminist theory, where Smith's (2005) coinage of institutional ethnography centres the "woman's standpoint," EI is applied in this research as the critical epistemological lens in analysis of "everyday relations of ruling." This was incorporated for its analogous framings to the plight of racialized immigrant workers. The overlapping thematic concepts of social construction, power relationships and influences in lived experiences were recognized as interconnected frameworks for CRT. Furthermore, they fostered a complementary methodological approach for examining the collaborator's textual and

functional forms of institutionalized systems of oppression. Although IE has been acknowledged as problematic when “text” is used as a data source, i.e., especially in reference to textual analysis, a greater depth of analysis to interpret how text functions can elucidate power relations and systemic forms of oppression.

The problem with introducing texts into ethnography is their ordinary “inertia.” Somehow we don’t recognize them as located in the same temporal and local world in which we exist as bodies. We construct them, I suppose, as a world that isn’t present in our lived spaces and thus doesn’t recognize the text as being “active” in coordinating what we are doing with another or others [...] The words or images that will always come again as long as a material thing that presents them exists have a kind of stasis under our eyes [...] The power of the sacred text to remain across seas and generations is a condition of its holiness and its capacity to be read again, rediscovered, and reinterpreted in the ever-changing local actualities of people’s lives and doings (Smith, 2005, p. 102).

Although it has its origins in feminism, IE has a well-established history as a methodical approach in studies concerning immigrant workers (Abraham, 2014; Sharma, 2000; Baines & Sharma, 2002). Sharma’s (2000) study focuses on textual analysis of the debates over immigrant workers’ programs to underscore how global structures operate over time and across regions in maintaining organizational and social structures in creating temporary citizenship and exclusion of migrant workers. This study explicitly departs from a case-study approach while exploring the organizational structure, which belies the exploitative nature of the immigration scheme.

In the context of my study, a textual analysis was used to examine of the various systems that are influential in the lived experiences of racialized workers. These included immigration policies, WSIB policies, OH&S legislation, statistical data reports of injuries and fatalities, and select cases under legal scrutiny within the public domain. Theoretical models (see Summary Box 1) were engaged for diverse conceptualizations of how these

governmental systems operate in regard to racialized immigrant workers.

Summary Box 1

Overview: Theoretical frameworks featuring a mixed-method approach

Research Method and Theoretical Framework	Characteristic Features	Advantages in application
Mixed-method qualitative approach Four lines of data sources used in this research: • Key informant interviews • Literature review • Archival sources • Data sources	• Provides descriptions and explanations of lived experience • Statistics and data are used as supplementary sources to enrich the description and explanations of the problem under study	Diverse sources of exploration for the understanding of how various systems impact lived experience Validation of information from various sources Allows for: • A broad range of systems impact the analysis • Supports thematic report
Critical Race Theory Main tenets for theorizing: • Racism is a pervasive experience in daily life • Racism maintains dominance over racialized people in psychic and material terms • Race is a socially constructed ideology • Intersectionality, an anti-essentialism perspective of race, is	• Provides interpretive meanings of racialism and how power relations are operationalized relative to racialized individuals and groups • Locates systemic racism and part of institutional structure	Diverse scholarship and models for critical analysis, e.g.: • Intersectionality (Kimberlé Crenshaw) • Pan Africanism and anti-colonization (Frantz Fanon, W. E. B. Du Bois) • Critical Legal Theory (Carol A. Aylward; Constance Backhouse) • Critical Tribal Theory (TribalCrit) (Bryan Brayboy; Fagan et al.)

central to the analysis		
Grounded Theory Supplements qualitative methods by providing constancy in challenging and “sensitizing concepts”	Provides for rationalizing, explaining how the manifestation of findings is “grounded” in the data	- Supports the connection of theory to data to explain a phenomenon with the potential for generating the newly emerging theory compatible with diverse data sources, including key informants’ semi-structured interviews - Provides bias safeguards
Institutional Ethnography Seeks to explicate cultural/organizational structures and entrenchment of oppression	- Provides a lens for analysis of patterns historically and globally - Provides the framework for analysis of the sociopolitical context of behaviour	Allows for textual analysis as data for interpretation within a cultural context

For the purpose of achieving the overarching goal of difference-making through knowledge transfer, emancipatory theories are used to illuminate the sociopolitical dimensions of human interaction within the aforementioned systems and policies. Conceptually, these features of systems interactions and racialized immigrant workers necessitate deeper exploratory definitions for knowledge transfer purposes. For instance, the social construction of racism invites the need to explicate the ‘racialization.’ When describing demographic identity and racialized workers, conceptually, these and other associated terms require further explanation and definitional phrasing. To this end,

“sensitizing concepts” also require theoretical placement. In this vein, I engage grounded theory, which highlights the need for sensitizing concepts, especially in the analytics of my research with the potential for creating new theories based on the research findings. According to Bowen (2006), “a grounded theory is generated by themes, and themes emerge from data during analysis, capturing the essence of meaning or experience drawn from varied situations and contexts” (p. 2).

2.7 Chapter Summary

This chapter aims to outline the methodological and theoretical frameworks that influenced this research. They situate the recommendations of methodologists from diverse epistemologies, whose scholarships explicate traditional research methods and the need for orienting research methods, reflecting difference-making for historically oppressed groups. In conjunction with a snowball approach, a purposive sampling selection of key informants was rationalized as the most advantageous for securing OH&S experts from across Canada. These key informants enrich the research through the findings revealed in the next section. They also contribute their diverse expertise across all lines of inquiry, which generated greater depth to the data sources utilized in formulating the research findings.

CHAPTER 3: CONSTRUCTING INCLUSION AND EXCLUSION IN THE NATION

3.1 Setting the Context

The familiar refrain that Canada is a nation of immigrants requires no deep systematic search for proof to substantiate this claim. It is broadly acknowledged that immigrant labour fuels the nation's labour market economy. Historically from the early period of conquest, this has been the case, with the arrival of settlers who, at the bequest of their foreign rulers, consigned the name New France to the territory belonging to the original nations. This was followed by placing the territory under new ordinances, including enacting laws for the institutionalization of slaveholding and oppressive policies leading to cultural genocide and annihilation of Aboriginal Peoples (Conrad, Fyson & Finkel, 2015; Galabuzi, 2006; Trudel, 1973; Whitfield, 2016). Throughout European expeditions, land seizures and colonization, an inexorable link was formed in the process of securing a labour force to bolster the colonial expansionist efforts for extracting resources, establishing new settlements, population, and economic growth outside of Europe's borders. While this global connection can be established between the quest for a labour force in the nation-building project (Du Bois, 1896; Nelson, 2016; Williams, 1941), accounts of historical records of work-related contributions and experiences, incurred injuries, fatalities and other deleterious impacts upon enslaved Indigenous and African Peoples and racialized immigrant workers in Canadian history remain obscure. This situation may be, in part, due to the critical discursive lens concerning the history of enslavement and forced migration in Canada. On the one hand,

Cooper (2006) highlights that while institutionalized slavery existed for over two centuries in Canada, this part of the national history can be characterized as one wherein “the official chronicles” concerning the histories of Black people have suffered from a form of “erasure” from Canada’s memory and relegated to the “dungeons of its past” (p. 7). Compared to a well-entrenched history of endeavours that early white pioneer-settlers undertook, it is difficult to find “scholarly or popular publications on the country’s past in which the images, stories, and analyses of slave life are depicted” (Cooper, 2006, p. 69).

Nelson (2016), on the other hand, contends that there is an “oversaturation” of scholarship that posits the United States as the predominant geo-political slaveholding region while entrenching the idea of Canada as the endpoint of the Underground Railroad and freedom; this results in what is noted as “a literal social amnesia” (p. 3). In this regard, a history lesson is offered on this often-overlooked aspect of Canada’s legacy:

We must not forget that although Canadian slavery looked different from the plantation slavery of the tropical Southern colonies, which have come to stand for slavery, the forced importation of Africans for labour was an integral part of Canada’s colonial origins and nation-building project, by both British and French colonizers [...] The colonial resource extraction, production, and exchange, which went hand in hand with slavery, operated in complex, intersecting, transnational circuits of imperial trade, often referred to as triangular trade [...] These various commercial ventures and industries were initially European and later became creolized and were equally carried out at the initiative of colonial administrators, merchants, and settlers based within colonies like Montreal and Jamaica (Nelson, 2016, pp. 3–4).

The comments of these historians accentuate Canada’s complex history of slaveholding. Moreover, they are representative of a growing list of scholars who bridge a departure from the sparse amount of scholarship in the last century. However, while Canada’s historians have gradually strengthened the availability of scholarly research concerning

enslaved people in Canada, an interdisciplinarity approach to forced labouring regimes, and accounting for these workers' contributions and their lived experiences of incurring various psychological harms, physiological harms, disabilities and fatalities, have eluded central consideration in the historiography of Canada's growth and development.

The ground-breaking research of American Historian Dea Headly Boster (2013) delves into primary records of slaveholders, physicians, court rulings and narratives of enslaved peoples, among others, and elucidates the existential threats imposed upon Black enslaved workers, not only in America but also on an international scale. Although focused on the plantation economy of the Antebellum South during the first half of the nineteenth century, Boster highlights the double consequential stigma associated with being racialized Black enslaved workers who incurred disabilities while held in the grips of an oppressive forced labour scheme that was interconnected with the Atlantic and global economies based on enslaved labourers. This seminal work complements emerging scholarship in disability studies that has been emerging since the 1960s, which inspired challenges to the 'social construction of disability.' Boster (2013) argues that even within these critical discourses, the historiography of enslaved African people can, by and large, be described as a "reading of absence." Boster cites Wickberg's (2005) perspective on the importance of examining primary and secondary records "to document the lives of those who did not, for a variety of reasons, create their own records" (p. 12). Boster also concedes that encapsulating historical records of enslaved labourers allows for revelations about their harrowing lived and diverse experiences as well as the strategies they deployed for survival, resistance and resilience. As a feature of historical

content, these recordings not only reveal the brutality of slavery but also exemplify historical, foundational issues in the legislative and regulatory system of health and safety for enslaved workers, including “ideas about slave disability in a variety of published and unpublished documents” (p. 12). The recordings of the medicalization of concepts such as “soundness,” “useless” and “drapetomania,” among other terms, which were used in assessing, classifying and ascribing monetary and aesthetic values to enslaved labourers, provides credence to the endemic nature of oppression upon racialized Black bodies. However, similar excavation of primary records, which foster a historical epistemological shift to inform what emerges as a deterministic colour-coded model in coercive labour regimes, disability and racialization, has not benefited from Canada's significant uptake.

Recognizing the growing surge of scholarly works in recent decades, Whitfield (2016) is among Canada’s preeminent historians, and uses his exploration of historical records to highlight the emergence of slaveholding in the Maritimes region, including its growth in Île Royal (Cape Breton). Whitfield (2016) also alerts to a stymied reality concerning Canada’s less than stellar scholarship on slaveholding by noting: “Despite these outstanding efforts, slavery has not become part of the Canadian national narrative,” mainly because “the historiography of Canadian slavery still lacks basic overviews that have enabled scholars of American slavery to pursue complicated topics” (p. 4). However, Whitfield rationalizes that this lesser degree of advancement of scholarship can be attributed to a variety of reasons, one being that Canada was a “society with slaves” as distinct from being a “slave society” and, as such, a prevalence of plantation-style accounting records, sales receipts and tracking of the large population of

enslaved workers is not substantially available. Secondly, New Brunswick, Nova Scotia, and Prince Edward Island (PEI) did not legislate slavery and did not institute a formal ‘slave code’ because it was of the belief that the right to own humans as chattel was duly authorized under British Common Law. Therefore, no further legislation was required due to this broad coverage under the edicts of the British Empire; the only exception was in the case of PEI, where the government enacted legislation to grant freedom to enslaved baptized people. Thirdly, in terms of the forced migratory movements of people of African ancestry into Atlantic Canada, there remains an instilled public perception of Canada as the land of freedom from slavery. This includes free and enslaved individuals who, prompted by the American Revolution (1775 to 1783), were part of the movement of British Empire Loyalists to the area. This notion is dispelled as a sardonic version of Canadian history, evident in Whitfield’s corrective effort in the publication *North to Bondage*. This historiography of the population demographics of the African diaspora in Atlantic Canada in the American Revolutionary War’s aftermath posits Canada’s early African/Canadian history as one of resilience, survival and overcoming a lived experience of being un-free.

While Canada did not play a direct role in the kidnapping and transfer of Africans out of Africa, its early history “was connected to the wider British world through the expansion of slavery and the re-enslavement of free blacks” (Whitfield, 2016, p. 17), which has yet to be fully accounted for. Due to the impact of the contemporary manifestations of the legacy of slavery, the United Nations has declared the Atlantic Slave Trade and associated atrocities as crimes against humanity. As such, contemporary

declarations have acknowledged that all countries, which were directly and/or indirectly involved in the institution of slavery, must now begin the process of accountability, including the production of more complete and “accurate textbooks,” monitoring and utilizing “reliable statistical data” at all levels. Hence, in the context of these expectations, relative to Canada’s history:

Re-enslavement, the expansion of slavery, fear of sale to the West Indies, the spectre of living in a society with ‘slaves’, brutal forms of indentured servitude, and inequality were as definitive to African and African American Experience in the Maritimes as the hopes of the freedom that accompanied the black Loyalist migrants to His Majesty’s northern possessions (Whitfield, 2000, p. 16).

Citing and comparing several historical sources of the past and contemporary historical scholarships (for example, Cooper, 2006; Mackey, 2010; Pybus, 2006; Trudel, 2013; Walker, 1999; Winks, 1997; among others), Whitfield (2000) maintains that Smith’s (1899) archival-oriented work represents the most comprehensive study of slavery in Canada. At the same time, it is evident that regardless of this cadre of scholarship in Canada, “slavery has not become part of the Canadian national narrative” (Whitfield, 2016, p. 4). Most profoundly and germane to the undertaking of this dissertation project, accounting for the racialized immigrant workers necessitates delving into the historiography of a colour-coded system of disability exclusion that is interlocked with work, enslavement and acquired disability, and the current climate of precarious employment among racialized immigrant workers. Therefore, the undertaking of this project cannot be easily untangled as separate subjects. There is a substantial argument drawn from scholars of Black Canadian history that “historians have not examined the slaveholding classes or their occupations;” at the same time, “the paucity of historical

documentation for slaves in the Maritimes is startling, even in comparison to New England, which did not have large scale plantations, but where researchers have several notable sources” (Whitfield, 2016, p. 5). Walker (2017) bolsters Whitfield’s claim, noting the marginalization of historical and current Black historizing: “All these works plumb the depths of the rich and still underutilized black Canadian archive to explore histories of slavery and freedom in Black Canada and the broader Atlantic World” (p. 196).

Although expounding on the lack of historical records and scholarship in slaveholding within the Maritimes, Whitfield’s (2016) findings can be generalized to other regions, including Ontario and Québec (New France), albeit with some cautionary notes. For instance, Trudel (2013) estimated that there were over 4,200 (mostly) Aboriginal People who were enslaved in colonial Canada. However, Whitfield (2016) argues that there is tremendous ambiguity and interchangeability of terms such as “servants” and “slaves” in the census and other historical records, which confounds an accurate enumeration of the men, women and children who were held as captive chattel in Canada. A nineteenth-century presentation before the Nova Scotia Historical Society supports this claim:

The still-enslaved Negroes brought by the Loyalist owners to the Maritime Provinces in 1783-84 were classed as “servants” in some of the documents of the day. Lists of Loyalist companies bound for Shelburne, made out, it is probable, under the direction of British officers whose dislike of the word “slave” would lead them to use the alternative legal term, contain columns for “men, women, children and servants,” the figures in the “servants” column being altogether disproportionate to those in the preceding columns (Smith, 1899, p. 23).

The totality of these revelations from historians of the late nineteenth century to the contemporary period further galvanizes the need to account for enslaved workers to bring

greater visibility to the plight of those who laboured under perilous conditions.

Furthermore, the systematic concealment of administrative records due to rationalizing preferential terms for categorizing holds significance in the historical linkages of the international scheme of extraction of forced labour from captured enslaved people to current policies, practices and accounting for racialized immigrant workers. While acknowledging that scholarly works concerning enslaved people suffer from being a “neglected topic” due to “the difficulty in finding evidence related to slave work,”

Whitfield refers to the various occupational areas in which enslaved labourers worked and contributed to the local and the global economy. These industries include, but are not limited to, shipbuilding, seafaring (part of the triangular transportation of enslaved people), transporting/carting of goods, grains, rum, molasses, farming and agriculture (p. 48). The nature of this evidence underscores incendiary ways in which enslaved people and the emerging workforce following the ending of slavery constitute a larger tapestry of the historiography of the information sources. Despite this broad scope of Whitfield’s critical historical analysis, distinct aspects of the historical records of the contributions of enslaved workers within the economy of British North America, interconnected with the business and commerce of England, the Caribbean, the United States and Africa, remain obscure. For instance, there is a significant gap in cataloging the jobs that enslaved people performed in Canada or any corresponding examination of work-related injuries, illnesses or fatalities. The extant records account for the presence of enslaved people in Canada’s labour market economy, with a few exceptions, which appear to be part of the homogenization of the history of the labour market economy.

Afua Cooper (2014), a historian noted to have invested the “greater part of scholarly life mobilizing knowledge about Black Canadians” (p. 194), explicates this homogenization of historical accounts, which aligns with the discourses of marginalization and exclusion of comprehensive records of Black history accounts. Claiming that such efforts to “sanitize” and present a more “romanticized” or positive version of the various permeations of Black migration into Canada, including slavery, Cooper highlights two versions of Canadian history where current initiatives are underway to rectify these historical accounts:

The stated aim is to move Black history from the sidelines to the centre. The two aims, by necessity, must be carried out at the same time, given the long absence of Black history from “real” Canadian history. This aim underscores citizenship issues for Black people. The fate of Black history in Canada’s official history suggests to me that White authorities have viewed it as illegitimate as not real or important history. When Black history is seen this way, its subjects are not treated as legitimate, real, or important Canadians (Cooper, 2014, p. 198).

Given that this dissertation focuses on the historiography of accounting for the records of enslaved workers, Cooper’s arguments hold resonance in consideration of a range of “citizenship issues” in what appears to be an insufficiency within the critical lens on Canada’s history. In other words, the discounting of this history and removing it from the sidelines also reverberates the need for scholarship in interdisciplinary fields, including disability studies. However, while these strongly articulated claims of the treatment of the historiography of Blacks in Canada have drawn attention to the need for historizing their presence, the question of incurred disabilities and injuries among Black enslaved labourers leaves a gaping chasm for interdisciplinarity historical inquiry.

Galabuzi’s (2006) commanding statement, as outlined in the introductory epigraph,

draws attention to a sense of urgency for undertakings aimed at the restructuring of institutions in recognition of racial inequities in the twenty-first century. Coinciding with these justice-oriented aspirational goals is the need to bring to the forefront the underlying disparate histories, which, as Cooper and others argue, have been marginalized. Hence, the project of accounting for the colour-coded system of workplace injuries, disability and fatalities concerning occupational health and safety of Canada's Indigenous Peoples, Black and racialized immigrant workers imbue a similar level of urgency. This history must consider what has happened in the past, the contributory labouring histories from which the nation-state emerged as well as what is currently taking place in terms of our informatics data systems, sources and the extant knowledge-making concerning those who continue to endure oppression in the shadows of invisibility.

The obfuscating of records of enslaved workers' contributions in Canada when placed in the broader imperatives of Canada's history of exclusion, colonial oppression and racism speak to the spillover effect to the contemporary period of the lack of informatic sources concerning Aboriginal as well as racialized workers. While locating himself as a Métis historian specializing in Aboriginal land and treaty rights, McNab highlights the overarching importance of knowledge acquisition and knowledge transfer as crucial tools in communicating the concerns of Indigenous people to the government, which he identifies as a primary task of historians. In this regard, McNab (1986) offers his reflection on the importance of historical records for Aboriginal Peoples as well as other marginalized populations and opines that Canada's foundational history suffers

from a “jaundiced perspective” (p. 131). Furthermore, this lack of information is consequential for the contemporary period, especially in the reckoning with Canada’s history of colonization and manifestation of continuous colonial oppression. Referring to the work of Charles Stacey (1906–1989) as an example of the type of challenges experienced by historians who work in public, professional and governmental roles, McNab notes: “Stacey gives a clear view of some of the difficulties he experienced as an official historian before and after the Second World War” (p. 130). Similarly, problems are also evident for Indigenous historians focused on scholarship, which necessitates accessing historical information. While noting a gradual shift in greater prominence of Aboriginal studies and publications, McNab further problematizes the implications for accessing Aboriginal Peoples' historical records and provides a model for success based on principles that Stacy espouses as follows:

The model of success that he developed as a public historian is based on his understanding of the “hard times” which he experienced and overcame. However, while Colonel Stacey was assisted (fortuitously) by the universities in some instances, there is a recognition in his work, particularly his memoirs, that the “official” or public historian lives and works in a very different world, that is, one which is largely in the present rather than in the past. His or her academic counterpart does not share the same objectives or experience the “hard times” or the tangible benefits of being a public historian (McNab, 1986, pp. 130, 134).

McNab (1986) highlights the substantial implications of the encounters with “hard times,” which is buttressed by collaborations with academic institutions and a diverse range of historians. This dissertation also seeks to elucidate a diverse range of scholarly perspectives and sources (primary and secondary), including the connection between historical legacies and current policies on immigration and labour force policies and practices.

Numerous scholars have highlighted that discourses concerning immigration and the protection of borders are often fraught with political strife and unabashed xenophobia expressions (Abu-Laban & Garber, 2005; Gibney & Hansen, 2003; Hansen & Papademetrious, 2013; Kneebone et al., 2014). Yet, ironically, as we have learned from tracing history's path, it was indeed the invading, immigrant-settler ruling class that created systemic oppressive regimes through conquest, colonization, legislative mechanisms of control and administrative practices aimed at sustaining a system of domination by forcefully harnessing the labour and resources from the world's Indigenous Peoples. "In fact, there was a consensus among the church, state and settlers in the American colonies that the trade-in African slaves were the answer to the labour shortage associated with the decline in the Indian populations" (Beckles, 2002, p. 178). Examining the evolution of these events, including the sociopolitical dynamics, led to the construction of governance in selecting the 'desired' immigrants.

Manning (2013), a global historian, theorizes on various epochs and categories of human migration, the impact of colonization and the "invader," namely "those who arrived as a group in a community, with the objective of seizing control rather than joining" (p. 9). While recognizing the unique circumstances of forced migration in the context of the enslavement of African people as well as regions and people affected by the invading sources of colonization, Manning (2013) also argues that over the centuries, diverse groups of people have left behind a cache of records over various waves of immigration. However, questions remain regarding the contributory records in the historiography of racialized labourers and their occupational health and safety. Although

there has been a steadfast growth of emerging scholarship concerning the plight of people who were caught in the organized systemization of labour and immigration, it has been noted that this topic has not been thoroughly critically examined (Chatty, 2010, p. 3). Some scholars have characterized the historiography of forced immigration as “ahistorical voids” where the discourses of exploration and discovery have dominated the national narrative (Christopher, Pybus & Rediker, 2007, p. 1). Overall, the corollary of historical and contemporary events has manifested in critical discourses regarding immigration policy. In examining the saliency of the linkages of the historical exclusionary events to current immigration policy and broader policy actions concerning racialized immigrant workers, the following is noted:

Immigration has become one of the most contentious public policy areas. What has come to be known as neo-racism is said to explain the anti-immigrant discourses and policy actions of people in the North in response to the new migration unleashed by globalization’s displacement of entire communities. Neo-racism represents a particular construction of race at the historical moment of 21st century globalization [...] Immigrant status has been racialized, and the inferior status of racialized peoples is now extended to immigrants to the point where the quality of their human capital is called into question (Galabuzi, 2006, pp. 9–10).

The full-throated articulations from the May 1, 1947, House of Commons Debates when Canada’s tenth Prime Minister, William Lyon Mackenzie King (December 17, 1874–July 22, 1950), proudly declared the need for immigrants for economic purposes while simultaneously reinforcing selection based on race and national origin, highlights the government’s policy concerning immigration selection:

The government will seek by legislation, regulation and vigorous administration to ensure the careful selection and permanent settlement of such numbers of immigrants as can advantageously be absorbed in our national economy [...] There will, I am sure, be general agreement with the view that the people of Canada do not wish, as a result of mass immigration, to make a fundamental alteration in the

character of our population. Large-scale immigration from the Orient would change the fundamental composition of the Canadian population. Any considerable Oriental immigration would, moreover, be certain to give rise to social and economic problems of a character that might lead to serious difficulties in the field of international relations (Canada House of Commons 1947, pp. 2644–2546, cited in Triadafilopoulos, 2013, p. 15).

Despite the confluence of osculating concerns, Canada’s reliance on immigrants as a source of response to the labour market is widely known. It is also rooted in the history of an im/migrant labour force, which contemporarily is usually explained in the context of declining birth rates, aging demographics and lack of availability of skilled workers (Grubel & Grady, 2011; Kustec & Citizenship and Immigration Canada, 2012).

A major objective of Canada’s immigration policy is to strengthen Canada’s economy by selecting and successfully integrating new immigrants into the labour force (Kustec & Citizenship & Immigration Canada, 2012). To this end, changes have been made to the policy over time (see Summary Box 2), ostensibly to progress from various forms of blatant race-based selection criteria to a skill-based assessment as a critical feature of bolstering the labour market economy and population demographics (Statistics Canada, 2016a).

Summary Box 2

Historical highlights of immigration regulations and related events

1800s	1867 – July 1st marked the creation of The Dominion of Canada with the passage of the British North America Act, which brought into union four provinces: Nova Scotia, New Brunswick, Québec and Ontario. Over the course of more than a century, the remaining provinces and territories (Alberta, 1905; British Columbia, 1871; Manitoba, 1870; Newfoundland, 1949; Northwest Territories, 1870; Nunavut, 1999; Prince Edward Island,

	1873; Saskatchewan, 1905; Yukon Territory, 1898) gradually joined to form Canada's 10 provinces and three territories. The promise of a trans-Canada railway system to connect the Pacific Coast to the rest of the country was a key promise of Canada's first Prime Minister, John A. Macdonald (1815–1891).
	1869 – Passage of Canada's first Immigration Act , with few restrictions.
	Between 1880 and 1884, an estimated 7,000 Chinese labourers arrived in British Columbia. Although the entry of Chinese nationals into Canada predates Confederation, during this period there was a specific recruitment drive for the construction of the Canadian Pacific Railway American engineer Andrew Onderdonk was contracted for project oversight. Unknown numbers of workers died from dynamite accidents, landslides, rockslides, cave-ins scurvy, drowning or a lack of medical help. "The death count of Chinese workers over the entire construction period has been estimated to be from 600 to 2,200 workers. No definite count exists because no one accepted responsibility for the Chinese workers beyond the work they did in laying the track" (Archives Canada: History of Canada's early Chinese immigrants, 2017).
	1885 – Royal Commission on Chinese Immigration was appointed to deal with the issue of regulating Chinese immigration following backlash from the Chinese labourers who arrived to work on the Pacific Railway. 1885 – The Chinese Immigration Act (with further amendments in 1887, 1892, 1900 and 1903) was the first piece of Canadian legislation to restrict entry based on race and national origins and imposed a " Chinese head tax " of \$50. 1887 – Canada's first "race riot" erupted , which was related to the labour and immigration backlash in Vancouver.
	1896–1905 – Incentives of free land to help "settle the West" were offered under Clifford Sifton in his role as Minister of Interior, under Prime Minister Wilfrid Laurier (1841–1919). This resulted in an influx of immigrants from the United Kingdom, Europe and the United States. The Doukhobors who sought refuge from the Czarist Russian Empire persecution were offered free land for farming in Saskatchewan as well as exemption from future military service. An estimated 7,500 Doukhobors arrived by 1899. At the same time, the government actively blocked African Americans from entering Canada based on "climate unsuitability."
1900s–	1900 – The Chinese Head tax was increased from \$50 to \$100.

1920s	
	1901–1921 – An estimated 38,000 Jews immigrated to Canada, fleeing persecutions from Czarist Russia and Eastern Europe.
	1903 – Another increase in the Chinese Head Tax to \$500. Despite the targeted racist head tax policy, the Chinese community in Western Canada continued to grow. Between 1901 to 1918, an estimated \$18 million was collected from Chinese immigrants, while \$10 million was spent on incentives and immigration promotions from Europe.
	1904–1905 – A Royal Commission on Italian Immigration was launched. Its purpose was to investigate the exploitation of Italian labourers due to a “padrone” scheme where workers were forced to pay fees for transportation and recruitment as railway labourers.
	1906 – The Immigration Act expanded exclusionary provisions and powers of border agents. This allowed agents to deny entry or deport the “undesirable,” who were mainly the poor and persons with disabilities.
	1907 – An estimated 2,300 Japanese nationals arrived in B. C. and about 4,700 nationals from India immigrated to Vancouver. An Asiatic Exclusion League-organized “Anti-Asiatic Parade” ended in Canada’s second “race riot” of September 1907, resulting in extensive damage to Chinatown and the Japanese quarter of Vancouver. Mackenzie King, Labour Minister (at the time), was commissioned to investigate. He recommended restriction on passports for domestic servants, an annual restriction to 400 men annually from Japan, and the enactment of the “Continuous Journey” legislation.
	1908 – Enactment of the Continuous Journey Regulation. This amendment prohibited entry to those who could not reach Canada by a direct route, which targeted potential immigrants from Japan and India. 1908 – Gentlemen’s Agreement (Hayashi-Lemieux Agreement). The Canadian Minister of Labour, Rodolphe Lemieux, negotiated an agreement with Japanese Foreign Minister Tadasu Hayashi to restrict Japanese immigration to Canada by 400 people yearly.
	1910 – Immigration Act granted additional regulatory powers. Under Orders-in-Council, the first Caribbean Domestic Scheme of 1910 allowed the admission of 100 Guadeloupian women into Québec. May 1910 – Orders-in-Council imposed a financial means test on people of Asiatic backgrounds—they must have \$200 in their possession on entry, while other immigrants were required to have a minimum of \$25. The Boards of Trades and Municipal Council called on the government to

	block the entry of African American Oklahoman farmers who expressed interest in moving to Canada.
	1911 – Order-in-Council prohibited “any immigrant belonging to the Negro race.” The Wilfred Laurier (1841–1919) government used the pretext of “climatic unsuitability” to prohibit “Negro” migration. As a result, of the estimated one million Americans who immigrated to Canada between 1896–1911, fewer than 1,000 were African Americans.
	1913 – 400,810 immigrants entered Canada, the highest number of the century.
	1914 – The Naturalization Act was introduced with rigid requirements. The Secretary of State held absolute discretionary powers over certificates without the benefit of appeal. In addition, a requirement to live in Canada for five years, adequate knowledge of French or English, and “good moral character” were enshrined. 1914, April 4 – Wealthy Sikh merchant Gurdit Singh chartered a Japanese streamliner, the Komagata Maru. The ship arrived in Vancouver’s harbour on May 23, 1914, with 376 passengers. However, the B.C. Supreme Court upheld the Continuous Journey legislation, which denied their entry and forced return to India, where passengers were fired on, resulting in the death of 20.
	1914, August 22 – The War Measures Act was adopted due to the First World War (July 28, 1914 to November 11, 1918). It granted powers to officials to detain, arrest and deport “enemy aliens,” who in turn were forced to self-register. An estimated 8,000–9,000 were interned in Canada. Immigration from Germany, Austria and Hungary was suspended.
	1919 – Immigration Act amendment introduced additional restrictions and exclusions, with greater specificity and powers. The government granted Immigration agents the power to prohibit entry based on nationality, race, occupation, class and “peculiar customs, habits, modes of life and methods of holding property.” In addition, entry was denied to anyone deemed “undesirable.”
	1921–1924 – The US enacted rules for quotas except for those from North America and European. Many began to use Canada as a backdoor entry point to the US.
	1922 – Empire Settlement Act, an agreement with commonwealth countries to incentivize immigration. Canada offered assistance with transportation costs and specific skill training to encourage the immigration of farmers and agriculturalists.

	July 1, 1923 – Passage of the Chinese Immigration Act under Prime Minister William Lyon Mackenzie King prohibited entry of all Chinese immigrants except diplomats, students and children of Canadian investors. Chinese-Canadians refer to it as <i>“Humiliation Day.”</i> Admission was limited to diplomats and/or government representatives, merchants, children born in Canada who left for educational or other purposes, and students attending university or college.
	September 1, 1925 – Railway Agreement. The Mackenzie King government and the Canadian Pacific Railway (CPR) signed a formal agreement granting permission for CPR to control the recruitment and transportation of farmers from Central and Eastern Europe to the Canadian West. The agreement was eventually rescinded due to massive unemployment and change in government.
	1926 – The concept of a “sponsored” immigrant was first introduced.
	1928 – Opening of Halifax’s Pier 21 (replacing Pier 2), the Atlantic gateway to Canada.
	1928 – Formalizing of policy on Japanese immigration. Japanese nationals began settling in B.C. in small numbers in late 1896. The “gentleman’s agreement,” which followed the 1907 “race riot,” was revised and restricted immigration from the prior 400 annual limit to a quota of 150.
The 1930s	March 21, 1931 – Order-in-Council (PC 1931-695) was issued under Prime Minister Richard Bedford Bennett (1870–1947). Its purpose was to curb admissions and restrict immigration to American and British nationals due to the “The Great Depression” which was triggered by the stock market crash of October 29, 1929 and lasted until 1939. During the Depression years, also referred to as the “dirty thirties,” immigration levels dropped from 126,000 average entrants in the 1920s to about 16,000. In addition, an estimated 30,000 immigrants were deported, mainly due to unemployment and the “undesirability” doctrine.
	Second World War (1933–1945) period and after – An estimated 4,000–5,000 immigrants were admitted. This was significantly proportionally much less than the U.S. with (200,000) and Britain (with 70,000). UK officials sent about 100,000 children to Canada from the UK through the “home program.” However, three children committed suicide, and a British parliamentary delegation was dispatched to investigate. It was found that the children were being forced to work as indentured labourers. Subsequently, the admission to Canada of children under age 14 who were unaccompanied by their parent(s), was halted.

	1936 (and up until 1949), The Department of Mines and Resources took over the responsibility of Immigration. Prior to this, and commencing in 1917, the Department of Immigration and Colonization was responsible for immigration.
	July 1938 – Canada hesitantly participated in the Evian Conference on Refugees, and PM Mackenzie King instructed the Canadian delegation against establishing a structure or quotas for refugee admissions. October 1938 – At a meeting of the League of Nations Society of Canada, the Canadian National Committee on Refugees and Victims of Persecution was formed, and they intervened in individual cases for admission, such as that of Czech industrialist Thomas Bata and 82 other workers. In November 1938, Britain asked Canada to admit some of the Sudeten German refugees who had fled the Nazis to Prague. The government dispatched the railroad companies to investigate and seek potential immigration of farmers and glassworkers, resulting in the selection of 1,200 admissions, but insisted on Britain paying \$1,500 per family for transportation and resettlement costs (Britain had offered \$1,000). As Germany occupied the rest of Czechoslovakia amid these negotiations, the movement of most of the refugees was prevented. As a result, only 303 families and 72 single men who managed a prior escape to Britain were resettled in B.C. and Saskatchewan—although they had no farming experience, they were not allowed to settle in cities. December 1938 – Order-in-Council (PC 695-21) March 1931 reaffirmed. Under increasing pressure during the refugee crisis, the Canadian Government again asserted its immigration regulations for restricted admission during the war years. The “none is too many” phrase became a policy response to Jewish immigration during WWII. On May 13, 1939, the <i>St. Louis</i> sailed from Hamburg, Germany for Havana, Cuba with 930 Jewish refugees on board. No country in the Americas would allow them to land. Despite 44 prominent Torontonians sending a telegram to Canada’s Prime Minister urging for sanctuary for the refugees, they were refused landing. The ship of refuge seekers was forced to return to Europe, where many perished in the Holocaust.
1940s	24 February 1942 – Order-in-Council (P. C. 1486) targeting the removal and internment of Japanese Canadians. Japanese Canadians were expelled from within 100 miles of the Pacific Ocean; 23,000 were sent to internment camps in the B.C. interior and others were sent further east. Internment continued to the end of the Second World

	War, and the Canadian Government forced many to "repatriate" to Japan. Of the 4,000 who left, more than half were Canadian born. On January 1, 1947, the Canadian Citizenship Act took effect. Persons classified as British subjects become Canadians, while those who were not naturalized remain "aliens." The government instituted "Emergency" measures for refugees and displaced people. Immigration regulations were loosened, but white people continue to be identified as the preferred group. Ethnic-selection immigration advocacy groups lobby Ottawa for a relaxation of the restrictive immigration policy of the 1930s to assist with filling positions in the lumber industry, mining and agriculture.
	May 1947 – the Chinese Immigration Act of 1923 was repealed. The wives and children of Chinese men already living in Canada could immigrate, and Chinese residents of Canada could apply for naturalization and have the right to vote.
	By March 1948, Canada assisted with the immigration of "war brides" (marriages between soldiers and women during the war). An estimated 44,000 women and 21,000 children, mostly from Great Britain and smaller numbers from Ireland, the Netherlands, Belgium, France, Italy and Germany, were given assistance transportation to Canada.
	1949 – The Department of Citizenship and Immigration was formed. The Department of Mines and Resources lost responsibility for immigration.
The 1950s	A revised Immigration Act is passed to broaden the admissibility of unsponsored immigrants and up-keep the demands for labour, but it allows for the continuation of Canada's Eurocentric selection and the arbitrary discretionary powers of agents to exclude "undesirables." Such that: "Any immigrant who satisfies the Minister that he is a suitable immigrant, having regard to the climatic, social, educational, industrial, labour or other conditions or requirements of Canada; and that he is not undesirable owing to the probable inability to become readily adopted and integrated into the life of a Canadian community and to assume the duties of Canadian citizenship within a reasonable time after his entry." Based on the previously established selection criteria, Canada received about one and a half million immigrants from Europe.
	The Immigration Act of 1952 was the first new immigration act introduced since 1910. It primarily reinforced the discretionary powers over admissions and deportations.
	The 1956 Hungarian Revolution resulted in the creation of a special program to welcome Hungarian refugees between 1956–1957. As a result,

	Canada accepted and provided free passage to 37,500 Hungarian refugees.
1960s	On January 1, 1962, new immigration regulations were introduced “to eliminate all discrimination based on colour, race or creed” and to counteract the “brain drain” or large exodus of professional and skilled Canadian workers to the U.S. in the 1950s and early 1960s. However, a clause in the new regulations maintained that only immigrants from listed “desirable” countries could sponsor adult relatives, thereby perpetuating discrimination against people of Asian descent.
	1966 – The Department of Manpower and Immigration was created. The White Paper on Immigration was a landmark, government-commissioned policy initiative to review and make recommendations on restructuring immigration policy. The focus was on recruiting qualified immigrants, tightening controls on sponsored immigration, and curtailing the entry of unskilled workers.
	1967 – Immigration Regulations Order-in-Council (PC 1967–1616). On October 1, 1967, the government amended Canada's immigration policy and introduced “The Point System,” designed for the selection of skilled workers and business immigrants. The system rated would-be immigrants based on education, skills and knowledge of English and French, instead of race, which resulted in reversing the pattern of immigrant demographics. In addition, a new Appeal Board granted rights to appeal deportation orders.
	In 1968, Québec established its own immigration department to have greater control over immigration matters strictly relating to Québec. This initiative prioritized French/French-speaking immigrants. Canada welcomes 11,000 refugees from the communist regime in Czechoslovakia.
	1969, June 4 – Canada signed the Convention relating to the Status of Refugees and protection of their rights.
1970s	The Pierre Elliott Trudeau (1919–2000) government adopts the 1971 Canadian Multicultural Policy.
	In 1972, Canada resettled more than 6,175 Ugandan Asians
	In 1973, Canada accepted more than 6,000 Chileans
	From 1975 to 1978, Canada resettled almost 9,000 Indochinese
	The Immigration Act of 1976 came into effect on April 1, 1978, marking what was characterized as a “progressive attitude toward immigration.” It reaffirmed Canada’s commitment to accepting refugees as well as defining Canada’s immigration goals.
	February 15, 1977 – An Act to Amend the Citizenship Act of 1947. The

	Act declared that Canadian-born and naturalized citizens have equal rights and obligations.
1980s	1979–1980 – Marked the first use of the private sponsorship of refugees. An estimated 60,000 refugees from Vietnam, Lao PDR and Cambodia were resettled in Canada amid media reports of the human crises emanating from the Vietnam War (1955–1975), which frequently used a collective and pejorative term “boat people” due to the circumstances of people who fled into international waters by boat, seeking refuge.
	1986 – UNHCR commendation awarded to the people of Canada. In an unprecedented action, The Office of the United Nations High Commissioner for Refugees conferred the Nansen Medal in recognition of the “compassionate response to the Indochina refugee crisis.”
	1988 – The passage of the Canadian Multiculturalism Act. Canada became the first country to pass a national law on multiculturalism. This legislation reinforces and expands the 1971 policy, which provided official recognition of Canada’s diversity—languages, customs, and religions—among other factors. Multiculturalism was later enshrined in the 1982 Canadian Charter of Rights and Freedoms.
The 1990s to 2000s	May 1999 – Canada accepted more than 7,000 Kosovars. Due to the displacement arising from the conflict and the civil war (1998–1999) between Serb and ethnic Albanians, thousands were displaced. In response to UNHCR appeals, Canada participated in a rescue operation, agreeing to resettle some Kosovar refugees displaced into Macedonia. They were initially airlifted to military bases and two months later were provided with resettlement across Canada.
	2001 – A new Immigration and Refugee Protection Act (IRPA) was passed, and came into force on June 28, 2002, replacing the 1976 Immigration Act.
	2008 – The government introduced the Canadian Experience Class (CEC). The CEC was designed to strengthen the Federal Skilled Worker (FSW) program to increase responsiveness in the global marketplace. In addition, the CEC facilitated permanent residence to those who have graduated and recently worked in Canada.
	November 2015 to February 2016 – Syrian Refugee Initiative. Canada fulfilled its obligation under the Convention relating to the Status of Refugees and resettled 26,166 Syrian refugees within communities across Canada.
Compiled from: Government of Canada Facts and Figures, Citizenship and	

Immigration Canada, 2014; “One hundred years of immigration to Canada 1900-1999,” by Canadian Council for Refugees (website); Canadian Museum of Immigration at Pier 21 (website); Timeline Immigration History Events from the Pier 21 Era; Canadian Immigration Process (Resources for Teachers); History of Chinese Immigrants by Library and Archives Canada, 2017; History of Chinese Immigration, by Library and Archives Canada, 2017; *Komagata Maru* by H. Johnston, 2018; Confederation for Kids, by Library and Archives Canada, 2001; The Great Depression by Statistics Canada, 2008.

3.2 The Influences of Current Immigration Policy

Immigration policy is generally conceptualized as “the outcome of an interactive process at the national level that incorporates information based on a country’s actual experience with immigrants, as well as the perceptions of policy-making elites regarding the role of immigration and its desirability” (Kritz, 1987, p. 950). In this vein, Kritz (1987) also highlights the centrality of data, databases and solid analytics as essential features in understanding the interactive aspects of immigration and in shaping public sentiments, policies and practices inclusive of the experiences that emerge from the interactive forces that influence population demographics.

Canada’s current Immigration and Refugee Protection Act (IRPA), enacted on June 28, 2002, was revised to include an “express entry” pathway to the Federal Skilled Worker (FSW) Program, as announced by then Immigration Minister Jason Kenny (Black & Keung, *Toronto Star*, 2012). This new measure entails a system of rapid recruitment of im/migrants to meet three primary objectives:

- 1) Improve the economic outcomes of skilled worker immigrants;
- 2) Improve the responsiveness to short-term regional labour market shortages; and
- 3) Improve settlement patterns by achieving a more balanced shift away from the

three traditional largest cities for entry/settlement to other regions of Canada, which are in need of more economic immigrants (Ferrer, Picot & Riddell, 2014, p. 848).

Despite these efforts, immigrants continue to face multiple forms of marginalization, systemic discrimination and exclusion in Canadian society (Galabuzi, 2006). This situation is not expected to improve since, based on population projections scenarios, “between 2011 and 2016, immigrants will account for 100 percent of net labour force growth” (Kustec & Citizenship and Immigration Canada, 2012, p. 27). In addition, one in three workers in the workforce will belong to a racialized group, arriving primarily from countries where the first language is neither French nor English (Martel et al., 2011). Statistics Canada (2017) reporting on immigration and ethnocultural demographic trends makes explicit that Canada’s racialized workforce is increasing and shifting in a very dynamic way. At a minimum, fundamental questions are implicated regarding the labour market participation of racialized immigrant workers and their occupational health and safety. For instance, an estimated 2,155,000 immigrants made Canada their permanent residence over the last decade. Of the 1,212,075 (3.5% of Canada’s population) new immigrants who arrived between 2011 to 2016, an estimated 60.3 percent were classified as economic immigrants, meaning that under immigration policy, they were selected for entry as labour market entrants. Therefore, it is reasonable to expect that the vast majority of the other categories of recent immigrants—those arriving within five years of the census period—were also destined for the labour market. In addition, the 26.8 percent who were granted admission under the family reunification class and the 11.6 percent

who were granted refugee status will also be seeking employment.

Given the dynamic linkages of immigration, workforce demographic diversity, and a plethora of socio-political human and economic factors, the demand for disaggregated data has intensified. For instance, in articulating its position for greater investment in the critical need for workplace health informatics to better serve workplace health promotion, the U.S. National Center for Disease Control and Prevention (CDC, 2015) has called for strategic planning in strengthening systems for reliable data collection, analysis and planning in effective intervention for subgroups of employees. The CDC (2015) regards race and gender, among other demographic identifying information, as significant aspects of mitigating overall population health, highlighting that as a minimal standard, these personal identifying characteristics of workers should be included in the overall workplace health and safety system.

In advancing a similar approach for ‘A Smarter National Surveillance System for Occupational Safety and Health in the 21st Century’, the National Academies of Sciences, Engineering and Medicine (2018) issued a dire warning concerning the need for society as a whole to understand the different risks, hazards, rates of injuries, illness, disease and fatalities that millions of workers face.

A more cohesive and “smarter” OSH surveillance system is needed to address the demands and concerns of the current and future workforce. It needs to be “smarter” in the sense that the system needs to be one that demonstrates efficiencies, integrates strategies across multiple data sources, coordinates efforts across key surveillance agencies, and applies domain knowledge effectively to interpret data and deliver insights to key stakeholders (The National Academies of Sciences, Engineering and Medicine, 2018, p. 16).

Further to the leveraging of concerns from the occupational health and safety field, when

considered in conjunction with Canada's population demographics, the urgency for "smarter" tools for responsiveness to the O&H safety of im/migrant workers becomes more critical.

In 2016, the population demographics of recent immigrants underscored the significance of an even more pronounced shift in immigrant population demographics. Statistics Canada (2017a) also revealed that the majority (61.8%) of recent immigrants were born in Asia (including the Middle East). Currently, "Africa ranks second, ahead of Europe, as a source continent of recent immigrants to Canada, with a share of 13.4 percent in 2016" (Statistics Canada, 2017a, p. 1). Analogous to these population demographic findings, Galabuzi and Block (2011) reveal that Canada's labour market is "colour coded" because: "These data show racialized Canadians have slightly higher participation rates in Canada's paid job market than those who are not racialized" (p. 7a). At the same time, employment disparities exist for Canada's racialized population, who are identified as South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese:

The participation rate for racialized Canadians was 67.3 percent, compared to 66.7 percent for non-racialized Canadians. Though they tend to be more willing to work, racialized workers also experience higher unemployment rates—2.4 percentage points higher than non-racialized Canadians. The gap is worse for racialized women, whose unemployment rate was 1.5 percentage points higher than racialized men and three percentage points higher than non-racialized men (Bock & Galabuzi, 2011, p. 7).

While the foregoing analytics do not consider disparities relative to occupational health and safety, the focus on current shifts and future projections are contemplated within the scope of population census and implications for future planning. Analysts have also

emphasized that “diversity in a population can have multiple meanings,” thus, “immigration is a major vector of change,” which is deserving of attention in multiple spheres of population planning (Morency, Malenfant & MacIsaac, 2017, p. 39). In this regard, based on Statistics Canada projections, by 2031, one-half of Canada’s population over the age of 15 will be foreign-born, and Canada’s major cities will consist of majority racialized populations (Statistics Canada, 2010). A growing trend supports these projections, as highlighted by census data: “In 2006, fully 75.0% of recent immigrants who arrived since 2001 were visible minorities. This compared with 72.9% of visible minority newcomers in 2001 and 74.1% in 1996” (Statistics Canada, 2008, p. 5). There are many pathways for entry to Canada (see Figure 2). Demographic trends from census data also support an increasing trend toward the greater portion of temporary foreign worker (TFW) entrants over permanent landed immigrants.

Based on the 2011 census data, of the 18.7 million people that comprised Canada’s labour force, which is recognized as civilian non-institutionalized employed/unemployed individuals 15 years and older, Canadian-born citizens accounted for 14.4 million (77.1%), while landed immigrants accounted for 4 million (21.2%). Those classified as “non-landed” immigrants or TWF accounted for 300,000 (1.7%) of Canada’s labourers (Yassad, 2012). These workers are recruited on the basis that qualified Canadian workers could not be found to fill available vacancies. They enter Canada under employer-specific work permits (ESWP) and are precluded by policy from seeking employment elsewhere. “From 2001 to 2016, the number of TFWs with an open work permit increased from 87,000 to 377,700. The number of high-skill employer-specific work permit holders

increased from 106,700 to 135,900, while the number of low-skill ESWP holders increased from 34,400 to 77,800” (Lu & Hou, 2019, p. 2).

More recently, Statistics Canada's profile overview of Canada's TFW program (see Summary Box 3a–3b) also reveals the essential role im/migrant workers play in the nation's primary and secondary food supply chain. A similar pattern of the growing numbers of TFWs in Canada's primary agriculture sector has persisted, resulting in an increase of 13 percent between 2016 and 2018, with an estimated 90 percent or one in five workers arriving from Mexico (51%), Guatemala (20%) and Jamaica (18%).

Figure 2

Pathways to permanent residence and pathways to permanent insecurity

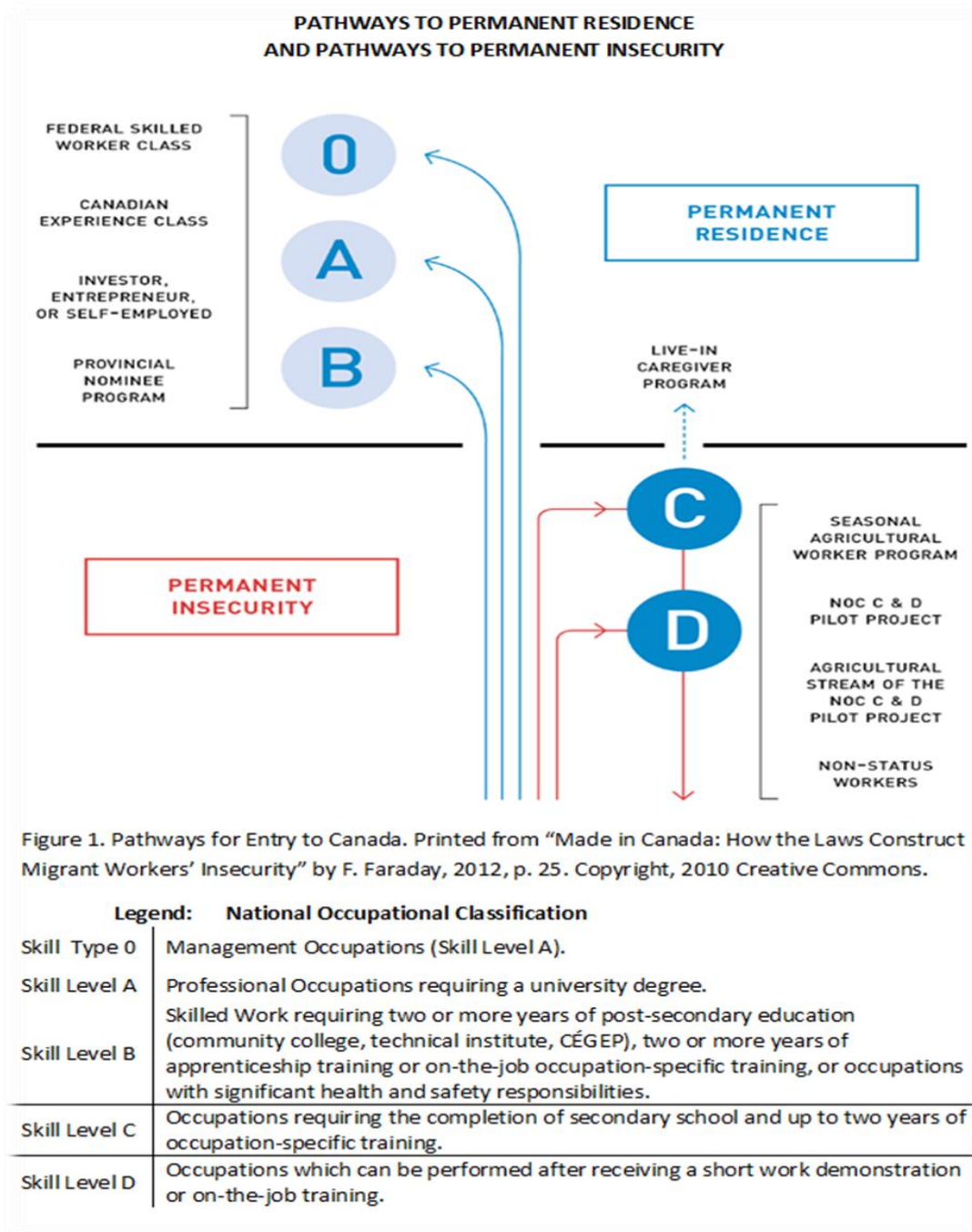
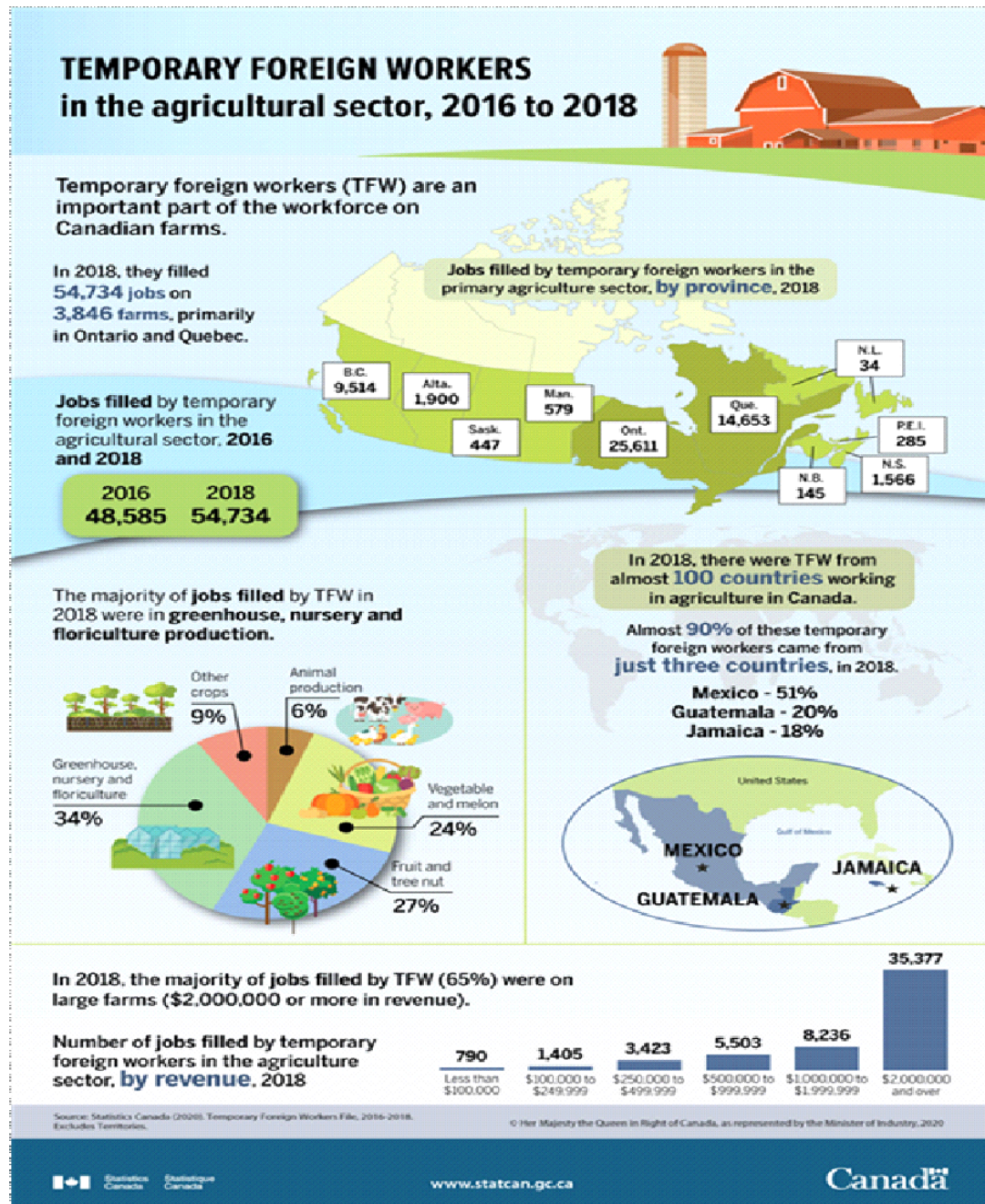


Figure 1. Pathways for Entry to Canada. Printed from “Made in Canada: How the Laws Construct Migrant Workers’ Insecurity” by F. Faraday, 2012, p. 25. Copyright, 2010 Creative Commons.

When placed in a broader context of agricultural workers in Canada, the vast majority of Canada's essential agricultural workers continue to be classified as 'temporary,' with over half (52%) of the 268,779 employed as seasonal workers. TWFs work primarily on large farms (those generating over \$2,000,000 in revenue) in Ontario and Québec, with the majority (65%) of the jobs being filled in the greenhouse, nursery and floriculture (34%) farming industries. Although there continues to be a steady pattern of growth in the demand and jobs that temporary foreign workers fill—up to and including the recent census period (from 48,000 in 2016 to 54,000 in 2018—these essential industry workers cannot be accounted for in the nation's systematic tracking of occupational health and safety records or the fatalities tracking within informatics reporting systems.

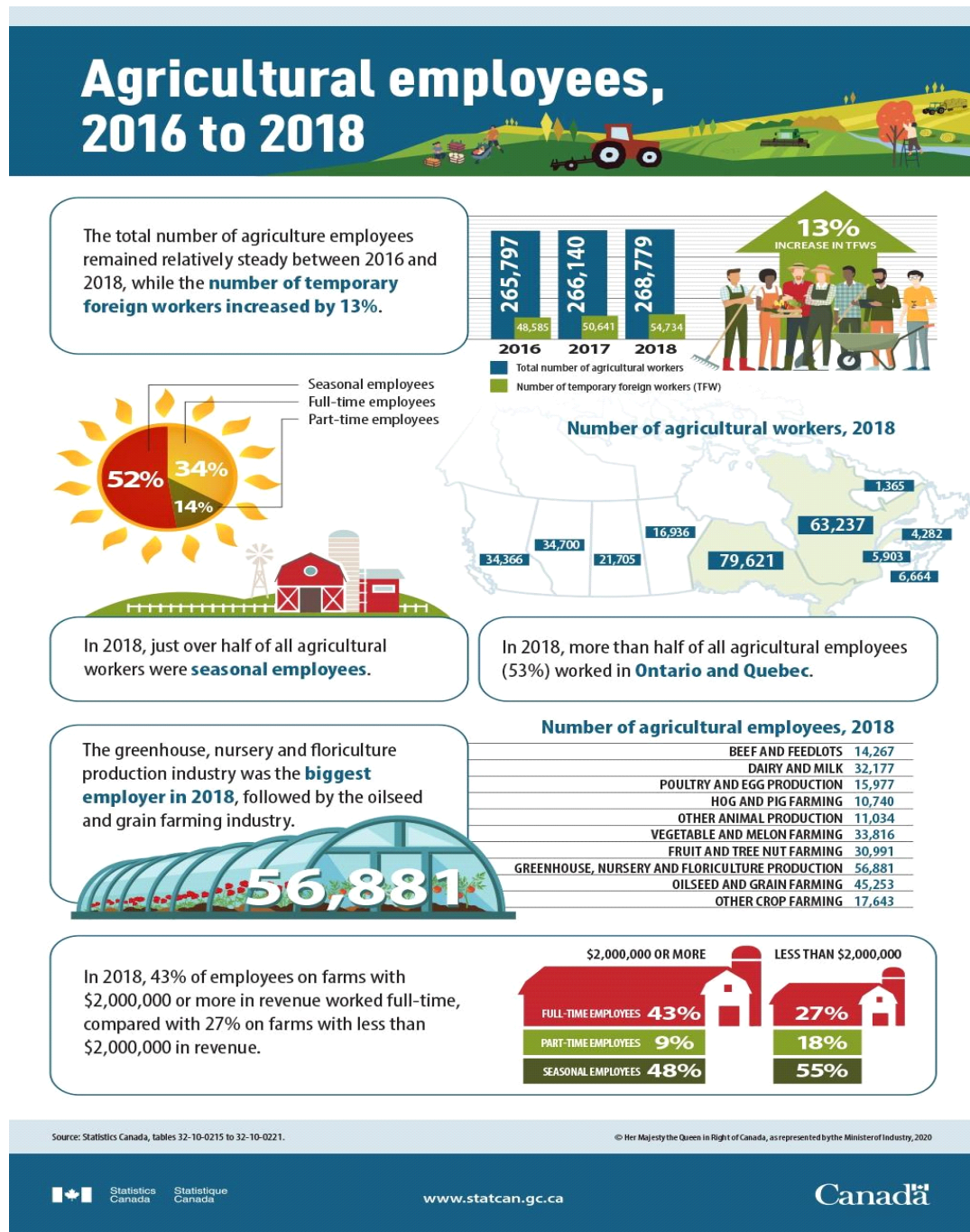
Summary Box 3a

Temporary Foreign Workers in primary industry



Summary Box 3b

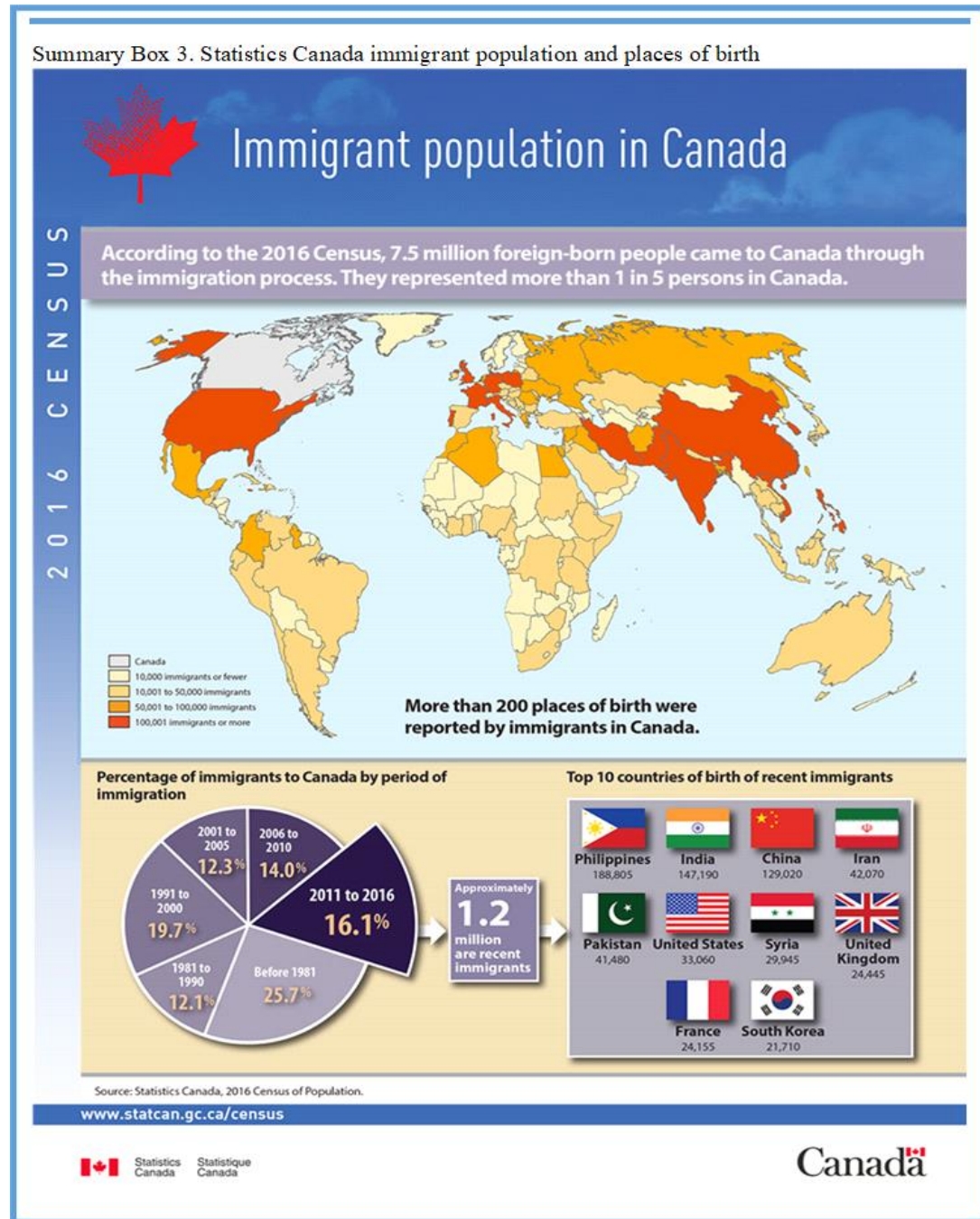
Temporary Foreign Workers in primary industry



There is a similar lack of reporting for landed permanent immigrant workers. The 2016 census enumerated over 7.5 million immigrants, representing just over 21 percent or one in five of Canada's population, with a majority arriving from regions of racialized populations. For example, of the recent immigrants arriving between 2011 to 2016, an estimated 1.2 million originated from racialized populations: Philippines, India, China, Iran and Pakistan. Central to a key claim of the primacy of workforce participation and racialized immigrant workers, the 2016 Employment Equity Data Report indicates that the vast majority of Canada's racialized workforce are immigrants, compared to an estimated one-third that are Canadian-born (Employment and Social Development Canada-ESDC, 2019). In addition, Canada's highly diverse racialized workforce comprising mostly of immigrants has grown exponentially to more than double its rate of availability from 1996 (10.3%) to 2016 (21.3%) of Canada's workforce, settling mainly in Toronto, Vancouver and Calgary (see Summary Boxes 4 to 5).

Summary Box 4

Statistics Canada immigration population and places of birth



The outline of these labour market analytics validates the finding that racialized immigrant workers are prepared by every measure of knowledge of official languages, educational attainment or credentials recognition, and work experience for sustainable labour market participation. Their children are also more likely to achieve university degrees (44%) in comparison to “other workers” (27%). However, when considering informatic sources concerning workforce participation, the federally regulated employment sector data exemplifies the nation’s intentional capacity to track the progress of designated equity-seeking groups (see Summary Box 5). This negates providing a deeper analysis of other aspects of workplace experiences, such as racialized workers’ experiences with occupational health and safety, workplace injuries and fatalities. The Workplace Equity Information Management System (WEIMS) requires the Ministry of Labour to give employers who report under the Legislated Employment Equity Program or the Federal Contractors Program the information that they need to meet the Act’s requirements, traces the main trends in the new availability data, and details other data and research relevant to employment equity for groups (ECSDC, 2019, p. 1).

A consciously designed omission of disaggregated data of racialized workers relative to OH&S is remarkable within this context of workplace equity. Furthermore, a complete scope of labour force demographics inclusive of workplace health and safety remains unaccounted for within one of Canada’s most frequent reference points of equity indicators. This omission arguably negates the pivotal comprehensive projection of equity issues under the Occupational Health and Safety Act and remains under the auspices of the Ministry of Labour.

Summary Box 5

Federally regulated private-sector employees by designated group and sector: Number, representation, hires, promotions, terminations and net effect (2015 and 2016)

		All Employees		Women		Aboriginal Peoples		Persons with Disabilities		Members of Visible Minorities	
		2015	2016	2015	2016	2015	2016	2015	2016	2015	2016
BANKING AND FINANCIAL SERVICES		(#)									
	Employees	238,575	237,225	142,945	139,466	3,020	3,004	9,532	10,654	72,039	74,223
	Hires	33,883	34,740	17,146	17,284	367	347	767	1,000	8,365	9,226
	Promotions	29,069	29,015	16,498	15,926	388	364	846	938	9,612	10,037
	Terminations	33,919	37,281	19,630	21,230	525	565	1,387	1,569	9,122	10,415
	Net Effect**	-36	-2,541	-2,484	-3,946	-158	-218	-620	-569	-757	-1,189
		(%)									
	Representation	100.0	100.0	59.9	58.8	1.3	1.3	4.0	4.5	30.2	31.3
	Share of Hires	100.0	100.0	50.6	49.8	1.1	1.0	2.3	2.9	24.7	26.6
	Share of Promotions	100.0	100.0	56.8	54.9	1.3	1.3	2.9	3.2	33.1	34.6
COMMUNICATIONS		(#)									
	Employees	140,445	133,492	51,011	47,625	2,482	3,009	3,531	4,588	27,829	30,194
	Hires	18,016	16,198	6,985	6,079	360	298	428	462	4,564	4,397
	Promotions	6,261	5,369	2,422	2,109	142	158	128	193	1,346	1,431
	Terminations	22,147	23,389	9,178	9,495	381	440	508	668	4,707	5,245
	Net Effect**	-4,131	-7,191	-2,193	-3,416	-21	-142	-80	-206	-143	-848
		(%)									
	Representation	100.0	100.0	36.3	35.7	1.8	2.3	2.5	3.4	19.8	22.6
	Share of Hires	100.0	100.0	38.8	37.5	2.0	1.8	2.4	2.9	25.3	27.1
	Share of Promotions	100.0	100.0	38.7	39.3	2.3	2.9	2.0	3.6	21.5	26.7
TRANSPORTATION		(#)									
	Employees	296,715	293,113	90,048	89,918	8,282	8,069	7,336	7,198	47,323	46,981
	Hires	46,670	42,644	11,678	11,357	1,629	1,360	783	696	10,258	8,346
	Promotions	9,161	9,588	2,944	3,033	261	259	174	178	1,523	1,727
	Terminations	52,068	49,888	13,226	13,443	1,752	1,633	1,263	1,197	9,560	8,498
	Net Effect**	-5,398	-7,244	-1,548	-2,086	-123	-273	-480	-501	698	-152
		(%)									
	Representation	100.0	100.0	30.3	30.7	2.8	2.8	2.5	2.5	15.9	16.0
	Share of Hires	100.0	100.0	25.0	26.6	3.5	3.2	1.7	1.6	22.0	19.6
	Share of Promotions	100.0	100.0	32.1	31.6	2.8	2.7	1.9	1.9	16.6	18.0
'OTHER'		(#)									
	Employees	54,750	56,262	15,785	16,253	2,361	2,324	1,228	1,196	7,541	8,116
	Hires	7,794	8,094	2,125	2,190	340	226	115	91	1,706	1,860
	Promotions	3,065	2,637	1,051	850	134	103	52	30	391	364
	Terminations	8,197	7,717	2,343	2,118	374	347	178	161	1,239	1,340
	Net Effect**	-403	377	-218	72	-34	-121	-63	-70	467	520
		(%)									
	Representation	100.0	100.0	28.8	28.9	4.3	4.1	2.2	2.1	13.8	14.4
	Share of Hires	100.0	100.0	27.3	27.1	4.4	2.8	1.5	1.1	21.9	23.0
	Share of Promotions	100.0	100.0	34.3	32.2	4.4	3.9	1.7	1.1	12.8	13.8
ALL SECTORS		(#)									
	Employees	730,485	720,092	299,789	293,262	16,145	16,406	21,627	23,636	154,732	159,514
	Hires	106,363	101,676	37,934	36,910	2,696	2,231	2,093	2,249	24,893	23,829
	Promotions	47,556	46,609	22,915	21,918	925	884	1,200	1,339	12,872	13,559
	Terminations	116,331	118,275	44,377	46,286	3,032	2,985	3,336	3,595	24,628	25,498
	Net Effect**	-9,968	-16,599	-6,443	-9,376	-336	-754	-1,243	-1,346	265	-1,669
		(%)									
	Representation	100.0	100.0	41.0	40.7	2.2	2.3	3.0	3.3	21.2	22.2
	Share of Hires	100.0	100.0	35.7	36.3	2.5	2.2	2.0	2.2	23.4	23.4
	Share of Promotions	100.0	100.0	48.2	47.0	1.9	1.9	2.5	2.9	27.1	29.1
	Share of Terminations	100.0	100.0	38.1	39.1	2.6	2.5	2.9	3.0	21.2	21.6

**The number of employees and representation of the designated groups cover

permanent full-time, permanent part-time and temporary employees. The hires, promotions, terminations and net effect data cover only permanent full-time and permanent part-time employees.

** The number of employees hired is reduced by those terminated.

Note: Reproduced from Employment Equity Act Annual Report, 2017, p. 42.

While the debates by proponents and pundits on the methodologies and outcomes of employment equity reporting can lead to a range of critiques, the potential benefits of gathering occupational health and safety-related information would provide a complete representation of the plight of racialized immigrants workers. For example, the *2018 Annual Employment Equity Report* of the 477 employers who submitted information to the Minister responsible for Labour, representing 720,092 employees in Canada's labour force (3.7%), reveals that "members of visible minorities were the only designated group whose representation continued to surpass Canadian Labour Market Impact Assessment (LMIA), with reflected an increasing level from 119.1 percent in 2015 to 124.7 percent in 2016" (ESDC, 2018, p. 4). Yet equity in this context, defined as the 'attainment' level of representation among the identified equity-seeking groups, does not go much beyond this quotient indicator, even though the employment equity report draws from the Statistics Canada National Household Survey (NHS). The NHS, which is part of Canada's voluntary census data collection and, as described, is intended to provide a host of statistical information concerning Canadians' demographic, social and economic characteristics (Statistics Canada, 2018). Some of the specific topics covered in the NHS, broadly described as basic demographics, include but are not limited to the following:

Aboriginal Peoples; activity limitations; age and sex; education and labour; immigration and ethnocultural diversity; families, households and marital status; the language of work; place of work and commuting to work; structural type of dwelling and collectives; shelter costs, among others. Overall, while the breadth of information is available for employment equity cross-referencing considerations, equity representation remains narrowly defined:

The extent to which the representation of a particular designated group approaches, meets or surpasses LMIA is referred to as the attainment rate of LMIA. This indicator allows for the identification of gaps between the representation of a particular designated group and its LMIA. For example, if a designated group's representation is below the LMIA, the attainment rate of LMIA will be less than 100% and further analysis may be required to understand if barriers to employment exist and where appropriate measures would need to be implemented (ECSDC, 2019, p. 2).

Even at the stage of the thirtieth anniversary milestone of employment equity reporting and the steady incline of recognition of social inequities found in precarious and more dangerous work for racialized people in Canada's labour market, reforms to the Employment Equity Act's original principles of "supportive measures with respect to the recruitment, hiring, retention, treatment and promotion" (Employment Equity Act, 1993, c. 35, s. 2) have not expanded to reflect inclusivity of disaggregated data concerning workplace injuries and fatalities for the designated equity-seeking groups. This would be an important undertaking, especially when tracing the history of employment equity reporting and how little is known about the intersectionality dimensions of racialized groups who identify themselves with other intersecting demographic identities. In essence, we will not gain an understanding of the incurrences of workplace injuries, disability and fatalities of racialized men, women and Indigenous persons in their

singular or intersectional identities based on the ESDC employment equity reporting. This is a significant indication of the limitations that are encompassed in such a welcomed and ground-breaking foundational legislation, designed to combat workplace discrimination, but which remains unyielding to additional topics of twenty-first century sociopolitical dimensions of equity and inclusion in its accounting for workplace injuries.

Another significant observation in this the thirtieth year of reporting on employment equity concerning Aboriginal Peoples is that in every reporting sector under the Act, “Aboriginal employees left the workforce at a higher rate than they entered it” (ESDC, 2018, p. 18). However, occupational health, safety and well-being remain an unexplored contributing factor in workplace equity for Aboriginal Peoples.

On the other hand, the identified category of ‘visible minority’ leaves a gaping hole in adequately reporting the varied experiences among racialized groups in the context of workplace health and safety inequities. While it has become common to acknowledge that white women’s experience with gender discrimination cannot be placed on par or subsumed under the unilateral category of gender discrimination, a gaping empty cavern of information exists for contextualizing the distinct experiences of occupational health and safety for Black and racialized immigrant women. Specifically, in the context of workplace injury experience, the employment equity report completely omits any reference to occupational health and safety as a potential area for equity exposition. In essence, the Minister’s introductory remarks, which claim that the report “is used in program and policy development to support employers in achieving employment equity” (Employment and Social Development Canada, 2018, p. 1), present a limiting perspective

from an equity policy lens; especially in light of the over 30 years iteration of these reports. Overall, in the broadest scope of consideration, beyond the data sources for workplace equity, it is noted that greater data efficacy for targeted prevention is required:

Although Canadian occupational health and safety stakeholders have expressed interest in the primary prevention of occupational disease, the absence of a national occupational disease prevention framework and related funding opportunities makes it challenging to assess the magnitude of the problem, identify high-risk groups, and target prevention efforts. A specific gap is the inability to monitor trends in occupational diseases and exposure across the country, which could be used to design and implement prevention strategies appropriate for different contexts and worker groups, and evaluate their effectiveness (Occupational Cancer Research Centre, 2019, p. 2).

3.3 Chapter Summary

This chapter provides a scan of the critical historical perspectives concerning enslaved labourers and exigencies of records. The scholarship of historical commentators reveals that while research is increasing, structural barriers remain in advancing this work. In consideration of this historizing, contemporary practices, such as the collection and maintenance of employment equity data reporting, the LMIA highlights the importance of evidentiary records in understanding the plight of historically oppressed groups. At the same time, this exemplary record provides significant ‘pay’-related data in a minimalist demographic reporting manner. It does not extend to providing disaggregated data on access to health and safety as an equity issue. Furthermore, the absence of such records signifies the stark realities that even with greater awareness of the harms of historical legacies of enslavement and modern-day conditions of forced migration, the interlinkages of work, amid the intersection of race and disability, have yet to be reflected in ways that can fully announce the demographic identity of racialized workers.

CHAPTER 4: UNVEILING THE RECORDS OF UN-HEALING WOUNDS

“If you don’t count it, it doesn’t exist” (Michael Prince, 2012).

4.1 The Urgency for Interrogation of OH&S Systems and Racialized Workers

The imperative of critical interrogation into the occupational health and safety administrative systems inclusive of racialized labourers implicates the genealogy of nation-building and the historiography of the well-preserved records, which are formative to the exigencies of labour force management. Therefore, in the context of discounting the records concerning racialized immigrant workers, the Foucauldian genealogical framework is purposeful in framing this literature review. Foucault’s theoretical framework is assessed as being highly influential on scholars whose work overlaps in organizational studies because it invigorates research that investigates the history, processes and practices that shape how organizations perform in “differential structuring” (Raffnsøe, Mennicken & Miller 2017). The Foucauldian framework of genealogy argues that an analytic approach to historical discourses, which includes delving into records as well as methods by which sovereignty is operationalized to reinforce power relations, are central to explicating present laws, which are essentially about “the race struggle that goes on within nations and within laws” (Foucault, 2003, p. 69). In an effort to provide an interpretation of the Foucauldian application, Knights (2002) informs that Foucault was not only concerned about the organization of “knowledge, power and subjectivity,” he had reverence for praxis and how these theoretical concepts were unleashed in the organization of labour, economics production and exchange (p. 577). This literature

review commences with emphasis on the archival records of “discovery,” the dissemination of historical content, and historical discourses, which influenced the evolutionary transitions to the current administrative practices in record keeping concerning labour, immigration and classifying constructed status on the ‘racialized other.’ Therefore, in the area of labour, migration and racialization, Foucault’s (2003) genealogical framings are influential in shaping critical analysis of present discourses concerning the administration of occupational health and safety of racialized workers. At this literature review’s core are the historical discourses of discovery that fueled geopolitical structures of colonization, racialized classifications, ascribing pejorative identities to the “discovered” nations, and ultimately escalated pathways to colonization, and ensuing waves of immigration.

The approach taken in this chapter is to first trace the historiography of the discovery narratives with particular attention to sources of archival records, which reveal the extent to which such records manifest evidence of the labouring contributions of the “the discovered nations.” Attention is then given to waves of immigration, the evolution of workplace safety policy, the significance of Occupational Health and Safety, and key sources of research concerning racialized immigrant workers. Finally, the chapter summary will provide key recommendations concerning immigration, racialized workers, and demographic identity.

4.2 The Genealogy of Racialism in Canada’s Nation Building

It is broadly known that the age of exploration and discovery from the fifteenth to

the seventeenth century is regarded as one of the most significant epochs of human history. As the anthological history of America's discovery has extolled, Christopher Columbus' "discovery" of the Americas, which opened the gateways to expeditions of conquest, colonization and the establishment of settlements for nation-building outside of Europe, was nothing short of a traumatic disaster for Aboriginal populations in the "New World" (Castillo & Schweitzer, 2001).

The material evidence of the ripple effects of the ventures beyond the European domain to the regions of Asia, Africa, the Americas and the Caribbean is founded on labour relations and perhaps one of the world's most unacknowledged historical episodes of population exposure to labouring fatalities, injuries (psychological trauma and physical bodily harm) and disability. The gravity of the resulting harms arising from various calamities, including the spread of diseases and the deliberate infliction of all forms of physical and psychological harm, may never be accurately reconciled. It can be argued that the efforts to reconcile some semblance of estimation of statistics can serve to substantiate the linkage of the degree and severity of injuries to the exploitative European machinery in harnessing the New World's resources. This can be found within Eurocentric systems of labour practices and records' debilitating effects on the populations of the New World:

The population dwindled drastically, not only from direct violence and ill health resulting from economic exploitation but also from European diseases such as smallpox and measles. In some areas, the population was reduced by almost 90 percent. Portugal made up for this drastic reduction of available labour with which to exploit the new territories by importing slaves from Africa, with a first shipment arriving in Hispaniola in 1510. Spain developed the *encomienda* system in which Native groups were entrusted to Spanish proprietors charged with their physical and spiritual welfare, but who in practice often viewed them as a source of cheap labour

[...] Tragically, the European's initial sense of wonder and strangeness on encountering Native peoples vanished quickly, giving way to a complex, hierarchical caste system based on racial difference and ethnic purity (Castillo & Schweitzer, 2001, pp. 4–5).

The seafaring navigators who have been cast as prominent heroic figures in discovery narratives confirm that the motivations of their actions were not simply to satisfy romanticized notions of exploratory adventures. Instead, within the carefully crafted historiography of nation-building, the motives for these expansionist efforts oscillated around competition for dominance through the accumulation of wealth, securing greater sources of land and agriculture, and the spread of Christianity (Biggar, 1911; Gordon, 2010; Jones & Condon, 2016; Stephens, 1890).

An observation that can be gleaned from the treatises about the key figures who are prominent in Canada's discovery narratives is the extent to which such records have been entrenched and popularized through state-sponsored initiatives as deserving of celebratory status at the exclusion of the histories and contributions of the Indigenous Peoples who were present and visible before European contact. Alan Gordon's (2010) critical historical assessment highlights the characteristic features of Canada's colonial genealogy with its obvious obliteration of the history of Indigenous Peoples in the course of exercising powerful state-sponsored machinery. Disseminating such narratives that can only be regarded as "specious logic" has left a "binding social myth" in the wake of the discovery voyages and nation-building. The importance of recognizing the members who were present at point of contact, in the context of linkages to the nation's identity is eloquently noted: "A nation's members live, not only at the same time but also in the same time. Yet, they also live in communion with the past [...]. Nations picture their

history as part of their community and imagine their identity with it” (Gordon, 2010, p. 7). Hence, in casting the nation’s discovery narratives, the recordings, mechanisms of preservation, and dissemination of knowledge of those identified and/or excluded are instructive to the understanding of the tapestry of the nation’s genealogy.

As recognized within a primary archival historical record, French explorer Jacques Cartier (1491–1557) departed the shores of Saint-Malo on April 20, 1534, at the bequest of King Francis I, resulting in a 20-day voyage that brought this seafaring mariner to Canada’s shores. It has been argued that while Cartier’s diarized records provide insight into important historical events, they also reveal what has become largely regarded as a “fictive discovery narrative” (Cook, 1993; Gordon, 2010; Trigger, 1985). Despite this debunking, Cartier has been catapulted into a geopolitical hero as a discoverer of Canada whose commissioned voyages opened the gateway for French immigrant settlement (Biggar, 1924; Podruchny, 2006; Trigger, 1985; Trudel, 1973). Gordon’s (2010) seminal work, *The Hero and the Historians: Historiography and the Uses of Jacques Cartier*, coined the term “Cartermania” to explicate the representation of historical narratives as one of the earliest recorded data in Canada’s historiography of colonization. The placement of Cartier among the grandmasters of the discovery voyages ultimately set a deterministic course for muting or accounting for the contributors to the nation’s growth and development.

Within the trajectory of archival reflection, Cartier’s records reside among those of precursors such as John Cabot (Italian: Giovanni Caboto; c. 1450–c. 1500), influencers such as Italy/Genoa-born Christopher Columbus (1451–1506) and the eleventh-century

Norse/Viking navigators who are noted to be the first temporary settlers in the present-day region of Newfoundland (Government of Canada Library and Archives Canada, 2016). Based on this expansive navigational history, an inference has been drawn that centres on Cartier as the discoverer of Canada, noting: “If it were not for his discovery of a great river, during his second voyage from 1535–36, he would deserve no greater fame than his predecessors. But as the first official explorer to enter Saint Lawrence, the passage inland, Jacques Cartier deserves a place of honour in the history of Canada” (Lacelle, 1987, p. 8). A “deserving” status has also been attributed to Samuel de Champlain for establishing the first permanent settlement in Canada, following failed attempts by Cartier (Trudel, 1973; Morison, 1972; Armstrong, 1987; Parkman, 1898). However, critical discourses of Canada’s national heroes have placed them in a less-than-stellar light amid this ascribed honorific status.

In the case of Cartier, historians have raised many questions regarding “authenticity,” “authorship” and an obvious lack of recognition of the labours of Aboriginal Peoples; early European arrivals’ survival depended on these local people’s expertise as guides, translators and knowledge bearers (Cook, 1993). For example, during this early period of contact, Cartier and his crew benefited from the administration of Indigenous medicine, a fact that is not widely acclaimed in the official historical accounting of the life-saving measures of Aboriginal People:

One of the first documented use of Indigenous medicine in North America was the cure in the winter of 1536 of Cartier’s crew from a disease he called “Scorbut” (scurvy). Cartier’s second voyage (1535–1536) was undertaken at the command of King François I to complete the discovery of the western lands under the same climate and parallels as in France. At Stadacona, now Quebec City, Cartier’s crew was cured of scurvy by ascorbic acid (vitamin C) obtained as a decoction from the

Iroquois. It was prepared by boiling winter leaves and the bark from an evergreen tree. The tree, identified as “Annedda,” became known as the “tree of life” or “arbre de vie” because of its remarkable curative effects. In the winter, scurvy was the most prevalent disease among the Iroquois. This was due to the lack of food and vitamin C. The cure for scurvy was significant for future naval explorations and for the introduction of the tree into France during the Reformation when the Age of Reason began (1558–1648). The medicinal value of the tree of life contributed to the resurrection of botany, which at that time struggled to free itself from the pharmacy when medical men were still its masters (Durzan, 2009, p. 1).

Similarly, Champlain, who is revered in the national discourse as “the father of New France” and memorialized with various tributes, including monuments and even a lake he named in his own honour, is regarded by the nation as one of the most satisfactory authorities of his own works (Parkman, 1898).

Based on Champlain’s recordings, between 1599 to 1601 and prior to entering North America, Champlain undertook voyages to the colonies claimed by Spain during the wake of the Columbus epoch of “discovery” of the New World. Champlain reported his observations of the wealth of resources and systems of maintaining forced organized labour within these Spaniard-claimed territories, including his own drawings of torturous inquisitions and other atrocities that the Spaniards enacted upon the Aboriginal and enslaved Africans in the Caribbean islands, Puerto Rico, Mexico and Panama (Farber, 2005). Champlain used his cartographic and descriptive skills to map the regions and sketch drawings of animals, plants and people. However, his self-aggrandizement capacity aimed at achieving his objectives of providing compelling evidence to garner future financial support and commissions to the landmass that came to be known as Canada renders examination.

In countenance to the “savage myth,” an egregious stereotypic notion that European

explorers popularized during the age of discovery and colonization, Dickason (1984) argues that Champlain's success in establishing the New France settlement was essentially built on the prior century of contact between the people of the old and newly discovered territories. Furthermore, when examining this 'heroic' legacy of achievement with its legislative sanctioning of official representation of Canadian historiography, several questions stand in stark disruption of Champlain-centric heroism. Podruchny (2006) attributes the notion of liminality as a factor in the non-recognition of Aboriginal Peoples' identity, ingenuity, roles and lived experience; the emerging documentarian methods that European voyagers popularized overshadowed the oral traditions of history-making. Despite these circumstances, and in the context of a powerful colonial effort in the founding of "New France," Podruchny's (2006) analysis triggers several questions: who made and paddled the canoes for inland exploration, which led the way through uncharted territories? Who 'really' charted the maps that plotted the course that others would follow? Ultimately, who sustained an environment to support life? We remain besotted with the officious affirmations of Champlain's place in history as a "discoverer" and "founding father" (see Illustration 1: Champlain and Aboriginal Guide), which in part has prompted calls for a "repackaging" of historiography in the context of growing sociopolitical awareness (Gordon, 2010). However, in 1608, four years following his first expedition to North America, Champlain established New France, now known as the province of Québec (Parkman, 1898). This action advanced the creation of a permanent trading post, which fortified the "settlement" of New France and gave rise to structured labour practices that would eventually subjugate Aboriginal Peoples and People of

African ancestry.

Illustration 1

Photo of statue of Samuel de Champlain with the depiction of an un-named Indigenous person presentation—use of a canoe made by Indigenous hands and not fully explained but intended to glorify Champlain standing prominently above the person paddling the canoe



Source: Mfwills gallery, 24 April 2009, public domain

This entangled history of nation-building and labouring not only affected the foundation of New France, but it engulfed the Western hemisphere. According to Grandin (2015), in his treatise, *The Empire of Necessity: Slavery, Freedom, and Deception in the*

New World, the transnational system of indentured servitude and chattel slavery were borne from the quest for labour. “Workers were needed to plant wheat, grow grapes, and raise cattle. Before Africans started arriving in great numbers, the colonists tried to turn Indians into slaves” (Grandin, 2015). Canadian scholar Bonita Lawrence (2018) contextualizes the enslavement of Aboriginal Peoples by providing a comparative analysis of the pre-colonial existence and the colonial influences that led to New France’s formation. It is noteworthy that Aboriginal nations practiced slavery as part of the complex web that formed their social-political system of warfare, including “ritually and formally adopting” war captives to replace those kinsmen who were lost in battle with “outsiders.” Unlike Indigenous practices of slavery, the age of exploration, which led to New France’s colonization and building, became part of an expansive network of entrenched systems of indentured labour whereby Aboriginal Peoples were captured, taken to Europe as exhibits, living proof of their existence in the ‘newly discovered lands’, and to work as enslaved people. This is part and parcel of what Lawrence (2018) regards as systematic forced labour where Aboriginal Peoples were bought, sold and exported, and colonial laws imposed a system of slaveholding specifically for the purpose of labour, which would become a defining historical feature of slavery in Canada.

In capturing the nexus of the undocumented history of labouring in the fur trade on which New France’s economic engine was built, Podruchny (2006) uses the term “silences” to characterize the hidden truths about this historiography. It has by far “focused on elites” at the exclusion of First Peoples, even though the European fur trade’s economic structure was built on “indentured servitude.” As such: “The fur trade became

the central economic enterprise in New France and remained important until the first quarter in the nineteenth century; the trade was expanded far into the continent not simply for profit but also to meet political aims” (Podruchny, 2006, p. 21). The fur trade economy imposed a system of mercantilism that fortified the invading European-Monarchist plans for expanding their geographic regions, economies and political control over people and resources (Bourgeault, 1983). As the analysis of the fur trade revealed, the Eurocentric system of governance transformed the egalitarian practices of Aboriginal Peoples from the traditional ways of maintaining community and family structures to one which entrenched conformity to labour relations and economic systems that favoured the European market economy.

During the course of this development, the internal social relations among the people were altered, inequalities were created between women and men, and unequal external relations were created between Indians and Europeans. The fact of a foreign economic system imposing itself upon another national or indigenous grouping became the basis of colonialism and colonial relations. The nature of the development of colonialism depended upon the political and economic system being imposed upon the population; the type of society before colonization; the strategies undertaken by the colonizer in the exploitation of the population; and the strategies of response-either resistance or accommodation by the colonized (Bourgeault, 1983, pp. 50–51).

The exploitation of Aboriginal Peoples’ labours and knowledge commenced well before formal mercantilism’s introduction. An example of this is Public Historian Henry Hurlbut’s (1885) presentation to the historical society on the evidence of how Champlain exploited Aboriginal knowledge and labour (see Summary Box 6).

The disregard for such contributions within the nation’s official administrative records underlies the genealogy of present-day discourses concerning the historical contributions of racialized workers:

There are a number of other by-products of these histories. A crucial one is that the presence of older communities of color – in particular, the communities of Black people who entered Canada between the sixteenth and the nineteenth centuries, as well as West coast East Asian and South Asian communities dating back to the nineteenth and early twentieth centuries – is constantly being erased from the Canadian body politic by a multiculturalism policy that treats all racialized cultural communities as “new immigrants.” Black Canadians, in particular, face a nation-state which has continuously excluded large-scale Black settlements and which, despite the existence of centuries-old Black settlements, continues to construct a vision of Canadian nationhood where Black people are forever marginal newcomers, always external to the nation (Amandahy & Lawrence, 2009, p. 115).

The interconnectedness between the British, French and Spanish monarchs and their similar patterns of (sovereign) ordinances as well as what Amandahy and Lawrence (2009) have identified as “by-products” of history, have forged a present-day history-making, which has continuously excluded racialized newcomers and their work contributions. This is extended to discounting the intellectual property of Aboriginal Peoples in areas such as map-making (see Summary Box 7). Champlain, known as a prolific writer and an avid documenter of his voyages, pontificated on the colonizer’s racialized invention of “Des Sauvages” in what is regarded as his shortest and yet, “one of the more important – perhaps even the most important books in Canadian exploration literature” (Champlain, Heidenreich & Ritch, 2010, p. xviii).

Throughout his treatises, Champlain never managed to convey any recognition of the people that he met as the ‘founders’ or ‘knowledge bearers,’ which would signify his regard for their expertise in human ecology on which he and his crew relied. He benefited from the cartographical renderings of the First Nations People that he “interviewed,” but for the main part, Canada’s archival historical administrative system is bereft of the cataloging of these individuals. At the same time, Champlain is forever etched in history

as the “founder of New France.” As the official administrative records show, the portions of the cartography that First Nations People completed bears only one name—Champlain’s (see Summary Box 6). Furthermore, museums continue to curate numerous monuments glorifying Champlain with depictions of unidentified Indigenous People.

Despite the fact that prior to entering First Nation’s territory in 1603 and up to his death as an émigré on December 25, 1635 in New France, there were an estimated 50 distinct cultural groups, at least 12 diverse languages, and a complex political and economic system of trading and sharing of resources among the Aboriginal Peoples of North American (Keough & Campbell, 2014). Unconfirmed population estimates range from five million to 200,000 living in 600 separate communities prior to European contact (O’Donnell, 2008). “By 1867, however, the total number of First Nations was about 125,000, including roughly 10,000 Métis in the West and 2,000 Inuit in the North” (Belshaw, 2016, p. 694).

Summary Box 6

Portraits of knowledge and sharing



“Among the curiosities of newly-discovered America was the Indian canoe.”
From: <https://www.samueldechamplain.com/>



Image source: Ontario Heritage Trust, Samuel de Champlain: Perspectives.
From: <http://www.heritagetrust.on.ca/en/pages/our-stories/exhibits/samuel-de-champlain/educators-1>

According to Hurlbut (1885): “[W]e have no authentic knowledge of an earlier people who dwelt by or navigated our great lakes and their tributary or neighbouring waters, than various tribes of our North-American Indians. These Indians, we are to presume, were the inventors and from time immemorial have been the manufacturers of that famous and historic little craft, the birch-bark canoe. The first description which we have of this canoe appears identical with that manufactured by our northern Indians of today [...] How many centuries previously they may have been in use we have no means of telling, yet two hundred and eighty-two years ago, in 1603, Champlain met them at the Saguenay... The Chippewas call it che-maun, and it was this same sort of vessel in which Champlain passed into lakes Champlain, Huron, and Ontario” (pp. 8–9).

Summary Box 7

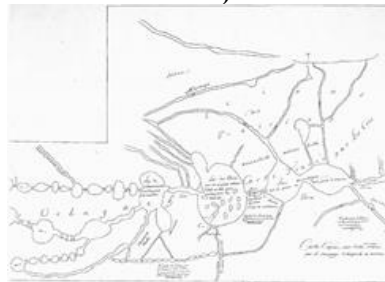
Early contact maps



French explorer Champlain's 1612 map

Source: Library and Archives Canada, e010764733, © public domain Champlain's map of 1612 charts topographical details, west of Montréal Island, including panels depicting various plants, fruit and seeds. Portions of the map were originally published by Champlain as part of his 1613 recordings (see Champlain, 1907, *Voyages of Samuel de Champlain, 1604–1618*. W.L. Grant, English edition, New York: Scribner Source). The following excerpt is illustrative of Champlain's admission of his direct use of Aboriginal knowledge and skills in the map's composition to which no name of an Aboriginal person is added: "I went I talked a great deal with them about the source of the great river and their country, and they gave me detailed information about their rivers, falls, lakes and lands as also about the tribes living there, and what is to be found in the region. Four of them assured me that they had seen a sea at a great distance from their country, but that it was difficult to go there, not only on account of the wars but of the intervening wilderness...In a word they made me a very exact statement, **indicating by drawings [emphasis]** all the places where they had been, and taking pleasure in talking to me about them; and for my part, I do not tire of listening to them, as they confirmed points in regard to which I had been before in doubt" (Champlain, 1907, p. 210).

Map drawn by Native guide Auchagah (Ochagac) for La Vérendrye (circa 1730)



Source: Library and Archives Canada/C-016133. Original source, France National Archives Vérendrye © Public Domain.

Example of a map credited to Auchagah, of Cree background, illustrating the Boundary Waters region, including Lake Superior, Kaministiquia River, Rainy Lake, Lake of the Woods and Lake Winnipeg. As La Vérendrye recorded in his journal: "I gave him a collar by which, after their manner of speaking, I took possession of his will, telling him that he was to hold himself in readiness for such a time as I might need of him" (cited in Ray, 2016, p. 81).

Champlain's many attributes can be added to his terse treatment of the identity of those who laboured in the regions and populations that he encountered. This systematic disregard remains foundational to records administration in Canada's historiography of labouring. It was not until the eighteenth century that formal acknowledgement of the cartography as one of the many forms of the labouring of First Nations "guides" began to gain public documentary pronouncement. One such example is derived from the journals of La Vérendrye, a Frenchman who was tasked with advancing the fur trade's mercantilisms. While it is not exactly clear how La Vérendrye came to know Ochagach, a Cree man, ultimately, the Frenchman enlisted Ochagach's services. As noted, La Vérendrye claims use of a collar and 'controlling' Ochagach's will. The one distinguishing point is that we can attach the appropriate credit to the cartographer. "Ochagach drew what is now a famous map that showed, in style reminiscent of the modern bus-or subway-route marks, the canoe route leading from Lake Superior to Lake Winnipeg" (Ray, 2016, p. 81). Establishing map routes for mercantilism was essential to navigating the new territories and building colonial administration controls (Belshaw, 2015), but this does not account for negating the contributions of Aboriginal knowledge.

It has been argued that the erasure of identity began with Columbus, who registered a misnomer "Indians" and other non-human expletives in his reference to Aboriginal Peoples. A form of degradation in the identity and power dynamics over First Nations Peoples commenced under what came to be known as the "Columbian Exchange" (Crosby, 1972). The wave of Columbian colonial intervention exerted powerful mechanisms of control with consequential outcomes. Among these were land seizure,

bio-social impacts of enslavement, dissemination of populations, changes in the egalitarian systems of Aboriginal ways of life, and all forms of subjugation. However, the great linguistically, culturally and spiritually diverse Aboriginal Peoples of the Americas, Africa and the Caribbean mounted resistance for the survival and preservation of their centuries-old cultures, corporal and physical well-being and humanity (James, 1938; Hill, 2009).

Successive voyages during this early contact and settlement period provide further evidence of the confluence of nation-building and identity. While France was a late starter behind the Columbian/Spanish wave of exploration, their seafaring efforts followed a similar pattern of conquest. Together and separately, they have left an indelible stamp in the paradigm of the discoverer and/or builder of the “new world,” “father of New France,” and “founder of Canada.” But there is much that these grandmasters of “fictive narratives” of discovery hold in common in the context of the official administrative recordings in the nation’s genealogy. First, their ethnic-racial/cultural identities, occupational titles and how they lived and worked are forever etched in geopolitical thoughts, firmly implanted and promoted within the nation’s systems of records. Second, the foundation of their commissions (see Summary Box 8) generated the administrative, legislative and ideological practices that guide current governance structures. A third and the most profound linkage between the nation’s revered founders concerns the lessons learned from the damage caused to the people and cultures that were present on the “newfound” lands since time immemorial but were then relegated to a diminutive identity status in the fabric of the nation’s growth. It has been

recognized that “[F]rom the fifteenth century on, the Indigenous Peoples of the world were the objects of a strategy of spiritual and cultural conquest” (Truth and Reconciliation Commission Canada, 2015, p. 48). This strategy has left its exclusionary mark in key areas, including labour market issues such as workplace health and sociopolitical dimensions of settler colonization, which encapsulate the issue of labour force and arrangements—who shall be accorded safety protections and who might be absent from its framework.

Thira (2006) introduces a framework of control that encapsulates the enforced system of colonial structural violence and erasure of identity as part of settler colonization, which has osculated over three waves of colonial operations. Among the overarching goals of this framework of control within the nation-building agenda was the need to restructure and commercialize natural resources, characterized as “putting the land to its proper use” by instituting commercial fishing, logging, mining and developing what Thira describes as creating “a cheap labour force.” In this vein, Thira and the Centre for Native Policy and Research (2006) identify three measures of control.

Summary Box 8

The Commissions



Commissions of Columbus

Source: Library and Archives Canada. *Christopher Columbus: His Own Book of Privileges*, 1502. London: B. F. Stevens, 1893. © Public Domain.

Note: This collection contains agreements that King Fernando and Queen Isabel granted to Columbus, 1492–1502.



John Cabot's Commission

Source: Government of Canada/Library and Archives Canada © Public Domain

Letters of patent granted by the King Henry VII of England, at Westminster on March 5, 1496 to Cabot and his three sons for a voyage to discover new lands. A partial translation of the letters of patent is as follows: “And that the before-mentioned John and his sons or their heirs and deputies may conquer, occupy and possess whatsoever such towns, castles, cities and islands by them thus discovered that they may be able to conquer, occupy and possess, as our vassals and governors lieutenants and deputies therein, acquiring for us the dominion, title and jurisdiction of the same towns, castles, cities, islands and mainland’s so discovered” (Newfoundland and Labrador Heritage website, 2018).



Jacques Cartier's Commission

Source: Government of Canada Library Archives Canada (website) New France New Horizons: On French Soil in America: The Royal Will. The King of France, François I, sent Cartier to discover “certaines îles et pays où l'on dit qu'il se doit trouver grande quantité d'or et autres riches choses” [“certain islands and lands where it is said there are great quantities of gold and other riches”] as well as, if possible, the route to Asia (Library and Archives Canada: The New Continent [2018]).

The first among these mechanisms of control includes the enactment of legal measures, which according to Thira, imposed control over Aboriginal Peoples and their communities and suppressed any semblance of rights by casting stereotypic notions in substitution of Aboriginal self-identity. It then imposed administrative systems, established primarily for the purpose of taking control of Aboriginal territories. This second wave of control, according to Thira (2006), targeted the residential reserve system's maintenance, which essentially segregated Aboriginal Peoples and communities. The third wave, which situated ideological framings, sought to assimilate and fundamentally obliterate Aboriginal culture, language and way of life through a hidden curriculum that was institutionalized through the residential school system.

The impact of the residential school system is emblematic of the intersection of labour practices that enveloped systematic and structural barriers within educational institutions. These educational systems did not account for Indigenous knowledge, contributions or experiences. Instead, the structures, which were installed by colonial rule, removed any semblance of Indigenous knowledge and bolstered the exclusionary foundation for administrative practices in occupational health and safety. All three waves of immigration shaped the evolution of the education system through what has been described by a hidden agenda under the residential school system (see Summary Box 9a to Summary Box 9d). In citing Miller's (1996) historical account of the residential school system, Schissel and Wotherspoon (2010) note that free child labour was such an endemic part of profiteering from this form of free labour that heightened aggressive forms of lobbying by communities to have residential schools established in their locales

began to emerge. This institutionalized “system of child and youth slavery had historical parallels with other social histories of children in Canada” (Schissel & Wotherspoon 2010, p. 107). For Aboriginal children, their forced institutionalization was part of a misguided assimilationist plan that included the use of government-authorized agents to ‘legally’ cease children. It was also in response to the government’s efforts to decrease spending on the schools and increase access to a labour force of Aboriginal children.

Thira (2006) identify a fourth and current wave as the ongoing oppression of Aboriginal Peoples through the instrumentation of professionals and systems of medical treatment, claiming to be sources of healing while casting Aboriginal Peoples as “sick.” The various pathologies arising from the abuses of residential schools, including child and youth slave labour, have entrenched a series of intergenerational maladies stemming from the legal, administrative, ideological, historical and systemic issues that are now a part of present-day Canadian history-making. Aside from these well-developed systems of accounting for finances and staffing, among other administrative details, parallel evidence remains obscure—the children’s quotidian lives, any injuries, illnesses or accidents that occurred, or loss of life in the process of labouring as students. The photographic images (see Summary Boxes 9a to 9d) convey to a contemporary audience that these were Aboriginal children who laboured under the guise of being in “residential schools.”

Summary Box 9a

Documents related to Aboriginal school children held as labourers

("ALL OF THIS WITH ONE FARMER")

3.

attendance was also higher by 15.47 pupils.

Crop:

The crop produced in 1945 consisted of the following:

Wheat	750 bushels	@ \$1.05	- \$ 787.50	
Oats	400 "	@ .51	- 204.00	
Barley	400 "	@ .70	- 280.00	
Turnips (feed)	400 "	@ .20	- 80.00	
Hay	175 tons	@ 10.00	- 1,750.00	
Straw	50 "	@ 6.00	- 300.00	\$9,401.50
Total feed and seed	-	-	-	
Milk	34275 qts.	@ .06	- 2,742.00	
Cream	530 lbs.	@ .30	- 159.00	
Eggs	1800 doz.	@ .30	- 540.00	
Beef	3430 lbs.	@ .25	- 857.50	
Pork	2455 "	@ .25	- 608.75	
Vegetables, etc. valued at	-	-	-	
Total food -	-	-	-	5,560.75
Total farm and garden	-	-	-	\$8,962.25

The farm and garden revenue for the year, including cash sales, food, feed and seed raised and used, was \$15,060.43 compared with \$9,420.56 for the preceding year.

General:

According to the Principal the School will not operate after June 30th. He has been instructed by the Secretary of the Church Mission Board to sell the farm implements and the livestock. The farm implements were sold by auction early in May and the sum of \$4,378.96 was realized. This amount was deposited in the bank on May 3rd. I understand the livestock will be sold in a similar manner on June 6th. The Principal expects to realize over \$6,000.00 on the sale of livestock. According to the Principal the money realized from these sales will be used to liquidate the bank overdraft for which the Church is obligated.

As far as I could ascertain the accounts are paid promptly. The Principal proposes to notify all business houses with which he is doing business to render their accounts before the close of June in order to complete the payments by June 30th.

I have no information from Ottawa that the school is closing on June 30th.

The foregoing report, to the best of my knowledge and belief and from the books and records which were placed at my disposal, is a true and complete statement of the condition of the accounts at the time of my audit.

I wish to acknowledge the courtesy and the assistance extended to me by Mr. Soper during the course of my audit.


 E.H. Berthe,
 Auditor.

KHB/J

001721

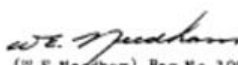
Farming and child labour at Mount Elgin Residential School

"There was one farmer employed by Mount Elgin, and he received the second highest pay after the principal of the school, with just \$240 less salary. In 1945, the school farmed hundreds of bushels of crops. It was mentioned briefly in the Truth and Reconciliation Commission's 2015 reports as one of the few schools that operated in southern Ontario."

Source: [Farming and child labour at Mount Elgin Residential School](#)

Summary Box 9b

Mount Elgin RCMP report of May 6, 1943 of overworked student workers

ROYAL CANADIAN MOUNTED POLICE		
DIVISION No.	SUB-DIVISION	DETACHMENT MUNCEY.
PROVINCE Ontario.	DATE May 6th, 1943.	
FILE REFERENCES CONFIDENTIAL.	Re: (Indians) Truants. Mount Elgin Indian Residential School. Muncey, Ontario.	
HEADQUARTERS	6-5-43.	
SUB-DIVISION	1. With reference to the above, and further to memorandum of the Officer in charge C.I.B. dated the 5th, instant, in regards to truants from the above school.	
DETACHMENT	2. On nearly every occasion that truants have been located by the writer, they have been questioned as to why they had truanted, and the answer is on every occasion practically the same, namely, "I don't like it at the school" or "They don't treat us fairly" These children refuse to elaborate further on the above remarks.	
P. C. R.	3. From my own personal observations it would appear that the discipline is too severe, also these children have very little or no recreation, and with help so scarce they are obliged to do the majority of the farm work, resulting in these children being over-worked.	
Muncey - 29-4-43	4. I might point out that a number of children at the above school are over sixteen years of age, and are of the opinion that they should be dismissed from school, however, as already stated, they are kept at school to assist in the farm work, thus engendering in their minds somewhat of a rebellious spirit.	
A. R. V. No.	5. I might point out that several cars of coal are received at Muncey, Ont., every winter, for the above school, and in every instance these cars are unloaded by the children, thus these children are forced to do work that is much too heavy for them.	
	6. From my own personal contact with many of the children I am of the opinion that their parents are well able financially to take care of them at their respective homes, and also that those children over sixteen years of age should be released from school, as it is the opinion of the writer that they are well able to obtain work and take care of themselves. In most cases it is these older children who are the ring-leaders in most cases of truancy, due mainly to the fact that they are resentful at being kept in school.	
DIARY DATE	7. In brief it would appear that conditions at the above school are very unfavourable for children who are supposed to be getting an education. Discipline is too severe, they are over-worked, have little or no recreation, and are resentful at the attitude of their superiors.	
SET FOR	 (W.E. Needham) Reg. No. 10945. i/c Muncey Detachment.	

"That children ran away from residential schools is not new information. What is new information is that many were running away from Mount Elgin because they were being overworked on the farm."

RCMP Report

Source: Rachel Levy-Mclaughlin: *RCMP Report of Mount Elgin Residential School*

[Rachel Levy-Mclaughlin: RCMP Report of Mount Elgin Residential School](#)

Summary Box 9c

Residential school children as laundry labourers

Residential school children as laundry labourers



According to the *Truth and Reconciliation Commission Executive Report*: laundry clothes wringers, such as the one shown here, were a source of injury at several residential schools (TRC, 2015).

Photo Source: Courtesy of the United Church of Canada Archives, 90.162P1173

Mt. Elgin Residential School Students using the tractor to farm (n.d)



Farming and child labour at Mount Elgin Residential School

Photo Source: Shingwauk Residential Schools Centre, Algoma University

[Farming and child labour at Mount Elgin Residential School](#)

Young boys and men working in the school garden (between 1917–1922)



St. Peter's Indian Residential School (Hay River, NWT)

Photo Source: Anglican Church of Canada General Synod Archives, Levason Family Fonds Series

Accession Number P2006-10, Item Number 231 [open access]

Fort Resolution Indian Residential School, boys cutting firewood, St. Joseph's Convent



Boys cutting firewood, date unknown. Canada. Dept. of Interior

Egerton Ryerson developed the public education system. This initiative was undertaken in the wake of Ryerson's visit to more than 20 countries between 1844 and 1845 as part of his education policy implementation plan. Ryerson was instrumental in creating segregated systems for Aboriginal children based on a much different ideology and geared towards producing labourers. These schools were initially called manual labour schools, industrial schools, boarding schools, and then residential schools. Under the Education Act segregated schools for Black children in Ontario and Nova Scotia were created and special regulations in BC targeting Asian children (Gaffield, 2017). According to Justice Murray Sinclair (head of the Truth and Reconciliation Commission), an estimated 6,000 children may have died while in residential schools, but the recording of deaths ceased around 1920, which was assumed to be due to the high rate of deaths. It is certain that there was no differentiation between deaths from work accidents, running away due to hardships of labour, or a combination of causes. Numbers and causes remain an unknown part of Canadian history.

Photo Source: Library and Archives Canada/PA-048021 Online MIKAN no. 3381307 [open access].

Summary Box 9d

The non-gendered labours of Aboriginal boys and girls in residential schools



Photo consists of girls and boys working outside. The girl in the middle is holding an axe, while the children on each side of her work together.

Source: St. Peter's Indian Residential School (Hay River, NWT)

Access Number: P2006-10 Item Number 237, Fonds Number 454, Levason Family fonds Series

Residents of the Coqualeetza Residential School doing laundry, Sardis



Students in residential schools would do chores. As shown in this photograph, the girls would do household duties, such as laundry, while the boys would work on the farms.

Source: BCA E-05957

[Children at the Coqualeetza Residential School doing laundry](#)

Accountability within the Truth and Reconciliation Commission has not delved into occupational injuries and fatalities of Aboriginal children. Learnings from systems of the past have not informed the importance of accountability of Aboriginal People's well-being in general or population health in labour force participation more specifically. For instance, in a short thesis on "Achieving strength through numbers: First Nations, Inuit, and Métis health information," Professor Janet Smylie (2010) proposes a comprehensive approach to population health for Aboriginal People, inclusive of health models that consider mechanisms for addressing health inequities administrative data, censuses, health surveys and health surveillance. Within this scope of population health, it is recognized that:

There are large gaps in the coverage of Aboriginal health data in Canada. A key challenge with respect to coverage is the absence or inconsistency of First Nations, Inuit, and Métis ethnic identities in vital registration systems, primary care and hospital administrative datasets, as well as acute and chronic disease surveillance systems. As a result, First Nations, Inuit, and Metis people are largely invisible in the majority of the provincial and territorial health datasets. Cross linkages of these provincial/ territorial/ health datasets to First Nations and, more recently, Metis registry provide a partial solution. However, such linkages are limited by the quality of the registration lists and exclude First Nations and Métis People who are not registered (Smylie, 2010, p. 2).

Notwithstanding the plethora of issues to be addressed in the context of population health and data management for Aboriginal People, the National Aboriginal Health Organization (NAHO, 2006) situates the occupational health and safety of Aboriginal Peoples within several critical observations. Recommendations are made in recognition of the significance of Aboriginal Peoples' occupational health and safety, especially in reference to the fact that proportionally, a comparatively young population of Aboriginal youths will be entering the labour force. Prominent in the discussion is the recognition

assessment that in terms of labour market participation, Aboriginal Peoples are overrepresented in the following industries: Public administration, construction and non-renewable resource extraction; the NAHO rates the construction industry as being among the most dangerous in terms of trends in injury and fatality reporting. The NAHO considers the construction industry and occupations involving non-renewable extraction as sources of hidden harm from chronic conditions due to exposure to products such as asbestos. Most disconcerting is the fact that the NAHO (2006) states clearly that: “National and provincial/territorial statistics on workplace injury, disease and fatality do not report the ethnic or racial identity of claimants” (p. 2). NAHO (2006) further notes that due to the combination of demographic characteristics and representation in some of the most dangerous industries, First Nations populations, particularly younger workers ages 15–24, “may have a higher overall risk of occupational injury and possibly occupational disease compared to the general Canadian population” (p. 2). Due to the manner in which occupational health and administrative safety systems are structured, there is no coherent mechanism for linking these chronic conditions to work-related events; issues originating from working conditions are generalized under population health. The NAHO (2006) also cites the Sociobiological Translations, which explains how social, environmental and biological triggers affect families and communities and implicate psychosocial conditions for personal relationships, well-being and overall determinants of health. The resultant social determinants of health SDOH originating from workplace factors is rooted in historical and present systemic issues of racism. As explained by the NAHO (2006), as racism is a reality for First Nations people, the

Sociobiological Translation framework is applicable to the dimensions of their workplace occupational health and safety because: “This theory is substantiated by strong evidence linking stress, depression, anxiety and anger to an increased risk of a variety health problems including cardiovascular disease, osteoporosis and infectious disease” (p. 4).

The NAHO (2006) makes several recommendations for interventions and enhanced safety initiatives to bolster the occupational health and safety of First Nations workers, who should be supported by research in:

“i) Determination of the rates of injury and fatalities among first Nations workers; ii) Consideration of the occupational health/stress among First Nations workers in human services sectors; iii) regard for cultural safety as an occupational health issue; iv) literacy skills as a linkage to occupational health and safety; and v) the evidence of under-reporting of occupational injury and diseases of First Nations Workers” (p. 7).

Overall, it is noted that there is a lack of research, a lack transparent reporting, and a lack of statistics concerning the occupational health and safety of Aboriginal workers. Such research could potentially substantiate an evidence-based framework to enshrine the urgency of occupational health and safety intervention for First Nations Peoples.

4.3 Historical Systems of Identity Politics and Challenges in Accountability

While there have been significant efforts to put regulatory and accountability measures in place within our present-day occupational health and safety systems, the origins of how governmental policies_ operationalized these practices have implications for current practices. Commentators of history have noted that early forms of globalized Eurocentric new systems of settler colonization practices were forcefully operationalized in a manner to intentionally erase the presence of Aboriginal People’s identity in the

creation of these “newly found lands” in the Americas, Africa, Asia, Australia, New Zealand and elsewhere across the globe (Glenn 2015; James, 1963; Maddison, 2013). By weaponizing this framework over a period of waves of arriving settlers as well as waves of European colonizers’ legal, administrative and ideological controls, a structure was set in place that: changed population demographics; created racial hierarchy, including varying legal definitions of Aboriginal Status; commercialized traditional lands and lifestyle for economic gains; generated specialization in the labour force, including slave labour; and ultimately constructed what has come to be known as prestigious white-dominant settler nationhood (Thira and the Centre for Native Policy and Research, 2006, p. 1).

When examining aspects of the legal construction of identity and, by extension, nullifying the recognition of representation of Aboriginal Peoples in significant areas of the nation’s historical discourse, such as labour, economics and contributions to knowledge-making, an even greater implication is attached to the concepts of “racialized” and “identity.” While not directly addressing labour relations, Appiah (2005) explicates in his *The Ethics of Identity* how structural models shape personal and group identity, thereby rendering individual group-affiliated identity as “responses to something outside ourselves” and “products of histories” (p. 21). Appiah (2005) further argues that society provides a series of “scriptorium” that serve the public discourse and provide social categories and accompanying language to foster the expectations attached to institutional dimensions of treatment, which are enacted upon identity bearers. Therefore, the depreciation of Aboriginal and racialized identity historical context labouring marks a

significant indication of the role in the genealogy of filtering understandings of which identities are counted and recognized in areas (in the aforementioned framework of controls) that institutional codes of control or norms constructively design, orchestrate and mitigate. In highlighting the nexus of race as a social category subject to marginalization and non-recognition, Appiah (2005) cites Darwall's analysis by noting: "Racism, for example, typically involves giving people less than they are owed, failing to acknowledge their due as fellow human beings; to succumb to racism is to fall short of our obligations to 'take seriously and weigh appropriately the fact that they are persons in deliberating about what to do' (as Darwall glosses "recognition respect") (Darwall, 1977, cited in Appiah, 2005, p. 229). Based on an analysis of Appiah's (2005) ethical framework, the centrality of constructing racialized identity as part of the discursive obligation of acknowledging "fellow human beings" is by necessity a coinciding ethical obligation. Within this paradigm of ethical and philosophical thought, Little Bear (2000) articulates the powerful influence of language as a tool in yielding an entire society towards a certain mindset of exclusion since: "Language embodies the way a society thinks. Through learning and speaking a particular language, an individual absorbs the collective thought processes of a people" (p. 78). A number of post-colonial scholars have long maintained that the vernaculars of identity politics are subject to rigorous contestations given the deleterious effects of systemic oppression, which have emerged over centuries of embedding socially constructed racialized categories as salient sites for exclusion.

In in "Black Skins White Masks," Fanon (1967) emphasizes the dichotomous

conflictual identities that the power dynamics of exclusionary status imposed upon the French colonized citizens. C.L.R. James' (1938) ground-breaking research (which includes archival historical research in Paris) on the successful slave revolt in San Domingo/Haiti, coined the term "aristocracy of the skin." He highlights how in the aftermath of Columbus' discoveries, racialized identity became a marker for atrocities of slavery, investment in designing and naming cruel tortures premised on the morphological pseudo-science justifications in casting a non-human status upon racialized bodies, and enacting genocide on the Indigenous Peoples of South America as well as Caribbean inhabitants, the Arawak (also called Taino) of Jamaica (originally called Xaymaca) and elsewhere. W. E. B. Du Bois (1900) warned of the human historiography of the "Color line," which entailed the deceptions of socially constructed identity enacted upon all people of colour that he prophesied would become the most serious issue of the twenty-first century.

By bringing into focus racialized workers as a central consideration in this history of identity politics, Du Bois (1935) extended his thesis on the colour line by drawing attention to the plight of "The Black Worker" and other racialized workers. He highlighted the historical nexus of colonization, enslavement, labour force arrangements, and subjugation of racialized identity as tools of European imperialism. European states—France, England, Portugal and Spain—legally, socially and pseudo-scientifically entrenched these tools since: "They twisted new and intricate patterns around the earth" (p. 4). In a further critique of the depletion of historical institutional knowledge and the unleashing of workers' psychological and material exclusion, the global reach of

oppression is described as follows:

That dark and the vast sea of human labor in China and India, the South Seas and all Africa; in the West Indies and Central America and in the United States that great majority of mankind, on whose bent and broken back rests today the founding stones of modern industry-shares a common destiny; it is despised and rejected by race and color” (Du Bois, 1935, pp. 14–15).

Although such strong formulations on the construction of identity are noteworthy, Edward Said (1994) cautions of the trepidations of identity politics, which fell under strong criticism as he extolled similar themes when navigating the role of the binary colonial and colonized identity in his earlier work (*Orientalism*, 1989). Conceding a need for lexicography of the dynamism of identity beyond “*Orientalism*,” Said’s reconstituted edifice proposes that there is a danger to propagating an essentialist notion of identity, juxtaposing the importance of resistance to colonial historical oppression and reconciliation to a common theme of a “general world-wide pattern” of imperialism since it is from malformed stereotypic notions and the “history of essentialization that have power to turn human beings against each other” (Said, 1994, p. 228). In recognizing this important and clarifying stance of moving away from an essentialist notion of identity, which can be perceived as attaching pseudoscientific biological significance to the manifestation of features of physical differences between human beings, there remains a need to examine the sociodemographic implications of exclusion, especially in areas of labour and the political economy. The highlighting of identity politics can be seen as part and parcel of a process of continuous adjudication and mitigation of intervention strategies in the journey for social justice and equity in a range of public policies. It gained prominence within the historical context of the civil rights movement of the 1960s

and 1970s to denote a form of unifying consciousness-raising among marginalized groups (Wiarda, 2014). Rene Anspach (1979) popularized the term in the liberating discourses of the disability rights movement (DRM). He aimed to politicize the unifying understanding of the linkage of stigma as an underlying feature in the oppression of Black people due to skin colour and for people identified as having a mental or physical disability and ostensibly having to acquiesce to rehabilitation as a normative path to freedom. By declaring that identity politics is really a “social movement” to wield influence over societal perceptions of identity by claiming and defining self-identity, gaining strength in in-group identity, Anspach (1979) notes:

And from the Black Power movement, the disabled and former mental patients learned that their stigma was no stigma at all, but perhaps a superior differentness, to be celebrated but never to be submerged in the abyss of assimilation. Together, these social movements and historical trends broke the spell of the ideology of rehabilitation, exposed the false allure of fictional acceptance, and, above all, provided a language or metaphor for political action (p. 771).

The declared mantra of “I’m Black, and I’m Proud,” popularized in soul singer James Brown’s (1933–2006) 1968 song, ignited a wave of empowerment that flowed over to DRM with the mantra, “Nothing about us Without us,” as explained in James Charlton’s (1998) scholarship.

Anspach (1979) traces the history of oppression, which galvanized disability activism in numerous American states and across Canada. A central part of the activism’s contribution to the discourses in Canada has centred on contesting the history of exclusion through the critical disability literature by people with disabilities which attested to everyday experiences and demands in a shift from the prevailing structural institutionalization, medicalization and an enduring charity model of disability. This

created the foundation of activism for emancipation through legislative changes and cognitive dissonance in the perceptions of mainstream society, essentially *Making Equity* (Stienstra, Wight-Felske & Watters, 2003). In Canada, this momentum was reportedly sparked by the bonds of disability politics, the common thread of discrimination in areas of employment, building a network of allies to mobilize for activism for accessibility legislation in areas of employment, transportation, education and housing for the estimated four million or 14 percent of Canadians who identified as having a disability (Galer, 2018). Within the context of the Canadian Disability Rights Movement, which asserts individual, group and community rights, Prince (2012) cites Anspach (1979) to highlight the significance of disability sociopolitical identity. He notes Anspach's reference to "identity politics" as a disability self-affirming identity, which denotes a rejection of powerlessness to one that galvanizes the foundations of self-help through the creation of allies and a web of community socio-political organizations, as opposed to conforming to the dominant expectations that are embedded within societal structures, such as seeking help through "charitable agencies." However, one of the guarded concerns with identity politics is the propensity to conflate group identity as an affiliation to homogeneity representation of its members. In the case of people with disabilities, socially constructed identities have led to structural disadvantages that can lead to perceived group homogeneity.

Liasidou, (2013) issues a warning against the potential pathologizing of the benefits of group identity, juxtaposing the multiplicity of forms of oppression that often ignite collective group activism against structural stigmatizing barriers:

Such understandings pathologize social disadvantage and obscure the ways in which human identities are, to a significant extent, culturally mediated constructs implicated in relations of power, privilege and oppression. Intersectionality provides powerful liberatory tools ‘to analyze the production of power and processes between gender, race, ethnicity etc., and is involved with analyzing social and cultural hierarchies within different discourses and institutions’ [...]. This is an important issue because it raises awareness of the necessity to explore the ways in which unequal power relations and social hierarchies work towards privileging certain forms of subject positions that are compatible with conventional categorical norms (Liasidou, 2013, p. 300).

As such, a focus on moving away from essentialism in the context of the intersectional dimensions of identity is advocated. In the coinage of the intersectional framework, Crenshaw (1989; 2016) has also propagated the importance of intersectionality in racialized identity matters. Proponents of critical race theory have also pointed out that the essentialism versus the anti-essentialism debate bears an uneasy tension; although much of the achievement in social justice has been achieved by identifying and analyzing the sociopolitical needs of the identified groups and their diverse points of oppression (Delgado & Stefancic, 2012).

In furthering this debate in the context of Aboriginal identity, we are reminded of the importance of remaining consciously aware of the complexities of identity amid the legacy of historical and current colonial relationships:

Because identities are embedded in systems of power based on race, class, and gender, identity is a highly political issue, with ramifications for how contemporary and historical collective experience is understood. Identity, in a sense, is about ways of looking at people, how history is interpreted and negotiated, and who has the authority to determine a group’s identity or authenticity [...]. For Native people, individual identity is always negotiated in relation to collective identity and in the face of an eternal, colonizing society. Bodies of law defining and controlling Indians have for years distorted and disrupted older Indigenous ways of identifying the self in relation not only to collective identity but also to the land. Indeed, to speak of Native identity at all in some ways reinforces the notion that the word “Indian” describes a natural category of existence. And yet it is equally clear that

the label “Indian” has been an external descriptor, meaningless to the Indigenous peoples of America prior to colonization. As a common identity, it was imposed on Indigenous populations when settler governments in North America usurped the right to define Indigenous citizenship, reducing the members of hundreds of extremely different nations, ethnicities, and language groups to a common raced identity as “Indian” (Lawrence, 2003, p. 4).

By drawing awareness to racialized identity as a distinct moniker that has been integral to Euro-Canadian nation-building, Lawrence (2003) calls attention to the distinctions between a colonial-ascribed racialized identity and the derelictions of weaponizing identity politics for oppressive intentions to juxtapose the imperative of reclaiming identity in the context of asserting rights, affirming the Aboriginal nations’ time immemorial symbiotic relationship to land and territory.

The expunging of Aboriginal self-identity within the deterministic schema of power relations shines a light on the empowering stance of counter-responsive measures to curtail and, to the utmost degree possible, begin the process of recognition, especially in areas of labouring throughout the nation’s history.

Perumal (2007) contends that while identity politics gained conceptual pedagogical prominence in the second half of the twentieth century to reflect coinage for an agitative defining framework for social justice, its purpose is really aimed at reducing inequality by moving towards a pedagogy of non-neutrality in education and other institutional spheres. Within this framework of a non-neutrality stance, identity politics also requires an infusion of understanding within a broader social context, including the saliency of self-identity, which Terry, Hogg and White (1999) define without mention of intersectionality, but supported by the reflection of decades of research, as “a collection of identities that reflect roles that a person occupies in the social structure” (Terry et al.,

p. 227). It can, therefore, be conjectured that identity politics, when activated within an institutional realm such as in the workplace, and administrative practices amid power relationships, can provide “clear justifications for the inclusion of self-identity” (Terry et al., p. 228). Arguably, it is for this reason that researchers (Terry et al., 1999) have arrived at a finding of “applied implications” concerning concepts of self-identity as well as perceived socially constructed norms of identity as significant considerations in areas of intervention programs for “pro-environmental behaviours” (Terry et al., p. 242).

Dei and Lordan (2016), who are more pointed on the issue, give specificity to the significance of intersectionality by naming race, class, gender, indigeneity, immigrant/citizen status and sexuality, among others, as “multiplicative” sites of oppression. They argue that socially constructed forms of identity remain as powerful ideologies in our modern globalized world—not a past distant memory—and are undeniably among its current enforcing divisive proclivity. They also serve as a means of segmenting labour force populations. From this vantage point, the genealogy of racism as foundational to the labour market must be engaged from the standpoint of intersectionality, the politics of identity, and histories of lived experience:

An emphasis on history and context is key. But it is always important to link the understanding of social oppressions to institutions and to the working of the local and global political economies. All discursive analysis of oppression maintains blind spots. But not to recognize and acknowledge such shortcomings is to continue to reproduce hegemonic knowledge [...] It is equally important that as we engage the multiple sites of oppression, we also recognize the saliency of skin color (anti-black racism) in racialized society cannot be denied. But race and racism, as we know, are not just about skin color. Racism can be affected along the lines of class, gender, sexuality, disability, religion, and sexuality. So how do we proceed with such an analysis? (Dei & Lordan, 2016, p. 4).

As such, the proposal of an integrative model that considers the politics of identity is

needed to mitigate the structural barriers that are evident in the institutional policy dimensions of labour market immigration; these cannot be separated from what is experienced in the context of the intersectional pathways of identity.

Dei and Lordan (2016) draw attention to the examples of the constructed image of the Black working class “immigrant” nurse as source labour. The well-known exploitative and perilous working conditions of racialized immigrant women who work as care providers in private homes, hospitals and other institutional settings are underscored by noting that these experiences cannot be examined for their individualized experiences of oppression but rather, they must be assessed more broadly and structurally “through a race-based prism” to garner a deeper appreciation for their world-historical, material and transnational dimension (Dei & Lordan, 2016).

Dei and Lordan (2016) also acknowledge that the politics of identity is ever-present because we live in a society predicated on governing relationships of race, gender and ability, among other identifying factors. By extension, the politics of identity is part and parcel of the politics of choice and decisions over everyday life and can serve as an interventionist strategy to “understand the impact of official policies on racialized bodies (e.g., immigration and resettlement, education, human rights, national security, youth and criminal justice) and how racialized bodies and communities become cheap and vulnerable sources of labour” (Dei & Lordan, 2016, p. 16). In this context, it is recognized that racialization in the world of work—the non-recognition of identity in sociodemographic data—is incongruent to elucidating the systems of oppression in the workplace experiences of racialized bodies. From this perspective, it is argued that:

“Every identity is a construction, a composite of different histories, migrations, conquests, liberations, and so on. We can deal with these either as worlds at war or as experiences to be reconciled” (Said, 2000, p. 142). Furthering this framework to the discourses of demographic identity, one can glean Said’s meaning in the context of the twenty-first century application of reconciling or reclaiming identity from historical stereotypic meanings to one that attaches identity in our broader societal context since, according to Said, all cultures and histories are implicated of full participation and recognition of the presence of racialized members in workplace conditions.

4.4 Impetus for Formalizing Administrative Systems for Labour and Silencing Harms

Expeditions of a core group known as seafarers who have come to be regarded as historical figures in the “discovery” of new lands while employed European monarchs’ service, mark the age of “discovery.” In their various transatlantic missions to conquer the ‘new world,’ a series of royal commissions spearheaded the foundation of the colonization of Indigenous nations’ lands and their cultures. The so called ‘discoverers’ recordings and critical analysis of their legacies, can be seen in their totality as an impetus for Euro-administrative systems and ideologies, which were part and parcel of creating foundational practices to contemporary labour data management systems.

While Christopher Columbus (1451–1506) has the dubious recognition of being credited with ‘discovering’ the new world, Samuel de Champlain (1570–1635) holds the title of “father of New France,” and Jacques Cartier (c. 1491–1557) is known for naming

Canada. Although regions and decades apart, they have the distinction of being luminary figures in the “discovery” paradigm.

The saga of (re) naming the region that we have come to know as Canada started with Cartier. Although the monumental recognition abounds within the official historical recordings, there is disquieting critical evidence of the exigencies of obscuring the history, cultures and identities of those who laboured, commencing with the dispensation from the French Monarch to Jacques Cartier, who undertook his first voyage on April 20, 1534, departing Saint-Malo with two ships and 61 crewmen (Cartier & Biggar, 1924). The well-preserved chronology of events from Cartier’s own translated journal entries provides insight into the formidable force with which the colonial expansionist force was launched as Cartier entered the territory of Donnacona (Rayburn, 2001). According to historiographical accounts, King François I of France granted a commission that directed Cartier to search for a passage to Asia (Trudel, 2003, p. 2). In his quest to secure ongoing Royal financial investment for his second voyage, Cartier engineered the kidnapping of Donnacona’s sons, Taignoagny and Domagaya, and brought them to France (see Illustration 2) as demonstrable proof of the ‘discovery’ of new territories (Stephens, 1890). The historical record of Cartier’s encounter is etched into the Canadian landscape through artistic memorializing of the event. Missing from this effort to build a romanticized collective memory of the encounter are the voices of Donnacona, his sons and other Aboriginal Peoples who were taken as captives to France.

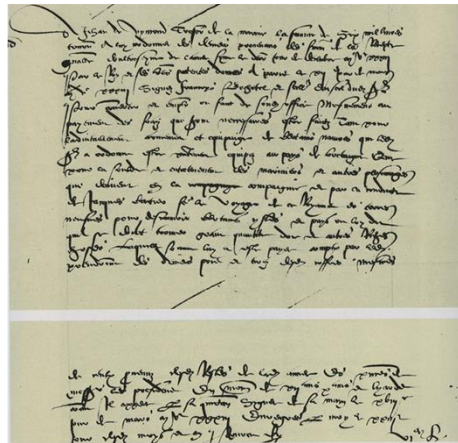
The number of casualties among the captured Aboriginal Peoples and their traumatic and lived experiences as material evidence for the aggrandizement of the status

of the “concurring hero” remains lost in the current history of “Cartiermania.” However, the need for proof for payment for his commission may have motivated the explorer’s violent kidnapping of Aboriginal Peoples (see Illustration 3), but it also established a way of cataloguing a record without recognizing who is affected.

Although the actual record of Cartier’s commission has never been found, an actual order from King François I, which is assumed to have been transcribed from Cartier’s journals, outlines the mandate “to discover certain islands and lands where it is said a great quantity of gold and other precious things are to be found” (Trudel, 2003, p. 2). Within this order, a secondary objective was to find the route to Asia. On the basis of these Royal Commissions, Cartier laid claim to the Canadian territory on behalf of France in 1534 (Cartier & Biggar, 1924).

Illustration 2

Record of payment to Cartier by François I of France in 1533 for exploratory voyages



Record of payment to Cartier by François I of France in 1533 for exploratory voyages

Note: “An excerpt of the original records of accounts concerning a payment of £6000 allocated by François I, King of France, to Jacques Cartier in 1533 to finance an exploratory voyage to the New World. The following year, in 1534, Cartier and his crew explored the Gulf of St. Lawrence and took possession of Canada in the name of the king of France. Jacques Cartier explored the island of Montréal during his second voyage in 1535. He encountered the inhabitants of the Iroquoian village Hochelaga. These people called the island Tioh: Tiàke, ‘there where the group separates,’ and the Algonquins who visited it called it Minitikten entaggiban, ‘the island where there was a village.’ The presence of First Nations on the island of Montréal dates back 4,000 years.”

Source: Bibliothèque nationale, Département des manuscrits, Paris, France/Fonds français, 15628, fol. 213v, 214 Online:

[Montréal histories archives - 375 Montréal Moments](#)

Over the course of successive voyages in 1534, 1535 and 1541, the genealogical foundations of the shaping of Canada with a vision of a white settler nation commenced. Cook’s (1993) critical analysis of Cartier’s encounters with Aboriginal Peoples is characterized as a detailed ethnographic record of the historical encounters between the French and Aboriginal People, with a “filtering” of observations through the “cultural lenses” of France. Although questions remain as to whether Cartier or another member of

his crew completed the recordings, the journal accounts provide details of the land, vegetation, species of birds, animals and sea life (flora, fauna).

This intent was most evident in many of Cartier's recordings (Cartier & Biggar, 1924; Stephens, 1890; Trudel, 2003). However, his diarized chronology of the treatment that Cartier enacted on the Aboriginal Peoples, when compared to his characterization of their human status, provides greater insight into the depth of conscious actions to deny, alter or at least discount the knowledge, generosity and care shown to the encroaching French seamen. Cartier and his crew not only received lessons that ensured their survival during the Canadian winter, but they were also saved from certain death when Aboriginal Peoples administered and taught the Frenchmen the use of a life-saving cure for scurvy (Gordon, 2010). The records of his crew members and their roles as workers during his voyages remain well-preserved as a legacy to the amplification of the efforts to preserve the colonizer's history while subordinating and erasing the history of the people who were in the territory since time immemorial (see sample records of Cartier's journal, Illustration 3).

Illustration 3

Sample of Cartier's journals. The original list of names of crew members and officers along with identifying professions such as "Charpentier," which are preserved in the Archives of Saint-Malo, France.



The original document is preserved in the Saint-Malo records, series BB.4 folio 17-20. The original list of names of crew, officers along with identifying professions such as "Charpentier" is also preserved in the Archives of Saint Malo France.

<http://www.migrations.fr/naviresjacquescartieranglais.htm>

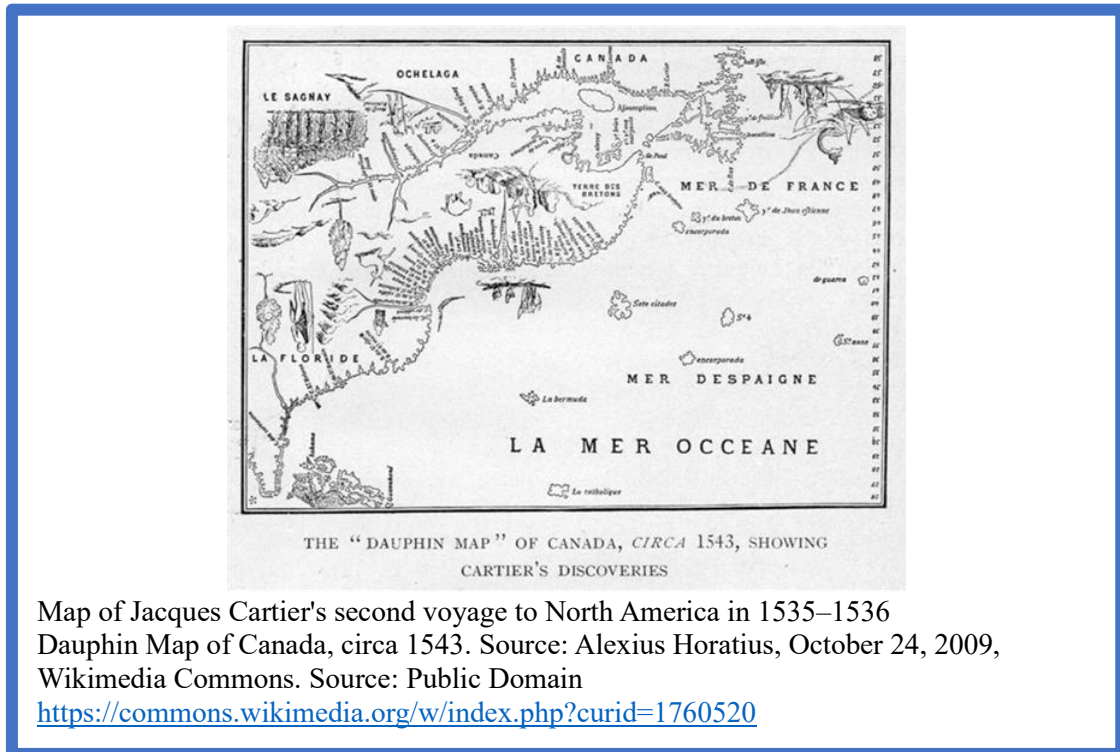
The exploitation and drastic actions taken in the erasure of contributions of Aboriginal People's labour and knowledge commenced with violence and forced removal for work that ended in the genocide of named and un-named Aboriginal Peoples whom Cartier took by force to France. Based on Cartier's own recordings, the sons of Donnacona were translators and guides (occupations which are currently listed among Canada's National Occupational Classification). Yet, neither the occupations performed nor the names of the Aboriginal People who laboured have been granted a commemorative and safeguarded place in Canada's administrative records. However, it is noteworthy that even after centuries, the workers and builders who arrived from France with the sole purpose of establishing a new region for settlement of the French population will forever be present and commemorated from the administrative records of history's

past, etched on paper for display in their original form. Yet, absent from that roll call are the Aboriginal medics, the guides who were the primary cartographers (see Illustration 4), translators, the construction labourers, seafarers and leaders who go unrecognized in the present history-making of Canada. The question of whether Donnacona's sons were forcibly removed from their country and taken on board a ship where they worked alongside Cartier's crews as unrecognized labourers can be resolved through a review of Cartier's (translated) recordings:

On the twelfth of August, we left here and sailed west and reached the Cape to the South lying west a quarter southwest from the Bay of St. Lawrence about 25 leagues, and by the two savages we had taken on our first voyage, we were told that this was a part of the land to the south and that it was an island and that the south of it was the way to go where we had seized them on our voyage the year previous to Canada. They also told us that two days journey from the said Cape and Island commenced the kingdom of Saguenay or the land of the North landing in Canada (Stephens, 1890, pp. 146–147).

Illustration 4

Map of Jacques Cartier's second voyage to North America in 1535–1536



Map of Jacques Cartier's second voyage to North America in 1535–1536
Dauphin Map of Canada, circa 1543. Source: Alexius Horatius, October 24, 2009,
Wikimedia Commons. Source: Public Domain
<https://commons.wikimedia.org/w/index.php?curid=1760520>

While the event of European land seizures has a place in history, the genealogy of the disappearance of Aboriginal women and girls commenced since the first encounters between Europeans. As Lawrence poignantly noted, in addition to taking the dwelling places of Aboriginal Peoples, Donnacona, his two sons and young girls—who remain nameless—“never made it back to North America” (Lawrence, 2018, p. 1). The discounted narratives of never making it back and indeed the forced labour and enslavement for purposes of exploiting labour form a backdrop of administrative systems for the nation’s occupational health and safety policies, along with the naming of Canada and the branding of the Aboriginal Peoples with stick-to-itiveness and stereotypic

notions. It is noteworthy that evidence of Cartier's recordings led to the creation of public space for venerating Cartier's encounter with Donnacona and, at the same time, does not reflect the recording of his kidnapping and traumatic responses:

Cartier decided instead to seize Donnacona and carry him back to France to tell his wondrous stories. That spring, following yet another cross-raising ceremony, Cartier abducted ten Stadaconans, including Donnacona, Taignoagny, and Domagaya, and whisked them to Europe despite the wailing and crying of the victims and their families. Arriving at Saint-Malo in mid-July 1536, Cartier had lost twenty-five Frenchmen but gained ten Native curiosities to entertain France's social circles [...] By the time Cartier began preparations for another voyage across the Atlantic, all but one of the Stadaconans in France had died. What happened to the last survivor, a young girl, no one knows (Gordon, 2010, pp. 20–21).

But Cartier was not the first European explorer to have landed on these shores. According to archival records, in 1496, John Cabot (Zuan Chabotto in Venetian, known as Giovanni Caboto in Genoa/Italy, c. 1450–c. 1500), moved to Venice around 1461 and became a Venetian citizen in 1476 (Harrisse, 1896). He was the second European explorer to reach what is now known as Canada, some 500 years after the Vikings (Hunter, 2011). One of the unique sociodemographic facts about Cabot that bears significance to the discovery narratives is his own identity and its linkages to history-making in Canada. Cabot's stature as one of the 'grand discoverers' is well established. While there is a significant array of competing narratives pertaining to the voyages, Cabot's historical records are generally indisputable that Cabot was a skilled navigator, which undoubtedly placed him in a favourable position to garner favour with King Henry VII and resulted in the granting of Cabot's commission for his new world exploratory voyage. Along with his sons, Henry VII of England commissioned Cabot—the Patent of letters was granted on March 5, 1496—a voyage that was estimated to have landed at present-day Newfoundland in 1497.

However, King Henry's protégé did not make contact with the people who inhabited the area, but believing he had reached Asia, Cabot hoisted flags on behalf of England and Venice (Jones & Condon, 2016). As a result of his submission of a favourable report of the discovery of land and resources, he undertook a second expedition in 1498, departing from Bristol with 200 men and a fleet of five ships (Jones & Condon, 2016). Alas, Cabot and his crew were never heard from following their departure and were presumed to have met their end at sea (Stevens and Nicholls, 1870). While some doubts have been expressed on Cabot's precise landings, corroboration of his elevated status can be found in reporting correspondence of August 23, 1497:

The Venetian, our countryman, who went with a ship from Bristol in quest of new islands, returned and says that seven hundred leagues hence he discovered land, the territory of the Grand Cham. He coasted three hundred leagues and landed; saw no human beings [...] He was three months on the voyage and on his return saw two islands on his right hand but would not land, time being precious, and he was short of provisions [...] The King of England is much pleased with the intelligence. The King has promised that in the spring [of 1498], our countryman shall have ten ships, etc. (Stevens and Nicholls, 1870, p. 14).

While the unknown demise of the Cabot crew stalled efforts to continue the colonizing mission on behalf of England, English voyagers in the centuries prior undertook numerous explorations for varied reasons ranging from mathematical and scientific discoveries to advancing 'free trade' and mercantilism between European monarchs, but Cabot is recognized as the arriving on "new found land." However, there is no substantive evidence of other explorers reaching Canadian shores, except those of the earliest discovered Viking presence in Canada. Norse explorers are known to have arrived on these shores and remained for extended periods, trading and interacting with the Aboriginal People at around 1000 CE (Kelley & Trebilcock, 2010). Archaeological

evidence points to the existence of a Viking-built dwelling that archaeologists discovered at L'Anse aux Meadows (see Illustration 5) on the northernmost tip of Newfoundland (Kolodny, 2012; Ingstad & Ingstad, 2000).

The Viking expeditions to the New World and the creation of L'Anse aux Meadows left a significant enough cache of artifacts to secure its official entry into the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Centre as “a unique milestone in the history of human migration and discovery” (UNESCO, 2017). According to the excavated findings, early Viking-European or Norse travellers arrived on Canada’s shores at around 1000 CE, an estimated 500 years before the New World voyages of another Geneon-born explorer Christopher Columbus. They established a long-term settlement on Aboriginal land, which included dwellings to support a small community for a few years (Ingstad & Ingstad, 2000; UNESCO, 2017). While these first-contact Europeans leave no imprint of Norse cultural dominance over Aboriginal Peoples, there is evidence of an eruption of conflict and resistance. According to Canadian historical military analysis, exploratory voyages of early European Vikings led to the establishment of a settlement along the coast of present-day Newfoundland and Labrador (Chartrand and Canadian Electronic Library, 1993). The settlement, which supported a small community of an estimated 65 men and women, was sustained by a combination of domestic animal rearing, hunting, fishing and trading with the Aboriginal Peoples (Dorset Inuit or Beothuk), whom the Vikings referred to as *skraelings* (to ascribe a derogatory reference). Relationships that appear to have been friendly at first deteriorated into conflict as the Vikings' practice of raids (*strandhogg*) involved

masacring Aboriginal Peoples, pillaging and stealing livestock. “They also carried off young girls and strong children to sell them as slaves” (Chartrand and Canadian Electronic Library, 1993, p. 25). Aboriginal Peoples of the region mounted resistance in the form of psychological and military force. Although there remains much speculation about the exact reason for the Norse people abandoning the settlement and disappearing from Aboriginal territory, military-historical accounts provided evidence of a Viking settlement and an end to that settlement leading to a conclusion that: “They decided, therefore, to return home and thus the first armed European incursion into Canada was repulsed. After the failure of the Viking attempts at colonization, another 500 years would pass before another wave of explorers would arrive” (Chartrand and Canadian Electronic Library, 1993, p. 18). The significance of the discovery of the Norse settlement at L'Anse aux Meadows (see Illustration 5) served to establish evidence of sustained contact between the Vikings and Aboriginals, thereby supporting the notion that these early Norse émigrés were the first settlers as distinct from the “discovery” status that is often at the centre of historical discourse. Their presence also established the genealogy of nation-building, immigration, conflict and slavery. According to the Government of Canada, the preserved national historic site transcends our understanding of history beyond the European and the fifteenth-century European and Aboriginal contact to one that has come to represent evidence of “the first-time human migration out of Africa completes the circumnavigation of the globe” (Parks Canada, 2017).

The archeological findings of the 1960s excavations at the Newfoundland Peninsula not only disrupt the construction of the competing discovery claims, it also

highlights the primacy value given to European discovery accounts over the existence and history of Aboriginal Peoples before “the discoveries.” For instance, while it is now well established that the Aboriginal Nations have been the inhabitants of the North American continent since time immemorial from an estimated period of about 11,000 years ago (Kelley & Trebilcock, 2010; McMillan & Yellowhorn, 2004, Nicholas & Andrews, 1997), the pervasive representation of the historical accounts of “discovery” of regions already inhabited by people exemplifies a most egregious and persistent discounting of the original inhabitants of the territories prior to the onslaught of European expeditions.

Illustration 5

L'Anse aux Meadows reconstructed sod buildings



L'Anse aux Meadows reconstructed sod buildings. NL-LAM-2008-0016-11-s[6].jpg. Permission granted for use by Parks Canada.

According to Parks Canada: “L'Anse aux Meadows was designated a national historic site of Canada in 1962 because it is the first known site established by Vikings in North America, and the earliest evidence of Europeans in Canada.”



Sod house similar to those used by the Norse in Vinland © Public Domain.
Source: Photo courtesy of Parks Canada/H01-11-01-15 (05)

In the pre-literate period of 1000 CE, Aboriginal Peoples, including the Inuit, Innu, Mi'kmaq and Beothuk, had well-established systems for community sustenance, social and political governance, which dispels the constructed myths of discovery:

All had economies based on known and predictable resources, all had forms of commodity storage between seasons, and all were familiar with trade outside the local group. Some degree of borrowing of ideas and technology probably took place between them. Each had a strong ethic of sharing within the local group, which included visitors. All had shamanistic forms of religion, honouring the animals and the forces of nature (Tanner, Kennedy, McCorquodale & Inglis, 1994, p. 13).

The subsequent waves of European settlers venturing into the Aboriginal territory, characterized as a series of “shock waves,” disseminated the Aboriginal populations with European-transmitted diseases, cultural genocide, land seizures, and European-style enslavement amid Aboriginal resistance and struggles for their culture, traditions and preservation of their life and history (York, 1992; Champlain, Heidenreich & Ritch, 2010; Lawrence, 2018).

Although the early 1541–43 Viking effort failed to establish a permanent settlement, the colonization mission with settlers sixty years later arrived with the specific purpose of replicating a “New France” (Cartier & Biggar, 1924; Conrad, Fyson & Finkel, 2015). Lawrence (2018) argues that with the intensification of the settler regime, “land-hungry and cash-poor” paved the way for the institutionalization of European transnational slavery, which first involved the enslavement of Indigenous people and followed by people of Black-African ancestry. By 1689, French settlers were successful in their petitions to bolster the growing need for labour and their monarch, Louis XIV, acquiesced, and granted an ordinance to the chattel subjugation of Indigenous and Black people as enslaved labourers. Under the legislated orders of the French ruler, “both Indigenous and Black slaves brought to the colony would be considered the possession of those who purchased them” (Lawrence, 2018, p. 3). But due to the lack of

recognition of their humanity, being classified as ‘slaves,’ their labouring in a state of perpetual bondage while sustaining injuries, fatalities and countless harms have gone unaccounted for. “While little is known about the lives and experiences of individual enslaved workers, in general, Indigenous enslaved people in Canada were used primarily as manual labourers and domestic servants” (p. 5). This is notwithstanding the forgoing history of first contact between Europeans and First Nations Peoples’ experience of “being ripped away from their homes, families and communities and made to work in various jobs brought physical, psychological and emotional turmoil” (p. 5). Official records of work that African Canadian and Aboriginal enslaved Peoples performed were not entered into being safeguarded as part of official government record keeping. However, due to the diligent research of Canadian historians such as Marcel Trudel (2013), whose work includes an extensive archival search of ancillary records, the discarded labours of Canada’s subjugated and marginalized people reveal that while enslaved Aboriginal Peoples, the forced nations, and people of African ancestry anchored the nation’s business growth, there is very little evidence of their presence in the official records of their contributions over waves of immigration.

4.5 Waves of Immigration and Records of Racialized Workers

Kritz (1987) defines immigration policy as “the outcome of an interactive process at the national level that incorporates information based on a country’s actual experience with immigrants, as well as the perceptions of policy-making elites regarding the role of immigration and its desirability” (p. 950). In this regard, Canada’s immigration policy has

evolved from a history of discriminatory practices to one that now recognizes the economic and social benefits of globalization and population diversity. Canada is currently among 150 nations to sign the United Nations' Convention on Refugees, which offers protection to those fleeing persecution as well as being among the top 10 nations of choice for permanent residence, with nationals from 185 countries arriving in 2017 (Immigration, Refugees and Citizenship Canada, 2018; Dolin & Young, 2004).

Contemporary discourses, however, have tended to focus on immigration from the post-Confederation period when John A. Macdonald (born in Glasgow, 1815, died in Ottawa 1891) enacted the first immigration policy of 1869. While immigration timelines have been variously identified and discussed, Kelley and Trebilcock (2010) identify three distinct waves of immigration without an in-depth delving into discourses concerning racialized immigrant workers. The first wave, which commenced in the fifteenth century, can be characterized as the three C's—contact, conquer and colonize. The second wave, which commenced in the 1780s, was marked by the movement of refugees following the American revolutionary war and was eclipsed by what has been regarded as the start of the Industrial Revolution. The mid-nineteenth century period, which transformed modes of production and the demand for labour—in part influenced by slavery's abolition in the British Empire—contributed to the need for immigrants in addition to the colonial vision of “settling the West”—both were influential in the third wave of immigration. Further to the encroaching industrialization of the labour force and the lack of reliance on enslaved people in the United States and British-held territories, the potato famine of 1847 had a “pushing out” effect as populations of Irish citizens sought refuge from starvation in the

United States and Canada.

According to Whitfield (2016), there are a few excellent studies concerning slavery in Canada, and very little is known about the life, occupations performed or the unflinching and resilient efforts for freedom. While this gap in knowledge is attributed to several distinguishing fault lines and conditions of slaveholding in Québec and the Maritimes, what can be examined is mostly compiled through slave advertisements, government documents, bills of sale, colonial musters, court probate, church records, township books and oral traditions (Whitfield, 2016, pp. 5–6). Several scholars echoed this challenge, including Walker (1999), among others, who have examined the presence of Black people in Canada from the period of enslavement in the 1600s to other periods of migration. Hendrick and Hendrick (2010) argue that it is widely published that Olivier Le June (see Summary Box 10), a young boy of African ancestry, was the first enslaved person to be sold in Canada. He was taken by an English privateer who had captured and controlled Québec City until it was handed over to French control in 1632. “Olivier was undoubtedly not the first slave in French Canada, but little is known about the earlier ones – their names are unknown, and they now seem to be untraceable” (Hendrick and Hendrick, 2010 p. 3). However, some information was gathered from historical records of the first “known” slave in Canada, as exemplary of labouring as an enslaved labourer. By tracing some of what Olivier endured, such as being put in chains as punishment when accused of slander against a settler, being sold to a farmer, Couillard, who had ten children and working in agriculture before being sold to a priest, we learn of the hardships of life as an enslaved “*domestique*” (Hendrick & Hendrick, 2010).

Summary Box 10

First-known enslaved person of African ancestry in Canada



Artistic conception of 1629 Olivier Le June

According to the Canadian Museum of History, in 1692 the Kirke brothers, who were English merchants, brought the first known slave of African ancestry to New France. He was a young boy about 6 years old, assumed to be from Guiney or Madagascar. His birth name is unknown, but he was bought and sold several times in New France and eventually given the name of Olivier Le Jeune, by Priest Paul Le Jeune, who was his last owner. His death record of 1654 described him as a *domestique (servant)*.

[Black History in Canada](#)

The available studies reveal a lack of official evidentiary records that acknowledge and disseminate for public consumption a cohesive body of knowledge that has been “pieced together” through dedicated research scholarship. The historical records of events and analysis of the findings from various sources provide a framework for the understanding of early colonial administrative practices, record keeping and the vision of the new colony, which shaped our current administrative practices concerning immigrant workers. This is exemplified in the first official appeal for workers during the formation of New France:

When New France was transferred from company to royal control in 1663, this conventional wisdom was broken temporarily, and Louis XIV set about building a

new colony. Upon the wilderness, he imposed an effective form of administration, with a governor who was responsible for external affairs and the military and an intendant who was to maintain law and order, to provide a secure financial basis for the colony and to take charge of internal development [...] And for five years Jean Talon, “The Great Intendant,” laboured to diversify the economy of New France [...] Careful census was taken to measure the colony’s growth in manpower, to gauge the proper use of the skilled immigrants, and to forecast possibilities for new industries and new channels of trade. During this period of imaginative and expansive thinking, slavery appeared to be one means of increasing manpower [...] He soon found that there was too much to do and too few to do it: the fisheries, the mines, and agriculture all offered potential wealth too great for only nine thousand colonists to tap. Consequently, sometime in 1688, apparently, he communicated his conviction to the governor [...] who, in turn, and together with the Intendant, that year appealed to France for Negro slaves. “Workers and servants are so rare and extraordinarily expensive” [...]. We believe that the best means to remedy this is to have Negro slaves here (Winks, 1997, pp. 3–4).

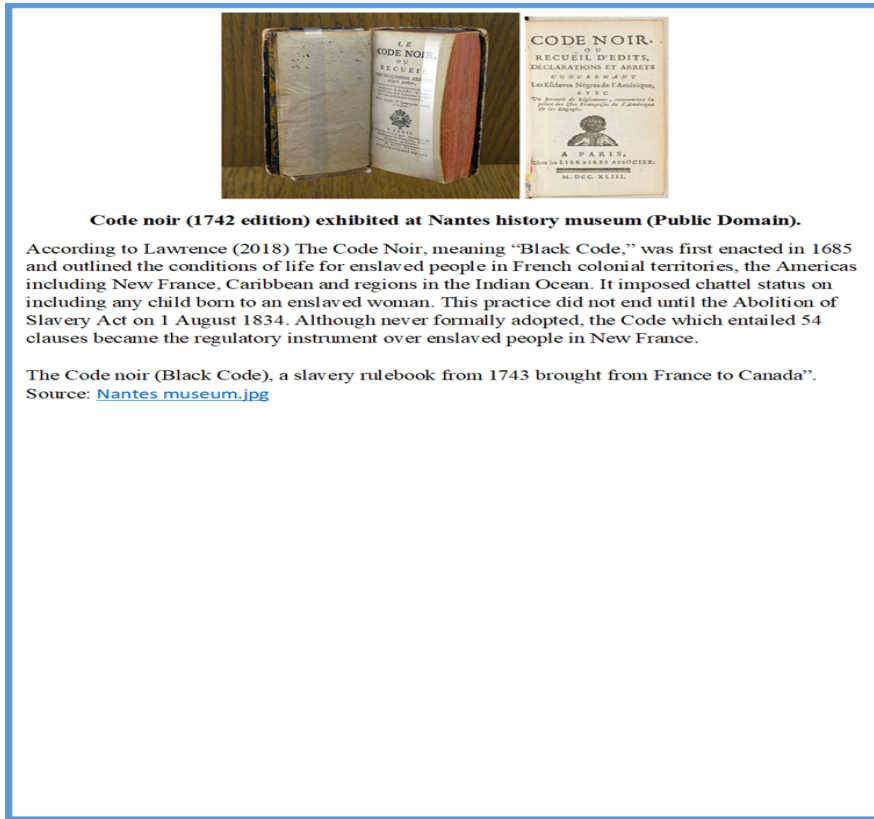
Although the French/European style of enslavement was practiced throughout French colonies—France shipped an estimated 1,381,000 Africans across the Atlantic to Haiti/Saint-Domingue, Guadeloupe, Martinique, French Guiana, Louisiana (UNESCO, 2017)—the legal decree of slaveholding in New France occurred when colonial administrators made a request from the early period of contact and continued through successive waves of settlers/immigrants. During this first wave of forced migration of Black people to New France, colonial leaders triggered two significant and official governmental orders: the Jean Talon Census of 1665–1666 and the Code Noir-The Black Code of 1685 (see Illustration 6).

Several Canadian scholars (Winks, 1997; Hill, 1981; Cooper, 2006; Walker, 2008; Hendrick & Hendrick, 2010; Trudel, 2013; among others) who have conducted research on the Black presence in Canada also underscore that over waves of immigration, including slaveholding, Canada’s official national history remains in denial, fragmented and besotted with a series of segmented isolated events that undermine the significance of

Black people's presence and contribution in Canada since the seventeenth century. Trudel (2013) identifies an estimated 4,200 enslaved people being present in Canada, representing a gradual increase from the 1600s to the declaration of emancipation in 1834. Two-thirds of those held in slavery were Aboriginal Peoples, and the remainder were those who French settlers bought/sold or those that British Loyalists transferred over the course of the American Revolution. Black people are not accounted for in the Talon Census due to the "chattel" treatment of enslaved people, the sale/transfer between colonial territories and families, and the classifying of "servants" in the official account of the first wave population of New France. According to Winks (1997), "the word *esclave* itself had not been used in the civil registers of New France before 1694" (p. 6).

Illustration 6

Governance Code Noir (1742 edition) exhibited at Nantes History Museum



When examining the primary administrative records of Talon’s seventeenth-century census and the Code Noir, two observations can be made: First, who is counted within administrative records as having an identity or “personhood” in the newly formed colony and secondly, what were the critical considerations in constructing New France/Canada during the Enlightenment era, in the context of rights to personhood, administering over inclusion versus exclusion and building a productive and successful nation. These historical records inform that racial hierarchy, classifying people, and the occupations being performed were paramount in consideration of declaring slavery in New France while excluding their presence in official records by making invisible the

presence of “slaves” and entrenching the term “servants” in Talon’s census:

Slavery, it was true, never had been expressly recognized in France: in 1571, when a cargo of Negroes was landed at Bordeaux for sale, the parliament ordered their release because slavery did not exist there; and in 1691 the Minister of the Marine declared that Negroes who were brought into the country would be free upon arrival. But his order did not touch upon the legality of slavery in the colonies. In any case, regulations of this sort were seldom enforced, and enslaved people did serve government officials, ship captains, soldiers, and planters throughout the century (Winks, 1997, p. 7).

The 1665–1666 population census of New France (see Table 3) was the first in North America and enumerated 3,215 persons of European descent by family/name, age, gender, marital status as well as a classification of occupations (see Table 4) being performed—the highest of these being 401 servants (Statistics Canada and Department of Agriculture, 1873). Deliberate omissions were populations of Aboriginal Peoples, members of the royal troops, and those involved in religious missions. There were no distinctions made between those in the paid “servant” class from those who were Aboriginal or Black slave labourers.

Based on Trudel’s (2013) account of the period document, slaveholding was forbidden in France, but French citizens and colonists acquired Aboriginal People as enslaved, including people from the Foxes and Sioux nations of the western Great Lakes, Inuit people from Labrador, Chickasaws from the Mississippi Valley, Apaches from the American southeast, and most people from the Pawnees nation, often referred to as “Panis,” which then became the generic reference for enslaved Aboriginal Peoples. Although “slave ships” never arrived at the shores of the St. Lawrence, the transporting of human cargo to work enslaved was part of the custom and a way of doing business under the principles of management as the Code Noir stipulated. Although enslaved

people were estimated as not high in numbers, New France was a society with ‘slaves’ (Trudel, 2013). “Government officials, the gentry, merchants, doctors, lawyers, and military officers owned enslaved labourers who were servants, farm workers, miners, and fishermen” (Hendrick & Hendrick, 2010, p. 4). The Talon Census is instructive in several ways, not only for the demographic revelations of New France’s foundations by documenting information on age, gender, marital status, locality, and the availability of 763 workers, it formed the basis of determining who mattered or ‘counted’ in the territory and the resources that would be required to support ‘those who counted.’ Due to the fact that “slaves were chattels (*meubles*), and as personal property, they were not attached to the land as serfs, but solely to their owners” (Winks, 1997, p. 7), Talon’s contribution to nation-building over the course of his two terms (1665–1668 and 1670–1672) commenced with identifying those whose labour would build the infrastructure, grow and develop New France for the benefit of white European settler population. The Code Noir was the enforcing document, specifically written for the governance of Black enslaved people in French colonies. It outlined with great specificity various physical tortures for policing and controlling the movement of enslaved people, including the prescription for inflicting physical incapacity as a means of preventing escape. It also stipulated a requirement for Catholic religious instruction and baptism, which has become a source of record for identifying enslaved labourers and their owners.

Table 3*Census of New France, 1665–1666: Occupations*

Census of New France, 1665–1666: Occupations							
Nu	Occupatio ns	Québe c	Côte s nord	Orléans & Côtes sud	Trois- Rivièr es	Montréal	Total
1	Armourers	2	0	2	0	0	4
2	Bailiffs	3	1	0	0	0	4
3	Bakers	1	3	4	0	3	11
4	Braziers	0	2	0	0	1	3
5	Brewers	1	0	0	0	0	1
6	Brickmakers	0	1	0	0	0	1
7	Butchers	0	3	2	0	2	7
8	Button makers	0	1	0	0	0	1
9	Carpenters	3	21	4	1	7	36
10	Carpet weavers	0	2	1	0	0	3
11	Chandlers	1	2	0	0	0	3
12	Charcoal burners	0	1	0	0	0	1
13	Confectioners	3	1	0	0	1	5
14	Coopers	4	1	0	1	2	8
15	Curriers	0	1	4	0	3	8
16	Cutlers	0	1	0	0	0	1
17	Drapers	0	1	3	0	0	4
18	Edge tool makers	8	1	2	1	2	14
19	Foundrymen	1	0	0	0	0	1
20	Furriers	1	0	0	0	0	1
21	Gardeners	2	1	0	0	0	3
22	Gentlemen of means	15	1	0	0	0	16
23	Gunsmiths	2	0	0	2	3	7
24	Hatters	0	4	1	1	0	6
25	Jewellers	0	0	1	0	0	1
26	Joiners	9	8	3	2	5	27
27	Locksmiths	0	1	0	1	1	3
28	Masons	7	12	5	0	8	32
29	Merchants	13	1	0	1	3	18
30	Millers	0	5	2	1	1	9

31	Nailers	3	0	1	0	0	4
32	Notaries	2	1	0	0	0	3
33	Printers	0	0	1	0	0	1
34	Ropemakers	1	3	1	0	1	6
35	Sailors	4	9	6	0	3	22
36	Saddlers	0	1	1	0	1	3
37	Servants	93	115	47	72	74	401
38	Ship captains	1	0	0	0	0	1
39	Shoemakers	6	7	3	0	4	20
40	Slaters/Roofers	0	1	0	0	0	1
41	Stone cutters	1	0	0	0	0	1
42	Surgeons	2	2	0	0	1	5
43	Sword grinders	1	0	0	0	0	1
44	Tailors	8	9	4	2	7	30
45	Teachers	2	0	0	1	0	3
46	Tinsmiths	1	0	0	0	0	1
47	Turners	0	0	0	0	1	1
48	Weavers	1	11	3	0	1	16
49	Wheelwrights	0	2	0	0	0	2
50	Wooden shoe makers	0	1	0	0	0	1
	Total	202	238	101	85	135	762

Notes: Of the 50 identified professions in New France, an estimated 763 people were working in identified various occupations. The majority were classified as servants and not distinguished from ‘slaves’ (401). Carpenters (36) and Masons (32) made up the areas of highest employment. Members of religious orders and the “Royal Troops,” estimated at 1,000 to 1,200, are not included in the Census; therefore, military members and possibly those “servants” working for them were not counted. Aboriginal People were not enumerated, and the work that they were performing cannot be distinguished from Talon’s enumerations. According to Statistics Canada (2006), a number of other occupations of the settlement are missing from Talon’s Census, including the 50 young women educated in the orphanage in Paris and not attached to a family, members of the religious clergy, public functionaries, farmers, artisans, 19 Ursulines nuns, 23 nuns of the Hospitaller order, and four Filles Pieuses of the Congregation, among others.

Table 4*Population Census of New France, 1665–1666*

Population Census of New France, 1665–1666				
Localities	Population	Families	Male	Female
Québec	547	71	360	187
Beaupré	533	89	315	218
Beauport	185	29	117	68
Isle d'Orléans	452	96	291	161
Côte St. Jean, Côte St. François, Côte St. Michel	153	27	99	54
Sillery	140	23	93	47
Notre-Dame- des-Anges, Rivière St. Charles, Charlesbourg	112	24	67	45
Lauzon	13	3	9	4
Trois-Rivières et ses Environs	455	69	299	156
Montréal et ses Environs	625	107	384	241
Total	3,215	538	2,034	1,181
Notes: Talon's Census, which he mainly completed himself by travelling through communities, enumerated 528 families, the majority of whom resided in three major localities: Québec (2,100), Montréal (635) and Trois-Rivieres (455). Aboriginal Peoples were not included in the Census. Adapted from "Censuses of Canada, 1665 to 1871" by Statistics Canada Department of Agriculture 1873, IV, p. 3. From: Censuses of Canada, 1665 to 1871				

France granted the legal statute of powers for life and death decisions over a slave to any white person—man, woman or child in its colonies—including the ultimate punishment of death. Paradoxically, the Code Noir arguably brought about Canada's first

social policy for the care of enslaved labourers who could no longer work due to age or disability. New France, which expanded to become Canada, operated under the Code Noir. While acknowledging the existence of slavery in Canada is a departure from that which dominates the nation's public discourse, the sentiment that Professor Afua Cooper (2014) poignantly expressed is that slavery is "Canada's best-kept secret, locked within the National closet. And because it is a secret, it is written out of official history" (p. 254). This reflects an inescapable truth that was institutionalized in custom and law under the Code Noir and contributes to excavating the hidden burdens of those who laboured yet remain discounted at the edges of Canadian historical records. The painstaking task of sifting through historical records has, in some small way, exposed some of the sources of records and experiences of enslaved labours. For instance, the institutionalization of slavery, both in custom and law, had the effect of bounding racialized bodies strictly to the workforce's needs and, within those rigid structures of labouring while enslaved, had the effect of stripping the humanity and (mortality rates) survivability potential of racialized enslaved people, resulting in "a high death rate among slaves" (Trudel, 2003, p. 408). Based on Winks' (1997) estimates, on average, enslaved Aboriginal life expectancy was 17.7 years and 25.2 years for Black people. The following clauses of the 1685 Code Noir, which was applied to the North American territories of France, are exemplary of the forms of controls exercised to delimit the movement, life and humanity of Canada's primary labourers in the formation of the new settlement:

Article XXVII. Slaves who are infirm due to age, sickness or other reasons, whether the sickness is curable or not, shall be nourished and cared for by their masters. In the case that they are abandoned, said slaves shall be awarded to the hospital, to which their master shall be required to pay six sols per day for the care

and feeding of each slave.

Article XXXIII. The slave who has struck his master in the face or has drawn blood, or has similarly struck the wife of his master, his mistress, or their children, shall be punished by death.

Article XXVII. Slaves who are infirm due to age, sickness or other reasons, whether the sickness is curable or not, shall be nourished and cared for by their masters. In the case that they are abandoned, said 'slaves' shall be awarded to the hospital, to which their master shall be required to pay six sols per day for the care and feeding of each 'slave'.

Article XXXVIII. The fugitive slave who has been on the run for one month from the day his master reported him to the police shall have his ears cut off and shall be branded with a fleur de lys on one shoulder. If he commits the same infraction for another month, again counting from the day he is reported, he shall have his hamstring cut and be branded with a fleur de lys on the other shoulder. The third time, he shall be put to death (Garrigus, 1980, repd. trans.).

Although customs and a legal framework of the Code Noir were part of cementing slaveholding New France, Trudel (2013) attributes fault for this missing part of Canadian history and the absence of records regarding slavery, noting: "Historians are surely to blame, whether because they did not examine slavery or because they failed even to notice it" (p. 268). Another interpretation of this lapse in records is explained in a more nuanced manner by Siemerling (2015), who argues that a core part of the problem of enslaved people's presence in the recorded history of New France is due to the fact that "there are almost no records of enslaved subjects speaking themselves, let alone traces of their writing" (p. 33). There are two known recorded voices that emerge from the baptismal records of Olivier Le Jeune, where Winks (1997) citing from the original, *The Jesuit Relations and Allied Documents: Travels and Explorations for the Jesuit Missions in New France, 1610–1791*, provides what has come to be regarded as the first recorded words of the first known by records Black enslaved labourer in Canada, in what appears

to be Olivier's resistance in the form of asserting a "rebuke" to the Priest Paul Le June, a slave owner: "You say that by baptism I shall be like you: I am black, and you are white, I must have my skin taken off then in order to be like you." This expression was found among the records of Jesuit missionaries, and as previously noted in the discussion of census records, the clergy was excluded from the Talon's census. Although the missionaries maintained records of baptisms, which then became a source where enslaved people were routinely recorded, the recordings for administrative and governance purposes would not have reflected a count of Olivier Le June while Priest Paul Le June held him in bondage. Winks (1997) also highlights the case of a Black person who succumbed to a scurvy in Port Royal in 1606, a period which pre-dates the transport of Olivier Le June to New France. Another well-published early arrival of a person of African ancestry is Mathew Da Costa (see Summary Box 11), who was not an enslaved person but a voyager and translator who worked for Samuel de Champlain. According to Millette and Lambert (2013), "The only real historical 'fact' that we have about Mathieu Da Costa is a document showing that he was in Holland in February 1607" (p. 8).

Aside from the foregoing record of an anonymous person who died of scurvy and the more well-known case of Da Costa, the only other recording of the utterances of an enslaved person is provided in Cooper's (2006) *The Hanging of Angélique: The Untold Story of Canadian Slavery and the Burning of Old Montréal*. This historical treatise traces the life, multiple efforts of escape, and eventual abhorrent torture and execution of this (c 1705, Portugal–21 June 1734, Montréal) enslaved woman in New France. The unearthing of court records, which Cooper systematically reconstructs, reveals the hidden

historical treatment of one who represents so many lives of discounted enslaved people in Canada, as Angélique identifies herself as a “slave,” not a “servant.” In the full measure of the Code Noir, with evidence of its application in her interrogation and her initial unrepentant stance before being tortured and executed, we are given a preview into the voice of an enslaved woman in New France:

The Judge began. Raimbault: Tell us your name, age, origin, status, and place of residence. Angélique: My name is Marie-Joseph Angélique. I am twenty-nine years old. I was born in Portugal. I am the slave of the widow Francheville. I lived with her until the fire. Raimbault: Who counselled you to set the fire? Did anyone help you? Angélique: No one helped me because I did not do it. The interrogation was brief. Raimbault wanted a confession. He did not get it, notwithstanding the fact that the instruments of terror were placed before the eyes of the condemned. If Angélique was frightened, she did not show it. She calmly maintained her innocence. Raimbault now had no choice but to pronounce the sentence reached by the court and begin the torture (Cooper, 2006, p. 15).

Summary Box 11

Mathieu Da Costa (born late sixteenth century–died after 1619, Québec)



Mathieu Da Costa (artist's conception), Image Ownership: Public domain. (Original source, courtesy Dr. Henry Bishop/Black Cultural Centre for Nova Scotia). According to Historica Canada, Da Costa is one of the most fascinating (and elusive) figures in early Canadian history. We have information that he qualifies as a translator. Da Costa was a free Black man who French and Dutch traders and explorers employed as a translator in the early 1600s. It was not unusual for Africans to act as translators for Europeans as it had been going on for 100 years before Champlain's time as Europeans explored their way down the African coast. This explains why Da Costa spoke French, Dutch and Portuguese. The only real historical “fact” that we have about Mathieu Da Costa is a document showing that he was in Holland in February 1607. Apparently the Dutch had kidnapped him from the French. In 1608, Da Costa signed a contract in Amsterdam that committed him to sail with or for the behalf of Pierre Du Gua de Monts as an interpreter on voyages to Canada and Acadia. Source: [The Canadian Encyclopedia – Samuel Da Costa](#)

In just over two decades after the historical representation of Marie-Joseph Angélique's defiance of her enslavement that resulted in her execution and ultimately provided irrefutable proof of the institutional dimensions of slavery in early Canada, several intersecting factors have promulgated different forms of colonial administrative record keeping. The intersecting dimensions of these events not only influenced a greater source of colonial record keeping of slave labourers, but they also paradoxically reveal deeper complexities of the discounting of these labourers from the larger systems of human recognition in the emerging nation.

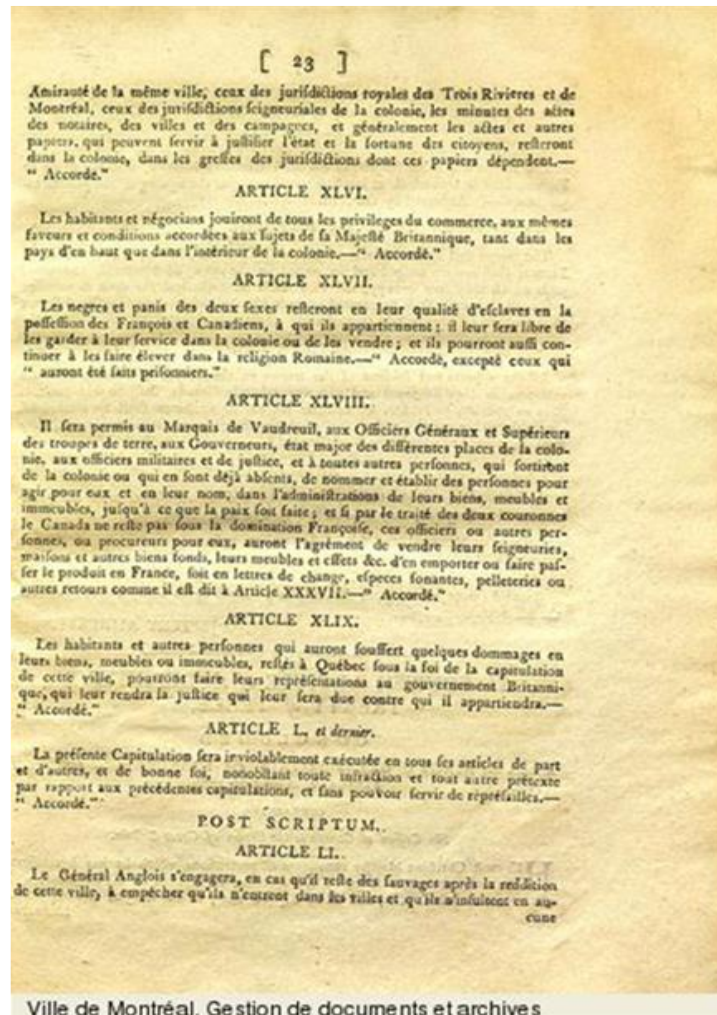
The second wave of immigration that unfolded in the eighteenth century, triggered by the Industrial Revolution (1760–1840), was a key event in the demarcation of the intensification of slave labour and justified additional mechanisms for tracking people and resources. In the context of Canada as an emerging nation, this epoch of the Industrial Revolution in human history was followed by Louis XIV granting legal permission for slaveholding in New France between 1689 and 1709 (although enslaved people were part of New France prior to the legal decree). In the ensuing years, the European wars over control of territories involved the North American territories that France owned. The Seven Years' War or the War of the Conquest from 1756 to 1763, which essentially ended a century of conflict for global dominance between the French and British Empires, set the terms for the surrender of French-owned North American territories to the British under the Articles of Capitulation of 1763 (*L'Encyclopédie de l'histoire du Québec/The Québec History Encyclopedia*, 2005). It eclipses the Industrial Revolution, the American Revolution and events leading up to the French Revolution

(1789–1799). These intervening events figure significantly in the emergence of early Canada, its people and system of governance, and the formation of various regions that would eventually come to be known as Canada, including its use of slave labour as foundational to nation-building (Henry, 2018).

The Articles of Capitulation, which outlined the terms of surrender of French North American territories, not only marked the movement of population and resources but revealed a legislated different form of legal controls and, by extension, provided greater visibility to slave holdings and records that were cached in ubiquitous ways. Trudel's (2013) historical evidence suggests that at the time of the transition of the French-Canadian territories to Britain, an estimated seven percent of the colony—4,000 out of 60,000 people—were held in slavery, of which two-thirds were Indigenous (Panis) people and one-third were of African ancestry. The British did not release the enslaved labourers; instead, within the 55 articles that set the terms of succession, signed in Montréal on September 8, 1760, the colonial powers agreed upon a continuation of slaveholding to maintain the support of the labour force, which due to increased globalization and the wheels of capitalism, fortified European interests. The Articles of Capitulation, specifically Article XLVII (see Summary Box 12), outline the terms of slaveholding in the transition of power over the North American French-owned territories, thereby underscoring the significance of these intersecting events leading to visible testament to the use of slave labour in nation-building.

Summary Box 12

Articles of Capitulation enshrined the continuation of slavery in Canada's territories



Source: Articles of Capitulation extract from *Capitulations and Extracts of Treaties Relating to Canada*. [18-] (of 22 pages). Archives de Montréal, VM6,V.258. 1–5
A translation of Article (47) XLVII: The Negroes and Panis of both sexes shall remain, in their quality of slaves, in the possession of the French and Canadians to whom they belong; they shall be at liberty to keep them in their service in the colony, or to sell them, and they may also continue to bring them up in the Roman religion. 'Granted, except those who shall have been made prisoners.'

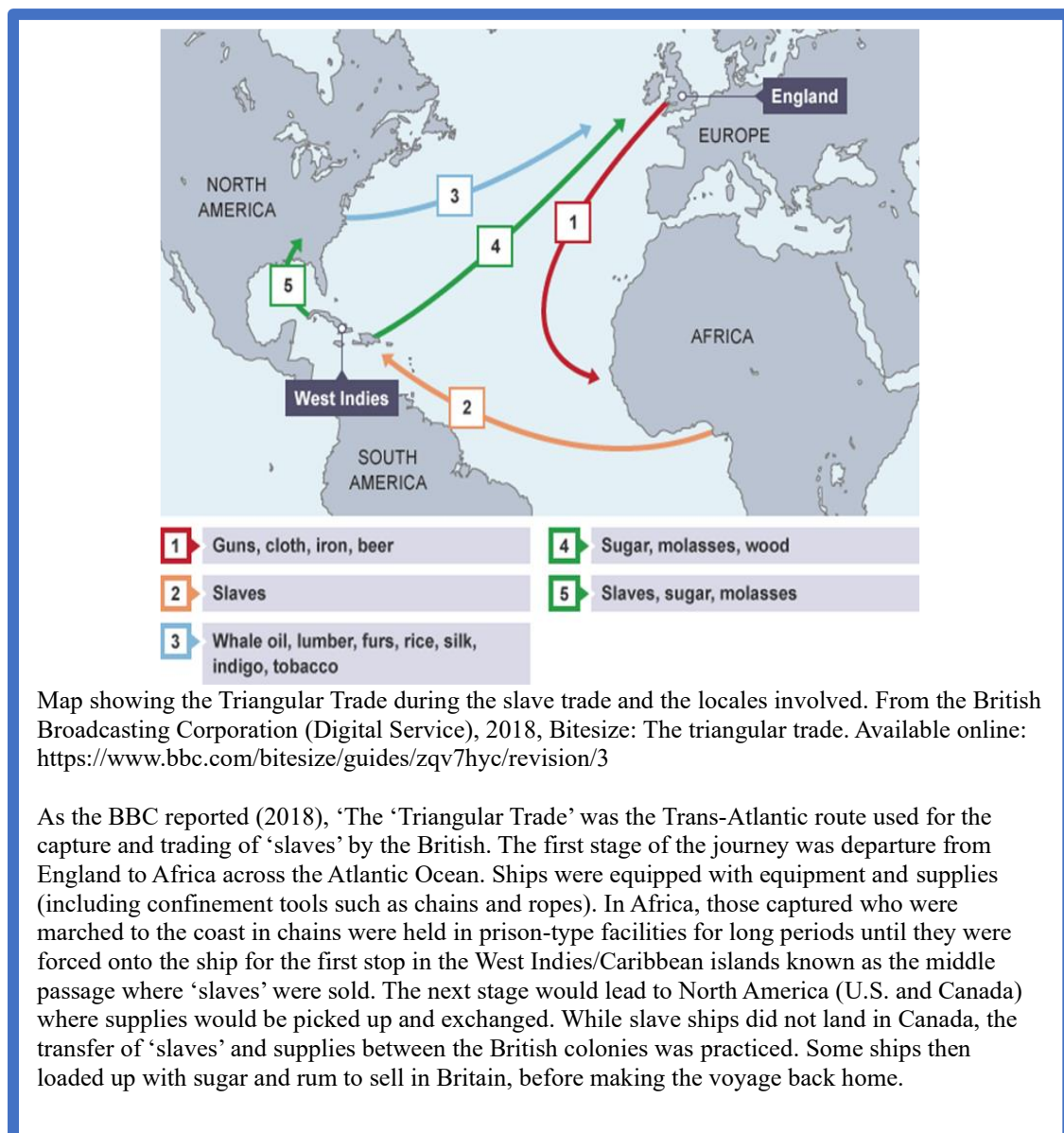
In listing several prominent historical figures who were slaveholders, Henry (2018) argues that by inserting a specific clause pertaining to slaveholding in the Article of Capitulation, the colonial leaders were noting the importance of enslaved labourers to the future of the nation. These leaders included: James McGill (1744–1813), member of the Assembly of Lower Canada and founder of McGill University as well as Matthew Elliott (c. 1739–1814), Deputy Superintendent of the Indian Department who held about 60 enslaved Black people to work on his estate in Fort Malden, Ontario (present-day Amherstburg). The American Revolution not only expanded regulation for slaveholding, but it also fostered encouragement for the institutionalization of the practice of slave labourers as exemplified by the offering of “forty shillings” to every white settler who brought a slave into Prince Edward Island (Henry, 2018). By placing these forgoing developments in the broader context of capitalism, William's (1941) ground breaking work, aptly titled *Capitalism and Slavery*, is helpful in contextualizing the overlapping roles of slavery and the Industrial Revolution.

Williams (1911–1981) makes two central claims: first, the Trans-Atlantic Slave Trade, which is also referred to as the Triangular Slave Trade (see Summary Box 13), was the engine that provided the capital that made the Industrial Revolution possible. By kidnapping, selling and enslaving African people for the purpose of labour, European empires further developed an industry, global agreements and technologies for the removal and transfer of millions of Africans solely for the sole purpose of labour market expansion and profit. Williams (1941) also argues that although ardently fought by enslaved people, abolitionists and allies, the end of transporting “human cargo” in

shackles within the hulls of ships and devising legal controls for their captivity in forced labour, and eventually abolition of slavery (1833), was because slavery was no longer profitable—not based on humanitarian considerations.

Summary Box 13

The Triangular Trade slave route



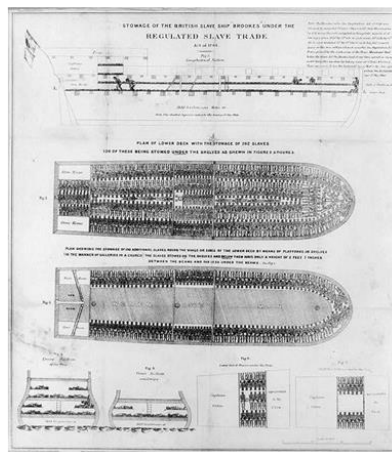
By Williams' (1941) estimation, all sectors of European society supported and converged in commodifying their powers to support an "infrastructure of mercantilist England" that perpetuated the slave trade, including the ruling monarchy, the aristocracy, the commercial/business class, ecclesiastical governance, and political and military leaders. These power-based conditions triggered a trickle-down economy and generated an industrial system that benefited the colonial empires, including ancillary industries in building docks, ships and their internal design for holding and transporting men, women and children from Africa to European-held territories (see Summary Box 14). It also spurred administrative forms of control, which gave greater visibility to records management and the enslaved labour force. For example, by treating kidnapped African people as "(human) cargo," insurance protection, licensing and methods for accounting for investments and losses for the slave trade became an important aspect of administrative management as part of industrialization. The infamous Zong case underscores an important aspect of records that brought visibility to the inhumane concept of holding Africans as "human cargo" who could then be claimed as a property loss. Further to this capitalism and enslavement linkage, Williams claims that the inter-Triangular Slave Trade between the Caribbean islands, Canadian territories and Britain established a global trade. Canada's involvement was marked by the shipment and exchange of products that slave labour produced, such as sugar, molasses, tobacco, rum and the return of salted codfish, timber and the use of slave labour throughout the transport process (Henry, 2016). While some scholars (for example, Anstey, 1975; Drescher, 1997) have relied on financial calculations to counter Williams' (1941) argues

for the linkages of profits from the labours of enslaved people that generated the capital that fuelled the Industrial Revolution, while others (for example Cateau and Selwyn, 2000) have relied on apodictic connections of historiography, colonization global market research, which is beyond dollar value assessment in the validation of Williams' claims. According to Williams (1941), the proliferation and growth of numerous industries were linked to the slave trade, such as shipbuilding, manufacturing of products, banking and insurance, and all depended partly on the ships trading to Africa. A succinct connection of the dots in this globalized capitalistic venture of how the Atlantic Triangular Slave Trade operated a capitalistic scheme of forced migration and forced labour is explained as follows:

In addition to the seamen, there were the ancillary trades. Carpenters, painters and boat-builders; tradesmen and artisans connected with repairs, equipment and lading; commissions, wages, dock duties, and insurances all depended partly on the ships trading to Africa. To supply the ships, there were in 1774 fifteen ropewalks in Liverpool [...] The sugar islands made yet another contribution to the growth of shipping. The peculiar economy developed in the West Indies concentrated on export crops while the food was imported. Most important of all the food supplies was fish, an article dear to the heart of every mercantilist because it provided employment for ships and training for seamen. Laws were passed in England to encourage the consumption of fish [...] The Newfoundland fishery depended to a considerable extent on the annual export of dried fish to the West Indies, the refuse or "poor John" fish, "fit for no other consumption" (Williams, 1941, p. 59).

Summary Box 14

Illustration of the plans for the Brookes British slave ship under the 1788 regulated Slave Trade Act



“This diagram of the ‘Brookes’ slave ship, which transported enslaved Africans to the Caribbean, is probably the most widely copied and powerful image used by those who campaigned to end the trans-Atlantic slave trade. Traders knew that many of the Africans would die on the voyage and would therefore pack as many people as possible onto their ships—in total there were 609 enslaved men, women and children on board this ship. The conditions would have been appalling. Each person occupied a tiny space in the hold. In this case, they had to lie in spaces just 10 inches high and were often chained or shackled together in pairs, making movement even more difficult. The cramped conditions meant that there were high incidences of diseases such as smallpox, measles, scurvy and dysentery. Because of the long distances involved food and water were rationed and always in short supply or ran out completely. By April 1787, the diagram was widely known across the UK, appearing in newspapers, pamphlets, books and even posters in coffee houses and pubs. An image had rarely been used as a propaganda tool in this way before and it proved to be very effective in raising awareness about the evils of the slave trade.”

Source: Author/Creator: unknown. Publisher: James Phillips, George Yard, Lombard Street, London. Shelfmark: 1881.d.8 (46)

In all this commerce that surrounded slave labour, much of what is learned about the life and death circumstances of these labourers resides in the records of insurance claims as reflected in the judgment rendered in the Zong case (by Mansfield in his 1783 deliberations) and is offered in comparative analysis to a somewhat similar case brought

before the courts two years later.

The main point of distinction in these cases is the sophistication of deliberations wherein consideration is given to the injury of the captured Africans on board the vessel who lost their lives to free themselves (mutiny) and those who were injured:

In Mansfield's view, "the case of slaves was the same as if horses had been thrown overboard." Damages of thirty pounds were awarded for each slave, and the idea that the Captain and crew should be prosecuted for mass homicide never entered the head of any humanitarian. In 1785 another insurance case involving a British ship and mutiny among the enslaved people on board, came before Mansfield. His judgment was that all the slaves who were killed in the mutiny or had died of their wounds and bruises were to be paid for by the underwriters; those who had died from jumping overboard or from swallowing water or from "chagrin" were not to be paid for on the ground that they had not died from injuries received in the mutiny; and the underwriters were not responsible for any depreciation in price which resulted to the survivors from the mutiny (Williams, 1941, p. 46).

A central feature in these exemplary insurance claims serves as a source of the emerging intensification of commercial record keeping and accounting for the slave labourers, commencing with the transport ship log records (see Summary Box 15) and other transnational records. Litigated insurance claims factored into record keeping as the mainstay of evidence in the economic scheme of capital investment and profitability. Cases (such as the aforementioned Zong case) were mitigated largely by taking into account the enslaved people taken in captivity, the numbers held, and the circumstances or events leading to the loss of lives (in the case of those classified as "slaves"—a loss of property), all of which became part of litigated claim process.

The cumulative effect of the capitalistic market economy of churning Africans into human cargo for the sole purposes of erasing any semblance of their humanity for labour and profit gave credence to the argument that: "Slavery thus occupies a middle position

in progress from insurance on goods to insurance on persons, providing a way of thinking about the value of a life” (Armstrong, 2004, p. 170). Apart from this emerging debate of the period regarding the “human” versus the “property” status of “slaves,” the influences of the intersection of administrative and court-litigated insurance practices discussed in Williams’ (1941) work, focused on the derisions Industrial Revolution and provide an unexplored dimension of records management as a significant source of estimating the human toll of lives lost and unaccounted for, even within these paradigmatic shifts in labour and wealth management of the industrial age. Estimating the toll of lives lost and unaccounted for, even within these paradigmatic shifts in labour and wealth management of the industrial age, remain obscure.

Summary Box 15

Sample records of slave logs

Ship	Destination	Value
1. The Duke	to Africa	1000
2. The Duke	to Africa	1000
3. The Duke	to Africa	1000
4. The Duke	to Africa	1000
5. The Duke	to Africa	1000
6. The Duke	to Africa	1000
7. The Duke	to Africa	1000
8. The Duke	to Africa	1000
9. The Duke	to Africa	1000
10. The Duke	to Africa	1000
11. The Duke	to Africa	1000
12. The Duke	to Africa	1000
13. The Duke	to Africa	1000
14. The Duke	to Africa	1000
15. The Duke	to Africa	1000
16. The Duke	to Africa	1000
17. The Duke	to Africa	1000
18. The Duke	to Africa	1000
19. The Duke	to Africa	1000
20. The Duke	to Africa	1000
21. The Duke	to Africa	1000
22. The Duke	to Africa	1000
23. The Duke	to Africa	1000
24. The Duke	to Africa	1000
25. The Duke	to Africa	1000
26. The Duke	to Africa	1000
27. The Duke	to Africa	1000
28. The Duke	to Africa	1000
29. The Duke	to Africa	1000
30. The Duke	to Africa	1000
31. The Duke	to Africa	1000
32. The Duke	to Africa	1000
33. The Duke	to Africa	1000
34. The Duke	to Africa	1000
35. The Duke	to Africa	1000
36. The Duke	to Africa	1000
37. The Duke	to Africa	1000
38. The Duke	to Africa	1000
39. The Duke	to Africa	1000
40. The Duke	to Africa	1000
41. The Duke	to Africa	1000
42. The Duke	to Africa	1000
43. The Duke	to Africa	1000
44. The Duke	to Africa	1000
45. The Duke	to Africa	1000
46. The Duke	to Africa	1000
47. The Duke	to Africa	1000
48. The Duke	to Africa	1000
49. The Duke	to Africa	1000
50. The Duke	to Africa	1000
51. The Duke	to Africa	1000
52. The Duke	to Africa	1000
53. The Duke	to Africa	1000
54. The Duke	to Africa	1000
55. The Duke	to Africa	1000
56. The Duke	to Africa	1000
57. The Duke	to Africa	1000
58. The Duke	to Africa	1000
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A list of ships, involved in the slave trade between Africa and England/port of Bristol in 1749. The numbers of enslaved people being transported, and monetary values are indicated. Source: The United Kingdom National Archives. Kew, Richmond, Surrey (CO 388/45 pt.1 f.5). Online: <http://www.nationalarchives.gov.uk>

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A page from the Book of Negroes 1747-1783

According to the Loyalist Collection: "A page from the Book of Negroes, Guy Carleton, 1st Baron Dorchester, British Headquarters Papers: 1747-1783 (document number 10427). The columns on this page are entitled "Vessels Names and their Commanders," "Where Bound," "Negros Names," "Age," "Description," "Claimants," and "Names of the Persons in whose Possession they now are." A range of descriptions were used for identification and evaluation purposes, most of which came across as reductive, demeaning, and derogatory. The most common adjectives used to portray individuals in the document include "stout," "ordinary," "likely," and "fine," with more specific descriptive words characterizing physical appearance, ability to work, and ethnic heritage appearing less frequently "sickly," "nearly worn out," "worn out," "sound," "passable," "half Indian," and "Guinea born." (Examples taken from the Book of full descriptions).

Source: <https://loyalist.lib.unb.ca/atlantic-loyalist-connections/importance-book-negroes>

Herman (2008) expands the discourse of labouring in slavery, noting the impossibility of estimating the numbers of lost lives in the whole process from captivity and passage. Although the system of records management is admittedly porous in terms of providing a near-accurate estimation of the loss of lives from the shipping records, Herman's (2008) best assessment is that 12 million Africans were taken as captives to the "New World. Added to the material conditions of slavery, the accounting for their numbers remains obscure; the number of those who died lived and worked with inflicted injuries remains obscure. In response to these circumstances, Herman (2008) supports a call for intellectually "rectifying injustice" due to his observation that when philosophers gathered in their eighteenth-century European coffee houses, they overlooked the fact that amid the burgeoning wealth garnered on the labours of enslaved African up to and including the sugar that they stirred in their coffee, lay the obvious contradictions of their Eurocentric debates on human rights in the face of institutionalized slavery and engaging in pleasantries that were supplied from one of the primary staples, which was a product of slave labour.

W. E. B Du Bois' (1896) Harvard University dissertation, "The Suppression of the African Slave-Trade to the United States of America, 1638-1870," is considered a landmark accomplishment in empirical research. The work was critically acclaimed and earned the distinction of being launched as the inaugural contribution to the *Harvard Historical Studies* volume (Holt, 2008). In his handwritten monograph (see Summary Box 16), Du Bois' (1896) research affirmed the significance of the use of records concerning slavery through his extensive historical scan of the slave trade from the

sixteenth century, inclusive of the period of the Industrial Revolution, then leading to the period leading up to the British Parliament's passage of the March 25, 1807 Abolition of the Slave Trade Act. By examining the statutes, the governing structure of the trafficking enslaved human beings and other related cargo records of merchant ships under the control of the British Empire, the types of census data and various codes, which were enacted to maintain control over people, but not account for their humanity are revealed.

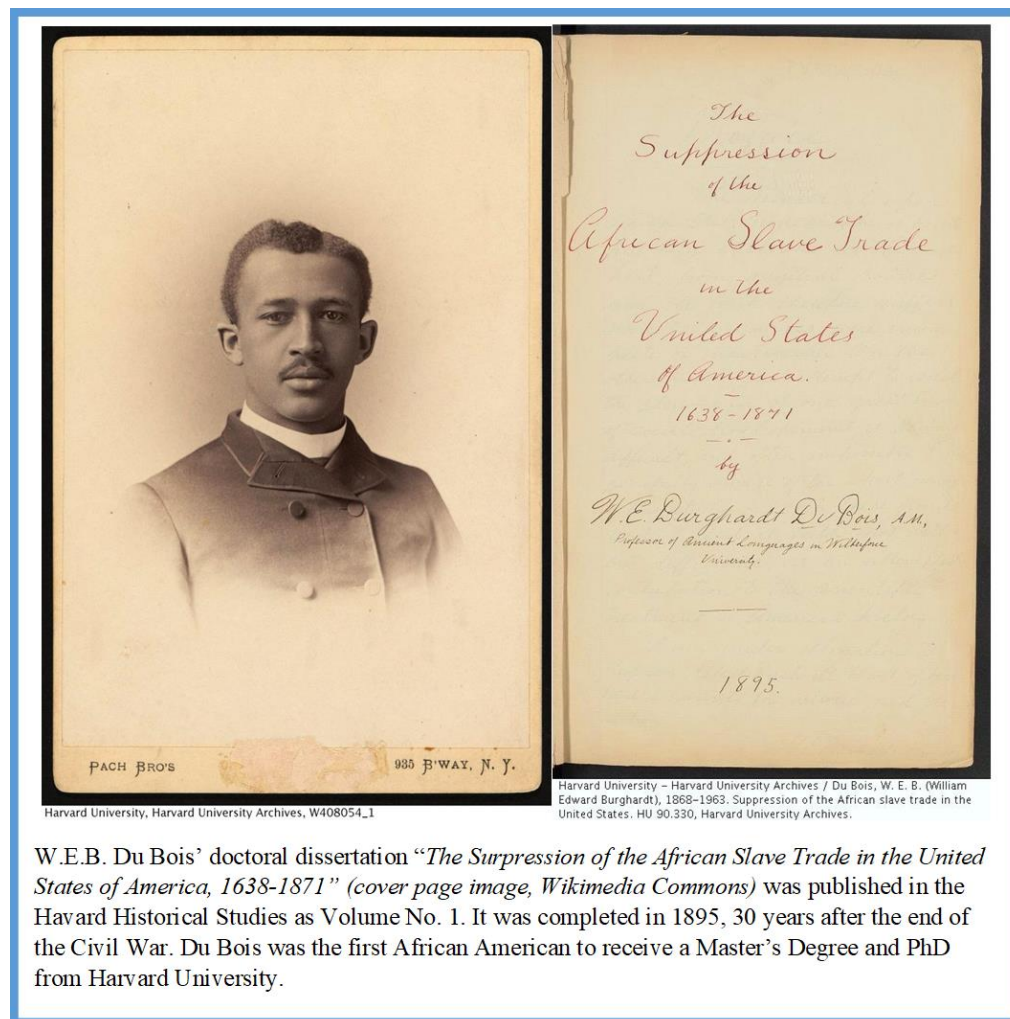
Du Bois (1896) produced a qualitative and quantitative accounting of slave labourers and the legislative governance of slave trafficking to the New World across the British colonies, the Americas and the Caribbean. Subsequent to the studies by Du Bois and Williams, other scholars (Curtin, 1969; Henige, 1986; Inikori, 1981) have since remarked on the challenges of incomplete, inaccurate, stereotypical and sheer guesswork that have permeated the critical analysis of accounting for the numbers of Africans who were taken captive, traded and transferred from the African continent to the Americas, the Caribbean and South America in the over 400 years of slavery, which lasted well into the nineteenth century. They have also conceded that the forced immigration of enslaved Africans for labouring can be reasonably estimated.

Du Bois' (1896) study is remarkable in the context of sources of records concerning slave labourers. It includes data from primary sources such as shipping logs, governmental documents concerning slavery, statutes at the colonial administrative, federal and state levels as governmental publications (including records pertaining to colonial governance of Great Britain) as well as personal narratives, proponents and abolitionists societies. On the one hand, Du Bois' work was not a government-

commissioned study and therefore did not qualify as an official governmental data source or quasi-legal resource of record keeping (as would be the case for ships' logs brought before the courts).

Summary Box 16

The suppression of the African slave trade



W.E.B. Du Bois' doctoral dissertation "*The Suppression of the African Slave Trade in the United States of America, 1638-1871*" (cover page image, [Wikimedia Commons](#)) was published in the Harvard Historical Studies as Volume No. 1. It was completed in 1895, 30 years after the end of the Civil War. Du Bois was the first African American to receive a Master's Degree and PhD from Harvard University.

Du Bois (1896) uses primary source records in this comprehensive and systematic study of official government records to validate the centrality of his thesis that the United

States and its colonial forbearers undertook a concerted effort to “limit and suppress the trade in slaves between Africa and these shores” (Du Bois, 1896, p. 1). Du Bois would probably concur with his modern-day critics on the feasibility of establishing an approximation of the previously un/documented or unaccounted for African labourers, who remained hidden under complicated international trade agreements and entrenched inhumane treatments, which extinguished the lives of thousands of Africans:

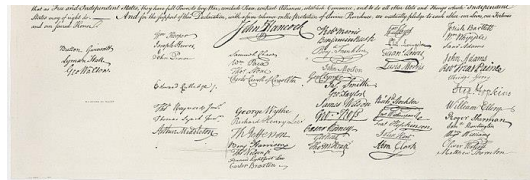
The exact proportions of the slave trade to America can be approximately determined. From 1680 to 1688, the African Company sent 249 ships to Africa, shipped from there 60,783 Negro slaves, and after losing 14,387 on the middle passage, delivered 46,396 to America. The trade increased early in the eighteenth century, with 104 ships clearing for Africa in 1701; it then dwindled until the signing of the Assiento, standing at 74 clearances in 1724. The final dissolution of the monopoly in 1750 led-except in the years 1754-57 when the closing of Spanish marts sensibly affected the trade to an extraordinary development, 192 clearances were made in 1771. The Revolutionary War nearly stopped the traffic, but by 1786 the clearance had risen again to 147. To these figures must be added the unregistered trade of Americans and foreigners. It is probably that about 25,000 enslaved people were brought to America each year between 1698 and 1707. The census of 1790 showed 697,897 ‘slaves’ in the United States. In the colonies lie those in the West Indies and in South Carolina and Georgia, the rapid importation into America of a multitude of “savages” gave rise to a system of slavery far different from that which the late Civil War abolished. The strikingly harsh and even inhuman slave codes in these colonies show this. Crucifixion, burning, and starvation were legal modes of punishment (Du Bois, 1896, p. 5).

As a public intellectual, Du Bois (1896) was cognizant of the United States population censuses; by the time of his dissertation, the government has completed 12 such censuses for each decennial year commencing in 1790, in keeping with Article 1, Section 2 of the Declaration of Independence. Dubois would also have knowledge that while the category “slave” was included in all of the censuses, only 36 years had passed (from 1860) since American Indians were officially included in the census, and only 33 years had passed since the 1863 Emancipation Proclamation where the category of ‘slave’ was no longer

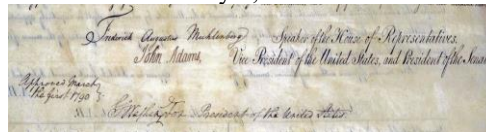
included. While the content design of the Census of the United States of America has evolved over time (see Summary Box 17), Du Bois' qualitative and quantitative accounts of the people who were captive slave entrants, forced into the Atlantic passage and continental globalized transfer arrangements, were never accounted for as part of the official governmental demographic record keeping. Therefore, Du Bois' determination to illuminate the global effort to "suppress" the slave trade is also the consciousness of will that he rendered to make invisible the sustained unvarnished sanctioning truths of the forced migration system, which operated under globalized colonial. In his study, Du Bois reveals that racist orthodoxy of who counted as a human was a central factor in the negation of governmental administrative recognition of enslaved workers arriving at ports of entry around the world.

Summary Box 17

US declarations and population census



The signatures on the 56-member delegation representing the 13 colonies pronounced the Declaration of “The United States of America” independent from the British Empire. The 1776 Declaration, which Thomas Jefferson drafted, proclaimed: “We hold these Truths to be self-evident, that all men are created equal, endowed by their Creator with certain unalienable rights.” The Congress approved the Declaration on July 4, 1776.



Fourteen years following the Declaration of Independence, President George Washington, Vice President John Adams, and Speaker of the House Frederick Muhlenberg signed the Census Day Act of March 1, 1790. The (first) Census Day was August 2, 1790.

State	Free White Males 16 and over	Free White Males under 16	Free White Females	Free Black Males 16 and over	Free Black Males under 16	Free Black Females	Slaves	Total
Connecticut	14,457	12,148	14,457	1,111	1,111	1,111	1,111	29,358
Delaware	11,484	9,746	11,484	1,111	1,111	1,111	1,111	25,007
Florida	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Georgia	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Massachusetts	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Michigan	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Minnesota	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Mississippi	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Montana	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
New York	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
North Carolina	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Ohio	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Pennsylvania	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Rhode Island	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
South Carolina	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Tennessee	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Vermont	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Virginia	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Washington	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
West Virginia	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Wisconsin	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Wyoming	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666
Total	1,111	1,111	1,111	1,111	1,111	1,111	1,111	6,666

No.	States	Free Population	Slave Population	Total	Percentage of Slaves
1	South Carolina	304,271	402,341	703,812	57.2
2	Mississippi	354,700	436,696	791,396	55.1
3	Louisiana	376,280	333,010	709,290	47.0
4	Alabama	329,161	435,132	864,296	45.1
5	Florida	78,686	61,753	140,439	43.9
6	Georgia	385,007	462,232	1,057,329	43.7
7	North Carolina	661,586	331,081	992,667	33.4
8	Virginia	1,165,192	490,887	1,506,079	30.7
9	Texas	421,750	180,882	602,132	30.0
10	Arkansas	324,423	111,104	435,127	25.5
11	Tennessee	834,063	275,784	1,109,847	24.8
12	Kentucky	930,223	225,190	1,155,113	19.5
13	Maryland	500,816	87,788	607,034	12.7
14	Missouri	1,067,352	114,865	1,182,317	9.7
15	Delaware	410,120	1,798	411,918	0.4
	Total	8,283,953	3,850,343	12,210,296	31.2

1. What is Person 1's name? First name last name.	2. What is Person 1's sex? Male or Female.	3. What is Person 1's age? If under 18, what is the date of birth? Month, day, year.	4. What is Person 1's race? One or more races.
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85. What is Person 1's date of birth? Month, day, year.	86. What is Person 1's sex? Male or Female.	87. What is Person 1's age? If under 18, what is the date of birth? Month, day, year.	88. What is Person 1's race? One or more races.
89. What is Person 1's date of birth? Month, day, year.	90. What is Person 1's sex? Male or Female.	91. What is Person 1's age? If under 18, what is the date of birth? Month, day, year.	92. What is Person 1's race? One or more races.
93. What is Person 1's date of birth? Month, day, year.	94. What is Person 1's sex? Male or Female.	95. What is Person 1's age? If under 18, what is the date of birth? Month, day, year.	96. What is Person 1's race? One or more races.
97. What is Person 1's date of birth? Month, day, year.	98. What is Person 1's sex? Male or Female.	99. What is Person 1's age? If under 18, what is the date of birth? Month, day, year.	100. What is Person 1's race? One or more races.

Source: https://www.census.gov/data-tools/demo/race/MREAD_1790_2010.html

The first census was conducted as mandated under Article I, Section 2 of the U.S. Constitution and enumerated six lines of inquiries: name of the head of the family, number of persons in each household categorized by: Free White males of 16 years and upward, Free White males under 16 years, Free White females, All other free persons, Slaves. American Indian/Indigenous, First Nations Peoples were not included. The second Census of 1800 showed that 5,308,483 people were living in the U.S., of whom 893,602 were slaves. American Indians are not identified in the 1790–1840 censuses. In 1860, Indians living in the general population are identified for the first time. Commencing with the 1900 census, Indians (US reference) are enumerated on reservations as well as in the general population.

Source: https://www.census.gov/history/www/through_the_decades/overview/1790.html

While archival records of accounting for people of African ancestry who were captured and transported across the Atlantic into slavery can serve as a resource, they represent precarious forms of record keeping, often subject to the recorder's preferences. For instance, the National Archives of the United Kingdom highlights that while there has been a great reliance on ships' records for forecasting the numbers of enslaved entrants, accounts are largely gleaned from the logbooks and journals of ships' captains' logs were essentially the property of the Royal African Company's ships. In addition, the issue of non-governmental record keeping of African enslaved people was further complicated by the fact that ships involved in the slave trade were not required to register until 1696, whereas Portugal and Britain began the capture and trading of Africans in the mid-fifteenth century, John Hawkins (1532–1595) is regarded as the first English slave trader, and is known to have sold enslaved people in San Domingue/Haiti in 1563 (this is in addition to Columbus transporting Aboriginal Peoples to Spain in his 1492 voyage). According to the UK's National Archives (n.d.), the compilation of records attesting to the accounting of enslaved people can also be gleaned from official letters and reports from the governors of the territories to the Colonial Office, newspapers, petitions from slave owners and freemen, reports on slave rebellions, correspondence on local and British laws affecting enslaved people, and the Slave Registry (established in 1819 following slave rebellion in San Domingo and the American Revolution). Based on such information, Portugal and Britain were the European colonizers responsible for an estimated 70 percent of Africans captured and transported to the Americas. Britain dominated the slave trade primarily from its ports in London (1660 to the 1720s), Bristol

(1720s to the 1740s) and Liverpool (1740s to 1807). Even with accounts from these time periods, some of these records have been destroyed due to fire and wars. However, researchers continue to rely on these forms of archival sources' financial and population demographic analytics.

Eric Williams (1941) and C.L.R. James (1963), both Caribbean-born, Marxist-orientated scholars, focused their work on capitalism and the slave trade. Williams (1941) maintained capitalism and economic market conditions drove slavery, not racism. His statement, “Slavery was not born of racism: rather, racism was the consequence of slavery” (Williams, 1941, p. 7), outlines his central arguments that while slavery in the New World involved indentured white Europeans as well as Aboriginal Peoples, the European colonizers determined that the trafficking of enslaved Africans was considered to be the most economically viable labour force solution. Furthermore, in the context of the urgency in the competitive market economy, “of the Caribbean labour problem, sugar meant labour” (Williams, 1941, p. 29). However, William’s assessment is based on the aggregate of financial information gleaned from sources such as annual records of import-export profits between slave-producing regions and the British Empire, the capital gains from the slave trade system, which financed the construction of English estates and the industries of seaport towns including Bristol, Liverpool and London, and manufacturing regions such as Manchester. All of these initiatives relied on the Triangular Slave Trade, which was inextricably linked to slave labour.

By focusing on the diverse industries that were directly linked to slavery, such as ship and dock building, sail making, cask making, rope making, gun making, coal mining

and manufacturing, distilling, refining, iron smelting, weaving, banking, licensing, insurance underwriting and investments, Williams (1941) effectively underscored the economic benefits of slave labour during the industrial age and deviated from demography as the main thrust of his thesis.

C. L. R. James' (1963) historical account of Toussaint L'Ouverture (also referred to as Bréda) and his successful armed revolt against France—Napoleon's regime as well as the powers of Spain and England—not only reveals the heinous conditions of enslavement that led to rebellion from 1791 to 1804 and eventual ending of France's slaveholding regime in Saint-Domingue/Haiti, it also underscores the significance of slave labour records that correlate to changes in population demographic as well as sociopolitical and economic development of France and the global economy. James' thesis, originally written in 1938, includes archival research conducted in Paris, records of the slave trade held at the British Museum as well as the debates of the "Revolutionary Assemblies." Although James' research focused primarily on the oppressive conditions that precipitated the 12 years of conflict and war, it is the revelations from primary and secondary records that again reinforce the extent to which slave labour contributed to the wealth and economic growth and development of France and European empires while simultaneously reducing those who laboured as invisible and replaceable with the cycle of capturing and transporting men, women and children from the African continent.

James' (1963) treatise paints a picture of the dynamics that sparked the first successful slave revolt in the Western hemisphere. An analysis of qualitative and quantitative sources confirms the significance of demographic records, population growth

patterns, and the harsh punitive working conditions as prescribed under the Code Noir. Unknown numbers died as a direct result of labouring while enslaved. The un-accounted for rates of death, severity of abhorrent injuries that overseers inflicted, in addition to related infections, tropical diseases, malnutrition and starvation—remains one of the most securely covered part of human history. Several demographic factors are noteworthy in James' (1963) findings: as early as 1666, 108 French-owned ships transported an estimated 37,430 Africans from the coast of Guinea, and by the eighteenth century, all of the industries in France relied on capital from an enslaved labour force, two-thirds of whom were African-born and who survived the middle passage. According to James (1963), the French colonizers in San Domingue were vastly outnumbered with approximately 500,000 enslaved Africans to 3,000 European colonists and 24,000 *affranchise* (free “mulattoes” of mixed African and European descent). Despite labouring under brutal conditions, with public examples of torturous treatment, countless Africans managed to escape to the mountains and became commonly known on Caribbean islands as the Maroons. The French Revolution (1787–1799), a period marked by proclamations for freedom and citizenship rights, was influential in L'Ouverture's motivation in waging war against French colonial enslavement. According to James (1963), L'Ouverture was born into slavery, and was granted his freedom only six years prior to the Saint-Domingue/Haiti Revolution. He was known as an avid reader of the French Enlightenment philosophers' who in their works propagated the ideals of equal rights and freedom that were foundational to the rights-based principles popularized in France at the time (James, 1963). L'Ouverture was also characterized as “superbly gifted; he incarnated

the determination of his people never, never to be slaves again” (James, 1963, p. 198). Ultimately, slavery’s inhumane conditions and the slaveholding colonial efforts to make the labouring population invisible culminated in a fight for freedom. “Toussaint could defend the freedom of the blacks without reservation, and this gave to his declaration strength and a single-mindedness rare in the great documents of the time. The French bourgeoisie could not understand it” (James, 1963, p. 198). In this regard, the lessons of the San Domingue Revolution underscore the importance of the analytics of population demographics as critical aspects for understanding the dynamics of intersectional dimensions of labour as well as their impacts on people, the economy and the nation’s well-being. What becomes ironically clear in James’ (1963) historical treatise is the extent to which colonial rulers ignored the records of working conditions and fatalities related to labouring.

The intersectional events of the industrial age, colonial disputes, population movement and interactions between populations of free and enslaved people in slaveholding societies prompted an era of new legislative mandates and census records concerning enslaved labourers as well as greater political pressures for slavery’s abolition as information circulated about rebellions and the conditions of slavery. Some scholars (for example, Craton, 2009; Higman, 1985; MacKenzie, 2004; Turner, 1982) have attributed the use of print media in propagating information about slave populations, posters of escape, the conditions of enslavement, rebellions, and colonial leaders’ punitive actions, fears and varying ideologies about slavery—all contributed to changing legislation regarding slavery. A form of public information was becoming increasingly

available, such as newspaper reports of tortures and protracted public executions of enslaved people, loss of lives among slave owners, and financial loss to property as well as the impact of the persistence of rebellions by enslaved people's and their acts of resistance (Craton, 2009).

According to Henry (2018), the historic event of the American Revolution, which ended British colonial rule over the U.S, triggered an influx of "Loyalists" into British-owned Canada along with 2,000 enslaved labourers. Slave legislation such as the Imperial Statute of 1790 allowed Loyalists to bring enslaved labourers and also directed record keeping of enslaved and free Black people boarding ships for British territories for the purposes of compensating slaveholders for their "loss." Additional legislation (see Summary Box 18) was also enacted to "suppress" the Atlantic slave trade and capturing of Africans to be sold in into slavery.

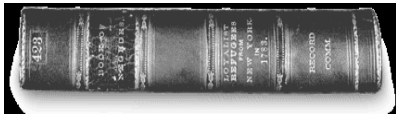
Amid the confluence of increased industrialization, war among European empires for power and control over "discovered" territories, revolutionary war on the North American continent, the struggle for liberation by enslaved people on the continent and in Caribbean territories held by colonial administrators, the demographic shifts of free/unfree slave labourers, and legislated efforts to suppress the slave trade, some partial records of slave labourers have emerged. The newly declared United States of America commenced a governance overpopulation census, including remuneration of those enslaved, and free/unfree people, from 1790 to 1860 within its census. Although similar to the United States, where censuses of the population were taken, a separate accounting of slave labourers was not consistently maintained in Canada despite the fact that:

Summary Box 18

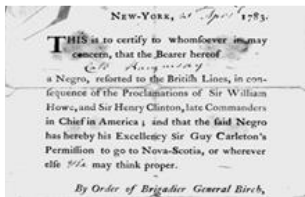
Imperial statute and records and slavery legislation amid rebellions



The “Imperial Statute” of 1790 allowed Empire Loyalists to bring their enslaved labourers to Upper Canada. An estimated 100,000 British Empire Loyalists left the U.S. between 1783 and 1784. Source: <https://www.thecanadianencyclopedia.ca/en/article/black-loyalists-feature>



“The Book of Negroes” is regarded as the first direct government public record of people of African ancestry in North America.



The Brigadier General Samuel Certificate, which is proof of British military service

In 1782, as the British evacuated New York due to the Revolutionary War (1775–1783), the governance required a registry of enslaved people who fought for the British in exchange for freedom; they were granted leave to British-owned territories. This record, which came to be known as “The Book of Negroes,” lists an individual’s name, age, occupation, gender, physical characteristics, any family members, and military service. Intended as a record of compensation for slave owners, it also required noting the ‘value’ of each former slave. Over 3,000 Black Loyalists departed to Nova Scotia, thus constituting the largest settlement of free Black people outside of Africa. In 1796, another group, known as the Maroon Freedom Fighters of Jamaica, also entered into resettlement agreements. Unlike their American counterparts, they waged a persistent war against the British Empire for freedom from slavery in Jamaica. Under the resettlement terms, about 600 men, women and children were exiled to Nova Scotia. Due to poor conditions, the Maroons petitioned the British Government and on August 7th, 1800, an estimated 500 men, women and children departed for Freetown, Sierra Leone in West Africa. Source: <https://novascotia.ca/museum/blackloyalists/who.htm#refugees>



Matthew Elliott homestead, built in 1784, had 60 slaves living in huts behind this house (Photo: Parks Canada/Fort Malden NHS)

According to biographical details (Horsman, 2004), Mathew Elliott (c.1739–1814) was a Loyalist who arrived from Virginia. He acquired 4,000 acres of land and 60 enslaved labourers housed in huts behind his home. Elliott held prominent positions including serving as a government official, elected in 1804 and 1808, and he intervened to make presentations regarding land grants in York/Toronto. He was also an emissary for the Shawnees people prior to the American Revolution. Although illiterate, he was a justice of the peace for the District of Hesse in 1788. He is known to have resisted the abolition of slavery. Loyalist records have become a source for identifying slaveholders and slave labourers in Canada.



Act to Limit Slavery. Source, Archives of Plaque, located on Niagara Parkway in Niagara-on-the-Lake, Ontario/Statutes of Upper Canada, 3

Slave ownership was prevalent among the members of the early Upper Canada Legislative Assemblies. Six out of the 16 members of the first Parliament of the Upper Canada Legislative Assembly (1792-96) were slave owners or had family Members who owned enslaved people: John McDonell, Ephraim Jones, Hazelton Spencer, David William Smith, and François Baby, all owned enslaved people, and Philip Dorland's brother Thomas owned 20 enslaved workers. Dorland was replaced in Parliament by slave owner Peter Van Alstine. And the following six out of the nine original members of the upper house of the Legislative Council of Upper Canada were also slave owners and/or members of slaveholding families: Peter Russell, James Baby, Alexander Grant Sr., Richard Duncan, Richard Cartwright and Robert Hamilton. Peter Russell, the first receiver and auditor general of Upper Canada, had a free Black man named Pompadour working for him. But Pompadour's wife Peggy and their three children Jupiter, Amy and Milly were enslaved by Russell. The following 14 out of the 17 members of the second Parliament of the Upper Canada Legislative Assembly (1797-1800) either enslaved Black people or were from slaveholding families. David W. Smith, who was serving his second term in the Assembly, was a slaveholder. Thomas Fraser, who owned four enslaved labourers in the District of Johnstown, was the district's first sheriff and came from a Loyalist slaveholding family. Richard Beasley owned several enslaved workers in Hamilton, and Richard Norton Wilkinson was in possession of a Black woman and two Black children. Thomas McKee came from a slave-owning family and enslaved eight Black people himself. Dr. Solomon Jones

purchased an eight-year-old Black girl from his brother Daniel in 1788, and Timothy Thompson owned a number of enslaved Black people in the Midland District (see Midland). Robert Isaac Dey Gray was Upper Canada's first solicitor general and became a slave owner when his father, Major James Gray, died, leaving him a Black woman named Dorinda Baker and her sons Simon and John. Benjamin Hardison owned Chloe Cooley before selling her to Adam Vrooman (Henry, 2018, p. 9).

Arguably, the historiography of records of people of African ancestry labouring in Canada are best realized in visual reproductions (see Summary Box 19), attesting to escapes and working freely.

Summary Box 19

Print and image records of people of African ancestry, eighteenth-century slave labour in Canada

	Halifax, 1760: Slave auction Source: https://bcblackhistory.ca/emancipation-day-in-canada-past-present-and-future/

RAN away from her Master JOHN ROCK, on Monday the 18th Day of August last; a Negroe Girl named Thursday, about four and an half feet high, broad sett, with a Lump above her Right Eye: Had on when she run away a red Cloth Petticoat, a red Baize Bed Gown, and a red Ribbon about her Head. Whofoever may harbour said Negroe Girl, or encourage her to stay away from her said Master, may depend on being prosecuted according as the Law shall direct. And whofoever may be so kind to take her up and send her home to her said Master, shall be paid all Costs and Charges, together with TWO DOLLARS Reward for their Trouble.

JOHN ROCK.
HALIFAX, Sept. 1st, 1772.

Halifax, 1774: The young girl, four and a half feet tall, given the name “Thursday,” an escaped slave labourer, is identified by her bodily injury: “a lump above her right eye.” *Nova-Scotia Gazette and Weekly Chronicle*, Tuesday, September 1, 1772.

Source: Nova Scotia Archives

<https://archives.novascotia.ca/africanns/archives/?ID=10>

TO BE SOLD,
A BLACK WOMAN, named PEGGY, aged about forty years; and a Black boy her son, named JUPITER, aged about fifteen years, both of them the property of the Subscriber.
The Woman is a tolerable Cook and washer woman and perfectly understands making Soap and Candles.
The Boy is tall and strong of his age, and has been employed in Country business, but brought up principally as a House Servant—They are each of them Servants for life. The Price for the Woman is one hundred and fifty Dollars—for the Boy two hundred Dollars, payable in three years with Interest from the day of Sale and to be properly secured by Bond &c.—But one fourth less will be taken in ready Money.
PETER RUSSELL.
York, Feb. 20th 1806.

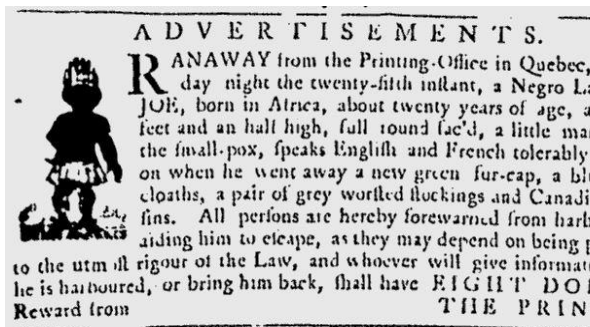
York/Toronto: Slavery advertisement from *Upper Canada Gazette*, February 10,

1806: Peter Russel/York placed this ad in reference to Peggy and her children Jupiter, Amy and Milly, in an effort to sell them. Source:

<http://www.archives.gov.on.ca/en/explore/online/slavery/peggy.aspx>

TO BE SOLD,
A BLACK WOMAN, named PEGGY, aged about forty years; and a Black boy her son, named JUPITER, aged about fifteen years, both of them the property of the Subscriber.
The Woman is a tolerable Cook and washer woman and perfectly understands making Soap and Candles.
The Boy is tall and strong of his age, and has been employed in Country business, but brought up principally as a House Servant—They are each of them Servants for life. The Price for the Woman is one hundred and fifty Dollars—for the Boy two hundred Dollars, payable in three years with Interest from the day of Sale and to be properly secured by Bond &c.—But one fourth less will be taken in ready Money.
PETER RUSSELL.
York, Feb. 19th 1806.
TO BE SOLD BY AUCTION

York/Toronto, February 20, 1806: Russel, Receiver/Auditor General, placed another ad due to Peggy’s ongoing acts of resistance. Jupiter was punished by being “bound and strung up in the window of a storehouse for public humiliation.” Peggy is identified for her value as an enslaved labourer, as a cook, candle and soap maker. Russel remains memorialized with Peter Street and Russell Hill Road named after him. Source: Archives of Ontario, I0024792



New Brunswick: Slave Collar (silver, bronze), owned by Abraham DeMill, Sussex, New Brunswick, before 1834. (Kings Landing Historical Settlement, photograph by Mike Meade)

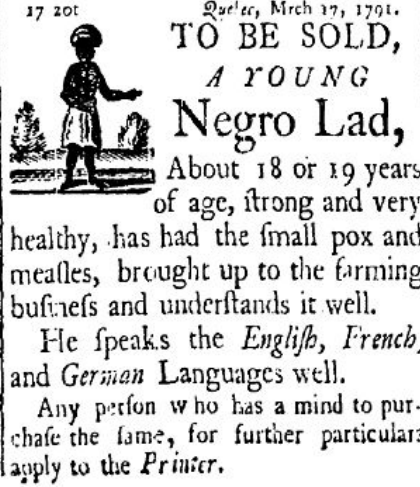
Source: <https://loyalist.lib.unb.ca/atlantic-loyalist-connections/importance-book-negroes>

May 5, 1797, St. John: Fugitive notice.

Credit Michael Liddell. Source:

<https://www.mta.ca/tracingtheblackpresence/rebellion.html>

Québec Gazette, January 29, 1778: The ethno-racial identity of slave labourer, “Joe,” is revealed as African-born and his trade/skills as a bilingual French/English labourer in the printing industry. “Joe” is noted to have bodily injuries (perhaps arising from multiple efforts to escape): “Broke out of His Majesty’s Gaol in Quebec, on Saturday morning the 18th of February last, a Negro man slave named Joe, born in Africa, twenty-six years of age, about five feet seven inches high, a little pitted with the small-pox, has several scars on his legs, speaks English/French fluently, and is by trade a Pressman” (Nelson, 2018).

	<i>The Québec Herald</i>, April 7, 1791: A young man, speaks French, German and English, a survivor of “smallpox and measles,” to be sold.

Henry’s (2018) historical findings attribute a form of mythologizing about slavery or at least a better treatment of enslaved people of African ancestry, in Canada. But in view of the “slave advertisements” of escapes and punishments as well as those records that were generated as a means of establishing “property ownership” over human chattel, this myth can be readily substituted for certain facts. In terms of work and disability, Henry (2018) makes cursory comments by highlighting that enslaved people did not work on Canadian plantations because there were none and treatment in the form of abuse upon the Black bodies was no different from people held in bondage as they worked in all other areas of labour including agriculture, farming, hunting, dockworker, mining, laundresses, printing press operations, seamstresses, blacksmiths, carpenters, cobblers, soap makers, bricklayers, and made log homes and furniture, among other occupations. Perhaps due to this history of denial and the propensity for treating enslaved people as non-human, scholarship in Canada has focused on legal analysis and representations (in works such as Henry, 2010; Cooper, 2014; Walker, 2012; Nelson, 2018, among others) of

First Nations, Black and racialized People, to a lesser degree consequential outcomes of forced labour and the production of disability.

Boster's (2010) seminal work, *Unfit for bondage: Disability and African American Slavery in the United States, 1800-1860*, is among few studies on slavery and disability. It provides an in-depth study of forced migration, enslaved labourers and acquired disability. As noted from a review of photographic evidence, the narratives of survivors of slavery and other historical plantation records, Boster (2010) incorporates the retrogressive and ablest language of "crippled" to convey explicit statements to encapsulate her findings: "The pained and crippled black bodies served as a powerful display at a time when many Americans tended to disregard both enslaved and individuals with disabilities, rendering them invisible to society at large" (p. 3). Therefore, the serious question of "how disability was constructed for a group of people whose role in society was strictly limited by their labour status and race" (p. 21) provides a critical point for the intersectional discursive dimensions of race, acquired disability in labouring, and the implications for human rights and social justice. One observation that can be drawn from Boster's (2010) study is that the harnessing of the physical and intellectual capacities of Africans relative to forced labour migration and the intersection of disability and race, among other social dimensions, have been largely discounted. To this end, Boster (2010) highlights that the social constructivist approach that disability scholars have taken negates the "visibility of racialized slave bodies" in the face of ample evidence to support the notion that the institutional power holders constantly negotiated concepts of "desirable" and "unsound" qualities of slaves' bodies" (p. 19). The

affirmation that is provided is that disability and race are inexorably linked in terms of the placement of the racialized Black body along the trajectory of “normalcy” and “difference.” Boster (2010) notes that “historically, disability and bondage both signified the subjugation of human bodies. Similar to race, gender, and class, disability has been a powerful construct that marks bodies as social “Others” and disrupted cultural understandings of the “orderly body” (p. 21). But the intersectional agents of power over racialized Black bodies, sanctioned by pseudo-scientific-medical ideological framings of “soundness” of body and or “feeble-mindedness,” are hence subject to surveillance in the casting of indiscriminate (in)human treatment is not robustly made public. Boster (2010) makes the argument that sources of evidence at the apex of the medical gaze, which was exercised over enslaved people of African ancestry held in bondage through intense surveillance of Black “bodies,” and the exercising of “power” over human “property,” are hidden within the nation’s archives. In addition, “the sites of resistance, endurance and transcendence” (p. 28) became a foundation for inspiring gateways to survival and freedom.

Harman (2008) touches upon the disability and fatalities discourse of labouring in slavery, noting the numbers of lost lives in the whole process from captivity and passage to the “New World” for no other purpose but to be held as enslaved labourers. The conditions of slavery are most aptly described as one of the most deplorable injustices enacted upon a people who “had been herded at gunpoint into ships in West Africa, taken across the Atlantic in appalling conditions (more than one in ten died on the way), sold at auctions and whipped into working 15, 16 or even 18 hours a day until they died”

(Herman 2008, p. 249).

The period just prior to the British Parliament's enactment of legislation for the abolishment of slavery in 1833 and the United States' ratification of laws to free enslaved people following its civil war in 1865 did not extricate former enslaved people from the mores of being managed under oppressive regimes of control where they did not have status as free workers with equal rights and privileges for entry into the burgeoning labour market of the industrial age. The plight of racialized people of African ancestry remained precarious within the sociopolitical environment of the "abolition of slavery," where their experiences and very existence continued to be mitigated by entrenched official governance through the instrumentation of racial hierarchy. For instance, the accounting of people based on their demographic identifying information, including names, having a racialized status, and other factors, were enumerated in the first census of 1870 in the United States. Information such as B/Black, C/Chinese, I/American Indian as well as occupation/profession/trade were part of the census (United States Census Bureau, 1975). The wall of race-based segregation and forms of indentured labouring—under an established "Black Code" that emerged following the American Civil War (1861–1865)—gave rise to the Reconstruction period (1865–1877), and at the same time, created forms of subjugation in a burgeoning industrial age labour market. As described, the labour market opportunities for former enslaved workers in post-Civil War America remained precarious following slavery's abolition in the "land of the free:"

The giant forces of water and of steam were harnessed to do the world's work, and the black workers of America bent at the bottom of a growing pyramid of commerce and industry; and they not only could not be spared, if this new economic organization was to expand, but rather they became the cause of new

political demands and alignments, of new dreams of power and visions of empire. First of all, their work called for widening stretches of new, rich, black soil-in Florida, in Louisiana, in Mexico; even in Kansas. This land, added to cheap labour, and labour easily regulated and distributed made profits so high that a whole system of culture arose in the South, with a new leisure and social philosophy. Black labor became the foundation stone not only of the Southern social structure, but of Northern manufacture and commerce, of the English factory system, of European commerce, of buying and selling on a world-wide scale; new cities were built on the results of black labor, and a new labor problem, involving all white labor, arose both in Europe and America. Thus, the old difficulties and paradoxes appeared in the new dress. It became easy to say and easier to prove that these black men were not men in the sense that white men were and could never be, in the same sense, free. Their slavery was a matter of both race and social condition, but the condition was limited and determined by race (Du Bois, 1935, p. 5).

The importance of demographic identifying information by race, occupation and other factors gave flight to Du Bois' (1935) sociological analysis of the labour market conditions and experiences, which confronted the diverse population mix of newly freed enslaved people, those who had gained their freedom in prior years and those of diverse ethno-racial identities, now variously identified in an era that was buttressed by the Industrial Revolution as well as the necessities of the great American Reconstruction, which confronted the newly "freed." Using the statistics gathered from the first U.S. census following the Emancipation Proclamation, Du Bois (1935) deduced that there were 4,441,830 working men and women of African descent.

These workers were not all black, not all Africans, and not all 'slaves.' In 1860, at least 90 percent were born in the United States, 13 percent were visibly of white as well as Negro descent ,and actually, more than one-fourth were probably of white, Indian and Negro blood. In 1860, 11 percent of these dark folks were free workers (p. 3), and they represented 10 percent of the population. Notwithstanding the ongoing political and cultural conflicts between states that cleaved to the confederacy and union sentiments

regarding slaveholding, the plight of those and their descendants who landed in the scope of forced migration and endured nearly 400 years of slavery were finally acknowledged by name, identity and nature of work that they were doing. While this available information did not bring quick relief to the disparities that these workers faced, available information provided a working platform for a new phase in the battle for human rights, society civil rights and equity. According to Du Bois (1935), following emancipation, an estimated 90 percent of formerly enslaved workers of the southern plantation system found themselves trapped in an indentured system where they worked as sharecroppers on the same lands as their former slave masters and under laws such as the Black Code, Jim Crow and other systems of repression that created new forms of control and lack of ability to advance as free workers. The labour market environment of industrialization and new immigrants arriving from Europe against a backdrop of the existing Southern poor white labourers, touched off a new wave of dynamics in the labour market economy. New approaches to labour and mechanisms for the labour market integration of America's racialized and once forced immigrant labour force became an urgent matter for the newly formed United States of America.

In Canada, the preceding legislation leading up to the abolition of slavery, in the form of the 1793 Act to Prevent the Further Introduction of Slaves, which Governor Simcoe introduced, presents the strongest official government record of acknowledgement of the government-sponsored enslavement of people of African ancestry in Canada. It can also be aptly described as a manifest within the Du Boisian paradigm on the efforts made to suppress the African Slave trade. However, the British-

held North American territories, which declared abolition and freedom for people held in bondage over 30 years ahead of the United States, appeared to have no mechanisms of official records for recognizing its former bond's people. One explanation for this lack of official census records following the British Empire's declaration of the abolition of slavery is provided by a period historian, lecturer and abolitionist. The documents read as follows: b. 17 Oct. 1817 in Maryland, son of slave parents, Anne (Harper?) and William Ward; d. probably in 1866 in Jamaica, which clearly indicates a problem in accuracy in census data pooling.

There are supposed to be in Canada some 35,000 to 40,000 coloured people. One reason why we cannot get at the actual numbers more accurately is, that in taking the census, designations of colour, though provided for, were not made. It is only possible, therefore, to give the approximate number, from the best sources at command (Ward, 1855, p. 154).

When Ward (1855) made these statements, he was fulfilling an official advocacy role in the abolitionist movement. According to Winks' (1997) autobiographical accounts, Ward (1817–c. 1866) was an African American “fugitive slave” who, along with his parents, made his way to freedom and became a staunch abolitionist, which earned him the reputation of being a “militant black well ahead of his fellow fugitives” who did not support the idea of “settlement rules” that governed the lives of fugitives and newly freed enslaved people in Canada. He travelled extensively throughout the United States, Canada and Great Britain to raise funding for Black Settlements.

His commentary on the status of official records concerning African Canadians in the just over two decades of British Empire emancipation laws parallels those of current government accounts of the same period. Canada's census after Confederation

encompassed enumeration of New Brunswick, Nova Scotia, Ontario and Québec: “The 1871 Census began collecting information on the ancestral origins of all Canadians, including Aboriginal persons, was recorded” and “subsequently published in 1873” (Statistics Canada, 2015). Based on the contents of period census records (see Summary Box 20), Ward’s (1855) sentiments are indicative of the contrasting Census records between the United States shortly after the legislated abolition in both countries.

Smith’s (March 18, 1898) historical reading before the Nova Scotia Historical Society further confirms the absence of records as well as historical accounts in an effort to “supply a missing chapter in Canadian history” makes the profound finding, “The lives of Canadian slaves were without annals. Their existence was passed on one of the lowest levels, references to them in contemporary records being only occasional and as brief as possible, except under very special circumstances” (p. 21). In a thorough examination of historians’ recordings and primary research of the narratives of those living on the Canadian border, the following is derived:

Our historians have almost wholly ignored the existence of slavery in Canada. A few references to it are all that can be found in Kingsford's ten volumes; Haliburton devotes a little more than a half-page to it; Murdoch contents himself with the reproduction of a few slave advertisements; Clement, the author of the school history, accepted by nearly all the provinces, dismisses it with a single sentence; and in the long manuscript catalogue of Canadian books, pamphlets and papers gathered during a long life-time by the late Dr. T. B. Akins-a large and very valuable collection-the word “slavery” nowhere appears, even as a sub-heading. Other historians and collectors, in general, have given little more attention to the subject. Further difficulty has arisen from the fact that complete flyers of our early newspapers - those of Nova Scotia at least - cannot be obtained. I have had, therefore, to be a patient and persistent and often disappointed gleaner (Smith, 1999, p. 1).

Summary Box 20

Abolitionist efforts and census data following the abolition of slavery

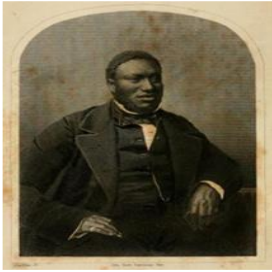


Image: Samuel Ringgold Ward (1817–c. 1866)

Source: Photograph from the frontispiece of *Autobiography of a Fugitive Negro: His Anti-Slavery Labours in the United States, Canada, & England*. Public Domain. Ward's (1855) publication chronicles his "Anti-Slavery Labours" in the U.S., Canada and England.

A digitized page from the 1842 Census of Canada West. The page is filled with a dense grid of handwritten data, organized into numerous columns and rows. The text is small and difficult to read, but the overall structure is a typical census enumeration page.

Library Archives Canada, digitized page of Census of Canada West, 1842, Image No.: 004569585_00257

According to Statistics Canada (2015), the Censuses of 1842, 1851, and 1861 enumerated for a wide range of personal demographic information, including: number of males of color in each family (Column 42), number of female coloured persons in each family; Number of females of color (Column 43) in each family, in addition to other personal details. There are no instructions inserted directly on the enumeration page.

<https://www.bac-lac.gc.ca/fra/recensements/1842-canada-est/Pages/propos-recensement.aspx>

propagation of racialized ideologies was weaponized to create a global race-centric hierarchal structure that would dominate employment policies and legislation on immigration relative to the treatment of newly freed racialized workers and those who would be “induced” to cross borders for purposes of employment.

Hanley’s (2016) prize-winning essay on “Slavery and the Birth of Working-Class Racism in England” highlights the confluence of ideologies that were aimed at creating boundaries between classes and the casting of an “inferior racial antitype” as a means of reinforcing the discourses of white Euro-centric superiority in the world of work. These discourses bear relevance to the accounting of racialized workers during this burgeoning industrialization of labour and the need for an immigrant workforce:

In Britain, the early nineteenth century saw the emergence of both a distinctive working-class political identity and new ideas about human difference. The two were not completely discrete phenomena. During this period, the abolition of slavery and the suppression of the transatlantic slave trade entered popular discourse as manifestations of Britain’s inherent national moral supremacy. Nevertheless, the textures and referents of this patriotism-specifically who and what it was that made Britain so great-were contested. While the industrial working classes in Britain were intellectually as heterogeneous as any social group, a strand of radical discourse became dedicated to spreading ideas of a different type of natural English superiority among the nation’s disenfranchised workers. This discourse drew ideas about race and nation together with attacks on well-to-do parliamentary abolitionists, and in some cases, led to a thoroughgoing pro-slavery position by the early 1830s. For these radicals, enslaved black people in the West Indies neither deserved the attention of British philanthropists, nor were they intellectually or morally equipped to appreciate it properly. In their eyes, the money and attention being poured into the abolitionist movement would have been better spent on the equally exploited, but inherently more deserving, white British workers (Hanley, 2016, pp. 103–104).

Therefore, while industrialization was a pivotal period in human history, it cannot be detangled from specific forms of racialism given that various forms of legislative and regulatory mechanisms that were operationalized in immigration policies, labour laws,

and work-related regulations, mechanisms for surveillance and legal enforcements that targeted racialized people in the engineering of industrialization.

In North America, the Caribbean and other regions where “slavery” was the mainstay of the labour force, ‘training’ and ‘surveillance’ became the *modus operandi* that governed the lives of former enslaved people whose labours fueled the Industrial Revolution. It is in this regard that there is a demarcation in the positions between the Marxian principles of “capital.” While Marx’s framework is heralded as the centrifugal philosophical underpinnings of analysis of the labour market economy in which injustice is regarded as a derivative of material production of the socio-political structures of capitalism, leading to the exploitation and oppression of workers, commentators’ divergent perspectives on the intersectional dimension of race bring into question the efficacy of the application of the Marxian framework. This refers specifically to the marginalization of people in the exercising of the power dynamics in matters of race, gender, class, (dis)ability and citizenship status among other demographic identity markers. While Marx’s theory is prominent in the interdisciplinarity discursive analysis of colonization labour force mobilization—from historical forced migration in slavery to the push/pull effects post abolition (Du Bois, 1896; Fanon, 1967; James, 1963; Williams, 1962)—the question of Marxism and the core elements of capitalism and classism as a sufficient framework for theorizing racism as a source of oppression continues to be a source of debate. To this end, Du Bois (1935) argues that racism, like class, emerged as a divisive instrument posing as a “psychological wage” in the domain of capitalism since white workers are awarded privileges, such as preferential treatment, which entrenched

divisiveness along racial lines. On the other hand, Das Gupta (1996), who engages a Marxist theoretical framework, recognizes a profuse “segmentation” of the labour market wherein racial and gender inequities permeate the lived experience of working life with oppression. As Marxist theory tends to treat the working class as a monolithic group, Das Gupta (1996) explicates that the challenge with a Marxist framing is that nuanced realities of racism and sexism in the labour force become interwoven with class and other aspects of status.

These conceptualizations of workforce racialization and exclusionary policies were tied to identity-based inequities at the height of the Industrial Revolution. The geopolitical scheme of governance, which manifested in further fortification of diminishing the value of a racialized labour force at a time when the intensification of globalization and the demand for human and material resources were at an all-time peak, would set the stage for the labour of the twentieth century. Baronov (2000), a labour historian who undertakes scholarship in globalization and race relations, highlights the importance of distinguishing between the particular forms of marginalization of various groups of un-free labourers that existed throughout the world and across cultures when contemplating this period of abolition and freedom from coercive labour schemes, Examples include the serfdom servile bondage system that was part of the landlord-tenant-agricultural system of Central and Eastern Europe. Key to this understanding is the fact that: “Sixteenth-century plantation slavery in the Americas was the world’s first consciously planned, systematically organized effort to a construct – from nothing – an environment conducive to a sustained process of global commodity production. With land

stolen from Native Americans and labour kidnapped from Africa” (Baronov, 2000, p. 90).

Several migratory push-pull factors in the power dynamics of managing labour force movement within and across borders that were influential in the third wave of immigration, underscore the purpose and prioritization of record keeping concerning slave workers:

While individual histories varied, the abolition of slavery brought with it a fairly consistent set of planer demands. First and foremost was the subject of compensation. With few exceptions, slaveholders, like their seigniorial counterparts, received monetary compensation for the release of their human property. British planters were awarded £20,000,000 equaling 40 percent of the purchase price of their 668,000 slaves. The 6,086 Dutch planters owning 26,825 human beings in Dutch Guiana were awarded 9,867,780 guilders equaling 50 percent of the market price of enslaved at the time (Emmer, 1993, p. 89). As Engerman observed, such compensation levels were the norm throughout both the Americas and Central and Eastern Europe. When both slavery and serfdom were ended, it was most frequently with some compensation paid - in cash, securities, land, or labor time - to slave owners and serf owners (Engerman, 1986, p. 330). Only planters in Haiti and the United States - the only slaveholders actually defeated in war - were denied monetary compensation (as cited in Baronov, 2000, p. 93).

Baronov’s (2000) research is also instrumental in summarizing the documents of compensation to ‘owners’ for their human property and goes further to confirm the intentional aspects of rewards. The accumulated records also inform the history of rewarding only the ‘successful owners’ who are regarded as those who used and abused enslaved people to support the economic growth of the nation-state by maintaining a system of an unfree labour force. As long as the nation-state system of slavery was successfully maintained through whatever means necessary until authorities set a date for liberation, governments awarded financial compensation. The inflicted harms, disablement and discounting of the identities within this process of maintaining the free

slave-labour system were never part of the calculus of record keeping. As noted in the varied design of the slave registries (see Summary Box 21), a form of the census was instituted for every three-year period leading up to the abolition of slavery and included: the name of the slave owner, the plantation and or place of residence (usually the colonial parish of the plantation), name of the enslaved person, slave (usually only first name that the slaveholder bestowed), gender, age, nationality.

Morgan (2007) adds to the discourse concerning the Registry's main purposes, noting that it was to establish a system of accountability of the slave populations for each plantation within the colonial territories; to collect and publish statistics on the enslaved population, including a means of gauging the labour skills being extracted from enslaved people as well as to determine if "planters were treating their slaves better and promoting slave breeding" (p. 177). However, these passive methods of census data gathering, which the legal mandate to end the slave trade preceded, neither deterred illegal slave trading nor curtailed the intercontinental trade of people for the specific purpose of maintaining an unfree labour force through whatever means necessary. It also did not support the false premise that such a census would promote any form of amelioration of enslaved people's conditions. Based on an analysis of the Compensation Commissioners' records and the Slave Registry, there was no formally established method to gather information on enslaved people's living conditions or welfare.

Although there is variability in the design of the records from the colonies, there was no column to account for an enslaved person's condition. In addition, a counter and more plausible explanation for the Slave Registry was made more transparent once a

central reporting mechanism was enforced:

In 1819, the British Government established a central slave registry in London which was intended to record sales, inheritance, transfer, or inter-colonial movement of enslaved persons. Furthermore, in 1821, governors of West Indian colonies were required to send copies and indexes for the local registry to London. Under the terms of the Abolition of Slavery Act 1833, slavery was abolished in most British possessions on 1 August 1834, and the slave registers were used by the local authorities to determine who were to be apprenticed labourers; and by the Slave Compensation Commissioners to establish legal ownership and final evaluations for compensation purposes (UNESCO, 2017).

The Slave Registry's contents reveal a trove of evidence attesting to the most formidable system of global cruelty, which was legally sanctioned and financially incentivized for those who would make every effort to maintain the bondage system for labour's cause.

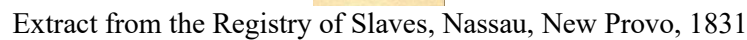
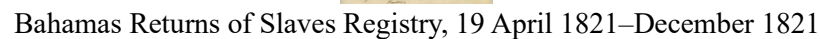
These records have come to be regarded as being among the most significant documentary evidence of human history, reflective of the demographic information of enslaved people of African ancestry. The records link personal/individual information by given names (of the enslaved and slaveholding family) and occupation during this critical period of transition from a planter/agricultural dominant global economy to one that was industrialization dominated. According to the Memory of the World Registry, although the Central Slave Registry only covered a 14-year period (1817–1834), it continues to be impactful today, not only because people were named/identified, but also because the records provide a primary official governmental record of information on the presence of African People and a potential source for finding familial connections.

Furthermore, the world is introduced to the untethered truth of linkages between labour, the racialized body and disability:

All registers identify the enslaved as either African or Creole born in the Caribbean, but some include greater detail. The Registers of St. Kitts and

Dominica contain evidence of the presence of specific African ethnic groups, such as the Ebo, Mande, Bambara, Fulani, Sousou, Chamba and Gulla people and links with locations such as Congo, Senegal and Goree. Others still had been born on the North American mainland. It shows links with the wider Caribbean. A significant number of the enslaved had been born in places other than the place of registration [...] They provide information related to age, colour, sex, place of origin and work performed, showing a diversity of skills that were present among enslaved males and the reliance of the plantations on both male and female enslaved labour. The economic value of the enslaved is clearly shown when an aged or sick slave was listed as “useless” (emphasis) in the space where an occupation should have been named (UNESCO, 2017).

Common features of the Slave Registry Logs



Bermuda Returns of Slaves Registry, 1833

Note: The following sample pages depict submissions that are included in the UNESCO Memory of the World Register, 2009 and addendum 2011. UNESCO has also outlined: “Enslaved Africans made up the great majority of transatlantic migrants who were forcibly removed to the Americas from Columbus' first voyages in the fifteenth century until the nineteenth century. The Trans-Atlantic slave trade, originating in Africa and ending in the Caribbean and the Americas, remains a sensitive subject for several reasons, including issues of race, morality, ethics, identity, underdevelopment and reparations.”

<http://www.unesco.org/new/en/communication-and-information/memory-of-the-world/register/full-list-of-registered-heritage/registered-heritage-page-7/registry-of-slaves-of-the-british-caribbean-1817-1834/>

In as much as the significance of the forgoing records are notarized for the historical significance of the British Empire's effort to abolish slavery, a critique of what is missing from this cataloging of history is less prevalent. For instance, Morgan (2007) highlights that Denmark and Norway made the capture and transporting of Africans as slave labourers illegal in 1803. Also, following the armed struggle against France and the defeat of Napoleon, Haiti declared its independence and abolished slavery in 1804. Amid various armed rebellions, enslaved people's uprising, and abolitionist movements, the British Empire eventually passed legislation for the registration of enslaved adults as well as children from six years of age in order to maintain administrative accounting and control of the enslaved slave population in territories under their governance. These legislative actions were in part motivated by a desire to have security measures in place as, increasingly, there was a higher number of enslaved people compared to white colonial settlers (see Table 5). There was also a recognized need to plan for the period of post-abolition of slavery. Most striking in this historiography is the report that: "It was not until the 1920s that slavery ended in British-held parts of Nepal, Burma, and the Sudan. Slavery continued to flourish in Middle Eastern countries in which Britain had a strong interest" (Morgan, 2007, p. 203).

Table 5

UNESCO record of estimated slave, freedom and white populations by colony, 1810 and 1830

Estimated Slave, Freedom and White Populations by Colony, 1810 and 1830								
Colony	Percentage Slave		Percentage Freedman		Percentage White		Total Population	
	1810	1830	1810	1830	1810	1830	1810	1830
<i>Old Sugar Colonies</i>								
Barbados	80.6	80.3	2.7	5.2	16.7	14.5	93,040	102,150
St. Kitts	85.4	81.6	7.8	12.0	6.8	6.4	24,350	23,400
Nevis	90.0	83.2	5.2	12.7	4.8	4.1	11,550	11,050
Antigua	89.6	80.0	5.2	14.9	5.2	5.1	40,200	37,000
Montserrat	88.9	84.0	5.2	11.3	5.9	4.7	7,650	7,500
Virgin Islands	85.4	69.1	9.1	22.8	5.5	8.1	8,780	7,450
Total	84.3	80.3	4.5	9.3	11.2	10.4	185,570	188,550
Jamaica	85.7	84.4	7.4	10.6	6.9	5.0	404,200	378,050
<i>New Sugar Colonies</i>								
Dominica	83.7	77.4	10.6	18.9	5.7	3.7	22,700	19,000
St. Lucia	84.8	72.8	9.2	21.7	6.0	5.5	21,800	18,400
St. Vincent	91.8	82.5	4.4	12.5	3.8	5.0	29,850	28,000
Grenada	92.5	84.1	4.9	13.4	2.6	2.5	35,450	28,400
Tobago	91.8	88.7	4.1	8.1	4.1	3.2	19,600	14,150
Trinidad	75.1	54.1	17.8	38.0	7.1	7.9	35,270	42,065
Demerara-Essequibo	93.8	87.7	3.5	8.3	2.7	4.0	85,300	77,500
Berbice	94.8	89.6	3.5	7.8	1.7	2.6	28,800	23,100
Total	89.4	79.4	6.7	16.1	3.9	4.5	275,770	250,615
<i>Marginal Colonies</i>								
British Honduras	70.7	45.2	24.4	47.6	4.9	7.2	4,100	4,200
Cayman Islands	69.1	66.7	6.5	10.0	24.4	23.3	1,230	1,500
Bahamas	68.9	55.8	8.3	14.8	22.8	29.4	14,500	17,300
Anguilla	73.9	78.8	8.7	12.1	17.4	9.1	2,300	3,300
Barbuda	99.2	99.4	-	-	0.8	0.6	353	503

Total	70.3	58.4	11.0	19.2	18.7	22.4	22,483	26,533
TOTAL	86.2	81.2	6.6	12.2	7.2	6.6	888,823	843,698

Reproduced from UNESCO, 2017 website. Original source: Calculated from data in table S2. 1; and Jerome S. Handler, *The Unappropriated People* (1974), p. 18; Douglas Hall, *Five of the Leewards* (1971), p. 8; Elsa V. Goveia, *Slave Society in the British Leeward Islands*, C.O.239/9; Gad J. Heuman, *Between Black and White* (1981), p. 7, J.F.X Punget, *Essai sur la topographie de l'île de Saint-Lucie* (1804), p. 35; Robert Montgomery Martin, *Statistics of the Colonies of the British Empire* (1839); O. Nigel Bolland, *The Formation of a Colonial Society* (1977), p.5 1; *P. P., 1823, vol. 18* (89), “Slave Population.”

However, there are no records of a slave registry for the British-held Canadian territories. It is now undeniable that Canada’s history is chained to the transnational enslavement of people of African ancestry from the early period of establishing New France in the 1600s until 1833 when the British Parliament enacted legislation. Apparently, this legislation to maintain a Registry of Slaves in the British Empire did not impose any obligation for compliance. Henry (2016) attributes this gap to the history of denial that slavery ever existed in Canada in favour of the preferred narrative, which propagated the mantra of escape to freedom via the Underground Railroad and better treatment of “domestiques” or servants. These propagandistic positions have given comfort to the ideals that Canada did not have enslaved people within its territories even though were forms of forced subjugated labour had produced the lexical cannon of terms such as “useless” and “accommodation” on the cusp of the post-modernity era where race, disability and immigration would become powerful discourses in constructing identity amid immigration policy and the labour market.

Henry (2016) argues that enslaved people in Canada were treated in a similar

manner to those in the United States and the Caribbean because they were, in fact, treated with inhumane cruelty, torture, sentenced to prison or death as they laboured as hunters, voyageurs, sailors, miners, laundresses, printing press operators, fishermen, dock workers, seamstresses and hairdressers. They also made potash, soap, bricks, candles, sails and ropes. Enslaved workers were not only present in general labouring fields but worked in what Whitfield (2016), a historian on Canadian and American slavery, outlines as a wide breadth of skilled/professional occupations, including as blacksmiths, carpenters, cobblers and wainwrights, among others.

However, the similarities do not extend to official government records of enslaved people since Canada's place in history is inexorably linked to the foundation of making invisible the records of its slaveholding realities. Despite this spasticity of available records, the estimates and regions of slaveholding during the turn towards industrialization is as follows: "By the 1790s, the number of enslaved Black people in the Maritimes (New Brunswick, Nova Scotia and Prince Edward Island) ranged from 1200 to 2000. There were about 300 in Lower Canada (Québec), and between 500 and 700 in Upper Canada (Ontario)" (Henry, 2016, p, 6). The absence of records serves as an intentional denial of slaveholding, which would ultimately serve as an erasure of all associated historical traumas, illnesses and injuries incurred in the course of slaveholding and its mechanisms of control over the physiological, psychological and humanity of the enslaved people. Most significantly, there were no records of a slave registry from British-held Canadian territories. By extension, there was no reference to the incurred harms in the course of labouring under torturous mechanisms of control.

The period leading up to the abolition of slavery was pivotal in identifying people held in bondage in the British Empire's administrative accountability log, known as "the Slave Registry." According to Morgan (2007), based on the British Parliamentary Debates, on March 25, 1807, a Bill to end the Atlantic Slave Trade was passed, which then prompted a legislated system for a central form of record keeping. Taking an incrementalist approach to liberating enslaved people who were held in a perpetual cycle of inescapable forced labouring regimes, almost one decade later in 1823, the British government took steps towards liberating the enslaved peoples within its grasp by declaring its intentions to introduce measures for the abolition of slavery in the colonies. In the almost two decades following the first major effort to suppress the trading of African people, a Bill was introduced in the British Parliament in December 1833 to abolish slavery, which took effect on August 1, 1834. But in effect, enslaved people were legally bound as apprentices, a situation lasting until 1838 (Hansard, 1803–2005). Cumulatively, over the three decades where legislative efforts for the abolishment of slavery ensued, the slow release from human bondage in British-held territories was perpetuated through the full enforcement of the British Poor Laws.

Overall, a primary purpose that the slave registration statutes in the colonies of the Caribbean and the Americas served was to maintain a record of the slave population relative to white settler plantation owners, who acted as the designated overseers for the colonizing state. The records administration commenced by acknowledging the important role of slaveholding within the labour market economy and made it possible to monitor labouring needs and maintain a strategic calculus of enslaved people at macro

and micro levels, including the number of enslaved people per square mile in the British-held territories (see Table 6) and further, to have a system of surveillance for military dispatch to thwart any threats of slave rebellions.

In Canada, government-enforced mechanisms of controlling enslaved people were in place since the establishment of New France, then fortified through the customs and laws under the 1685 Code Noir and continued with the 1763 Peace Treaty of Paris, which settled the terms of the American Revolution and granted permission for Loyalists to enter Canada with their enslaved workers. Despite the piecemeal gathering of these details, “historians have almost wholly ignored the existence of slavery in Canada” (Smith, 1899, p. 1). Even more sobering is the fact that Canada’s history is shackled to nation-building, and with the labours of enslaved people, their identities and roles as enslaved workers are relegated to what is aptly described as “a drama punctuated with disappearing acts” (Cooper, 2006, p. 7).

Table 6

The British colonies in the Caribbean, c. 1834

The British colonies in the Caribbean c. 1834				
Colony	Area (sq. mile)	Enslaved Population	Enslaved per sq. mile	Year of British Colonization
Barbados	166	83,150	500.9	1627
St. Kitts	65	17,525	269.6	1625
Nevis	36	8,840	245.6	1628
Antigua	108	28,130	260.5	1632
Montserrat	39	6,400	164.1	1632
Virgin Island	59	5,135	87.0	1672

Jamaica	4,411	311,070	70.5	1655
Dominica	305	14,165	46.4	1763
St. Lucia	233	13,275	57.0	1803
St. Vincent	150	22,250	148.2	1763
Grenada	133	23,645	177.8	1763
Tobago	114	11,545	101.3	1763
Trinidad	1,864	20,655	11.1	1797
British Guiana	83,000	83,545	1.0	1803
British Honduras	8,867	1,895	0.2	1670
Cayman Islands	100	985	9.9	1734
Bahamas	5,548	9,995	1.8	1648
Anguilla	35	2,260	64.6	1650
Barbuda	62	505	8.1	1685
Reproduced from: UNESCO, 2017, p. 17. Original source: B. W. Higman, <i>The Caribbean Today</i> (1975); table S1.2.				

Colonial authorities never imposed a requirement for Canada to take account and submit reports concerning enslaved people. This may have been due to the duplicitous intentions that the foundations of denial of the existence of slavery in British-held North America created. According to historian Harvey Whitfield (2016), once it became evident that slavery was ending, by 1822, the Maritimes claimed that there were no longer any enslaved people in the region, despite the fact that based on slave posters and other records, legally binding wills/estate papers, bills of sales, other private letters, and religion-related documents such church/baptismal records, the Maritimes was a society with ‘slaves’ since the seventeenth century, and people were held in bondage for multiple occupational purposes. But specific statutes for “regulating” slaveholding as an institution were not in place. Instead, the antecedents for slaveholding were subsumed under the British Common Law, which essentially made slavery part of the custom of

everyday life in Canadian territories. As explained, in anticipation of the ending of access to free labour, slaveholders began to configure ways of “smarting” the system with the tripartite effect of denying slavery while simultaneously maintaining a system of enslavement with access to free labour and having the option of intercontinental selling of enslaved people by the introduction of a regulatory bill:

The 1808 “Act for regulating Negro Servants within and throughout this Province” was a defensive bill written to protect slaveholders from the loss of their property by detailing a program of gradual emancipation by the age of an individual slave. As Nova Scotia moved toward emancipation, slave-owners realized that they might possibly lose their ‘slaves’ without any compensation [...] Entrenching gradual emancipation in law would have allowed slaveholders to continue to steal the labour of their enslaved for many years while giving them time to sell enslaved people to the West Indies or the United States[...]The bill also attempted to retain control over the actions and words of people of African descent through various punishments for perceived insolence [...] The 1808 bill marked a last-gasp effort by owners to maintain control over their enslaved people and legally exploit black labour for several more years [...] Slaves and free blacks were regularly reminded that they belonged on the lowest level of society, or indeed outside of society altogether. The most blatantly harsh form of racial discrimination involved the public whipping of blacks who had been convicted of some offence. Public whippings were administered to free and enslaved blacks alike (Whitfield, 2012, p. 26).

In elucidating the effect of the virulent effect of using public torture and other means of messaging the broader society with ‘slaves’, Whitfield (2012) draws on the work of public intellectual and historian Orlando Patterson’s (1982) ground breaking work on *Slavery and Social Death*, which is a testament to moving beyond the sociopolitical and economic fault lines to the process of consciously creating a non-person status through systematic oppressive domination in all spheres of human relationships. By enacting unfathomable violence from birth to the corpus ending of life, those with power over rendered enslaved persons to the margins and used racial markers to render an epitaph of

being socially dead to the human family. This thesis of ‘social death’ transcended across generations and was not only articulated by the instruments of jurisprudence across all nation-states from antiquity to (post) modernity to being embraced as normative codes of behaviour, especially in the case of racialized people of African ancestry, who were targeted by the identity of skin colour and places of origin. Whitfield (2012) sources the symbolic entrenchment of shaping this enduring oppressive domination in the degradation of enslaved people of African ancestry through examples of public whipping of men, women and children in the Maritimes (see Summary Box 22). These acts were sanctioned under law, hence registered in the public record and extended through repeated public exposure to ensure its indelible commitment to the memories of community particular forms of behaviours towards an identified group of people.

Summary Box 22

Maritimes sample cases of public whippings of enslaved and free people.

1787 – Sydney, Cape Breton, Sarah Ringwood: The court ordered that she “receive Thirty-nine stripes on her naked back at the Public Whipping Post in Manchester.”

1796 – Nine years later, a “black boy” named Joseph: The court ordered that Joseph receive “24 Stripes.” What is striking is that sometimes slaves would be punished by the judicial system for crimes committed against their owners. In these cases, the state would whip or otherwise punish the enslaved person on behalf of the slaveholder, as if the ‘master’ was not already prepared to administer a similar punishment. **(Court of the General Sessions, 10 October 1787 and 11 August 1796, County of Sydney, Guysborough, RG 34-311, NSARM).**

1784 – Shelburne, the enslaved Isaac committed assault and battery on the body of his slaveholder William Young. The court determined that he should be publicly whipped with 39 lashes and sentenced him to two months of hard labour. The jail keeper was ordered to whip Isaac at least once per month. **(Shelburne Records, MG 4, vol. 141, NSARM).**

1785 – A man named Joe was “convicted on Oath, of stealing Sundry Articles.” The court sentenced Joe to be stripped and whipped with 39 lashes.

1785 – Diana, a black woman convicted for petit larceny. The court ordered a vicious punishment because this was her second offence: “The Court doth Sentence the Prisoner, to have Two hundred lashes at the Cart’s Tail, next Saturday [and] one Hundred & fifty lashes on the following Saturday for the second offence.” **(15 September 1785, Special Session, Shelburne, RG 50, #8.4, NSARM).**

1792 – Alicia Wiggins, “a Free Negro Labouring woman,” was convicted of petit larceny for stealing money and clothing. The court sentenced her to “Thirty-Nine Lashes on her bare back.” The number of lashes usually varied by case, and sometimes the punishment could be carried out over several days. William Davis: Accused of stealing half a bushel of flour from his master and giving it to two “Mullata” women (seven years after the Alicia Wiggins whipping). Davis received 20 lashes at two different times for his actions.

Whippings continued into the 1820s:

1820 – Patty Brown: In 1820, Patty Brown stole a gown worth one shilling. The court sentenced this “Girl of Color” to receive “ten Lashes with a Cat and Nine tails, and then to leave the Township Immediately.” **(Shelburne Records, MG 4, vol. 141, NSARM; King v. Alicia Wiggins, 2 April 1792, Shelburne, RG 60, #53.2, NSARM).**

From: H.A. Winfield 2012, p. 28.

The third wave of immigration that commenced in the late nineteenth and early

twentieth centuries was precipitated by the anticipatory realities that the mechanisms for controlling unfree labourers through legalistic methods, such as the establishment of apprenticeship programs, although supported by the regiments through the penial system would ultimately fail to bind former enslaved to institutionalized slavery. In the British-held Caribbean colonies, “apprenticeships” of former enslaved people of African ancestry trapped them in a system that awarded compensation to former ‘masters’ while granting no assistance for resettlement to the former enslaved labourers. In addition, these workers risked being incarcerated for misdemeanours such as vagrancy under the English Poor Laws if they did not have proof of being employed/serving as an apprentice (Morgan, 2007). In order to further reinforce the extension of oppressive labour routines, the vagrancy laws also attached fortification of the prison system and the use of the “Treadmill” (see Summary Box 23) to further exert control through torture, various fear tactics, and blocking paths to avenues of freedom with a variety of strategies:

There were three basic strategies shaping labour coercion in the Americas following slavery (aspects of which could be found in Central and Eastern Europe in the second half of the 19th century, as well). First, there were the efforts to force former enslaved people to continue labouring for their masters as “not exactly” ‘slaves’ under various apprenticeship schemes. Second, there was the organization of shiploads of “indentured labor,” primarily from India and China, in an effort to shift masses of laborers from the more densely peopled regions of colonial empires. Lastly, there was the panoply of legal restrictions and laws regarding property ownership, “vagrancy,” intraregional migration, forced prison labor and taxation. These ordinances were designed to generate a dependent class of landless, freed slaves required to trade their labor - on terms determined by the whim of planters - just to survive (Baronov, 2000, p. 93).

The last known advertisement for slaves in Canada appeared in Halifax in 1820 and in Québec in 1821 (Winks, 1997, p. 110).

Through these tenuous processes of transition from a society with enslaved workers

in Canada, attention was turned to finding ways of solidifying a future means of stabilizing the labour force and opting for the path that already entrenched ideology of white Europeans as the ruling class over African slave labourers. This association of a colour-coded labour force began to shape the future direction of demographic identity given the direct linkages to immigration policy and race, whereby workplace disability would be discounted among racialized workers:

Indeed, as will be seen, the categories of labor associated with different racial groups were expanded following slavery – especially in the heaviest period of immigration. Second, there was no immediate move to wage labor because the former holding class well understood the advantages of maintaining a heterogeneous racially segmented working class. In this manner, the former slaveholding class was free not only to play one racial group off against another but also to pick and choose among labor forms, for maximum advantage. Lastly, further consideration of the three essential strategies that were implemented by the former slaveholding class (apprenticeship, immigration and legal restrictions) will make it abundantly clear that extra market forces played a primary role in the construction of a post-slavery social order (Baronov, 2000, p. 94).

Belshaw (2016) characterizes the shifting population demographics and economic conditions of the burgeoning industrial revolution as a “boom” with increasing demands for fuel to generate faster and safer methods for transportation, farming produce to feed the population, and technological development in general. Noting the centrality of racism in future labour market planning, this Canadian historian signifies the role of racism going forward in the next wave of immigration as follows: “To say that the Canadian experience included elements of racism is a little like saying that the Canadian Pacific Railway involved a little steel” (p. 248). As such, national and ‘racial identity’ markers were used to instill stereotypic notions for specifying a colour-coded employment and immigration selection processes. Several racialized communities experienced a direct

impact on settlement and employment patterns. For Black people of African ancestry who had been working in the Canadian territory since the 1600s, the colour-coded system was further formalized when the settlers of New France made solicitations to King Louis XIV of France for more enslaved labourers. Subsequently the Royal Mandate of 1689 was issued, granting legislative permission “to avail themselves of the services of African slaves” (Smith, 1899, p. 4). This meant that a system of institutionalized segregation was part of the foundation of the nation’s labour force planning.

Summary Box 23

Early version of “The Treadmill” as a form of punishment of former ‘slaves’



‘An interior view of a Jamaica house of correction.’ National Maritime Museum, Greenwich, UK. Issues: A graphic brutal image. Accession number: National Maritime Museum, ZBA2546

According to Altink (2002), almost immediately following the abolition of slavery, from January 1835 onwards, new workhouses were constructed in Jamaica and the “treadmill” was installed as a ‘salutatory mode of punishment.’ It was adopted as part of the new prison along with state-instituted punishments such as whipping, solitary confinement, and use of masks and stocks. Special Magistrates were appointed to administer the apprenticeship programs, but were not allowed to administer punishment to women. Incarcerated women outnumbered men in workhouses where there was no gendered division of labour or inflicting of punishment on the treadmills. The above image depicts men and women being punished on the treadmill, illustrating eight people being inflicted with floggings; three of whom are women. Abolitionists used the image to call for the end of flogging of women, some of whom were pregnant and nursing mothers who had their babies in prison and were not spared from the treadmill.

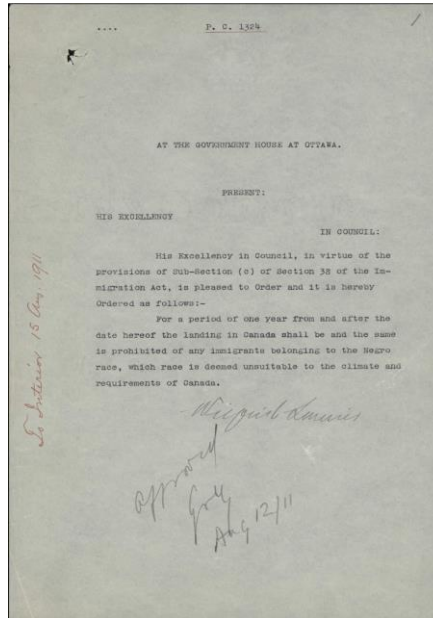
There was a groundswell of advocacy for repatriations. Some have cited the compensation to slave owners in 1834 and the underdevelopment of the Caribbean islands and ongoing international debt growth. University of the West Indies’ Vice Chancellor Professor Sir Hilary Beckles renewed the call for reparations valuing £76 billion be paid to the descendants of enslaved people of the Caribbean by former European slave-trading nation, Britain: “The £20 million that they paid to the slave owners should have been paid to the enslaved. We have to make a claim to that money. We have an entitlement to that £20 million that was paid in 1834 (which) today values £76 billion,” It has also been noted that in tracking and conducting financial calculations that the £20 million used in the payout to slaveholding families was 40% of its national budget at the time and was at such a scale to the economy that it wasn’t paid off until 2015. This would suggest that present-day citizens’ descendants and owners of enslaved alike have contributed through their taxes to pay for the end of slavery.

Source: Patterson, Chris (2017, Oct. 12). Vice Chancellor Calls for Reparation Payment to Descendants of Slaves. Jamaica Information Service News (JIS). Online: <https://jis.gov.jm/vice-chancellor-calls-reparation-payment-descendants-slaves/>

Although African Canadian immigrants were subjected to colour-coded systems, they continued to cross the borders, defying rules and regulations, and joined or established new communities as they tried to forge a new life of freedom. One of the earliest actions in utilizing the colour-coded system of identity in regulating immigration of people of African ancestry was in the form of the Wilfrid Laurier Government's Order in Council – P.C. 1911-1324 to bar Black people of African ancestry from entering Canada on the grounds of unsuitability due to the climate (see Summary Box 24). This rationalization for the inadmissible of Black people also permeated the discourses of ableism and, in effect, conjoined ableism and racism as sources of inadmissibility to Canada. Hanes' (2011) essay, "None is still too Many," traces the history of Canada's race/geography restrictive immigration policy. It is instructive in informing how such policies continue to permeate contemporary discourses of disability identity, race, and the labour market economy by posing a seamless consideration between previously regarded clauses of inadmissibility such as race in the context of the labour market, able-bodiedness, and an underlying assessment of suitability emerging from the 1869 early Confederation era to increasingly restrictive policies.

Summary Box 24

Canadian Government ordinance to bar Black people from entering Canada



Order-in-Council PC 1911-1324, 12 August 1911. Library and Archives Canada/Privy Council Office fonds/RG2-A-1-a vol. 1021, PC 1911-1324

“An order-in-council barring Blacks from entering the country” because the Black race “is deemed unsuitable to the climate and requirements of Canada.” Even though this law was never acted upon and was repealed, “the fact that it was approved at all indicates how serious Canada was about keeping the northern plains white” (Shepard 1996, p. 100).

While focused on disability-related exclusion in Canada’s immigration policy, Hanes’ (2011) citation provides the explicit language of exclusion of disability and a more generalized reference of previously inadmissible groups to Canada:

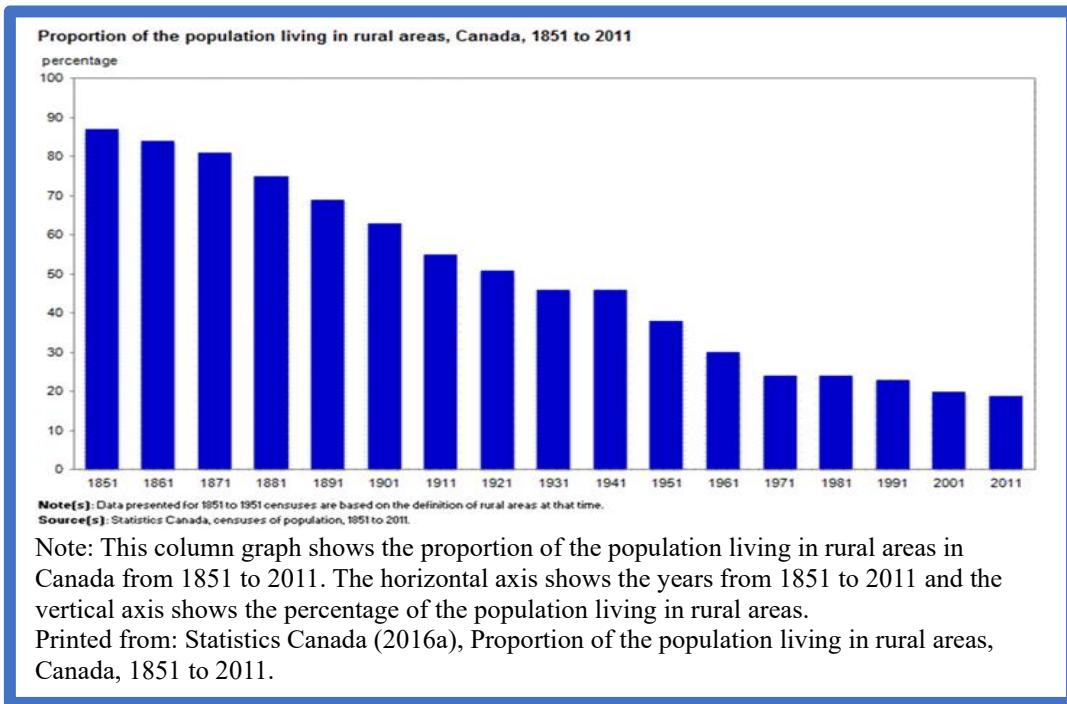
Section 5 of the 1952 Immigration Act makes reference to the Prohibited and states the following: [...] (c) Immigrants who are dumb, blind or otherwise physically defective unless (i) they have sufficient means of support or such profession, trade, occupation, employment, or other legitimate mode of earning a living that they are not likely to become public charges, or (ii) they are members of a family accompanying them or already in Canada, and the family gives satisfactory security

against such immigrants becoming public charges. Additional aspects of the Immigration Act which denied access to people with disabilities included Subsection “s” Section 5, which indicated the following: (s) persons not included in any other prohibited class who are certified by the medical officer as being mentally or physically abnormal to such a degree as to impair seriously their ability to make a living (Hanes, 2011, pp. 109–110).

Consideration of race, labour and disability were the interlocking primary drivers in immigration policymaking immediately following Confederation, a period that Belshaw (2016) describes as a second Industrial Revolution. It is marked by the evolution of an urban workforce, which brought forth a diversification of occupations, triggered by a movement from predominantly agricultural to factory-based labouring arrangements, resulting in a declining rural population (see Table 7). The nineteenth century’s post-Confederation national agenda was not only driven by the colonial leaders’ ambitions but by a fulfillment of the purposes of accounting for the outcome of demographic statistics. The purpose for our present-day census data mirrors the rationale Talon provided in the first New France census of 1666—to engender a better understanding of the population, the required resources, the economy, cultural/societal needs, and ultimately to provide a ‘solid foundation’ for informed decision-making for business, organizations and individual citizens (Statistics Canada, 2019).

Table 7

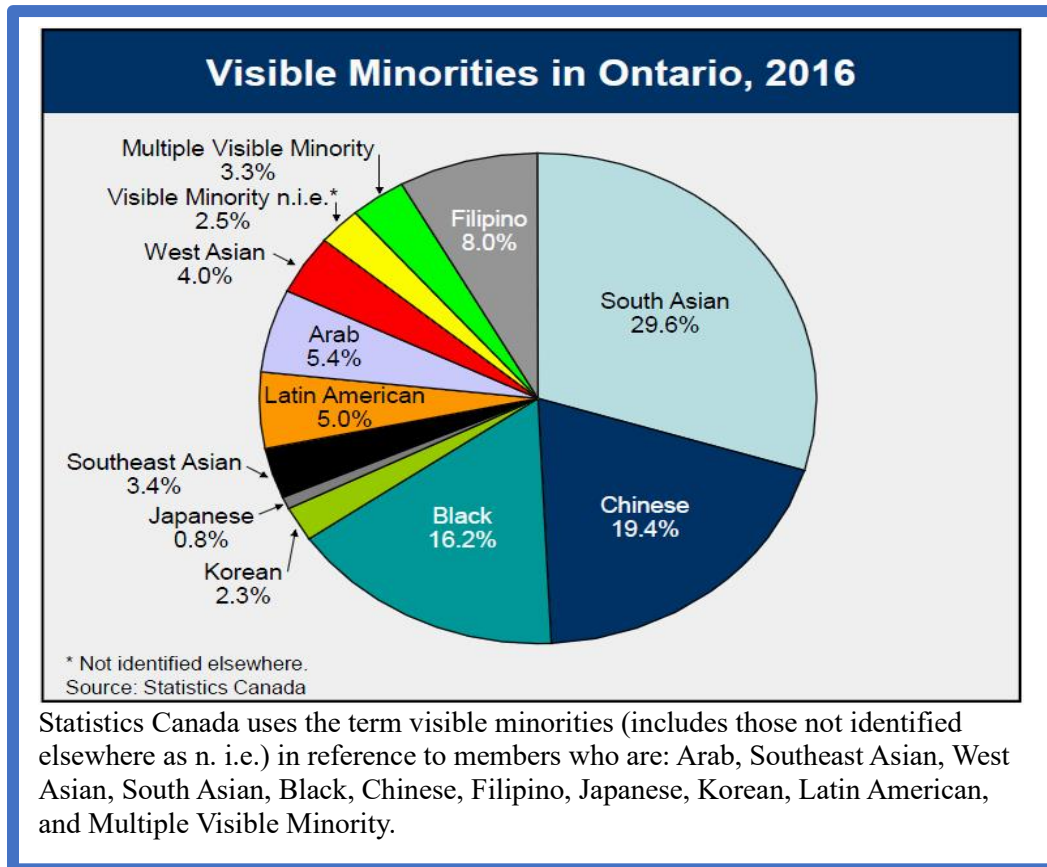
Canada's rural population, 1851 to 2011



Since Confederation and throughout the nation-building period of 1867 to 1945 through to the current period, Canada has imposed a highly selective race-based immigration policy against populations identified (see Summary Box 25) as members of visible minority populations. Several renowned case examples of exclusionary tactics have chained Canada to an unforgettable legacy of discriminatory policies, which appear to perpetuate a discounting of these said communities in matters of occupational health and safety records.

Summary Box 25

Statistics Canada-identified visible minority populations, Ontario, 2016



A key symbol of this discounting is the 1898 government-issued 'British Empire' stamp that proclaimed the intent of developing Canada as a white British nation, thereby reflecting a blatant disregard and exclusion for communities of Aboriginal, Asian and African Canadian Peoples already in Canada (Canadian Policy Research Network, 2004). Despite these tactics, African American immigrants crossed Canada's borders to establish small communities (see Summary Box 26), joining other predecessors from the first wave of enslaved servants and *domestiques*. A system of legal segregation confronted early

African American immigrants in employment, education and other spheres. Cecil Foster's (2019) exposé of the racial divide in the colour-coded occupation climate of Canada's post-modernity period is chronicled in the lived experience of Canada's Sleeping Car Porters, a role reserved exclusively for Black men.

The Chinese Immigration Acts (1885, 1900, 1903 and 1923) exemplify one of the most historic cases of immigration exclusionary policies (Canadian Council for Refugees, 2000; Immigrant Voices, 2000). This series of legislation, which came to be known as "Head Tax Legislation," affixed a surcharge of \$50 per Chinese national, which was steadily increased to \$100 by 1901 and then \$500 by 1903. During this period, there was a specific demand for a labour force to construct the transnational railway, relying mostly on workers from China. In 1923, the Chinese Head Tax, also known as the Chinese Exclusion Act, was repealed. The imposition of what can be described as 'give and take' taxes would also sustain a promotion of an estimated expenditure of \$10 million on incentives in the form of free land and transportation to encourage immigration to Europe to settle in the West.

Summary Box 26

Black settlements and service to the nation



John Ware (c. 1845–12 September 1905) rancher, family, circa 1896. Public Domain nlc-8754.

Ware is credited for contributions to Alberta's ranching industry.



- a) Recruitment poster for the No. 2 Construction Battalion. Esther Clark Wright Archives (Image source: Acadia University/1900.237-WWI/31)
- b) The 106th Battalion, Nova Scotia Rifles, Canadian Expeditionary Force, authorized 8 November 1915, recruited from Nova Scotia, Prince Edward Island, New Brunswick and Newfoundland amid public protest. As the 106th Battalion began the recruitment process, protests erupted over Black recruitment. (Image source: Royal BC Museum and Archives/ C-06124)
- c) During the First World War, a segregated unit of Black men—No. 2 Construction Battalion—was created. (Image source: Museum Windsor/P6110)

Secret Alberta: The Former Life of Amber Valley, Published on February 2, 2017, <https://youtu.be/OxXJubB2cPQ>

Remember Africville: National Film Board of Canada. "NFB--Remember Africville." https://www.nfb.ca/film/remember_africville/ National Film Board of Canada: <http://onf-nfb.gc.ca/en/our-collection/?idfilm=26066>.

Settlement patterns and occupational categories to which Black people of African ancestry were restricted would often dictate settlement patterns. According to the Archives of Canada Cataloging of Black History (2018), small settlements of Black people were established in various regions. For example, Oklahoma farmers settled in Manitoba, Saskatchewan (Eldon and near Rosetown) and Alberta (Junkins/Wildwood, Campsie near Barrhead, Keystone/Breton and Amber Valley/Athabasca). Others sought work in the mines of the Maritimes and some found employment as porters on the railroad. With the implementation of a revised Immigration Act in 1955, the government introduced the West Indian Domestic Scheme and allowed entry for women aged 18 to 35. On a trial basis, 100 women were initially admitted.

While realizing the goal of constructing the transnational railroad, the Canadian government collected an estimated \$10 million from the Chinese Head Tax Legislation and at the same time, the government promoted immigration from Europe (Canadian Council for Refugees, 2000). However, in both cases of immigrant workers of African ancestry and Chinese labourers who were colour-coded and selected based on their national identity, there are no official government records of the injuries and fatalities sustained during their deployment in Canada's ambitious construction project.

In the case of Black workers, Mathieu, a historian who specializes in African Diasporic peoples' histories, with an emphasis on immigration, globalization and social/political movements, including Canada's recruitment of rail workers and sleeping car porters to fulfill its transnational vision, underscores the following:

Annoyed with chronic workforce shortages, Canadian railway companies experimented with Canadian and foreign-born black labour. They initially envisioned black workers for treacherous work-like hauling hog and cattle roadkill from railway tracks-believing that workers of African descent were well suited for those positions. Because demand for workers soared when able hands were few, African Canadian railwaymen eventually enjoyed a wider range of employment options during the early days of railroading. For instance, the Intercolonial Railways tapped into existing black communities in the Maritimes and Quebec, finding a ready-made pool of experienced transportation workers. In later years, the CPR turned a gleaming eye to Southern African Americans and West Indians as an under-explored source of cheap labour. As of the 1890s, company managers culled African American workers from the Deep South, exporting them to Canada as needed. By the turn of the century, Canadian industrialists also positioned black workers as a useful weapon against white workers clamouring for unionization (Mathieu, 2010, p. 10).

Apparently, the constructed climatic unsuitability policy edicts were quickly put in abeyance when it was determined that Canada's labour needs for "treacherous" work should be assigned to Black men. From this vantage point, Mathieu (2010) describes the

working conditions of Black men on the Canadian railways as “Jim Crow” type policies where Black rail workers were restricted to a segregated employment category, restricted from the benefits and privileges of protection systems. But after much political activism, in 1917, Canada’s Black rail workers formed their own union, the Order of Sleeping Car Porters. While the Canadian Brotherhood of Railway Employees cemented its white supremacy position by declaring a “white men only” membership, the Black workmen developed a path for resistance and protection of their rights through their own brand of Canadian trade unionism (Mathieu, 2010).

Similar labouring needs also formed the basis of recruitment of Chinese workers to American Engineer Andrew Onderdonk, who between 1881 and 1884 made subcontracting labour arrangements, which under the premiership of John A. Macdonald, brought an estimated 17,000 Chinese nationals to Canada, specifically for the railroad’s construction (some of these workers were also recruited from the United States). According to the Foundation to Commemorate the Chinese Railroad Workers in Canada (FCCRWC)(2010), an organization that Citizenship and Immigration Canada and Multicultural History Society of Ontario co-sponsors, the dangers and resultant injuries and fatalities upon Chinese labourers cannot be substantiated because of different and unreliable record keeping for Chinese workers who earned less than half the wages of white workers—\$1 per day for the former when compared to \$2.50 per day for the latter.

The exact number of Chinese men that died building the railroad is unknown. Their deaths were often omitted from accident reports issued by Onderdonk's company, while the deaths of white workers were recorded. Diary entries by Henry Cambie, the Canadian government engineer supervising the construction, and news reports of the time show that deaths were a regular occurrence. In February 1883, the *Inland Sentinel Reports*, “Here in British Columbia along the line of the railway,

the China workmen are fast disappearing under the ground” (FCCRWC, 2010). Remarkable, not only for this messy business of the omissions of these railroad workers, especially those who lost their lives in the construction of Canada’s transnational railroad, but also for what appears to be a stunning disregard for life over profit and the drive for the railroad’s successful completion:

One conservative estimate of 600 deaths is based on Onderdonk's testimony at the 1885 Royal Commission on Chinese Immigration. Other estimates are in the thousands. Safety measures to protect Chinese workers from injury or death were non-existent. Many men died through accidents at work sites. Blasting killed workers who were crushed by collapsing tunnels and rockslides. Illnesses caused by sub-standard living conditions and crippling winter weather also took the lives of men. Scurvy, a disease caused by a vitamin deficiency produced by eating a diet limited to rice and dried salmon, ran unchecked through the camps, killing hundreds. Neither Onderdonk nor the agents who arranged passage to Canada provided medical care to those who were ill. Families were often not notified when someone died, nor was compensation paid as promised by the agents. In 1891, the bones of more than 300 men from graves in the Thompson and Fraser canyons were collected by the Chinese Consolidated Benevolent Society and returned to China for burial (FCCRWC, 2010).

While it might be argued that “conditions were just bad back then,” these sentiments cannot stand since sources of help, medical treatment, and records for white workers were maintained, while not available, accessible or accorded to Chinese workers.

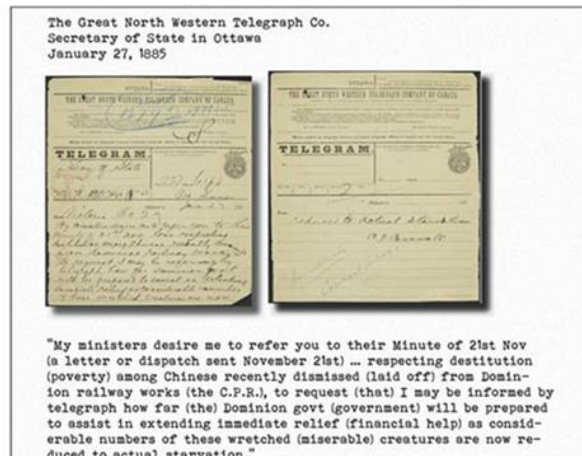
Furthermore, the capacity to maintain immigration records of those entering the Canadian border was administered. Despite these acts of racism, Chinese workers continued to arrive in Canada and contributed to the communities where they reside, and the nation’s overall growth and advancement (see Summary Box 27). Simmering institutionalized inequities eventually culminated in the 1907 Vancouver race riots.

Summary Box 27

Chinese workers and Canada's transnational railroad



Chinese at work on the CPR (Canadian Pacific Railway) in the mountains, 1884
Source: Creator, Ernest Brown, 1884, Reference No.: MIKAN 3194432
collectionscanada.gc.ca (Canadian Pacific Railway mile sections of the Canadian Pacific Railway from the Pacific to Craigellachie in the Eagle Pass in British Columbia. The railway from Vancouver to Craigellachie consisted of 28 such sections; workers of European origin only constructed only 2 percent of these sections.



“Little is known about life in the railway camps to which the Chinese were sent because almost no Chinese records or diaries have been found that survive from that time. Perhaps the misery of their conditions precluded the workers from speaking much about them after they returned to China or settled elsewhere in Canada [...] Today the Chinese in Canada have a saying that a Chinese worker died for every foot of railroad through the canyons. While this is, of course, an exaggeration, Lee estimates that at least 600 Chinese died during railroad construction, more than 4 for every mile. This is probably a conservative estimate, since it is based on Onderdonk’s testimony to the Royal Commission” (Con & Wickberg, 1982, pp. 22–23).

The May 1877 arrival of Manzo Nagano, a sailor and the first known person to immigrate directly from Japan to Canada, would spark what has come to be regarded as a wave of Japanese immigrants, known as *Issei*, who would eventually settle along the Pacific coast in the Fraser Valley, Vancouver and Victoria (Government of Canada Library and Archives, 2018). Despite being barred from entering certain professional occupations, Japanese Canadians worked in several primary source industries such as farming and logging, and they stimulated the economy with entrepreneurship ventures by opening grocery stores and restaurants. However, racist and Anti-Asiatic sentiments were growing amid this prosperity, a gradual increase in Japanese immigrant entrants (2300 by 1907) as well as the arrival of nationals from the Indian subcontinent. Based on Belshaw's (2016) assessment, the combination of push/pull factors in immigration, whereby Canada needed workers, the sense of Britain's colonial relationship with China, Japan and India, in addition to events of economic and military conflicts overseas, people from these regions were inspired to seek opportunities overseas. Amid the confluence of these factors and a lack of governmental intervention to stave off the growing institutionalized racism, a race riot erupted. "The story of the 1907 race riots in Vancouver and their impact on Canadian history and foreign policy has been largely excluded from traditional narratives of Canadian history" (Price, 2007, p. 54). The events' significance, the recorded evidence of their occurrence, and the governmental response of imposing additional restrictions on the immigration of racialized people from Asia (see Summary Box 28) centralize the idea that historical denial of demographic identity is inexorably linked to the nation's policy of constructing a narrative of inclusion while marginalizing the "Other."

Summary Box 28

Canada's 1907 Race Riots leading to restrictive regulations and internment camps



Aftermath of 1907 riots, impact on Japan town, Vancouver, BC



Japanese Canadians being relocated in British Columbia, 1942 Library and Archives Canada/C-057250 Library and Archives/C023555



David Suzuki and two of his sisters were in an internment camp in Slocan City in the British Columbia interior, between 1942 and 1945. (Courtesy Margaret C. Foster/Library and Archives Canada/PA-187835)



Library and Archives Canada, accession number 1952-016 NPC, PA-034015

The *Komagata Maru* incident of 1914, Vancouver, British Columbia: Indian nationals were refused entry on the basis of the Continuous Journey Immigration Regulation, which prohibited entry to those who could not reach Canada via a direct route. Gurdit Singh, the businessman who chartered the passage, took the position that all of the passengers were members of the British Empire and should be able to move freely to its territories. After two months of standoff, the passengers were forced to return to India. The incident sparked an international incident.

The events of the expulsion of the *Komagata Maru* and racialized people from

India, a continent in the grips of the British Empire, revealed not only public sentiments toward those who bear the mark of exclusion but also signified the symbiotic relationship between public sentiments and public policy actions. These forces would also shape the decisions to confiscate property and imprison Japanese Canadians in internment camps by affixing an ‘enemy alien identity.’ Hence, these powerful xenophobic stereotypic notions were superimposed, fueled the fears of what Belshaw (2016) notes as a ‘segmented labour market.’ Labour, the need for workers, and the push/pull factors of immigration, along with the inescapable dogma of creating Canada as a “white only nation,” triggered what can be aptly described as a ‘messy’ part of Canada’s history where racialized identity would shape the immigration and labour agenda for decades into the future.

In the aftermath of the September 7, 1907, mob violence of an estimated 1,000 people against the Chinese and Japanese business corridor in Vancouver, BC, the Laurier government responded by launching a Royal Commission to inquire into *The Methods by which Oriental Labourers have been Induced to Come to Canada* (Price, 2007). He appointed then Deputy Labour Minister Mackenzie King on November 5, 1907, to a commission of investigation that was directed to first determine compensatory damages to businesses in Chinatown and Japantown, and second, to determine how an influx of an estimated 11,500 Japanese, Chinese and East Indians had arrived in Vancouver, despite policy efforts to block such immigration. To accomplish the Commission’s mandate, King held consultative meetings in Vancouver and Victoria with 101 witnesses, including Chinese Canadians (35), Japanese Canadians (15), South Asian Canadians (15 Hindus)

and 24 others (Canada, 1907). The Mackenzie report, which he later submitted and accepted in completion of his PhD from Harvard University, also led to a mission of diplomacy to the United States, England, India, China and Japan. Pursuant to the various stages of his Commission, the investigation did not quell the rising tide of racial tension, nor did it provide any shifting attitude towards inclusivity of the racialized population. Instead, King's recommendations further entrenched racially exclusionary policies, which would eventually lead to the internment of Japanese Canadians as well as also to taking similar actions of turning away Jewish people who were seeking refuge from Germany. "In analyzing the causes and remedies for the riot, federal officials and politicians agreed with the rioters: Canada must remain a white country and peoples of Asian descent had to be excluded" (Price, 2007, p. 79). In the end, King benefitted from the Commission by earning his dissertation for work completed in service to the nation. He further used the experience from his global diplomatic effort as a conduit to build his profile, which eventually led to his bid for office and gaining the position of Canada's Prime Minister in 1921 and a career in political leadership in this role (1921–1926, 1926–1930 and 1935–1948). During his time, the government enacted additional immigration exclusionary policies to bar Chinese nationals; they also introduced further restrictive quotas to reduce entrants from 400 to 140 per year (Price, 2007).

When King became prime minister after a Liberal victory in 1921, the "white" Canada vision he articulated between 1907 and 1909 became even more pronounced. His government enacted the 1923 Chinese Exclusion Act, despite vociferous protests by many in Canada as well as by the nascent Chinese government. In 1928, King's

government introduced further restrictions on Japanese immigration quotas to 150 per year. Hence, identity, racialization and labour became the hallmark of disfranchisement during the post-industrial period of Canada's development and reflected in the treatment of disfranchisement of racialized workers within a range of policies for accountability, including the implementation of occupational health and safety regulations. Despite the evidence of the impacts of the closed-door policy—the demise of Jewish refugees and to the humanitarian responses against supremacist sentiments that had engulfed Germany in the egregious against humanity, and the fight for civil rights—the discounting of racialized people had seeped into the customs 'normalizing' exclusion.

4.7 Chapter Summary: The Meredith Influence of Short Cuts and Deep Wounds

In these days of social and industrial unrest, it is, in my judgment, of the gravest importance to the community that every proved injustice to any section or class resulting from bad or unfair laws should be promptly removed by the enactment of remedial legislation and I do not doubt that the country whose Legislature is quick to discern and prompt to remove injustice will enjoy, and that deservedly, the blessing of industrial peace and freedom from social unrest (W.R. Meredith, 1913, p. xix).

Historiography of the world of work-acquired disability from the perspective of the intersection of immigrant status has not benefitted from a steadfast scholarly interrogation. At the same time, disability historians are beginning to recognize the importance of claiming avenues of diverse historical inquiry from the perspective of the intersectionality of race, gender, disability and the sociopolitical dimensions of lived experience (Baynton, 2001). The issue of acquired workplace disability and immigrant workers is a significant human experience. It falls into the intersectional critical analysis

category as it is seen as a means of fostering a complete history of the human experience and serving as another anchor toward building an inclusive society. Wilkinson and Frieden (2000) provide a most poignant rationale for the historical account of persons with disability, noting: “Many in our society have no sense of the history of people with disabilities [...] This lack of references and scholarship on disability in history further diminishes its importance to other groups: if it hasn’t been documented how can its existence be recognized” (p. 91). Certainly, from a disability history perspective, the discourse of acquired workplace injuries and disability, in the context of the proliferation of the demand for labour, immigration and human capital in the early twentieth century of an industrialized labour market and an ever-increasing mobilization of the global workforce, warrants attention.

In the foregoing epigraph, the proclamations of Justice Meredith (1840–1923), who reserved his place in Canadian history as a champion of justice for workers and as the founding father of Ontario’s Workers Compensation System. His words are an instructive consideration of a system of workers’ protection as the complexities of working relationships in the industrial age began to define new forms of labouring relationships amid the diversification of occupations and the gradual growth of an ethnocultural/racialized population of workers. Based on biographical accounts, Meredith was a lawyer, politician, judge and educator whose social standing led him to public service and numerous influential positions (Dembski, 1977). It remains unclear why Meredith was selected for this significant 1910 inquiry into the laws and practices of workers’ compensation systems, which would lead him on a consultative three-year

journey to Europe, the United States and across Canada. In the end, he delivered his report in 1913, and the recommendations were adopted into what became Ontario's Workers Compensation Act (WSA) of 1914; it took effect on January 1, 1915. This outcome has given Meredith a place in history where the coinage of the terms, "Meredith's Principles" and the "Historic Compromise," have come to represent the hallmark of reforms in Canada's no-fault insurance for workplace injury as the "carnage" of human harms which engulfed industries in the early nineteenth century threatened lives, livelihoods, and bankruptcy of businesses (Storey, 2011). The environment leading up to Meredith's appointment signalled the inadequacies of Canada's late nineteenth-century Workmen's Compensation for Injuries Act of 1886, which made it mandatory to install protective guards around certain industrial machines. The 1886 Act was enacted following in fashion to Meredith's Commission almost three decades later and involved an estimated 1,800 witnesses who provided resounding confirmation of the injuries, fatalities as well as oppressive and unsafe working conditions (Dee & Newhouse, 2009). Given the sociopolitical environment of a segregated and segmented workforce, clearly, the racialized construction workers who were mostly employed as subcontracted labourers and experiencing loss of life while fulfilling the national dream of a transnational transportation system would not have a voice in this such consultations. However, the significant outcome of this early regulatory commission paved the way for advancing workplace safety and a movement toward the mechanics of industrial accident prevention. From a historical perspective, the actions of exclusion of a large sector of the workforce, who were almost exclusively racialized and considered temporary contracted

labourers, rendered an atmosphere of “non-mattering” of their loss of life in the course of historic service to the nation. While the utility of a revisionist approach to the historiography of the means and methods whereby workplace safety legislation evolved will not necessarily change the past, it can awaken consciousness by examining how the wounding impact of decisions that are premised on overlooking or excluding significant stakeholders in the process. In this vein, labour historians and commentators have raised issues on the impact of taking short-cuts and employing exclusionary tactics in the formation of workers' compensation systems. It brings into question that Meredith's articulations concerning workers of Canada's railway system from the stage of its construction through the mountains and the battles of the Sleeping Car Porters are not reflected in these aspirations:

As a preamble, it may be stated without fear of contradiction that the Canadian Pacific Railway Company has always recognized the necessity of caring for the interests of its employees, being thoroughly convinced that the welfare of the Company is wrapped up with that of its servants. It has endeavoured to deal liberally with those men who have sustained injuries in its service and to compensate widows and orphans generously for the loss of husbands and fathers killed. (Meredith, 1913, pp. 682–683).

Boden's (2012) re-examinations of the compensation system has determined that, on the whole, the issues relating to the barriers faced by im/migrant workers raise significant concerns about the design and efficacy of the workers' insurance compensation system.

In undertaking a similar review focused on the Canadian context of the re-examinations of the compensation system, Robert Storey (2011), a professor of labour studies at McMaster University, finds similar validations to those of Boden. Noting the historical impact of recommendations that were adopted “throughout Canada and many

parts of the world,” Storey (2011) highlights that while a final agreement was reached on matters of law that were intended to alleviate workers’ discriminatory treatment, the stakeholders at the table during Meredith’s Commission and throughout the related debates did not include injured workers or women in these ground breaking considerations that were supposedly all about workers’ protection. As Storey notes, Meredith hosted over 222 consultative discussions over the course of 27 meetings and recorded 947 pages of handwritten notes during his commission. Dominant influencers in the process made multiple appearances: Fred Bancroft, Vice President of the Trades and Labour of Congress, saw Meredith on 22 occasions and Frank Westgate, Attorney for the Canadian Manufacturers’ Association, had 23 meetings. In all, Meredith heard from 98 different people. He held no meetings with women and spoke with only one injured worker, a man who had sustained an arm amputation on the job. As Meredith contemplated the laws for Ontario’s Workers’ Compensation system, absent from the table were racialized workers as well as women and specific groups for whom the laws were being developed—those who sustained traumatic injuries and disabilities on the job. Instead, the dominant voices were the old guard, the power elites of the day representing the interests of labour and business, and they were prominent in shaping the Commission’s recommendations. Storey surmises that against this backdrop, Meredith did not give the full scope of financial and other considerations to the Workers’ Compensation plan, but instead focused on managing the debates’ outcomes in an effort to overcome the challenges of delivering on the larger goal of legislation. A closer read of Meredith’s intentions in carving out justice for the “workmen” in the nineteenth century

environment where xenophobic legislative framings of racialized workers of African ancestry as well as workers from Asia, the global south and the Americas, were normalized as a civil society expectation. It suggests that these realities was also top of mind as he penned who would be classified as deserving of such justice. In fact, he devoted a headline and paragraph to demonstrate that he had taken into consideration the making of Canada and clearly imposed his opinion in his submission relating to the recommendations for a legislative mandate:

Proposal Out of Harmony with Canadian Ideas. The development of Canada has been largely along the lines of individualistic effort; that of Germany has been more communistic. Germany's industrial system has made the present scheme of compensation feasible, it being a natural outgrowth of the national organism. But were the plan to be applied to Canada, it would mean drafting a foreign branch to a stem, unable to support it effectively. Anything more out of harmony with the Canadian way of doing things could scarcely be conceived. It would mean the complete reorganization and readjustment of our entire industrial structure (Meredith, 1913, p. 684).

In Storey and Elston's (2015) revisionist version of Meredith's Commission, the Chief Justice succeeded in so far as he was able to reach the iconic historic compromise following his three years of consultations, which took him to major regions across Canada and the world, including England, the United States, Germany, Belgium, France, and Germany. The legislation was intended to extricate an archaic system fraught with glaring injustice and inequity and to render a system of protection and prevention, overwhelming the courts with litigation, where workers were gradually succeeding in what Guyton (1999) describes as the "unholy trinity of defences." These principles included: 1) "*Contributory negligence*," which considers the worker's responsibility in the injury and the employer is seen as not at fault; 2) "*The fellow-servant rule*" if the

actions of a co-worker was a factor in the injury; and 3) *The “assumption of risk,”* where the employee assumes or agrees to take on a particular job with the understanding that there are some inherent risks. While employers are expected to make provisions for some safety measures, there was a form of unwritten understanding that if one chooses to work, they undertook the expectation that they could be injured or die due to a workplace accident. These principles became known as the “worker’s right to die” or the “death contracts” (Guyton, 1999, p. 106).

The outcome of Meredith’s study was a pivotal turning point in the implementation of compensation laws in Canada. The findings, report and resultant recommendations provided five principles that formed the basis of the modern Compensation Act:

- No-fault compensation, which would eliminate placing blame on injured workers;
- Collective liability whereby employers would contribute to funding for benefits;
- Security of payments to be managed by an independent Board;
- Exclusive jurisdiction whereby all claims for compensation would be determined and administered independently by the Board; and
- Establishment of an independent Board with the responsibility of governance and administration concerning injured workers (Workmen’s Compensation Act, S.O. 1914, c. 25).

The Meredith report culminated in the creation of the WSIB across Canada and ended the practice of workers and their survivors having to resort to litigation for compensation for work-related injuries and fatalities. The Workmen’s Compensation Act (S.O. 1914, c. 25) marked a new beginning in recognition of acquired workplace injuries and disability.

In summary, attention is drawn to the question of inclusivity and reflection of what is meant by a caring and civil society, which reflects the labour force realities, as opposed to the ideals that are constructed at the pinnacle of power, historically and within our current discourses of which lives matter. The questions of how racialized workers are reflected in our occupational health and safety systems of accountability and what understandings can be drawn from the previously excluded voices and representation at the table remains a challenge for the twenty-first century in the systems of protection for racialized immigrant workers. The history of events demonstrated efforts to compensate for workplace injury (see Summary Box 29). All societies from ancient times to our post-modern period have contemplated and adjusted systems of response for injured workers, the caveat being that the worker must first be recognized as a human eligible for such protections.

Meredith's placement in history as a representative figure of social justice is complicated by the question of the conception of justice for workers, who had a voice in the consultation process, and ultimately, access to rights protection and compensation under the Workplace Safety and Insurance Act. Storey and Elston (2015) highlight that Meredith's consultation excluded women altogether, which then led to advancing a pervasive gendered exclusionary male bread-winner construct. The very naming of Meredith's new legislation of the twentieth century implied that men and, in particular, men of certain ethnocultural backgrounds, could expect coverage under "Workmen's Compensation." It was not until 1982 that the term "Workers' Compensation Act" was adopted in recognition of the reality that women were part of the workforce. At the same

time, their exclusion in the WSA of 1915 were absent from Meredith's consultation. Today, an estimated 73 percent of Ontario's workers are not covered under WSA due in part to industries' voluntary withdrawal, including banks and insurance companies, where women are deemed to be employed in large and even majority numbers (Storey, 2011). Storey (2011) identifies the issues of disability, gender, racialized identity, immigrant status class and equity in the context of twenty-first century labour relations as critical challenges for the twenty-first century. The "Meredith Principles" put into question the efficacy of human rights as a sufficient model for protection for marginalized workers. In defining human rights, Nickel (2013) refers to the United Nation's 1948 Universal Declaration of Human Rights and outlines that "human rights are international norms which help protect all people everywhere from severe political, legal, and social abuses [...] These rights exist in morality and in law at the national and international levels" (p. 1).

Summary Box 29

Historical summary of major events in workers' compensation

2050 BCE	Ur-Nammu code of laws outlines provisions compensation schedule for inflicted injury
1750 BCE	Hammurabi code of laws sets out compensation for injury and punishment for offender
3500 BCE to 500 CE	Ancient civilizations—Greek, Roman, Arab and Chinese—enacted laws for compensation. The value was placed on loss of specific body parts and prescribed treatment for injuries (see Hentrich, n.d., p. 39), an ancient figure of a worker's shoulder being treated.
500 CE to 1500	Landowners ('Manor Lords') ruled within arbitrary feudal systems of control, Code of honour or "noblesse oblige"—injured worker at the "mercy" of feudal lord Ill/injured cared for by local parish community ancient—ending code of laws
1601 to 1834	Elizabethan poor laws, workhouses, classifying deserving (e.g., ill, injured) and undeserving (e.g., migrant workers), arbitrary placement in poor houses Emergence of central relief system —foundation of the modern welfare state
1750 to 1850	Poor Law Amendment (1834) and Industrial Revolution set the framework for legal action against an employer only if there were no self-contributory factors, no negligence by a coworker, and assumption that the employee knew the risk involved (Guyton, 1999). Most lawsuits were abandoned or unsuccessful due to expense, lengthy process
1855 to 1955	• Employer Liability Legislation passed in most US states, creating paths for lawsuits with increased industrialization, impact of Civil War (1861–1865) • European countries pass liability legislation and, in many instances, follow the Workman's/Industry Compensation Act: Germany (1884), Ontario (1886), Prussia (1871), England (1880) • New York Triangle Shirt Waist Company Fire (1911): Major "sweatshop" industrial fatality involving mostly immigrant women trapped in a 10-storey bldg., 146 workers jump to their deaths, resulting in heightened need for change • Meredith delivers Ontario Royal Commission Final Report on Workers Compensation in 193, resulting in 1914 Workmen's Compensation Act • The Soldiers Rehabilitation Act of 1918 enacted for First World War vets for retraining • All US states enact Workman's Compensation Laws by 1948 • Rehabilitation and medical services added to Workers' Compensation and creation of a trust fund in 1955
1970's to 1990's Ontario Reforms	Injured Worker's Movement (IWM) activism. Due to political activism of injured (primarily Italian males) workers, a series of bills were introduced to reform the compensation system including wage replacement for partial or permanent impairments and four separate independent appeals bodies (Bill 101), vocational rehabilitation, economic and non-economic loss compensation, (Bill 162) and reemployment obligations to pre-injury workplace.

Despite this acknowledgement and United Nations' Secretary-General Ban Ki-

moon's call for renewed attention on the protection of human rights of immigrants and migrants, workers continue to endure the gravity of "human suffering and migrant tragedies" (UN, Secretary-General's Message, 2015). Therefore, serious questions about what new models of accounting for workplace injuries are, by necessity, a central part of the consideration of the way forward, especially in view of the historiography of discounting workers who were constructed as belonging at the margins of Canada's workforce.

As underscored by the most recent census data projects for 2031 (see Table 8), all but seven of Canada's Metropolitan Census will be in double digits percentages for representation in the population. An opportunity is now available to reconcile the table of representation for changes going forward.

Table 8

Foreign-born and visible minority populations by Census Metropolitan Area, 2006 and 2031

Region	Foreign Born	Visible Minority	Foreign Born	Visible Minority
	2006	2031	2006	2031
	Percent of population			
Canada	20	26	16	31
St. John's	3	4	2	5
Halifax	7	11	7	12
Moncton	3	5	2	5
Saguenay	1	2	1	2
Québec	4	7	2	5
Sherbrooke	6	11	4	10
Trois-Rivières	2	5	2	4
Montréal	21	30	16	31
Ottawa–Gatineau (Québec part)	8	15	6	14
Ottawa–Gatineau (Ontario part)	22	29	19	36
Kingston	12	14	6	11
Peterborough	9	11	3	8
Oshawa	16	19	10	21
Toronto	46	50	43	63
Hamilton	24	27	12	25
St. Catharines–Niagara	18	19	7	14
Kitchener–Cambridge–Waterloo	23	28	14	28
Brantford	12	13	5	10
Guelph	20	25	13	25
London	19	23	11	22
Windsor	23	28	16	33
Barrie	13	13	6	11
Greater Sudbury/Grand Sudbury	7	5	2	5
Thunder Bay	10	8	3	7
Winnipeg	18	24	15	27
Regina	8	10	7	12
Saskatoon	8	10	6	13
Calgary	24	30	22	38
Edmonton	19	22	17	29
Kelowna	15	14	5	10
Abbotsford–Mission	24	29	23	39
Vancouver	40	44	42	59
Victoria	19	20	10	17

Notes: Foreign born are people who are/once were, landed immigrants in Canada. Source: Statistics Canada, Catalogue no. 91-551-X.

This opportunity should be contextualized in consideration of what has gone on before to determine the best paths forward. The evolution of workers' compensation is based on a "no-fault legal and social insurance system established to address compensation issues that involve work-related injuries and illnesses" (Kiselica, Sibson & Green-McKenzie, 2004, p. 237). While its primary purpose is to regulate workplace health, safety and prevention programs through legislation, policy and practices, it has become evident over time that these "prescriptive standards" have not deterred horrific atrocities even within our heavily regulated environment of fines and imprisonment, which can be imposed under the Occupational Health and Safety Act (OHSA). However, the evolution of its history and recent historical reporting of experiences from injured workers suggest that the system is fraught with conflict and focused on cost containment and bureaucratic processes that create difficulties for injured workers to navigate (Boden, 2012; Smith and Mustard, 2010; Storey, 2008). In some instances, injured immigrant workers resorted to activism to affect changes. A historical example of this activism occurred in Toronto and evolved from 1970 to 1985. The link to immigrant and racialized workers' activism and the environment that has generated these actions are instrumental in understanding past actions as efforts for future activism are contemplated:

The evolution of individual resistance into collective protest had as its critical nucleus Toronto's post-World War II immigrant Italian community. A racialized and highly gendered social movement, the Injured Worker's Movement grew in strength in the late 1970's and early 1980's in response to attempts by the WCB, the Progressive Conservative government, and employers to eliminate lifetime pensions for permanently disabled workers [...] Ontario Government employees arriving for work in the McDonald Block at the corner of Bay and Wellesley Streets in downtown Toronto on Wednesday, June 1, 1983, must have been somewhat startled to see what lay before them: a large assembly of men and women overflowing the lobby into the outside courtyard [...] The approximately 3,000 men

and women who ultimately arrived were injured workers or their families and friends. Largely immigrant workers and mainly Italian, they gathered in these government offices to give testimony before the Ontario Legislature Standing Committee on Resources Development (SCRD). The meeting had been called specifically to hear the views of injured workers on proposed changes to the Workers Compensation Act (WCA) (Storey, 2008, pp. 99–100).

As the unearthing of the histography of the records and systems responsible for accounting for racialized workers has shown, the justification for non-existent records is problematic. While there is ample evidence to validate the measures of protection that are synonymous with advancing the public policy response to individual and group needs in civil society, the manner in which the system operates in the protection of those rights largely depends on whether or not those individual and groups are first considered deserving and then included in the network of those protection systems.

CHAPTER 5: RESEARCH FINDINGS AND DISCUSSIONS

5.1 Introducing the Research Findings

According to the projection scenarios, the proportion of visible minority persons within the foreign-born population would be approximately 71 percent in 2031, compared to 54 percent in 2006. In other words, within two decades, more than two foreign-born persons in three living in Canada could belong to a visible minority group (Statistics Canada, 2010).

This research was undertaken in the context of Statistics Canada's projections that by 2030, Canada's productivity would become almost completely reliant on immigration. Furthermore, it is anticipated that im/migrant workers will be arriving from majority racialized populations where the first language is neither French nor English. Analogous to this was the question of how policymakers remained informed about the occupational health and safety of racialized im/migrant workers and specifically did the nation's OH&S database systems collect and report OH&S data with demographics identifying information such as race, immigrant status and disability status. This thesis is also positioned amid a dearth of Canadian OH&S-related studies that highlight that racialized immigrant workers are engaged in work that is more dangerous and injury-prone (OLC, 2012; Faraday, 2012; Hennebry et al., 2010; Hennebry, 2012; Sharma, 2001; Smith & Mustard, 2010; Premji et al., 2014).

The section that now follows will outline the key research findings, focusing on the results from interviews with key informants, integrated with supplementary information to form a summative report. The findings will be reported within the three thematic areas

of inquiry as follows: inclusivity of demographic data in the OH&S collection system, the legislative framework for demographic data collection, and performance indicators. It commences with the overarching response on the central point of query, namely the question of the collection of ethnographic identifying information in Canada's OH&S concerning racialized immigrant workers.

The second thematic area of inquiry concerning the legislative framework of OH&S will incorporate information gathered from the Ontario Ministry of Labour under a Freedom of Information Request (FOI). This information will facilitate analysis of the legislative framework, under which the policy directives guide the collection and dissemination of OH&S investigations and reporting. A selection of case examples in the public domain will be utilized to further highlight lived experience with the enactment of the legislative policy framework on temporary migrant workers. According to the Canadian Agricultural Human Resource Council (2017), the SAWP program recently celebrated its fiftieth year since it was created under a bilateral agreement in 1966 between the Canadian and Jamaican governments, leading to the first workers arriving in 1967 (see Summary Box 30). The key informants working in the area of legal support and advocacy describe the SAWP as a form of indentured labouring as exemplified by the experiences of the first wave of SAWP workers and continuing to present the day. "A similar treatment was imposed on Indigenous People who would come down to the farms and work alongside Caribbean workers, return home at the end of the season. This was the case for so many working as seasonal farm workers on our lands" (key informant, on the history of Indigenous People labouring as farm workers).

Summary Box 30

SAWP workers arriving from Jamaica under the 1966 bilateral agreement



Note: (image) As cited in E. Dunsworth (2019, April), One of the first groups of SAWP workers, Niagara, c. 1967. From Janet McLaughlin, “Trouble in Our Fields: Health and Human Rights among Mexican and Caribbean Migrant Farm Workers in Canada” (PhD diss., University of Toronto, 2009). Online: <http://activehistory.ca/2019/04/welcome-to-canada-a-story-from-the-first-year-of-the-seasonal-agricultural-workers-program/>

An untold story of terror experienced by one of the first groups of workers in Canada under the SAWP program:

“On that night in September 1966, as the thirteen Jamaican men traversed the dark rural roads of Norfolk County, in flight from a drunken gunman, alongside their fear must also have surged a profound disappointment in their experience in Canada [...] They had been appointed as honorary diplomats, advance emissaries in the building of a modern, independent Jamaica. But what diplomats were forbidden from travelling with their families, were housed in cramped, shared quarters, and toiled twelve hours a day, only to be forced out of their temporary barracks at gunpoint in the middle of the night? [...] They issued directives to staffers to ‘avoid publicity or discussion of this emergency,’ quickly found new jobs for ten of the thirteen workers (three decided to return to Jamaica), and visited Geerts’ farm in order to collect the workers’ belongings. (This last task was done the morning after the incident, and National Employment Service [NES] officials found Geerts hung-over and ‘surprise[d] that the Jamaican workers had left his farm,’ claiming that ‘he knew of no reason why they did.’) [...] A few weeks later, after settling these logistical matters, Heron and his Canadian counterparts met with Geerts and his attorney. Were they working out some arrangement for Geerts to compensate the men for their traumatic experience and unlawful ejection from their residence and place of work? No. Instead, the meeting was concerned with determining what percentage of the men’s transportation to and from Canada Geerts would be responsible for. Under normal circumstances, employers in the program in this period covered workers’ complete round-trip airfare. Since Geerts had not employed the men for their full contracts, his lawyer reasoned that he should not be liable for the full cost. Astoundingly, Canadian and Jamaican officials concurred with this assessment, and though they wrangled about the precise figures, in the end, agreed to refund Geerts a pro-rated amount of the transportation costs he had already paid, a sum of \$1,294.50, including \$48 from the Jamaican government. Yes, you read that correctly. The man whose inebriated friend chased thirteen blameless workers off his farm at gunpoint late at night not only went unpunished; he in fact received a hefty refund on payments already made.”

As key informants reported and further substantiated, the SAWP program sustains the nation not only by the output of farm and horticultural products, but it is also a multi-billion financial producer for Canada:

Seasonal work makes up 53 percent of Canada's paid agricultural workforce and is an integral part of our Canadian food system, providing safe, sustainable Canadian-grown fruit and vegetables for grocery shelves here in Canada and abroad. In 2016, horticulture farms produced over \$6 billion in annual direct farm cash receipts, with Canadian vegetable exports accounting for \$1.5 billion and fresh fruit exports accounting for \$1.2 billion. According to research conducted for this survey and previous research conducted by CAHRC, horticulture producers are achieving growth in their production and markets that exceed the forecasted increase of Gross Domestic Product (GDP) for Canada (Canadian Agricultural Human Resource Council, 2017, p. 3).

Despite the national recognition of the fiscal GDP contributions from the SAWP, key informants, who are closely affiliated with the justice advocacy field, highlight that the SAWP now exists across Canada. While work-related injury/fatalities data are available for this distinct group of workers, it reportedly resides with a private, non-governmental organization (further substantiated by Smith and Mustard, 2009). In addition, key informants have identified a July 2, 2010, letter to the OH&S Expert Advisory Panel (which will be further elaborated on under theme two of report findings) on the plight of Temporary Foreign Workers (TFW). Workers employed under the SAWP are distinctly identified because a) all temporary foreign workers are assigned a social insurance number that begins with "9" b) all workers in the SWAP are of racialized background—there are no white workers among them; c) they all have a unique social insurance number with the digit 900 as an identifier. Hence an overarching reflection that key informants presented of the plight of SAWP workers and data collection is a parallel opposite to the thesis of equality for all. These experiences reflect the sentiment of

describing the SWAP program as a form of “legal segregation” in the labour force. This is based on a reflective expression that history is represented in the current systems' control over racialized bodies. The SAWP workers are bound to a segmented labour market and distinctly identified as permanently temporary by an assigned social insurance number—further to a racialized identity, leading to key informants working in advocacy for changes to point to the following:

Even if one were not to accept direct comparisons to slavery, it is evident that workers in the SAWP constitute “unfree labour,” marked by the use of economic and extra-economic coercion in recruitment, exploitation, and retention. They are denied the right to participate in the democratic system and yet required to pay taxes in Canada [...] Racism is directly implicated when there is systemic and ongoing treatment of groups of people as inferior and thus not worthy of rights, entitlements and privileges afforded to others deemed worthy. Such forms of systemic racism is evidenced through the repetitive slotting of SAWP workers from the Caribbean and Mexico into positions of subordination in the labour market and wider social life in Canada. It is evident in denying SAWP workers permanent residence for the last fifty years of the existence of the SAWP program (Justicia for Migrant Workers, 2013, pp. 3–4).

The third theme of the report's findings involves the question of OH&S performance indicators and delves into reporting on the question of Canada's preparedness for the nation's OH&S given the diversification of work populations, skills and industry demands. The issue of value placed on the significance of diversifying OH&S systems for preparedness of the nation's future workforce is for the workforce demography forms the final theme of reporting of the research. The chapter concludes with a reflexive approach to worker demographic identity within the scope of Canada's equity enterprise.

5.2 Thematic Report of Findings: Inclusivity of Demographic Data in OH&S

Based on all of the lines of inquiry, data collection, including historical/archival and

current documents, key informant interviews as well as Association of Workers' Compensation Boards of Canada (AWCBC) injury, fatality and reporting systems, it can be confirmed that the nation's official OH&S system has no regulatory provision for collecting and disseminating information based on ethnocultural demographic identifying information such as race, immigrant status and other intersectional factors such as disability. Although the prior history of an approved claim for workplace injury/disability is collected as part of the administrative processing of a WSIB injury claim, information about a continuous occupational or non-occupational related disability is not included in the reporting of injury/fatality statistics, which the AWCBC broadly disseminates to the public. Furthermore, based on a cross-jurisdictional study of the characteristic features of OH&S data collection systems involving several countries—Australia, Canada, Germany, Japan, New Zealand, Netherlands, United Kingdom and the United States—Canada was identified as the only nation “that uses a private, non-governmental organization to manage national OH&S statistics” (Tedone, 2017, p. 7). Canada is also distinguished as being in a group of four nations (Australia, the United Kingdom and Japan) that is not collecting data on “race, ethnic origin, nationality” (Tedone, 2017, p. 19). The reasons for these varied practices are complex and dependent on the regulatory framework of each country and in Canada, within each province and territory. Nationwide, the OH&S system operates under the auspices of the Canadian Centre for Occupational Health and Safety (CCOHS).

An Act of Parliament in 1977–78 created the CCOHS as an independent agency. Under its mandated responsibilities, CCOHS provides the regulatory framework for

OH&S activities for Canada's provinces, territories and federal governmental organizations. In turn, each jurisdiction is responsible for the regulatory and administrative activities as set out under their OH&S Acts. As a requirement under the OH&S Act, workplace stakeholders are charged with forming a Joint Health and Safety Committee (JHSC). Members must include representation from among workers, unions and management. The CCOHS identifies the following oversight responsibilities of the JHSCs across Canada: 1. Compliance with the OHS legislation; 2. Effectiveness of the committee; and 3. Widest possible employee involvement.

Based on the information that key informants provided and outlined by CCOHS-broadcasted information, the process of data collection starts with the reporting of a workplace injury/illness/fatality that is occupationally related. However, wide variations exist between jurisdictions in practices of claims management. The workplace JHSC provides an internal legislative role for oversight of safety practices and interventions in the workplace. In Canada, each jurisdiction has its own set of regulations for governance over work-related injury and reporting, along with a consistent practice of submitting injury/fatality statistics for allowed claims to the National Work Injury Disease Statistics Program (NWISP). Key informants have maintained that all provincial/territorial jurisdictions follow the practice of providing an annual submission of injury and fatality statistics to the AWCBC, which is then standardized and disseminated to the public within the organization's web-based reporting (Tucker & Keefe, 2018). There is variability in regulations and practices in claims of injury reporting to AWCBC. The "type" of demographic data that is "reported" to the public across jurisdictions is

consistent. However, the type of injury statistics that are gathered within each jurisdiction and reported to AWCBC is varied (This will be further elaborated on in the report of findings in theme two, using Ontario as an example of distinguishing between what is collected and what is reported to the public). There are several factors that affect the collection and reporting of injury and fatality statistics, including differences in jurisdictional legislation, the type of industry, population density, and claims suppression (underreporting and practices in claims management) (Tucker & Keefe, 2018, p. 3). Key informants reported that the AWCBC disseminates a standard report for the public, but the distinctions between jurisdictions must be kept in mind. A consistent thematic concern over and above demographic data reporting is equitable access to occupational health, which according to key informants, closely aligns to migrant workers; equitable access based on SDOH factors is often denied (see Table 9).

According to a key informant who specializes in labour, workplace injury as well as child, farm and migrant farm workers:

In Alberta and other Canadian jurisdictions there has been a long history of excluding migrant farm workers from protective legislation. We have seen that under the Farm Worker's Program. Specific data is lacking in Canada, but if we use the USA for non-fatal injuries, we can determine that farm workers experience a high level of workplace injuries. But criticism and demand for change is growing. It is difficult because this history is also rooted in exceptionalism in immigration policy and historical coercion of Aboriginal labourers and migrant workers in Alberta's sugar beet industry (According to a key informant).

Table 9

Regional scan of the Association of Workers' Compensation Boards of Canada demographic, injury and fatality reports, 2017

Significant Features	AB	BC	MB	NB	NL	NS	NWT NU	ON	PEI	QC	SK	YT
Percent of Workers covered by Comps.	83	97	79	91	97	75	97	76	98	93	76	96
Common (✓) Characteristic Features Reported per each Claim												
1. Age	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
2. Event	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3. Gender	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4. Industry	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5. Jurisdiction	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6. Nature of Injury	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
7. Occupation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
8. Part of Body	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
9. Source of Injury/Disease	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
10. Years	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Accepted claims for work-related injuries and fatalities												
Accepted claims for work-related injuries	26,328 (1.31)	52,296 (2.23)	14,313 (3.00)	4,708 (1.24)	3,368 (1.69)	6,148 (1.90)	912 (2.16)	59,529 (0.95)	1061 (1.37)	73,879 (1.81)	8,596 (2.19)	487 (2.02)
Accepted claims for work injury-related fatalities	80 (3.7)	71 (2.8)	3 (0.8)	7 (2.4)	5 (3.1)	2 (2.1)	3 (7.7)	76 (1.3)	2 (1.1)	62 (1.7)	14 (4.9)	1 (6.4)
Occupational disease - related fatalities	86 (4.0)	87 (3.6)	14 (2.9)	8 (2.3)	20 (8.2)	12 (4.8)	1 (1.5)	215 (3.6)	0 (0.6)	168 (3.5)	13 (3.0)	1 (5.4)
Total Canada	Total/accepted claims for work-related injury = 251,625 Total/accepted claims for work injury-related fatalities = 251 Total/accepted claims for occupational disease fatalities = 625											
Note: Compiled from AWCBC’s website, http://awcbc.org/?page_id=14 Bolded figures in parenthesis represent a five-year average rate per every 100 workers for injuries and 1,000 workers for fatalities; extracted from Tucker and Keefe, 2019, pp. 16, 19, 22.												

Compiled from: Keefe, 2016; AWACB; MOL, CCHOC

When applying a textual triangulation analysis between the guarantees accorded under the Charter when compared to the delivery of occupational health services, key

differences are noted. For instance, within the CCOHS mandate, there is no citation or linkages noted to s. 15 (1) of the Canadian Charter of Rights and Freedoms, which provides for equality rights without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. The CCOHS articulated its constitutionally mandated objectives (see Summary Box 31) within the privileges that a unanimous vote in the Canadian Parliament granted. It is noteworthy that the Charter addresses affirmative action in services and programs for historical and current exclusion of equity-seeking groups. However, the CCOHS Act does not establish any specific remedy for inequity in occupational health services for historically marginalized groups.

Keefe's (2016) pan-Canadian study on environmental public health (EPH) serves to accentuate the extent to which equity, as a revered value, is often absent in the contents of the policy framework and is often absent from the official framework of planning. Based on an extensive review, there was a finding of a "limited or non-existent connection between various levels of governing instruments and policy drivers" (Keefe, 2016, p. 49). In summary, the theme of equity was prominent when key informants discussed migrant workers, noting that as a best practice, demographic data collection in OH&S would, at a minimum, provide statistical indicators for access to compensation and health-related services that are often a necessary part of care as a post-injury intervention.

Key informants in the field of advocacy for migrant workers highlighted the importance of disaggregated data in advancing equity; specifically, the concepts of race, immigrant status, and nationality should be disaggregated in OH&S collection as a best practice. It was also noted in the thematic responses of the key informants that despite the

significance of the equity framework and the SDOH as a tool in understanding health disparities and exclusion, the bilateral agreements between nations involved in the SAWP and the contracts that workers sign are examples of how migrant workers are disadvantaged.

Summary Box 31

Objectives of the Canadian Centre for Occupational Health and Safety Act

5 The objectives of the Centre are

- (a) to promote health and safety in the workplace in Canada and the physical and mental health of working people in Canada;
- (b) to facilitate
 - (i) consultation and cooperation among federal, provincial and territorial jurisdictions, and
 - (ii) participation by labour and management in the establishment and maintenance of high standards of occupational health and safety appropriate to the Canadian situation;
- (c) to assist in the development and maintenance of policies and programs aimed at the reduction or elimination of occupational hazards; and
- (d) to serve as a national centre for statistics and other information relating to occupational health and safety. [1977–78, c. 29, s. 5]

6 (1) The Centre may, in furtherance of its objects,

- (a) promote, assist, initiate and evaluate research;
- (b) establish and operate systems and facilities for collecting, recording, processing, analysing, evaluating and disseminating statistics and other information;
- (c) publish and otherwise disseminate scientific, technological and other information;
- (d) provide advice, information and service relating to existing or anticipated occupational health and safety problems to workers, trade unions, employers and government, to national, provincial and international organizations and to the public;
- (e) support and facilitate the training of personnel in and for the field of occupational health and safety;
- (f) sponsor and support public meetings, conferences and seminars;
- (g) expend, for the purposes of this Act, any money appropriated by Parliament for the work of the Centre or received by the Centre through the conduct of its operations;
- (h) give recognition to public or private organizations or individuals for outstanding contributions in the field of occupational health and safety; and
- (i) do such other things as are conducive to the carrying out of its objectives.

Source: CCOH Act

Primarily, key informant sources confirm that the systems of law impose repatriation as the method for managing workers who become ill and unable to work. Lack of access to workplace safety protections, while available as a system of protection for all workers, it is ‘differently’ enacted on workers for TWFs/SAWP workers. For instance, key informants point to the fact that workers under SAWP are no longer eligible for medical care once their contract ends in December of each year, the typical ending of the seasonal agricultural contract. Many workers are being sent home with non-evident conditions such as cancer because they were well enough to travel but often cannot access health care once repatriated. They are disadvantaged by the fact that they are unable to prove any connection between years of exposure to pesticides and their health status, which includes illnesses like cancer. Secondly, they do not have the resources to mount legal battles and often do not have the resources or access to medical treatment once they return home. Key informants have highlighted that policymakers will not perceive the collection of data as a priority since there is no apparent “pressure” to change the current practices. In addition, bilateral agreements for the TFW/SAWP are reviewed annually, but this is perceived only as a traditional action or a formality. Workers under the SAWP program are absent from these processes. Furthermore, migrant-sending nations’ submissions of program review continue to reflect a desire to maintain the program’s status quo:

Jamaica does not support the granting of permanent residency to Jamaican workers under the SAWP as this would be contrary to the seasonal aspect of the programme, which allows Jamaicans to be included under the arrangement. Jamaica is also satisfied that the Jamaicans covered under the SAWP receive the necessary protections and rights in terms of health coverage, access to medical care and other aspects, as provided under the terms of the employment contract, even if

temporarily based in Canada. If there are any abuses, these relatively few cases are reported to the Jamaican Liaison Service, which undertakes the necessary corrective action (Submission by the government of Jamaica to the Standing Committee on Human Resources and skills development, 2016, p. 4).

As key informants have pointed out, the language within a SAWP contract stipulates that:

“the employer shall take the worker to obtain health coverage in a timely manner”

(Government of Canada, Agreement for the Employment in Canada of Commonwealth

Caribbean Seasonal Agreement, 2018). However, there is no mechanism in place to

secure compliance. Key informants drew attention to the difference in the language under

WSIB legislation for medical attention in cases of eligible permanent residents across all

provinces and regions. Timelines are specific with respect to medical attention and

notifying WSIB of injuries. For example, in Ontario, the employer has the following

obligations:

As required by the Workplace Safety and Insurance Act, you must report a workplace injury or illness to the WSIB within 3 days after learning of your worker's injury or illness, if the injured worker: requires treatment from a health professional (beyond first aid), or is absent from work (e.g., if the worker has to leave work for any reason pertaining to the injury or illness), or earns less than regular pay (e.g., working fewer hours or being paid less per hour) (Ontario Occupational Health and Safety Act, 2014).

Key informants who work in the area of legal advocacy for migrant workers draw

attention to the concept of “paper versus practice,” a coinage used in Jenna Hennebry’s

(2014) study of TFW/agricultural workers, which underscores that the response to a

TFW’s medical incapacity is repatriation. Hence, it is a false equivalence to assume that

TFWs have equal rights to medical access because it is written in a contract: “the

employer shall or will.” As key informants reported:

Policy actors would regard the legislated framework of OH&S in its current form as

an effective system of laws, designed for the protection of all and sufficiently representative of inclusivity and equity. There is an assumption that regulations and legislation will protect every, but this in reality is not the case (Key informant in human rights legislation).

Another coinage that key informants' reflected on was the impact of the extent to which public response may have an effect on OH&S demographic-identifying information. A Barneston and Foster (2015) study was referred to as a relevant source for understanding the issue of how public influence may factor into changes in OH&S and demographic data collection. The study, *If it bleeds, it leads: The construction of workplace injury in Canadian newspapers, 2009-2014* (Barneston & Foster, 2015) examines the personal characteristics/identifying demographic information of workplace injuries and fatalities in 545 cases that Canadian newspapers published. The purpose was to determine: a) the type of injuries/fatalities reported; b) the demographic information reported; and c) where journalists would seek further information about workplace injuries/fatalities. Based on the question of demographic reporting in the cases under study from the news cycle, the most frequently reported were worker gender (93%), worker age (64.5%), worker name (39.2%), worker family status (21.2%), worker experience (13.1%) worker training (5.3%), and worker performance (4.1%) (Barneston and Foster (2015, p. 262). Among the researchers' conclusions is that the most typical case of the injured worker in Canada's English-language newspaper story is about a male construction worker, aged 19 to 40 years old, who was crushed by contact with an object or equipment. The profile of such an event can only be described for what it is: a wrenchingly sad and tragic event. But this profile, in the context of occupational health and safety demographics, also provided a significant finding that workplace injuries and fatalities are "constructed" in such a

manner that they contribute to shaping the public's perceptions of reality about who gets injured and how severely, how frequently. "The tendency of newspapers to over-report fatalities, injuries of men, injuries in the construction industry, and injuries caused by contact provides a misleading picture of who is injured and how they are injured in Canadian workplaces" (Barneston & Foster, 2015, p. 262).

Key informants also indicated that further to this influential construction of workplace injury in the media, the public assumes that increased regulation and inspections will support issues resolution. The public will most likely associate the problem of workplace injury mostly as an aberration, affecting mostly young construction workers. As key informants indicated, there is the overwhelming view that workplace injuries and fatalities will be taken care of through Canada's systems of laws. However, Barneston and Foster (2015) argue that the public remains influenced by a socially constructed reality of workplace injuries, where women are relatively invisible as workers who sustain severe injuries. While tragically, 977 work fatalities were recorded for Canada in 2012 (the period under study), most of these never made the news. There were also 245,365 claims allowed for workplace injuries, yet this figure is an underrepresentation of the true picture of the problem's severity because an estimated 40 percent of workplace injuries go unreported. These findings bring into question the true picture of reporting disability in Canada, its intersectional dimensions, and the historic and continuing experience of making invisible the entire demographic representation of Canada's workforce in the nation's OH&S systems. There is a larger question that belies the emerging findings of the triangulation of data from key informant interviews and the

textual analysis of systems and racialized workers' lived experiences. While Barneston and Foster (2015) do not discuss ethno-racial demographics in their study, a relevant question remains: whose needs are served by making the demographic identity of workers invisible?

The evidence of historiography of legislated discrimination, and social and economic exclusion attesting to the lived experience of marginalization of diverse groups, is well established. Yet, there has not been a departure from what is regarded within the CRT tenets as a "colour blind approach" within the law. The OH&S service mandate's delivery is operationalized within a system of neutrality. It makes no reference to the recognition of historically marginalized groups as a key driver within its systems of protection of all Canadians' health and safety. At the same time, the CCOHS bears an official responsibility for the following:

CCOHS collects, processes, analyzes, evaluates, creates and publishes authoritative information resources on occupational health and safety for the benefit of all working Canadians. This information is used for education and training, research, policy development, development of best practices, improvement of health and safety programs, achieving compliance, and for personal use (CCOH, s. 26 (1).

Further to this broad mandate, s. 26 (1) of the CCOHS Act compels the submission of annual governmental ministerial reports on its activities to stakeholders, including a tripartite council, with representation from provinces and territories, labour, employers and the government. Therefore, the CCOHS, under powers granted by an Act of Parliament, provides government officials and policymakers with an annual report on the status of the nation's occupational health and safety.

While the key questions of how policymakers are informed on the nation's

occupational health and safety have been substantiated, the specificity of immigrant racialized workers as an identified group remains invisible within the same data sources. At the same time, a conclusive claim cannot be made that demographic identifying information is altogether excluded from the collection. In fact, based on a literary text analysis, the collection of demographic identifying information has evolved and changed over time such that certain types of demographic characteristics, which were not part of collecting and reporting in the early years of Canada's compensation system, are currently included. Two examples are gender and age, leading to evidence that the system is pliant to policyholders' priorities.

One point of evidence of support for this inclusion of ethnocultural identifying information is referenced in a CCOHS-commissioned review wherein the researchers were charged with carrying out a CCOHS program evaluation for the purpose of determining a financial capacity assessment and issues affecting the agency's functioning. Within this context of the financial support attributed to CCOHS, the research group noted the following:

The economic rationale for government support of programs and activities has three related sources. These are: A fairness or equity rationale in which particular groups in society are supported through program activities; an economic efficiency rationale in which the program is justified because market processes do not provide the best outcome from the point of view of society. This is generally referred to as the "market failure" rationale. A rationale is based on the economic benefits of healthy workplaces in the form of improved productivity, increased competitiveness of Canadian enterprises and reduced health-care costs (Smith & Mustard, 2009, p. 21).

Further to key informant interviews and current OH&S sources, a supplementary finding can be articulated, namely, that while the legislative body for OH&S recognizes "fairness

and or equity” as one of the key drivers in OH&S services to particular groups in society, this principle is measured from a financial risk perspective. Furthermore, the one demographic identifying characteristic that is exemplified in the context of the 2009 CCOHS review is younger workers, meaning age/youth (young workers aged 15 to 24) has been identified in Canada’s OH&S system as a predisposition to increased risk of workplace injury/fatality. However, the CCOHS annual and program review reports, which are in the public access domain, have never addressed the distinct issues of racialized, ethno-racial marginalized groups. This is because CCOHS is operationalized as a system that is regarded as neutral and colour blind, meaning race/colour is not seen as a site for different experiences in carrying out its mission, mandate and objectives. The omission of racialization, ethnicity/nationality is remarkable, especially in light of the fact that the rationale provided for the inclusion of younger workers has long been articulated toward racialized immigrant workers within the dearth of Canadian studies (Sharma, 2001; Smith and Mustard, 2009; Thurston & Verhoef, 2003). These studies are not referenced in CCOHS’s 2019 comprehensive review. Therefore, this constitutionally formed agency does not specifically engage in a stated recognition of historically disadvantaged groups as set out in the Charter, which grants sweeping permission for actions that “does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups.” However, the significance of the CCOHS cannot be underestimated in its level of importance, urgency and gravity with which the dissemination of OH&S-related information is regarded. This is because in the passage of the CCOHS Act, Parliamentarians took the extraordinary step

of inserting strict timelines for delivery of the annual CCOHS report to Parliament and its transmission to commissioners within the provinces and territories. This finding of non-representation of ethno-racial specific demographic information in the nation's official reporting system is further substantiated by interviews with key informant interviews who are OH&S specialists across the nation; they cite the CCOHS as being among an important policy lever in the domain of OH&S. CCOHS identifies how provinces and territories perform the function of collecting injury and fatality statistics and the types of data that is collected; they are available within the public domain on the internet (see Summary Box 32).

Summary Box 32

Types of OH&S-related data collected by Canada's provinces and territories

Canadian jurisdictional structure for OH&S

There are 14 jurisdictions in Canada—one federal, ten provincial and three territorial, each having its own occupational health and safety legislation. Approximately 6 percent of the Canadian workforce falls under the OH&S jurisdiction of the federal government. The remaining 94% of Canadian workers fall under the legislation of the province or territory where they work.

Who is covered under OH&S regulations?

In each province or territory, there is an act (typically called the Occupational Health and Safety Act or something similar) that applies to most workplaces in that region. The Act usually applies to all workplaces except private homes where work is done by the owner, occupant or servants. Generally, it does not apply to farming operations unless made to do so by a specific regulation. The jurisdiction and its legislation should be consulted to find out who is or is not covered. At the provincial and territorial level, a government department is responsible for OH&S. Usually it is called a ministry or department of labour. In some jurisdictions, a workers' compensation board or commission has the responsibility for occupational health and safety. Each provincial or territorial department is responsible for the administration and enforcement of its occupational health and safety act and regulations. Federal legislation covers employees of the federal government, including Crown agencies and corporations across Canada.

The federal health and safety legislation is commonly referred to as Canada Labour Code Part II and regulations under the Code apply to employees, companies and sectors that operate across a provincial or international borders. This includes airports and airlines; banks; canals; exploration and development of petroleum on lands subject to federal jurisdiction; ferries; port services; tunnels and bridges; grain elevators licensed by the Canadian Grain Commission, certain feed mills and feed warehouses, flour mills and grain seed cleaning plants; highway transport; many First Nations activities; pipelines; radio and television broadcasting and cable systems; railways, shipping and shipping service; telephone and telegraph systems; uranium mining and processing.

Source: Canadian Centre for Occupational Health and Safety

<https://www.ccohs.ca/oshanswers/legisl/intro.html>

5.3 The Legislative Framework for Demographic Data Collection

The question of the legislative framework for demographic data collection is derived from the OH&S legislation within each of Canada's jurisdictions. Key informants have advised that:

The main reason the personal worker characteristics of race and immigrant status are not part of the legislative framework of OH&S is that it is not enshrined under our statutes and legislations. In Canada, because of our history of being part of the British Empire, we have the legislative tradition that data belongs to the Crown. In

the United States, under the framework of their statutes, data belongs to the people, OH&S Act as an area of activity for collection or investigation (Key informant who specializes in data collection).

As the outcome of investigations can have the benefit of directing change in OH&S, a purpose for change would have to be identified from the findings of injury/fatality investigations. Key informants have also indicated that although its framework of prevention is strongly connected with the intervention of training for immigrant workers or multilingual health and safety training materials, this is because a causal relationship has been identified with a lack of training and workplace incidents.

In terms of the human rights systems of protection of rights, key informants in this area point to the policy guidelines on racism and racial discrimination, noting that the experience of racism was one of the key factors that led to the creation of Canada's Human Rights Act. Furthermore, based on the human rights research source that key informants identified:

Several key themes have emerged from the OHRC's research and consultation and form the basis of this policy: Racism and racial discrimination continue to exist and affect the lives of not only racialized persons but also all persons in Canada. The reality of racism and racial discrimination must be acknowledged to take effective measures to combat them (Ontario Human Rights Commission, 2005, p. 9).

Key informants have indicated that the human rights' structure of protection of rights is usually inferred on an individual basis if a worker feels that they were discriminated against based on the provisions to which they are entitled under the Code and the OH&S Act. Besides this legislative framework, key informants in the area of human rights advocacy have identified specific references to the support of race-based data collection in any area of service, including occupational health and safety:

People are also protected from discrimination based on intersecting grounds when they are associated with someone who identifies with a Code ground or when they are perceived to be a member of a group identified by a Code ground. The OHRC interprets the term “data collection” broadly to include gathering information using both qualitative research methods such as surveys and qualitative research methods such as focus groups [...] tracking and reporting data can help organizations to verify, monitor, measure and address gaps, trends, progress and perceptions; proactively identify opportunities for improvement and growth; attract, retrain and motivate diverse, well-qualified people; improve the quality of decision-making, service delivery and programming; enhance perceptions of being progressive leaders in their sector or industry; achieve organizational goals and strategic objectives (Ontario Human Rights Commission, 2010, p. 3).

According to the CCOHS, the Canadian Occupational Health and Safety (OHS) Act forms the framework for workplace surveillance in Canada. The following information is available on the CCOHS web page:

The CCOHS supports occupational health and safety activities, which are regulated under the OH&S Act through one federal, 10 provincial, and three territorial jurisdictions in Canada. Each of the 14 jurisdictions is the primary source for monitoring, collecting and reporting work-related incidents, illness, injury and fatality, and regulates the workplace as set out under the framework of the OH&S Act. It provides the legal directive for establishing a Joint Health and Safety Committee (JHSC) consisting of worker, union and management representatives. Canada’s OH&S data is published outside of this regulatory framework and is derived from workers’ compensation claims under the Workplace Safety and Insurance Act. The data that is collected by each jurisdiction is, in turn, reported to the NWISP of the AWCBC. In terms of other data sources for demographic identity, one key informant outlined:

The Workers Compensation Boards do not provide data based on ethno-cultural-racial identity. There are other community health surveys, which collect information on socio-demographic conditions affecting the population but not

specifically related to race or ethnicity. The National Population Health Survey (NPHS), which is longitudinal population survey, is administered under Statistics Canada every two years. The information from this survey provides socio-demographic information based on age, factors that affect physical and mental health, hospitalization, medication use and to some extent occupational health with questions related to work and lifestyle. The broad areas covered by this survey include households, health institutions and Northern regions. But it does not include First Nations People living on Reserves or on Canadian Forces bases. The Community Health Needs Assessment (CCHS) is another population health survey is considered to be one of the largest population health surveys involving over one million survey participants on a bi-annual basis. But this survey does not include race-based data collection Key informant, specializing in population health).

According to the CCOHS, since 1982, NWISP has operated under Statistics Canada, Canada's federal statistical agency, but in 1996 this function was transferred from Statistics Canada to AWCBC, which is a private, not-for-profit organization. As previously noted, Canada is the only nation in the cross-section of countries that Smith (2009) examines that uses a private nongovernmental organization to manage national occupationally related injury/fatalities statistics. The specific details of systems of occupational health surveillance across Canada's jurisdiction are variously identified (i.e., named somewhat differently) and with different mechanisms and initiatives for supporting workplace health and safety (see Summary Box 33).

Summary Box 33

Canada—Federal jurisdictions responsible for OH&S legislation

Association of Workers' Compensation Boards of Canada <https://awcbc.org/en/>

AWCBC produces statistics for the National Work Injury/Disease Statistics

Program (NWISP)

Canada Occupational Health and Safety Regulations http://laws-lois.justice.gc.ca/PDF/SOR-86-304.pdf
The Federal Workers' Compensation Service (FWCS) of the Labour Program administers the Government Employee Compensation Act (GECA). https://www.canada.ca/en/employment-social-development/services/health-safety/compensation.html
Government of Canada Labour Program http://www.labour.gc.ca/eng/home.shtml#

In Ontario, legal advocacy organizations pointed to a number of prominent cases that underscore the plight of racialized immigrant residents and temporary workers. These circumstances further highlight the prominence of racialized identity within current practices of OH&S in Canada.

In an effort to further confirm the administrative policy practices regarding the collection and dissemination of information, through additional independent sources and authoritative sources based on previously collected data, a Freedom of Information Request was submitted in 2017 to the Ontario Ministry of Labour (MOL) (Ministry of Labour Access Request, 2017, October), which was eventually handled under two separate internal MOL files. In keeping with the Privacy Act (FIPPA), MOL eventually responded separately and under relevant internal file numbers as follows:

(File #2017-00749/GDD) Request for: A copy of the Occupational Health and Safety Act Policy and Procedures Manual.
MOL Response/2017: We have prepared a DVD copy of the current version of the Ministry's Policy and Procedures Reference manual, which is enclosed with this letter. Please note that the P&P is subject to change from time to time without notice. The Ministry of Labour makes no warranty, express or implied, about the

currency, accuracy or completeness of the P&P manual.

(File #G2017-00722/LA) Request for: Computer printouts of fatal events from the Ministry of Labour's Occupational Health and Safety (OHS) databases from the time from Jan 1, 2005 to 2017 (most currently available date of available data).

MOL/Response/2018 with enclosed data file: It was necessary to sever the personal information of various individuals pursuant to the personal privacy provisions in section 21 of FIPPA including,

-names;

-telephone numbers;

-birth dates or ages;

-medical details and/or nature of injuries;

-certain incident details;

-home addresses;

ethnicities;

employment details; and,

-personal email addresses.

The purpose of requesting and reviewing the policy manual was to ascertain if guiding directives are provided in the manual for OH&S inspectors to perform the recording of ethno-racial related information. Specifically, what instructions were inscribed in the manual for MOL investigation inspectors, as a matter of internal practice regarding the collection, recording and storage of ethno-demographic identifying information. Based on textual analysis of the internal policy manual, the MOL/Ontario does not provide any 'specific' directives for the collection of ethno-racial specific information. A key informant with legal advocacy expertise has informed that such information may be collected solely based on what a reporting person may provide to a MOL investigator in the course of investigating serious incidents or fatalities. Confirmation was ascertained on review of *March 31, 2016, Ministry of Labour, Operations Division Policy and Procedures Reference*, that while no specific directives are provided on the collection of ethno-racial demographic information, investigators are provided with over five pages of instructions, procedures for note-taking and recording. It is noteworthy that in the

instructions, it is an inferred probability that such identifying information is collected without a direct reference in the text. For example, the following points as listed in the procedures, such as taking photographs and gathering details from workplace parties, are listed in the procedures (bold/italics) and would allow for such disclosure and recording.

The inspector's recordings become part of the MOL's official records:

4.4.1 Note Taking and Handling of Notebooks Date: May 21, 2014

Inspector note-taking Policy – shall keep daily notes for all field visit-related activities. Inspectors shall record their hand-written notes in the notebooks provided by the Ontario Ministry of Labour (MOL) and approved for such use. ***The provision of notebooks, storage and retention schedules shall be adhered to according to the regional office.***

Procedure

When conducting field activity (including, but not limited to, proactive and reactive field visits, off-site reports and other enforcement activities), inspectors shall record thorough and complete hand-written notes in the inspector's MOL notebook. Notes shall be:

- used to document the inspector's actions, findings and information collected from the employer and other workplace parties
- taken contemporaneously or immediately following an action/activity
- dated and kept chronologically.

Inspectors shall keep notes of their actions and activities when working with other MOL staff (other Inspectors, SPS staff, etc.). It is expected that notes shall be retained individually. ***The focus of each person's notes shall be their personal actions, activities, and observations*** and shall clearly specify their role (e.g., lead Inspector, support role, etc.). Notes should include (as applicable), but not be limited to:

- date
- times
- location
- ICE registration data collected
- names, contact information, and roles of workplace parties contacted (primary contacts accompanied during the field visit, providers of information that was influential to the inspector's findings/decision-making process)
- inspector's actions
- ***observations /findings*** (evidence of due diligence or of contraventions)
- items collected
- ***photos***/samples/measurements taken

- details related to Part 1 offence notices/summonses issued
- unexpected/non-standard experiences (threats to MOL Inspector, obstruction, workplace parties refusing to accompany Inspector)
- the inspector's actions in response to the situation

It should be noted that the “Manual” is inscribed with a disclaimer: “This internal manual is prepared for purposes of convenience only and is intended solely for reference to assist Ontario Ministry of Labour staff.” This is a noteworthy disclaimer, given that as a public institution, it seems that such instructions to investigators are within a “private domain.”

In the case of fatality reporting (which falls under 4.11.2.1 Fatalities, Injury Incidents and Occurrences of the Manual), Investigators are required to complete what is shown as an example in the Manual and also reflected in the file details from MOL: “*EIR Case ID Inspector Surname Region File type EIR 12345KJHG123 Smith N .pdf.*” A significant finding can be inferred from the computer printouts received from the MOL—429 pages of an “Occupational Health and Safety Event Detail Report” for the period 2005 to 2017 received in pdf format (not excel form). In an analysis of this information (see Table 10), a finding can be confirmed that ethno-racial demographic information is collected in the course of occupational fatalities, but the information cannot be readily disaggregated. In addition, demographic information for workplace fatalities in Ontario is collected but is not disseminated to the public within the AWCBC reporting mechanisms. However, within this specific data set for the years 2005 to 2017, there were 4,612 fatalities in Ontario. While 676 (14.65%) of these cases had s.21 demographic identifying information attached, the specific cases of ethno-racial identity cannot be positively determined. This is because this line of evidence is currently blocked out in the MOL report.

Table 10*Ontario Ministry of Labour demographic data in workplace fatalities*

Year	Number of workplace fatalities	Number of cases with s.21, including "ethnicities" recorded	Percentage
2005	412	61	14.80%
2006	375	62	16.53%
2007	439	59	13.43%
2008	396	48	12.12%
2009	384	64	16.66%
2010	385	65	16.88%
2011	306	45	14.70%
2012	306	42	19.81%
2013	266	51	19.17%
2014	289	55	19.03%
2015	281	48	17.08%
2016	289	25	8.65%
*2017 (Sept)	227	51	18.41%
Total	4,612	676	14.65%
**2017 (Dec)	291	**	
*As of September 2017. Data provided by Ontario/MOL for workplace fatalities including s.21			
**As of December 2017. Year-end figures obtained from AWCBC but s.21 cannot be confirmed based on AWACB statistics			

Source: Data compiled from information provided under FOI Request, 2018.

Evidence that race and immigrant status are collected but not specifically directed or aggregated in AWCBC's statistical reporting can be found in the Events Reporting Record. The following are some examples (see Table 11) where the report was given/taken following a workplace fatality containing demographic identifying information and corresponding numbers of s.21 identifying information, while the specific identifying information was dictated.

Table 11

Examples of ethnoracial identifying information in OH&S investigation reports

Examples of ethnoracial identifying information in OH&S investigation reports			
Year	Event ID	Number of s. 21 FIPA	MOHL Case Record Comments
2016	03590KRPN091 (Agriculture industry)	Non provided (case note reveals info)	Hot Issue is to be Determined by xxxx. xxxxx: This employer contracts a farm service that is made up from migrant workers. These workers are only paid \$6–\$8/hour and forced to work in very hot conditions. One of the workers passed out in a row in the greenhouse and had a stroke from the heat. The worker passed away on Sunday, 25 September 2016. If this matter is not investigated, it will get swept under the rug & continue to happen.
2010*	1292335 (Farming)	3	Two migrant workers working on a cider press fell unconscious, the owner of the farm dragged them out of the building, but they are VSA. No other information at this time.
2007	1215405 (Food service)	3	**Temp worker trapped by two motors and died at the scene. Police, fire dept and EMS on scene. Assigned to Inspector Tom Mackay. Updated: Temp worker got crushed between a Raymond Reach truck and racking and died at the scene. Two orders were issued.

*It is noted that a single event record is inserted even in the case of more than one deceased worker

**An inference of temporary foreign worker is granted given the “Temp” status of the worker.

An unexpected and noteworthy finding, which was not a part of the scope of the inquiry for this research, is that within the Ministry of Labour Operations Division Policy and Procedures Reference Manual, 4.8.1 (Ontario Ministry of Labour Access Request, 2017), investigators are required to seek permission in the course of investigation whenever they are entering on to First Nations Reserves and also advise of departure:

Before encroaching on First Nations Reserves:

Procedure: Before conducting inspections, investigations and/or enforcement activities at workplaces on First Nations Reserves, inspectors shall:

- notify their manager of the need to conduct a field visit on a First Nations

Reserve to ascertain whether there are local procedures in place between the Band Council and local law enforcement regarding entry onto local First Nations Reserves (Inspectors shall consult with their manager where those procedures, if any, differ from MOL's internal procedure.)

- contact the Band Council office with respect to entering the First Nations reserve in order to conduct MOL activities (MOL inspectors should inform the Band Council office of all activities they would be conducting and where they will be conducting them). Note: The inspector may call Aboriginal Affairs and Northern Development Canada at 1-800-567-9604 to obtain a list of Band Council Offices and contacts.
- when leaving the reserve, the inspector should notify the Band Council office of whether field activity is completed or whether he/she will be returning. At any time, if a question of whether the OHSA applies to a particular workplace arises or if entry onto a First Nations Reserve is restricted, the inspector, through his/her manager, shall contact the Legal Services Branch for advice (MOL, Operations Division Policy and Procedures Reference Manual, 4.8.1, 2016—Obtained under Ministry of Labour Access Request, 2017).

While the Procedures Manual does not clarify what type of information is gathered in regard to investigations on First Nations Reserves, an inferred conclusion can be drawn that incidents of workplace fatalities on First Nations Reserves can be distinctly identified due to the requirement of notifications, which an investigator must record. There are many complex contemplations for future exploration, which can be gleaned from the noted procedure as outlined. However, as a point of the context within the scope of this study, the historiography of First Nations and settler relationships discussed in the introduction of this study bear significance in terms of the sociopolitical relationships and regulations of health and safety for First Nations communities. Further comments will be provided under theme three, performance indicators.

Key informants with expertise in the legislative framework of systems of protection of workers' rights who work in legal protection advocacy highlighted public media cases and documents of discourses concerning vulnerability intersections of racialized

immigrant identity and workplace-related disability and fatality. It was noted that one of the ways that policymakers are informed about the issues is usually after a public crisis event, and there is a need to inquire or investigate further. One such inquiry was formalized following a December 2009 construction accident where four workers lost their lives at a construction site due to the collapse of a high-rise swing stage in Ontario. Following the media exposure of this tragic event, Tony Dean, a former Deputy Minister of Labour, was appointed to chair a review of the Occupational Health and Safety System, which included a nine-member panel of Expert Advisors (EAP) (Institute of Work and Health, 2011). The Industrial Accident Victims Group (IAVGO) made a submission in the form of correspondence dated July 2010 titled *Expert Advisory Panel on Occupational Health and Safety Review*. This document encapsulated the testimonial voices of vulnerable workers and described how the systems operate in the obstruction of the rights of those who are temporary foreign workers, care providers as well as farm workers. The instrumentation of OH&S in the intersectional margins is exemplified through the workers' narratives.

The IAVGO (2010) submission linked the event to a larger context noting: Our economy has historically relied on precarious workers to build our national railroads, to do our agricultural work, to take care of our families, to build our subways and to construct our cities. Yet these workers continue to be excluded from many of the basic protections that society offers. Many "second-tier" jobs are performed by racialized immigrant and gendered workers, often in the most dangerous industries and workplaces (p. 2).

IAVGO (2010) cited the Law Commission of Ontario (2012) report on vulnerable workers, which notes a higher risk of exposure to work-related injuries due to immigrant and racialized statuses amid being engaged in more physically demanding jobs and

illegally operating work situations.

In the section relating to OH&S legislation, similar to the findings among key informants, the IAVGO highlighted the ineffectual aspects of the legislative framework in the cases of vulnerable racialized im/migrant workers. For instance, the assumption that there is an equitable capacity for the participation of vulnerable workers or that employers will abide by the JHSCs is unrealistic. Key informants with expertise in the legal framework share the perspective that while there are positive aspects to the principles of the internal responsibility system, the overarching finding in this research based on key informant interviews is succinctly expressed in the IAVGO submission: “The MOL must address the power imbalance between workers and their employers, who have the sole control and financial means to provide healthy and safe work environments. Current occupational health and safety legislation is grossly inadequate for precarious workers, who exist primarily in non-union settings” (IAVGO, 2010, p. 3).

IAVGO highlighted the narratives of several case examples to reflect on failures in the system in their submission; they selected two such cases to exemplify the experiences of immigrant workers with legal work status but employed as temporary foreign workers in precarious work. These cases are also illustrative of what is regarded in the CRT framework as a form of storytelling (distinct from case analysis, interspersed with IAVGO’s advocacy justice praxis framework), which conveys meaning regarding the importance of emancipatory intervention strategies. They also serve to illustrate the tensions between what is assumed under equal access to laws, which ostensibly function to protect all citizens but, in practice, fail to protect individual and intersectional group

rights. Storytelling within the Expert Advisory Panel forum allowed for the workers' voices to be heard through "their stories," although they were not physically present in the room.

The first case, as cited by IAVGO (2010), is that of Shad (pseudonym). Shad was living in Canada for eight years and had an employment history primarily in manufacturing. While working in a factory at a printing press, he sustained a critical injury in his use of a machine that had no guards or safety sensors; another worker sustained a critical injury on the same machine. The following is the sequence of the events as Shad reported:

A week prior to my injury, a co-worker from India suffered a deep cut in his hand due to his hand being stuck under one of the folders' blade. Despite management's advice and the wound still afresh, he returned to work the next day, fearing he might lose his job if he were to take the matter with our temp agency employer due to his (immigration) status. I still remember (IAVGO 2010, p. 5).

[One week later, Shad was working on the same machine that had sliced his co-worker's hand between the fingers and up the arm. His story:]

After cleaning and rebooting for 11 hours, we were all set to begin the new print job when, while tightening the last gear for the middle roller, the machine was turned on by my operator, and my left hand rolled through the connecting gears in a matter of seconds. I yelled and fell from the top of the stool on which I was standing. I was frozen, and with some fluid dumped on my hand, it was wrapped up in a plastic bag and escorted to a car by a co-worker who then flew me to the hospital without wasting any time for 911 (ibid, p. 5).

[Shad's accident resulted in an amputation of part of his hand. He goes on to explain that at the hospital, his temp agency employer seized his identification and threatened him with deportation and termination if he reported the accident.]

Upon arrival, my temp agency employer, [name redacted], expressed sorrow and insisted that I present my ID and SIN card, which was then handed to him by my

roommate. He further insisted that I should not disclose any employer information to anyone and lured me with a back-to-work program as soon as the wounds healed. I was discharged the next day since I didn't possess a health card. I did not hear from him until like a week after when upon being contacted by the board (WSIB), he came to my place and asked if and why I had reported to the board. I was unaware of any board or benefits at that time. He suggested that I relocate, threatening me to stay away from the hospital, or he would not be able to offer me a job if I didn't take his brotherly advice, as he said. I was frightened and didn't follow up with the hospital for weeks. Meanwhile, I was dealing with excruciating pain and trauma. I was contacted by the management where I worked, who provided me with a compensatory cheque and a WSIB claim approval document, suggesting that I take it to the hospital and get the blood-soaked splint changed and treated before I end up having an infection. Thereafter I got treated. Upon requesting work, I was turned down by my employer and told that nobody would risk hiring me anymore (IAVGO, 2010, p. 6).

[What happened to Shad after losing this job and three fingers? He remains on WSIB benefits and has been unable to find work. He reports that he attempted to find work, including door-to-door sales and even picking worms with one hand, but each job was unmanageable for him. In these jobs, after his accident, he was paid as little as \$4 an hour].

[In a later WSIB meeting with the employer who employed Shad before his accident, Shad reported that his employer accused him of lying and fraud and blamed him for self-inflicting the injury in a bid to gain money. Shad was despondent and attempted suicide].

[In spite of his horrible story, Shad said the following about safety at work:]

No job is unsafe as long as responsibly handled. However, since I was an agency recruit, I was deprived of proper training at my former job (IAVGO, 2010, pp. 6–7).

Shad's story illustrates a number of failures: The failure of his employer to use required

safety guards; the failure of his employer to report the accident to the MOL; a resulting MOL failure to investigate the accident that occurred one week prior to Shad's own accident or to have inspected the workplace at any time to require safety precautions; a systems' failure to be properly trained because Shad was employed through a temp agency; and a failure to ensure health and safety followed the accident. Instead of being encouraged to seek treatment, the temp agency told him to stay away from the hospital and clinics or he would not be hired by this employer again. Underlying each of these problems is the fact that Shad and his co-worker, who was injured in the same way the previous week, had precarious immigration status and did not want any attention brought to their employment.

5.4 Recommendations

Temporary agencies and placement workplaces should be closely monitored for health and safety practices, as they are responsible for hiring large numbers of marginalized workers. These workers are often placed in workplaces without proper training.

“We repeat our earlier recommendation that all workplaces should be subject to regular and unannounced MOL inspections. The enforcement of MOL orders should be a priority and carry serious consequences for employers” (IAVGO, 2010, p. 5). Shad's (case) storytelling, revealed through the process of key informant interviews during this research, supports the finding that the collection of demographics identifying information, including immigrant/nationality status and pre-workplace existing disability,

would foster a greater understanding of workplace injuries beyond a constructivist notion that all workers are treated the same under the OH&S legislation. The finding on the question of benefits/risks to demographic data collection is complicated. On the one hand, it would serve as another tool for gathering official information to inform on the experiences in injuries and fatalities, but on the other hand, it would require a change in OH&S policy to direct this change. The question of difference-making with such information being made available remains untested.

This is the story [case] of Rafael, who worked in Canada for seven years under the SAWP:

For cucumber work, you must sit for up to ten hours a day on a low swinging plane off a machine with legs straight out to reach through them to pick the cucumbers. It is back breaking work. Apple work was dangerous due to the rickety ladders that are supposed to be balanced by a pipe. For tobacco work, the workers have to cut down the field of tobacco trees with a machete, then spear the trees and spray them with pesticides. Rafael said it was easy to get pesticide in your eyes or breathe it into your digestive system. The workers then load the tobacco onto a wagon and then carry it to a giant kiln that workers would have to climb up and into.

The interviewer asked Rafael what lessons he had learned while working in Canada:

The biggest lesson I've learned in Canada is to just do what the farmer says. Because, if you don't do what the farmer says, as I say, you're fighting for a plane ride home, or you could get a chance at another farm, and maybe you can go live at another farm, but it might be good it might be more worse. As we say in [my country], "you jump from the pot to go into the fire." So you might go somewhere more good, I might go somewhere more worse, you understand? (IAVGO, 2010, pp. 9–10).

[When asked what was preventing him and other workers from speaking out against injustice and abuse in the workplace, he said:]

Well, the most thing I can say about that is we are afraid of the fire, you know? We are afraid to get caught up in saying something because as soon as you report something, with a click, you could go. And when you think about it, and you reach

home, and you cannot come back, what will they say? How will you take care of your family? (IAVGO, 2010, pp. 9–10).

[Rafael was asked about the obstacles that exist for workers standing up for better living and working conditions. He said:]

[...]workers ...workers can't stand up for their rights because they be frightened. In a sense, if workers stand up for their right and they go to the boss, or they go to the union, or they go to the government, or they will do the liaison officer, the first thing the liaison officer or the boss will say "you can get a ticket, you can go back home—other people want to work," right? Which is wrong because, as I said, you come up here first and sacrifice to take care of your family. We shouldn't get out of it—we shouldn't be persecuted if we stand up for our rights, ok? We shouldn't get threatened by losing our job or by losing the opportunities to go to the States or Canada because when we break our contract, we cannot come to Canada anymore, we cannot go to the States because we break our contract, so we have to take the things that we are getting in order to come back to Canada another year (IAVGO, 2010, pp. 9–10).

[He was asked about how he felt this might be related to the history of ancestors being used for indentured service.]

Well, history, I don't know much about history, what I know is way back, they got treated more worse. Here it's just a more developed way of getting black guys working. We don't have a chain on our back, we don't have a whip on our back, we get paid more money, which a long time ago you get money, but not much money, and then, therefore, you try to run away. You can get shoot, you could get shot, you could get beaten, you could get (inaudible)—these things. Now I'm saying again, I not a racist, but what I'm saying is that the times that we live in, this is a more modern way of slavery work. But there is a difference, they don't have a whip—they just don't have a belt on you, so it's different, but it has got more money[...] (IAVGO, 2010, pp. 9–10).

A lot of the conditions are the same because, as I said, we just don't live on a chain, because if we raise our hands to hear the boss or close the boss, then right away it's a flight home (IAVGO, 2010, pp. 9–10).

Rafael's storytelling provides a poignant connection to the waves of immigration and the linkages from the foundations of methods of labouring practice to current systems, which continue as state-sanctioned migrant labour programs.

The overarching finding on the legislative framework for demographic data collection, as reflected in the storytelling and key informant interviews with experts in the area of legal advocacy have highlighted discourses to indicate that multiple lines of evidence have been presented to the expert panel, yet the oppressive labour practices and experiences of migrant farmworkers have not changed. Therefore, in response to the finding on the question of areas of law responsible for authorizing change, a larger contextual question is imposed—why the laws cannot change to foster protections against the widely known abuses of migrant farmworkers. Key informants have thematically indicated that such changes are slow to achieve and will require a coalition of various communities advocating for change since the areas of laws that are designed for workers to “stand up for their rights” place them at greater risk of having their rights abused.

5.5 Performance Indicators

The performance indicators component of the study centred on three guiding discussion questions to key informants, namely the value associated with occupational health and safety, the controls in place for accuracy and prevention measures, and the extent to which the projected demographic reliance on immigrant workers from racialized communities triggers a need for change in data collection.

Key informants unanimously agree that there is great value placed on OH&S across all jurisdictions. Furthermore, the system is “by no means perfect” and similar to any system that gathers data on population demographics, its accuracy cannot be ascertained (with 100% certainty). There was an acknowledgement that the OH&S system is fraught

with challenges, but through the mechanisms of audits, both at the departmental levels within each jurisdiction and at a macro level where researchers provide research and systems review through commissions and review panels, the OH&S remains under various mechanisms of performance indicators.

In an effort to further validate key informants' observations on the status of performance indicators, this author sought additional independent evidence, which led to the *Internal Audit Report of Occupational Health and Safety, as prepared by Aboriginal Affairs and Northern Development Canada* (2015). Given that this research commenced with the history of nation-building and the central concern of First Nations Peoples' contributions, the perspectives of AANDC on the state of OH&S was considered a significant source of reference on performance indicators. In this regard, the AANDC's confirmed compliance with "auditing standards for the Government of Canada" in the delivery of their OH&S audit report. The AANDC audit, which covered the AANDC's headquarters as well as three regional sites in Ontario, Alberta and Nunavut, provided a broad regional representation relative to their compliance to federal OH&S and a range of federal regulations (Canada's Labour Code, OH&S Regulations, OH&S Policy Directives of the Treasury Board). As a noted point of the audit: "The audit did not seek to obtain assurance that employees consistently work in a safe manner or that workplaces are free of unreasonable hazards; however, point-in-time observations were made of workplaces and work practices in the regions selected for examination" (p. 1). A resultant and primary recommendation from this audit was framed in a call for a "comprehensive National Occupational Health and Safety Plan" that would address national and regional

priorities (p. 2). The findings from key informants, while diversely stated, provided recognition that strategic action is required to prepare for greater collaboration in OH&S across all regions.

As there are data limitations as well as limitations in having data that can provide effective comparisons across provinces, three areas need to be addressed: i) Harmonization of data collection across all Canadian jurisdictions; ii) further investment in finding solutions to the issue of underreporting occupational health and safety incidents; iii) Increased efforts in primary intervention strategies (Key informant specializing in occupational health and safety, and labour law reform).

5.6 Chapter Summary: The Overarching Findings

In reflecting on the findings from the key informant interviews and overall findings from all data sources, the importance of occupational health and safety as one of the key pillars of social policies for sustainability has been reinforced as a critical consideration for policy planning. Based on the overarching findings, occupational health and safety and access to health equity for immigrant workers are interlinked to the nation's revered policies of inclusivity and multiculturalism. Yet the experiences of im/migrant workers, paint a bleak picture of exclusion and abuse, which brings into question the level of systems adjustment and preparedness for the projections of a racialized immigrant workforce.

The first social policy challenge confronting the nation's OH&S system is the lack of data collection based on the demographic identity of workers who sustain workplace injury, disability or fatalities. The key learning that the findings convey is that multiple engagement tools for population planning in OH&S is a critical performance indicator and a necessity to ensure inclusivity for the working populations' health and safety.

CHAPTER 6: CONCLUSION: A PATHWAY FORWARD

Diversity is increasing along the lines of gender and racial/ethnic background, a growing number of workers from single-parent or dual-earner families are struggling with the simultaneous demands of work and family life, and there are growing concerns regarding the basic skills of many entry-level workers. All of these changes are important because they represent costs and opportunities. That is, some of these changes may undermine workplace safety, and others may create new avenues to manage workplace safety. In other words, attention to occupational injury prevention needs to be ongoing (Barling & Frone, 2004, p. 7).

6.1 Introductions: Shedding the Perpetual Cycle of the Stigma of Intersectional

Identity and Exclusion

In setting the context for this study, the past, present and future implications of labouring, migration and racialization were in constant reflection. The sociopolitical dimensions of human mobilization have provided a window for advancing knowledge towards strengthening and shaping the system's impact on occupational health and safety for the nation's workers, who have been and will continue to be the key to sustainability.

As the historiography of labour and racialization has shown, the quest for labour since the 1600s and throughout waves of immigration to the current projection has not ceased. At the same time, what this study has shown is the system of accounting for what racialized labourers endure has been relegated to the basket of "sameness," cloaked in laws and enacted through various instruments such as occupational health and safety, immigration policy, and WSIB policies. The overarching findings of this research, and the question of how policymakers will be informed about the nation's occupational health and safety, lead back to the foundation established by Jean Talon, the first Intendant of New France, when he took account of the population and fulfilled a key social policy

obligation. This study has shown us that the question in 1666 set the template for our current system of accounting for racialized workers. Implied in the first census of North America are the questions that Talon engaged in trying to determine the best path forward: Who do we have here? What type of work are they doing? What if they can no longer keep up, get hurt or die? How do we sustain for the future? We can assume that Talon's report was well received, and in all likelihood, it was, because no one wrote back for additional information—at least there is no record of a rebuttal to Talon's Census—and a monument now stands in his honour in front of the Québec Parliament Building. Therefore, a lesson learned from record keeping in the context of this study is that Talon's social planning tool of the census and counting only certain people remain in the fabric of discounting the contributions of racialized immigrant workers. Talon conveyed through his population demographics the "count" that mattered: the 3,215 settlers. He went a step further by naming the occupations, and in that naming we learn that there were "400 servants" and nothing about the people who were present in this area since time immemorial—Talon did not even add a footnote to acknowledge 'the other,' the members of the population on whom settlers were reliant for survival. The power imbalance of decision-making and accounting for the people remains unreconciled in our current informatics of sources.

For this dissertation research, the author undertook the historiography of accounting of waves of immigration, including accessing records, census data from the 1600s—the age of 'fictive narratives of discovery—historical research, and primary archival sources including laws, legislation, governance documents and immigration policy relating to

immigrant workers throughout the early colonial period to the present time. These sources confirm the history of the enslavement of Aboriginal Peoples in Canada and the Americas as well as the experiences of oppression and the cultural and material genocide of Aboriginal knowledge. They also discounted Aboriginal Peoples' identity and presence in history-making by structuring the 'newly found lands' for labour and exploitation. This study highlights that the global knowledge of the use of forced labour migration, an experience that is distinguished in human history as a particular targeted action upon a group of people, was part of colonial rule, constituted under laws in the Americas, Canada, Europe and the Caribbean. This system has seamlessly transitioned into immigration programs such as the TFWP and the SAWP. In tracing the inexorable links between labour and immigration in Chapter 1, there is evidence that the intended construction of Canada as a nation of white settlers dominated the systems of laws and governance over those within the borders and those who were deemed inadmissible. With encroaching labour needs, however, greater flexibility in immigration laws was gradually introduced while not departing too far from the template that Talon set for selecting who are the desirable settlers.

A key lesson in this “messy business of stratified planned exclusion” made it possible to compensate slave owners while, at the same time, not accounting for those who laboured. Therefore, providing affirmation that maintaining records is a matter of prioritizing and determining what is “worthy” of inclusion in records. The research design for this study and the corresponding lines of evidence triggered a series of different questions for which further research is warranted.

The overall reflection of this study, which led to an examination of how the labours of racialized workers are accounted for, bears greater implications for revelations of access to human rights protection and the question of what it means to be a “citizen” or a “rights bearer.” In the nation’s occupational health and safety system, by all accounts and across all lines of inquiry, including the reports from key informants that OH&S is greatly valued, there are laws and strategies in place to protect workers’ health and safety. However, the overarching finding remains that racialized immigrant workers remain unidentified and discounted, even though policyholders have information regarding abuses and systemic discrimination. The fact that Canada is not a signatory to the United Nations International Convention on the Protection of the Rights of all Migrant Workers and Members of their families supports the claim that there is a deliberate obscuring of access to legal rights’ protection for migrant workers. As noted in the provisions of the Canadian Charter of Rights and Freedoms: Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right (a) to move to and take up residence in any province; and (b) to pursue the gaining of a livelihood in any province (Canadian Charter, 1982, s 6).

It is notable that this limited application of mobility rights protection in the Charter is at odds with the Charter’s own provisions in respect of equality before and under the law. Whether or not TFWPs have been subjected to Charter scrutiny, its requirements, or the Canadian values embedded within it, should be an important guide to these programs’ operation and to any evaluation of whether they are the best way of bringing newcomers to Canada and filling Canadian labour shortages (Parfitt, 2013, p. 224).

Human rights and social justice make no ‘absolute’ promises for a perfectly balanced system. Amid all of the progress, our contemporary system of law and social values of a “fair” system of protection remain a source of debate. Canadian philosopher John O’Manique (2012) reminds us of the complexity of the quest for human rights and social justice, noting that it is a continuous process as new forms of domination have arisen as society has evolved. The proclamation of inalienable rights presumes that, in practice, these are evident and accessible in civil society; however, historical and contemporary experiences suggest a confluence of challenges in achieving human rights and social justice for all in the area of occupational health of safety. In narrating the voices of workers in the TWFP, the linkages to the industrial environment prior to Meredith’s intervention of justice for workers, have not influenced the environment of planning for the inclusion of racialized immigrant workers.

6.2 Additional Knowledge Transfer and Further Research

Based on the revelations within the scope of this dissertation research, one of the points of rectification in the discourses concerning racialized immigrant workers is to determine how best to reset a framework for reclaiming Meredith’s principles of justice for workers. This is in the context of a key finding that the media’s construction of fatalities and injuries as well as the aggregated data of annual statistics prioritize occupational health and safety. Within this area, the discourses of segregated employment and sophisticated forms of indentureship programs, now perpetuated through the TWFP, will not be addressed through current OH&S system. This is because OH&S exists to

monitor for prevention, injuries and fatalities; it does not determine the conditions of employment or immigration policy that places workers in a situation of permanent exclusion.

The justice principles that form the framework of justice for workers present an area for future examination in terms of OH&S outcomes of difference-making in regions where occupational health and safety systems provide for disaggregated data among a range of personal identifying information. As the research findings have indicated, when Meredith set about to develop the WSIB system following his three-year commission, workers were not consulted. This task in future research rests on Meredith's legacy and hopes, as stated in his final words, which recognize that the quest for justice for those labouring and acquiring disabilities as an outcome of workplace participation:

That the existing law inflicts injustice on the workingman is admitted by all. From that injustice, he has long suffered, and it would, in my judgment, be the gravest mistake if questions as to the scope and character of the proposed remedial legislation were to be determined, not by a consideration of what is just to the workingman, but of what is the least he can be put off with; or if the Legislature were to be deterred from passing a law designed to do full justice owing to groundless fears that disaster to the industries of the Province would follow from the enactment of it. All of which is respectfully submitted, W. R. Meredith, Commissioner (Dated at Osgoode Hall, Toronto, October 1913).

I can concur with Justice Meredith's observations of so long ago that the existing law inflicts injustice. This is borne out by the numerous accounts of racialized immigrant workers and the various presentations to panels and audits of the OH&S system, which consistently find room for improvement. Meredith forewarns of what might potentially be the gravest mistake of not taking remedial action in the context of what is known about the history, current and future projections of a dynamic racialized workforce, which will

be pivotal to the nation's success. This study has focused on the contributions of racialized workers whose histories have been woven into the nation's fabric, yet who remain on the margins within a colour-coded system of who shall count as citizens or non-citizens. An "ambitious" immigration plan and a projected increase in newcomers from source countries where the population is primarily racialized immigrants destined for the labour market and whose first language is neither English nor French is the reality that will shape the nation going forward. Lessons from the past and current systems of oppression can be engaged in shaping and strengthening the future.

Key areas for future research in the context of strengthening the inclusion of the nation's population demographics:

- Examining regions where demographic data collection on personally identifying information is part of the OH&S system. How have such collection actions and the dissemination of information supported interventions for difference-making and improvement in occupational health and safety, if any.
- The discourses of racialized workers in the TFWP have highlighted many examples of abuse and exclusion from access to the systems of rights protection. It remains unclear and has not been explored if TFWPs are receptive to the disclosure of personally identifying information within the WSIB claims reporting system. There is an inferred assumption that workers may be unwilling to provide such disclosure.
- How can alternative systems of data collection be developed to better inform on the health and well-being of racialized immigrant workers?

Overall, this undertaking of the historiography of labour, racialism and the nation's occupational health and safety systems has revealed that there is much work ahead in preparing and strengthening Canada's investment in its human resources as a means of strengthening the nation's sustainability.

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APPENDICES

Appendix A: Sources of Data Collection Matrix

Area of Inquiry and Questions	Literature Review	Document Review	Key Informant Interview	Archival Document Review
Inclusivity of demographic data in occupational health and safety data collection system				
What are the objectives of occupational health and safety data collection?	X	X	X	X
How do provinces and territories collect data on workplace injuries and fatalities?		X	X	
What types of data are collected and reported to the public from what sources?	X	X	X	X

How has data collection changed over time in terms of types and methods?		X	X	X
Within the sources of occupational health and safety data collection, is there any data collection based on demographic identities such as race, immigrant/nationality status, or pre-existing disability?	X	X	X	X
What factors support or prevent the collection of data-based demographic identity?	X	X	X	X
Is there a periodic review of the occupational health and safety system to determine if changes should be made in	X	X	X	

keeping with Canada's changing demography?				
What are best practices in collecting demographic race-based data to support occupational health and safety strategies for the ethnocultural/linguistic/racial diversity of workers in Canada?	X	X	X	
The legislative framework for demographic data collection				
To what extent does human rights legislation support the collection of demographic identity data such as race, immigrant/nationality status, or pre-existing	X	X	X	X

disability?				
In occupational health and safety, what purposes are served by the collection of demographic identities such as race, immigrant/nationality status, and pre-existing disability?	X	X	X	
What are the potential benefits/risks to demographic data collection?	X		X	
In Canada, what areas of law would be responsible for authorizing a change to achieve demographic data collection?		X	X	
Performance Indicators				
What is the value associated with	X		X	

occupational health and safety data collection?				
What controls are in place to ensure accuracy and use of occupational health and safety data in prevention measures?			X	
Based on census data projections, by 2030, Canada's workforce will be entirely reliant on immigrants from racialized communities. Does this trigger a need for a change in data collection?			X	

Appendix B: Informed Consent Form

Study name

Dis/Counted Racialized Immigrant Workers: Absent from Canada's Occupational Health and Safety Data Collection Systems

Researchers

Researcher name Yvonne Simpson
 Doctoral Candidate
 Graduate Program in Critical Disability Studies

Email address simpsonv@yorku.ca

Purpose of the research

The purpose of my research is to investigate the occupational health and safety statistical injury and fatality data reporting systems to determine what prevents occupational health and safety data collection based on the socio-demographic identity of race, immigrant status, nationality, and pre-existing disability status.

What you will be asked to do in the research

Participants will be asked to participate in a semi-structured interview for approximately 1.5 hours. During this interview, a number of questions will be posed. The list of questions which will guide the interview will be provided to the participant prior to the interview taking place. There are no incentives provided for participation in the interview.

Risks and discomforts

There are no anticipated risks or discomforts associated with the participants engaging in the semi-structured interview.

Benefits of the research and benefits to you

It is anticipated that the following benefits will be derived from my research: 1) Confirmation of the status of the occupational health and safety injury and fatality data collection and reporting based on socio-demographic identity, and 2) a greater understanding of the challenges in collecting and reporting socio-demographic information in Canada's occupational health and safety injury and fatality systems.

Voluntary Participation: Your participation in the study is completely voluntary, and you may choose to stop participating at any time. Your decision not to volunteer will not influence the relationship you may have with the researchers or study staff or the nature of your relationship with York University either now or in the future.

Withdrawal from the study: You can stop participating in the study at any time, for any reason, if you so decide. Your decision to stop participating, or to refuse to answer particular questions, will not affect your relationship with the researchers, York University, or any other group associated with this project. In the event you withdraw from the study, all associated data collected will be immediately destroyed wherever possible.

Confidentiality

The interview will be documented by handwritten notes and stored securely in the interviewer's office. The researcher will be the only one to have access to the notes and information gathered in the interview. The notes will be destroyed/shredded on September 30, 2019.

Confidentiality will be provided to the fullest extent possible by law.

Questions about the research?

If an interview participant has questions about the research in general or their role in the study, they can contact the researcher or their supervisor. The Supervisor's contact information is Rachel Gorman, York University, Critical Disability Studies Program, 416-736-2100 ext. 30523. E-mail: gorman@yorku.ca. The graduate program office may also

be contacted at 416-736-5000. E-mail: gradinfo@yorku.ca

This research has been reviewed and approved by the Human Participants Review Sub-Committee, York University's Ethics Review Board, and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines. If you have any questions about this process or about your rights as a participant in the study, you may contact the Senior Manager and Policy Advisor for the Office of Research Ethics, 5th Floor, York Research Tower, York University, telephone 416-736-5914 or e-mail ore@yorku.ca.

Legal rights and signatures:

I consent to participate in Dis/Counted Racialized Immigrant Workers: Absent from Canada's Occupational Health and Safety Data Collection Systems conducted by Yvonne Simpson. I have understood the nature of this project and wish to participate. I am not waiving any of my legal rights by signing this form. My signature below indicates my consent.

Signature _____

Date _____

Signature _____

Date _____

Yvonne Simpson

Optional: Additional consent:

Appendix C: Overview of Methods

Accounting for Racialized Immigrant Workers: Historiography of Colour-Coded System of Disability Exclusion

While strategic policy initiatives have been undertaken to attract immigrants, parallel efforts in safeguarding their OH&S are not evident since race, immigrant status, are not reflected in the nation's statistical data reporting systems for OH&S

