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Globalizing Inequality: Diasporic Citizenship Politics and the Case of Homeworkers in Toronto's Garment Industry

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Introduction

This paper examines how new relationships of inequality are being constructed and challenged in globalizing cities as the places where globalization processes such as migration, production and finance are concentrated. I use the concept of citizenship and, more specifically, diasporic citizenship, to analyze the ways in which some groups are both marginalized by, as well as actively resisting, these globalization processes. The paper presents a case study of the situation of homeworkers in Toronto's garment industry as an example that draws out some of the ways in which global restructuring of the political economy creates new relationships of inequality along gender, race, class and ethnic lines. The paper theoretically develops the concept of diasporic citizenship, applying it, in the latter half, through a case study on homeworkers in Toronto. The situation of homeworkers in Toronto illustrates how globalization might simultaneously be marginalizing certain groups in globalizing cities and generating new forms of citizenship rights and practices.

Unbundling Citizenship

In thinking about citizenship, I want to consider ways in which we can, in Saskia Sassen's terms, "unbundle citizenship",⁸⁷ that is, loosen the concept of citizenship from its close association with the nation-state and a particular modern logic of "fixed origins".⁸⁸ The reasons for this are twofold. First, our modern understanding of citizenship has been tied closely to practices of exclusion. As Engin Isin and Patricia Wood have shown persuasively, citizenship as an institution has always been practiced and designed to benefit a certain dominant group in society despite claims to represent all members of society.⁸⁹ Because of this, Isin and Wood argue that citizenship can be viewed as "a mediating institution and a contested field" between "dominated and dominant groups".⁹⁰ This conceptualization of citizenship as a mediating institution provides a useful lens through which to analyze some of the ways in which new hierarchies are resisted and, hence, remade along gender, class, race, religious and ethnic lines. It is also for this reason that I wish to think through ways in which citizenship might be conceptualized in more inclusive terms, which is why I use the term "diasporic citizenship".

⁸⁷ Saskia Sassen, "The Formation of New Political Subjects under Globalization," paper presented at the Theorizing Transnationality, Gender & Citizenship lecture series, University of Toronto, 29 November 2002.

⁸⁸ Avtar Brah, *Cartographies of Diaspora* (London and New York: Routledge, 1996), 180.

⁸⁹ Engin Isin and Patricia Wood, *Citizenship and Identity* (London: Sage Publications, 1999).

⁹⁰ *Ibid.*, 63.

The second reason for wishing to unbundle citizenship is to be able to identify a more diverse range of strategies and locations from which possible resistance to relationships of inequality might emerge. Citizenship is an institution still equated largely with the idea of the nation-state – the idea that the state has sole jurisdiction over a group of like people living within its territorially defined borders. Discussions over citizenship rights and struggles still focus frequently on the nation-state as the location of politics. However, as Sassen has observed, such discussions assume citizenship to be a “unitary experience” rather than reflecting on how we can think of citizenship in terms of “several more or less flexible components that can both transnationalize and localize citizenship.”⁹² Scholars like Sassen and Jan Aart Scholte have noted that globalization processes have both deterritorialized and reterritorialized aspects of the state and social life.⁹³ Global relations are transcending territorial notions of space in areas such as global financial transactions and the strengthening of international institutions and transnational organizations such as the World Bank and multinational corporations. At the same time, territorialization remains an important aspect of politics and in certain cases has led to a reterritorialization of politics. This can be seen in cases of renewed ethnic nationalist conflict or in cases where deterritorializing state processes have resulted in an increased autonomy at the local level as, for example, in the case of Canadian cities staking out a greater role in the governing process. In terms of citizenship, Sassen has argued that globalization has led to the “unmooring of identities from what have been traditional sources of identity, such as the nation or the village.”⁹⁴ This “unmooring in the process of identity formation engenders new notions of community, of membership, and of entitlement.”⁹⁵ Sassen suggests that global cities are places where space is deterritorialized and reterritorialized in ways that create new transnational identities. Global cities bring transnational capital together with transnational migration in such a way that they become “a space for the transmigration of cultural forms, for reterritorialization of ‘local’ subcultures.”⁹⁶ Sassen then asks whether we might also be witnessing “a new politics, one going beyond the politics of culture and identity, though at least partly likely to be embedded in it.”⁹⁷ It is in this context of possible new configurations of identity and citizenship that transnational identities like diasporic citizenship are relevant. Thinking about citizenship in the broader terms enables us to identify some of the new locations and strategies of politics that we can build upon and strengthen them as we think about how we can more effectively struggle against the growing inequalities brought on by globalization processes.

Diasporic Citizenship

In order to broaden the definition of citizenship, I use the concept of “diasporic citizenship” to refer to the struggles of certain groups, such as immigrants and refugees, for greater claims to social, economic and cultural rights. Before elaborating on the meaning of diasporic citizenship, the use of the term “diaspora” should be clarified. By diaspora, I refer to a theoretical concept that, according to Avtar Brah, “critique(s) ... discourses of fixed origins.”⁹⁸ Diaspora can be defined as “a transnational network of dispersed political subjects... connected by ties of co-responsibility across the boundaries of empires, political communities or (in a world of nation-states) nations.”⁹⁹ As Floya Anthias notes, diaspora is also an “imagined community”, which is “constituted as much in difference and division as it is in commonality and solidarity.”¹⁰⁰ In other words, like all groups, diasporas contain internal stratification and conflict between different political projects and along gender, class, religious, sexual and generational lines.¹⁰¹

I also use the term diaspora somewhat loosely as a more inclusive term than, for example, immigrant, to discuss the experiences of a broader group of women. By “diasporic women”, I refer both to women who have immigrated or come as refugees to Canada, holding either legal citizenship or landed immigration status, as well as those who are undocumented or “illegal immigrants”. In addition, I include in this discussion women who may not be immigrants, but who, for reasons of skin colour, ethnicity, religion, or class, are seen by others to be immigrants and members of diasporic groups. In other words, I recognise that categories such as “immigrant” and “diasporic group” are also constructed categories. My looser use of the term diaspora follows a trend in diasporic literatures of using the concept to refer more broadly to a variety of groups including “political refugees, alien residents, guest workers, immigrants, expellees, ethnic and racial minorities and overseas communities”¹⁰² and to the general idea of “dwelling and travelling across nations”.¹⁰³ In other words, I do not use the term diaspora as it is often used to refer to an essentialized notion of a group in exile. Rather I use it more broadly as a term that refers to the transnational, multiple and internally stratified character of group (and individual) identities.

⁹¹ According to the liberal model of universal citizenship, all citizens within a polity are said to be entitled to receive the same citizenship rights and to have the same obligations by virtue of the fact that as citizens they are equal members of the polity.

⁹² Sassen, “The Formation of New Political Subjects under Globalization.”

⁹³ Saskia Sassen, *Globalization and Its Discontents* (New York: New Press, 1998); Jan Aart Scholte, *Globalization: a Critical Introduction* (New York: Palgrave, 2000).

⁹⁴ Sassen, *Globalization and Its Discontents*, xxxii.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ Brah, *Cartographies of Diaspora*, 180.

⁹⁹ Prina Werbner, “The Place Which Is Diaspora: Citizenship, Religion and Gender in the Making of Chaordic Transnationalism,” *Journal of Ethnic and Migration Studies* 28, no.1 (2002): 121.

¹⁰⁰ Floya Anthias, “Evaluating ‘diaspora’: Beyond Ethnicity,” *Sociology* 32, no.3 (1998): 564.

¹⁰¹ *Ibid.*

¹⁰² Judith Shuval, “Diaspora Migration: Definitional Ambiguities and a Theoretical Paradigm,” *International Migration* 38, no. 5 (2000): 41.

¹⁰³ James Clifford, “Diasporas,” *Cultural Anthropology* 9, no. 3 (1994): 307.

Having defined diaspora, I wish to use it to develop a concept of "diasporic citizenship" before using it to discuss the politics of homeworkers in Toronto's garment industry. While diaspora is associated often with ideas of transnationalism, essential to an understanding of diaspora is also the idea that diaspora has as much to do with notions of "political struggles to define the local, as distinctive community, in historical contexts of displacement".¹⁰⁴ The concept of diasporic citizenship refers, then, to the multiple and simultaneous participation in citizenship practices within and across nation-state borders. This can take the form of transnational politics but also politics aimed at the local and national levels made on the grounds of being simultaneously members of the nation-state and also members of another distinct polity with a history of displacement. Modern citizenship begins with the idea of location within a particular territory, that of the nation-state, then diasporic citizenship can be said to begin with the idea of living across more than one social, cultural, political and geographical space.¹⁰⁵ As such, diasporic citizenship can be situated within a broader range of literature that seeks to disrupt the close association between citizenship and nation in order to expand the meaning of practices associated with citizenship. Included in this literature are approaches such as "postnational citizenship",¹⁰⁶ "multicultural citizenship",¹⁰⁷ "multilayered citizenship" and "differentiated citizenship",¹⁰⁹ in addition to a host of other approaches such as sexual, technological, ecological and cosmopolitan citizenship.¹¹⁰

Comparing diasporic citizenship briefly to some of these other approaches can help to flesh out its various dimensions. To begin, the concept of diasporic citizenship is compatible with that of "multilayered citizenship." Nira Yuval-Davis describes this type of citizenship as "a multi-layered construct, in which one's citizenship in collectivities is affected and often at least partly constructed by the relationships and positionings of each layer in specific historical context."¹¹¹ Diasporic citizenship is based on the idea that individuals we are always located in groups and our ability to claim citizenship rights depends both on our location within these groups and on the relative relationships of power and inequality between these groups.

Diasporic citizenship also builds on the ideas of Iris Marion Young's "differentiated citizenship." Although Young's discussion of differentiated citizenship is firmly state-centred rather than transnational, it is still useful for conceptualising diasporic citizenship because it makes the argument that citizenship rights must be awarded not just on the basis of individual rights but on the grounds of group rights, recognition and representation. Young argues that citizenship must recognize that groups are situated in historical relations of power and inequality and group rights require recognition of these histories of oppression. As Young explains:

In a society where some groups are privileged while others are oppressed, insisting that as citizens persons should leave behind their particular point of view serves only to reinforce that privilege; for the perspectives and interests of the privileged will tend to dominate this unified public, marginalizing or silencing those of other groups.¹¹²

Diasporic citizenship thus shares with Young's notion of differentiated citizenship the idea that citizenship must involve group rights and that claims for greater rights by marginalized groups can only be made successfully if these histories of oppression are acknowledged. However, whereas Young's focus is principally on the domestic politics of nationally based citizenship, diasporic citizenship disrupts the notion of bounded national citizenship by connecting local, national and transnational scales of politics. Diasporic citizenship involves making claims to the nation-state and to the city from the location of membership in a group with a history of oppression (displacement), but it is a group whose very definition is that of being a member in another national polity external to the nation-state of residence.¹¹³

Diasporic citizenship also shares the desire of both "multicultural citizenship" and "postnational citizenship" to open up the liberal notion of citizenship to greater cultural, ethnic, racial, and religious diversity (as well as gender and sexual diversity). Will Kymlicka's version of multicultural citizenship aims to extend citizenship rights to cultural groups such as polyethnic groups like immigrant groups and (more reluctantly) to "national minorities" like indigenous peoples and the Quebecois. However, ultimately his revision of multicultural citizenship retains a belief in the liberal foundations of universal citizenship. Moreover, although Kymlicka expands the liberal notion of individual citizenship rights to include group rights, he bases the notion of groups on a "notion of cultural identity that is 'pre-political'" and treats cultural groups somewhat like interest

¹⁰⁴ *Ibid.*, 308.

¹⁰⁵ Isin and Wood, *Citizenship and Identity*.

¹⁰⁶ Yasemin Nuhoglu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago and London: The University of Chicago, 1994).

¹⁰⁷ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995).

¹⁰⁸ Nira Yuval-Davis, "The 'Multi-Layered Citizen': Citizenship in the Age of Globalization" *International Feminist Journal of Politics* 1, no. 1 (1999): 119-136; Nira Yuval-Davis and Pnina Werbner, *Women, Citizenship and Difference* (London and New York: Zed Books, 1999).

¹⁰⁹ Iris Marion Young, "Polity and Group Difference: A Critique of the Ideal of Universal Citizenship," *Ethics* 99 (January 1989): 250-274.

¹¹⁰ Isin and Wood, *Citizenship and Identity*.

¹¹¹ Yuval-Davis, "The 'Multi-Layered Citizen,'" 121.

¹¹² Young, "Polity and Group Difference," 257.

¹¹³ It should also be noted here that Young does not adequately problematize the notion of social group in her work. Young fails, for example, to address the issue of who speaks for and on behalf of the group and how to ensure that disadvantaged groups are themselves democratic. Despite acknowledging the fluidity and construction of social groups, Young's analysis in effect, treats social groups as somewhat unproblematic and benign. She fails to discuss, for example, the dynamics internal to all social groups, which can be undemocratic and problematic. Social groups also engage in processes that unintentionally or intentionally enforce homogeneity and omit and/or silence differences within the group, the very dynamics that trigger Young's argument in favour of differentiated citizenship in the first place. In other words, the very problematic power dynamics that Young identifies within the larger political community between dominant and subordinate groups, which trigger her call for differentiated citizenship in the first place, can be repeated within these disadvantaged or oppressed groups.

groups equally vying for greater rights and recognition.¹¹⁴ Diasporic citizenship differs from multicultural citizenship, then, in that it emphasizes the historical relationships of inequality between dominant and dominated groups and assumes the representation of group identity to be an important part of citizenship and the political struggle for citizenship rights.

Finally, diasporic citizenship shares the idea of transnational politics inherent with the concept of postnational citizenship. Yasemin Nuhoglu Soysal's uses the concept of postnational citizenship to illustrate how groups without official citizenship status, like Turks in Germany, can use universal human rights law and transnational organizations to claim citizenship rights at the national level. This intertwining of the global and national leads to a new form of postnational citizenship, or citizenship practiced beyond the nation-state. In making her argument, however, Soysal tends to emphasize the way which universal rights can override the particular, nation-based, citizenship rights. Moreover, in doing so, her discussion of universal human rights instruments tends to emphasize the role of individual rather than group rights as the means to expand citizenship. Diasporic citizenship, by contrast, begins by deconstructing what are claimed to be universal rights to reveal how they operate in the interests of a particular group. In doing so it focuses on and problematizes the relationship between the universal and the particular rather than emphasizing how the universal challenges and supersedes the particular (or *vice versa*).

Broadening Citizenship through Diasporic Citizenship

The purpose of defining and developing a concept of diasporic citizenship is ultimately to unbundle and broaden common assumptions in thinking about modern citizenship. First, the notion of diasporic citizenship disrupts the modern notion of citizenship as a "gate-keeping concept", as an institution that stabilizes and reproduces conceptual borders of identity by requiring newcomers to shed former identities at the door before taking the new identity of citizen.¹¹⁵ Diaspora refers to in-between, hybrid, multiple transnational identities that resist the exclusionary logic of modern identity upon which citizenship is based. It thus disrupts the idea of home being the country of origin according to which immigrants are then viewed as "guests" in a "host country". From the perspective of diaspora, women, for example, retain a hybrid identity or multiple identities as both members of the Canadian political community but also as members of other national, religious, and ethnic polities.

The concept of diasporic citizenship also broadens the concept of citizenship making it more inclusive because it begins from the premise that citizenship is not a unitary experience, since individuals are members of other groups, be they national, ethnic, religious, class, sexual or gender identities. Our ability to access and practice citizenship depends on our location in these groups and the relationship of these groups *vis-à-vis* the dominant group upon which citizenship is based.¹¹⁶ Furthermore, in making

greater claims for citizenship rights, diasporic citizenship as a concept recognizes that these claims will be made from the intersectionality of, or point of connection between, these different group positions. From this perspective, diasporic groups make claims to citizenship rights not on the grounds of being the same as the dominant group in society, nor on the grounds of being different from them, but on the grounds of being both the same and different from the dominant group at the same time. In other words, despite having legal immigration status, diasporic groups, like homeworkers, have different access and experiences of citizenship rights because of their membership in additional class, gender, ethnic, national and racialized groups

The Case of Homeworkers in Toronto's Garment Industry

Having explored the concept of diasporic citizenship, I will now turn to the case of homeworkers. I focus on two examples of how homeworkers are engaged in diasporic citizenship politics. The first example is the case of a Class Action Lawsuit and the second is a discussion of street protests at Toronto's Eaton Centre.

Class Action Lawsuit: Lian v. J. Crew

The Homeworkers' Class Action Lawsuit was launched in June 2000 by the Union of Needletrades, Industrial and Textile Employees (UNITE) on behalf of homemaker Fan Jin Lian, and was brought "on behalf of a class of similarly situated 'homeworkers'" (Lian v. J. Crew, 2001 [7]). The lawsuit for \$1.5 million charged three retailers and two manufacturers with knowingly violating Ontario's *Employment Standards Act (ESA)* by failing to pay back wages of \$500,000, overtime and vacation pay.¹¹⁷ Fan Jin Lian worked for Eliz World between September 23 and Nov 24, 1999, and claims that she was paid only \$675 but was still owed \$5,000. She also made the argument that the retailers and other manufacturers who subcontracted their business to Eliz World should be held jointly liable as they conspired to get around the *ESA* by subcontracting in order to cut production costs.¹¹⁸ The motion, which was tried in Ontario's Superior Court of Justice,

¹¹⁷ The 5 companies are retailers J. Crew Group, Venator Group Canada Inc. (owner of Northern Traditions, Northern Reflections and Northern Elements) and Clothing for Modern Times (owner of Costa Blanca stores) and clothing manufacturer E. Knitted Garment Inc., who was subcontracted by J. Crew to produce clothing and further subcontracted out to Eliz World Inc (also a subcontractor for Vebator and Modern Times).

¹¹⁸ The case attempted to establish joint liability according to the *ESA*. The claimants argued that Eliz World was in direct breach of paying back wages owed but, in addition, that J. Crew, Venator, Modern Times and E. Knitted should also be held jointly liable as joint employers according to the *ESA*. According to the decision, "Section 12 applies where associated or related activities, businesses, works, trades, occupations, professions, projects or undertakings are carried on by any combination of corporations, individuals, firms, syndicates, or associations, with the intent or effect of the arrangement being to defeat either directly or indirectly the true intent and purpose of the *ESA*". In such cases the companies are "jointly and severally liable for any contravention of the Act" Lian v. J. Crew, Superior Court of Justice, 54 O.R. (3d) 239; 2001 Ont. Rep. LEXIS 166, File No. 00-CV-192342CP, Toronto, Ontario, Decided: May 4, 2001

¹¹⁴ Damian Tambini, "Post-national Citizenship," *Ethnic and Racial Studies* 24, no. 2 (2001): 201

¹¹⁵ Friedrich Kratochwil, "Citizenship: On the Border of Order," *Alternatives* 19, (1994): 486.

¹¹⁶ Yuval-Davis, "The 'Multi-Layered Citizen'".

centred on an interpretation of the scope of section 12 of Ontario's 1990 *Employment Standards Act* but, if won, had potentially wide-ranging implications for homeworkers across Canada.¹¹⁹ The case was significant since it was one of the first attempts in Canadian court to attack the very heart of the garment industry's operation, the pyramid structure of subcontracting, by making retailers and manufacturers responsible for its business practices of any subcontractors under their hire.

The case was unsuccessful in that the claim was dismissed in May 2001. The judge concluded: "Given the undisputed record and the interpretation of s. 12, the plaintiff failed to show that her claim is one with any real chance of success and the motions for summary judgement should be allowed."¹²⁰ In making his decision, Judge Cumming argued that the plaintiff failed to provide sufficient evidence that a) the companies were joint employers and b) that they had purposefully entered into a business relationship with the intent to defeat the purpose of the *ESA*. In presenting his reasons for dismissing the case, it is worth noting that the judge first acknowledges that "the evidentiary record establishes that there are problems in the Canadian garment industry in ensuring that homeworkers in the position of the plaintiff are paid and that the obligations of their direct employers under the *ESA* are fulfilled."¹²¹ He also acknowledges that "[t]he *ESA* recognizes the potential harm of unequal bargaining power and position of individual employees, and in particular, non-unionized employees and immigrant workers."¹²² But

statements are important because they recognise publicly (and put on record) the fact that homeworkers suffer from disadvantaged working conditions and unequal bargaining power.¹²³

After stating these facts, Judge Cumming explains the reasons for his decision, stating:

In the absence of intervention by legislation or regulation, businesses have the freedom of action to determine the type and extent of the particular business activity carried on, as seen to be in their own self-interest. Division of labour and specialization are inherent to all businesses in a competitive market. Specialization in a competitive market serves to maximize consumer choice at the most favourable price.¹²⁴

Here it is clear that, despite recognizing homeworkers' disadvantaged position, the judge ultimately sides with the interests of business. He presents a neoliberal rationale for a competitive market economy that gives legitimacy to the very structure of subcontracting (or the pyramid or vertical integration structure) that disadvantages homeworkers in the first place. Moreover, he introduces the notion of "consumer choice" as justification for this market logic. In so doing, he makes an implicit argument for recognizing the citizenship rights of business and consumers over and above those of homeworkers.

Cumming also acknowledges that regulation is possible. He states, "[i]t might be argued that as a matter of sound and progressive public policy, measures should be taken to achieve greater compliance of *ESA* standards within the vertically integrated garment

UNITE.¹¹⁹ The garment industry is one of the largest employers of women worldwide, employing more than 23.6 million workers, 75% of whom are women. More importantly, it is an industry notorious for employing women in low-wage, low-skilled and part-time employment, with precarious working conditions that put women at greater risk of poverty, exploitation and workplace violence. In Canada, the Union of Needletrades, Industrial and Textile Employees (UNITE) has documented hundreds of sweatshops in Canada, with at least 8,000 homeworkers in Toronto, and some 40,000 in Canada, the majority, immigrant women, see Yantz et. al. The industry provides first jobs for many immigrants who come to Canada, especially in homework where a command of English or French is not needed. In Canada "seventy-six percent of all garment workers are women, 50 percent immigrants, and almost 30 percent are members of a visible minority. Ninety-four percent of sewing machine operators in Metro Toronto were born outside of Canada" (Linda Yantz, Bob Jefe, Deena Ladd and Joan Atlin (Maquila Solidarity Network), *Policy Options to Improve Standards for Garment Workers in Canada and Internationally* (Ottawa: Status of Women Canada, 1999), 14. See also Jan Borowy, Shelly Gordon and Gayle Lebas, "Are These Clothes Clean? The Campaign for Fair Wages and Working Conditions for Homeworkers," in *And Still We Rise: Feminist Politics Mobilizing in Contemporary Canada*, ed. Linda Carty (Toronto: Women's Press, 1993), 299-301; Jan Borowy and Fanny Yuen, *The International Ladies Garment Worker's Union 1900-1990: A Homeworkers' Study: An Investigation into Wages and Working Conditions of Chinese-Speaking Homeworkers in Metropolitan Toronto* (Toronto: ILGWU, 1993). Roxana Ng, "Homeworkers: Dream Realized or Freedom Constraint? The Globalized Reality of Immigrant Garment Workers in the Canadian Woman Studies 19, no. 3 (1999): 110-114; Armine Yalnizyan, *Lessons from the Downtown Eastside: The Experience of Canadian Garment Workers*. (Ottawa: Canadian Centre for Policy Alternatives, 1993).

industry," for example, by "making a retailer the guarantor of a supplier and its subcontractors' *ESA* obligations to their workers or setting up a type of insurance fund paid for by retailers."¹²⁵ However, he notes that while the state could regulate to protect homeworkers if it so chose, "there would be significant policy implications ... involved in a legislated extension of liability to protect the rights of homeworkers" but that these must be weighed against "efficiency as well as equity considerations."¹²⁶

Here Cumming notes that it would be possible to extend citizenship rights in the form of workers' rights to homeworkers. Yet he also notes that this would need to be weighed against the possible downside of "efficiency" and "equity" which he goes on to explain in the following statement:

¹²³ Research conducted by Professor Roxana Ng in association with the Home-workers' Association (HWA) of UNITE has documented some of the working conditions of homeworkers in Toronto. In her 1999 study, Ng found that based on the piece rate, an estimated average hourly wage was between 6 to 8 dollars with some women paid as low as 2 dollars per hour and an average pay of 45 cents less than the minimum wage for homeworkers. In addition, according to the *ESA*, employers must have a registration permit to employ homeworkers. Registering for a permit is rarely done and not enforced, allowing many employers to violate Ontario's labor laws. For example, few homeworkers receive benefits or the vacation and over-time pay that they are entitled to under the *ESA* nor do they receive the minimum premium of 10% that homeworkers are specifically entitled to for overhead costs like heat and electricity. Ng, 111-112.

¹²⁴ Lian v. J. Crew, [71].

¹²⁵ *Ibid.*, [72].

¹²⁶ *Ibid.*

There is no clear distinction between homeworkers, for example, the employees of manufacturer that makes the fabric used by the manufacturer of the garments for retailer, or the drivers for an independent delivery service for the retailer. Should a retailer be liable for the wages of those employees as well?¹²⁷

This argument shows the power of the homeworkers' argument in that it would have far-reaching implications for workers other than just homeworkers. Ironically, the judge uses an argument for "equity" here to justify why equal rights should not be awarded to the homeworkers because, after all, where would it end?

Recognising that the subcontracting way of doing business disadvantages homeworkers, other subcontracted workers, who also find themselves in casualized, precarious employment, might also demand equal rights as workers. The judge's argument here shows the clear significance of this case and the far-reaching ramifications it could have if won. Essentially a win would represent a clear victory against exploitative capitalist practices, not unique to the garment industry, of making profit through practices of temporary, casualized employment and subcontracting schemes as means to avoid paying workers proper living wages and benefits. Here again, Cumming clearly puts the interests of business above those of workers. He concludes the point nicely by noting that if the homeworkers' argument were to be recognized in a court of law it might be successful that it would do away with the need for homeworkers altogether. He states:

[t]he end effect of the imposition of liability in the vertically integrated garment industry might be that the only practical way for a retailer to ensure compliance with ESA standards would be for the retailer to integrate the manufacturing function into its own business, thus introducing relative inefficiencies and also, paradoxically, diminishing or even perhaps eliminating the need of homeworkers in the garment industry.¹²⁸

From the above discussion, some might see the class action lawsuit as a failure. However, I would argue that despite losing the case and being told that Canadian society values business and consumer rights over and above the rights of homeworkers and unionized, immigrant workers, this event can still be read as an example of successful diasporic citizenship politics in the following ways.

First, as mentioned, the homeworkers attempted to get court recognition of the pyramid structure of the industry and to hold responsible the manufacturers and retailers who hire the contractor or subcontractor in the first place, who often escape liability by claiming no knowledge of the other companies' workplace conditions. Although unsuccessful this time around, the case provided an opportunity to lay out the scope of the argument to be used in a future case. Moreover, by noting how the homeworkers' argument would potentially impact other workers, the judge inadvertently acknowledged the enormous potential power of the homeworkers' argument, should it be realized in law in the future. In addition, the homeworkers succeeded by getting the court to recognize in the public record the general conditions of the industry and homeworking. The very ac-

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¹²⁷ *Ibid.*, [72].

¹²⁸ *Ibid.*, [74].

Another important aspect of homeworkers' mobilization has been the use of street marches or protests, sometimes organized around conferences bringing homeworkers together with union and community activists. One such example was the Homeworkers Conference held in Toronto in November 1992, called "From the Double Day to (Endless Day)," organized by a coalition of activists called the Coalition for Fair Wages Working Conditions for Homeworkers. The conference ended with a march in front of the Eaton Centre to target the retailers Eaton's and the Bay. This conference was the first of its kind in Toronto, bringing together homeworkers with union leaders, community activists and researchers. In addition, it brought in women from different countries with experience in organizing around homework. The conference linked what was happening in Canada's (and specifically Toronto's) garment industry with a global perspective brought by these women activists. Important in this process of diasporic politics is the idea of revealing that citizenship is about mediating between dominant and dominant groups, and how citizenship often works in the interests of dominant groups in society. It also reveals how success can be achieved, in part, by forcing recognition of the fact that the lack of group rights for homeworkers has much to do with membership in other distinctive social groups, like diasporic groups (in this case, immigrant women).

It can be argued that street marches and protests revolve around reclaiming public space. As Isin and Wood have argued:

The spatial significance of the public sphere is re-emphasized by the necessity of actual public space – space that is visible, accessible and participatory – for the continued existence of democratic citizenship....under advanced capitalism and the rise of the new, professional managerial groups, the public sphere is increasingly claimed by private space, that is, space that is privately rather than publicly owned and regulated.... The encroachment of the private on the public in this way effectively disarms the latter of its most potent weapon: the power of authority and ability to author and claim space....For many groups, the use of public space, frequently, the disruption of everyday life of that space, has been the only way to access media and claim a public presence.¹²⁹

As a commercial space, the Eaton Centre is a place where people come together to shop and work but it is also a place where people come together to socialize. The Eaton Centre also acts as a public space in that it is listed as a major tourist site and used as a symbol of Toronto's status as a major city in North America. The staging of street protests (such as the sweatshop fashion shows, in subsequent years) at the Eaton Centre can be understood as a way of reclaiming this space and challenging the meaning associated with it. Thus, the Eaton Centre provides an interesting example of diasporic citizenship politics.

First, it draws attention to the framing of Toronto as a globalizing city that constructs the privileged consumer as the favoured citizen. It does so by drawing attention to the other part of the globalizing city, frequently hidden from view, to which Sassen refers. This is the side of the city which is dependent on the low wage labour that provides the "infrastructure" to the global economy. Homeworkers draw attention and make claims

the city by revealing that the consumption side of the city and the consumer citizen are dependent on the cheap labour that they provide in making the clothes that then sell for much higher prices than homeworkers earn for their labour. For example, one worker attending the conference and march in 1992 explained how she made \$4.15 for the hour she spent sewing an Alfred Sung jacket which then retailed in the Centre for \$275. Here homeworkers also draw attention to the fact that working conditions which many middle and upper class Torontonians believe could only be found in "Third World" countries are alive and well in their own city. Their political struggle reveals that it is no longer possible to discuss "first" and "third worlds" simply as if they belonged to separate geographical spaces. Rather, as the growing phenomenon of globalizing cities illustrates, they reside together as part of the same space.¹³⁰

Finally, the last point to be drawn from this example of diasporic politics is the way it connects the local with the global. The Homeworkers' Conference and the Coalition for Fair Wages & Working Conditions for Homeworkers emerged as a result of activists who were concerned with homeworkers' working conditions in Toronto. However, the conference and protests linked these local, city-based conditions to the larger global economy and the similar conditions that workers elsewhere were facing. Bringing activists and homeworkers from other countries to share their stories helped to connect what Toronto homeworkers were confronting with struggles being waged in other countries. Here, mobilizing for better rights for homeworkers in Toronto brought women together from different countries to share similar stories and to share information about political strategies. However, it also analytically connected the issues that Toronto workers were facing to the larger global issue of economic restructuring, with garment factories laying off permanent full-time workers and shifting to the use of cheaper, casualized labour. In some cases, this has meant producing clothing by using maquiladora labour or indentured labour in places like Saipan, the capital of the Marina Islands in the Pacific Ocean and a United States commonwealth.¹³¹ In other cases, given the shift to just-in-time modes of production, it has meant recruiting the labour locally but cheaply through local homeworkers. In any case, the conference drew the attention of activists to the fact that this struggle was much larger in scope and needed to be waged across borders. It also raised consumer awareness that their clothes were being made by women both at home and elsewhere for next to nothing.

Judging from this case, diasporic citizenship politics unbundles citizenship, showing the ways in which the claims of homeworkers are linked to those of other groups (like consumers), as well as to the citizenship rights of women in other countries. As noted by

¹²⁹ J. Friedmann, "The World City Hypothesis," *Development and Change* 17, no. 1 (1986): 69-83; Engin F. Isin, ed. *Democracy, Citizenship and the Global City* (London: Routledge, 2000); Anthony King, ed. *Re-Presenting the City: Ethnicity, Capital and Culture in the 21st-Century Metropolis* (New York: New York University Press, 1996); Paul L. Knox and Peter J. Taylor, *World Cities in a World-System* (Cambridge: Cambridge University Press, 1995); Ayse Oncu and Petra Weyland, *Space, Culture and Power: New Identities in Globalizing Cities* (London: Zed Books, 1997); Saskia Sassen, *The Global City: New York, London, Tokyo* (Princeton: Princeton University Press, 1991).

¹³¹ For more information see the documentary *Behind the Labels: Garment Workers on U.S. Saipan, 2001*, or visit the Witness web site which hosts the documentary and further information at <http://www.witness.org/int.html?news/index.html>.

¹²⁹ Isin and Wood, *Citizenship and Identity*, 79.

Bob Jefcott and Lynda Yanz, founders and directors of the Toronto based NGO Maqu Solidarity Network, there has been a significant shift in how activists are starting to think about strategizing. Jefcott and Yanz suggest that during the early NAFTA years, "their work was a lot of talk (and some anger) about workers in Mexico or Central America taking 'our jobs' by undercutting Canadian work with cheaper labour and poorer quality work".¹³² Today, however, these "notions of 'them and us' are shifting" as "garment activists now point to a profound reorganization of the industry that's resulted in increasing competition, job loss and a lowering of conditions everywhere".¹³³ The example of the citizenship struggles waged by homeworkers shows a sense of diasporic citizenship politics because it has forced a shift from an "us and them" mentality to recognizing how citizenship rights are linked transnationally. It has also forced a shift in thinking about citizenship politics as directed towards and located in the nation as a space of citizenship politics. Instead, the examples of street protests show how citizenship practices can be waged in local spaces and places, and in ways that they otherwise could not if they were confined solely to practices and discussions of the government at the nation-state.

In the Canadian context, both types of citizenship struggles have been important in raising awareness and developing further strategies with how to combat the problem of unjust and illegal working practices in the garment industry. Street protests and targeting of retailers through sweatshop fashion shows have helped to educate the Canadian public on working conditions in the industry and to raise consumer awareness when buying clothes. This type of activity has been important in mobilizing Canadians to participate in *No Sweat* campaigns, petitioning school boards, governments and provinces, for example, to institute no sweat procurement policies. This has resulted in Winnipeg and Toronto adopting *No Sweat* policies in 2002 while Saskatoon is currently drafting similar legislation. Similarly, two school boards, Hamilton-Wentworth Catholic School Board and the Waterloo Region District School Board have passed *No Sweat* policies as have eight Canadian Universities (Alberta, Laurentian, Western, Guelph, Waterloo, Toronto, Dalhousie and McMaster) as of June 2002.

The homeworkers' lawsuit has also been important in the Canadian context. While it has not gathered significant public attention, it has been important for strategizing among Canadian groups struggling to fight against sweatshop abuses. The Ethical Trading Action Group (ETAG), a national coalition of non-governmental groups including labour groups, teachers, and religious associations, decided to take action that would also attack the heart of how the industry is organized. In the homeworkers' court case, the judge based his decision, in part, on the fact that there was a lack of information clearly establishing subcontracting linkages. ETAG's actions are aimed at making these subcontracting linkages visible. ETAG has petitioned the federal government to amend the *Textile Labelling Act* to adopt factory disclosure regulations. Disclosure regulations would mean that Canadian apparel companies would have to make publicly available the names of

addresses of factories where clothes are manufactured. If passed, disclosure regulation would enable consumers to make informed decisions when buying clothing (a Vector poll in 2002 showed that 80 per cent of Canadians were supportive of such disclosure regulations). It would also enable human rights groups to investigate reported abuses, make it easier to pursue working abuses in court, and facilitate greater union organizing in the industry.

Conclusion

Homeworker organizing is an example of diasporic citizenship for several reasons. First, it is diasporic in the sense that a majority of homeworkers are immigrants, refugees or migrant workers. Women find themselves working as homeworkers largely because they are immigrants and refugees as well as members of class, gender, ethnic and racialized groups. They are mostly women who have come from another country to Canada. They find themselves located in the informal economic sector because of their status as (frequently) working class and racialized immigrant/refugee women. Second, homeworker organizing reveals multiple and simultaneous participation in citizenship practices within and across nation states. For example, homeworkers bring the local and global together in a way that disrupts the simple identification of citizenship rights and national identity. Homeworker struggles show, for example, that transnational practices and networks are important as well as making claims to equal rights at the national and local level. Homeworkers claim rights on the grounds of being equal members of the nation-state but also on the grounds of belonging to a distinctive community defined in the context of displacement and oppression. Finally, homeworker organizing is an example of diasporic politics because diasporic identity challenges the fixed and narrow association between nation and citizen especially as formulated in the dualistic notion of immigrant/citizen that is based upon a self-other relationship. One leaves the identity of immigrant and becomes a citizen, as Sunera Thobani has argued, only when one has assimilated or integrated into the so-called desirable traits of the dominant group.¹³⁴ Diasporic claims challenge this dichotomy because they demand greater rights not just on the grounds of being equal members of the nation-state but also on the grounds of their different location as members who find themselves disadvantaged due to their history of displacement.

¹³⁴ Sunera Thobani writes, "immigrants who are defined as compatible with the nation on the basis of their cultural, social and linguistic characteristics – become ideologically constructed as future citizens, to be integrated into the nation as Canadians; immigrants who are defined as incompatible on those very grounds become constructed as immigrants outsiders to the nation." Sunera Thobani, "Sponsoring Immigrant Women's Inequalities," *Canadian Woman Studies* 19, no. 3 (1999):12.

¹³² Linda Yantz and Bob Jefcott, "Fighting Sweatshops, Building Solidarity: Exposing the Canadian Dimension 31, no. 5 (1997): 26.

¹³³ *Ibid.*

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