Seasonal Agricultural Workers in Canada: Understanding the Socio-Political Issues

W. Zachary Marshall

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Seasonal Agricultural Workers in Canada: Understanding the Socio-Political Issues

by

W. Zachary Marshall

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Department of Sociology
The University of Western Ontario
London, Ontario, Canada

Supervisor: Dr. T. Abada

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Abstract

This paper explores the current Seasonal Agricultural Workers Program (SAWP) in Canada. This paper uses content analysis to examine past research, current policies and key examples to examine the program and understand key flaws in the way it is currently administered. This paper finds that migrant workers currently face issues in 4 key areas: working conditions, living conditions, access to health care and isolation (lack of community). Exploring these issues this paper identifies some of the key problems with the SAWP and explores how the Canadian approach does not always match with the current best practices.

Keywords

Temporary Migration, Foreign work(ers), SAWP, Seasonal Agricultural Workers Program, Canada, Mexico.
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Introduction

In 2007, for the first time, temporary migrants (migrants remaining for a set time period) to Canada outnumbered the more traditional permanent (migrants remaining in Canada permanently) migration streams (Nakache, 2010). Since then, temporary migrants have continued to outnumber permanent immigrants and in 2013, there were over fifty-thousand more temporary than permanent immigrants (CIC, 2015). With this shift towards temporary migration, it is important to examine the experiences of temporary migrants in Canada. This paper will specifically examine the experiences of the low-skilled seasonal agricultural workers in Canada, the second largest group of temporary workers, with a specific focus on the experiences of Mexican workers. Four key areas which impact these temporary workers will be explored: the living conditions, their working conditions, their health issues and their ability to integrate into Canadian society. Finally, this essay will assess how Canada’s social policies impact immigrants in these 4 areas.

What is ‘Temporary Migration?’

Before exploring the experiences of these low-skilled workers under the Seasonal Agricultural Workers Program (SAWP), it is important to understand the broader role of temporary migration within the Canadian context. There is a difference between permanent and temporary migration, and the role each of these streams plays in Canada\(^1\). The difference is seen in terms of long versus short term implications for Canada’s economy. Permanent residency fills the long-term goals of having a more educated society, and maintaining a sustainable work force population with more technical knowledge and skills in low supply. 

\(^1\) Within the temporary migration stream, there is a division between workers and students. Students face unique integration and social issues which are not explored within the scope of this paper.
within the country, while temporary foreign workers meet the short-term goal of filling immediate job vacancies.

Green and Green (1999) explore the historical trends in migration policy, and contextualize the transition in permanent residency from simple population goals, towards meeting longer-term economic goals, which emerged as the dominant social policy in the 1990s. While permanent residency was shifting towards this long-term model, the temporary foreign worker programs (TFWP) were (and are) growing, in order to meet the short-term goal of filling job vacancies, as a last resort when qualified Canadians are unavailable (Nakache, 2010; ESDC 2015a). Expanding on the different programs under the umbrella of TFWPs, the first program developed was the SAWP, started in 1966 as a response to labour shortages in the farming industry in Ontario (UFCW, 2014; Shuker & Stadnyk, 2008; Hennebry & Preibisch, 2010). Since the start of this program, it has changed and expanded to include more sending countries (starting with Jamaica), Mexico (the largest sending country from 1974 until the late-2000s), and nine other Commonwealth Caribbean countries (North-South Institute, 2006).

Assessing exact changes in the size of the program from its creation is difficult, as accurate data was not published for pre-2002 years other than the first year of the program; since the restructuring of the program (now falling under the TFWP umbrella), accurate data is available. Exact counts are now kept for individuals under each program, including the SAWP revealing trends and growth in the program. The original program of 264 men in 1966 has grown and in 2004, the first year for which data from the program is available, nearly 20,000 migrant workers entered Canada for the purpose of agricultural work. In 2004, over half (10,777) were from Mexico, while the remainder came from Jamaica, Barbados,
Trinidad and Tobago and the Organization of Eastern Caribbean States (North-South Institute, 2006; CIC 2015).

Since 2004, the program has more than doubled to include over 41,700 temporary foreign agricultural workers in 2013 (CIC, 2015). Although Mexico has long been the top source country and still sends a large proportion of migrant workers annually (15%), Guatemala is now the top sending country with 32% of the temporary labour force (CIC, 2014). The Philippines is also a recent sending country that has rapidly grown to 17% of the seasonal agricultural labour force.

One other change in the demographics of the migrant workers population is the gender split of the workers. Traditionally, males have been the preferred workers, encouraged by Mexican policies (or propaganda) and gender norms (Preibisch & Grez, 2010). In recent years however, the idea of the ideal worker has changed, as women are being seen as having a more delicate hands, needed for some farm work, and being overall more productive workers (Preibisch & Grez, 2010; McLaughlin 2010). With these recent changes women can now be seen to represent somewhere between 2-3% of the seasonal agricultural workers in Canada (Preibisch & Grez, 2010; McLaughlin 2010; Preibisch & Encalada, 2008). Although this is still a small percentage, it is a large step up from essentially no female workers.

Other programs have also been added under the TFWP umbrella, starting in 1973 with a high-skilled stream (jobs requiring post-secondary or formal certification, including managerial, scientific, professional or skilled trades), and in 2002 with a low-skilled pilot project (ESDC, 2014; Hennebry & Preibisch, 2010; Pfeffer, 2013). It is this low-skilled stream (includes those with lower levels of formal education, with jobs in the general labour,
food counter and sales sectors) that has garnered much of the public’s attention (ESDC, 2014). For example with the low-skilled stream, there has been public outcry for the foreign workers being brought in to B.C. for mining, while Canadian miners were being laid off.

Issues with the way Labour Market Opinion surveys (LMOs; now Labour Market Impact Assessment surveys, LMIAs) were being conducted have also been raised. LMOs were using ads posted on Kijiji to evaluate job vacancies (CBC 2013; Pfeffer 2013).

For the seasonal agricultural stream specifically, there have been issues of safety brought to the publics’ attention, such as the Ontario car crash involving over a dozen migrant workers. Finally there have been legal cases over issues of temporary migrant workers accessing Employment Insurance (EI; CBC, 2012). The public’s attention on these programs, has forced the government to re-address the TFWP program and respond to Canadians potentially being overlooked for jobs, and to re-examine the short-term/long-term nature of the program.

**Why Temporary Migration?**

**Canada:**

The government responded to the public’s outcry with the 2014 overhaul of the TFWP, addressing several issues at the same time: explaining the goals of the program, which was designed to fit temporary, and immediate needs in the Canadian labour market (ESDC, 2014). Despite this assertion, one exception was made, the SAWP had already been identified as addressing “acute labour shortages in this industry” (ESDC, 2015a). This meant that employers looking to hire migrant workers did not need to apply for a labour market impact assessment (previously known as a labour market opinion), which informed the

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2 Live-in Care Providers similarly were faced with several of the new restrictions not applying to them; however the reason for this was not explained in the government’s reports.
government of job vacancies. Also, and perhaps more importantly, the workers would not have a limit on their duration in the country (ESDC, 2015a).

The recognition that seasonal agriculture workers meet a long-term need in Canada, with some workers returning continuously for 20+ years, despite being categorized as temporary workers, highlights a unique situation that requires further study. Another point worth mentioning is that despite the recognition of a long-term need for these workers, they have no direct path to citizenship unlike some of the other immigration streams. This offers Canada the ability to meet its labour force requirements and economic needs without investing in the physical or social costs normally associated with migration (Hennebry & Preibisch, 2010).

As seasonal agricultural workers are coming to Canada in increasing numbers, they are becoming an important, and permanent, element of our labour markets (Preibisch, 2007). Yet, despite the importance of temporary foreign workers, especially these agricultural workers, they have traditionally faced the problem of not having their voices heard while in Canada (Basok, 2002). Seasonal agricultural workers in Canada experience unique situations, including negative experiences of the largely Mexican workers.

**Theory**

Migration is the process of changing residence across a recognized boundary (Weeks 2012), which can be internal (within a country) or international (between countries). Temporary migration can similarly be defined with one addendum that the migration is for a fixed, or temporary period of time, at the end of which an individual will return to their place of origin. Before exploring the case of seasonal agricultural workers in Canada, it is

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3 Although Jamaica was the original source of agricultural labourers, Mexican workers have become the norm, and much of the recent academic literature focuses on them (NCFH 2012; Shuker & Stadnyk 2008).
important to further understand the reasons for and effects of this temporary migration. In
this section, the reasons for temporary migration will be explored, demonstrating how
traditional theories need to be combined to understand how social, economic and political
factors are all intertwined in the process of seasonal agricultural work.

Traditional migration theory explores a variety of factors as being determinants of an
individual’s decision to migrate on a permanent basis, however temporary migration is rarely
studied or analyzed (Dustman & Weiss, 2007). The factors related to temporary migration
include wage differentials (New Economics of Migration), Government regulations
(Segmented Labour Market Theories), historical trends (Historical-Structural theory) and
social capital (Social Capital Theories of Migration; Budnik 2011; Piché 2013; Piché &
Dutreuilh 2013). The individual, the family or in some cases even the community must
decide whether the economic benefits outweigh the costs and restriction of rights while
working in Canada (Rhus 2006). There are many theories that examine various factors in this
cost-benefit analysis, however the major driving force is the economic motive (Dustman &
Weiss 2007; Basok 2003). Some of the other ‘cost’ factors involved are: potentially poor or
sub-par working and living conditions, and a loss of community, language and/or culture.

Before discussing the cost perspective, it is important to understand the benefits or
pull factors; why these individuals choose to participate in seasonal agricultural work. The
new economics of labour migration explain how wage differentials are one of the
contributing factors in an individual’s decision to migrate. In other words, instead of
producing a product locally and shipping it globally, these workers are able to ship their
labour to where it is needed (Stark & Bloom 1985). By shipping their labour, international
workers are able to access higher paying jobs than they would typically have access to, and gain capital to reinvest in their home communities (Basok 2003).

Although the idea of shipping labour derives from the neoclassical school of migration, it is from Stark and Blooms ‘New Economics of Labour Migration’ (1985) that the broader community becomes an important factor in one’s decision to migrate. Using this newer theory we understand how the origin community both benefits (from remittances), and faces a cost, in losing a worker (Stark & Bloom 1985; Massey 1993). With temporary migration this theory could be used to suggest that there is a smaller cost associated with temporary migration, because the family, or community only loses a member for a set amount of time. The location of their families, deter these individuals from permanently migrating. In other words, an individual’s social network is one of the factors that affect a migrant’s decision to re-locate temporarily, instead of making a more permanent move. The expected return of the individual allows them to contribute financially and physically to the community in which they live.

One problem that the new economics of migration does not explore is how these individuals do become migrants, as they do not meet the traditional requirements for becoming immigrants (such as technical knowledge or capital investment in Canada). Yet despite this, they do become temporary migrants thanks to specific government policies. By exploring theories such as ‘Segmented Labour Theory’, we are able to understand how macro level factors, including institutions and governments, play a key factor in influencing the temporary migrants’ decisions. This suggests that while the new economics theories explain the micro, individual and family level determinants of migration, it fails to explain how the larger economic structure plays a role in shaping the need for migration (Massey 1993).
This theory works on two different fronts. First within Canada and other developed nations, a system of bringing in high-skilled technical workers as permanent migrants has become the norm, yet seasonal agricultural workers still fill a role that Canada and other developing nations must fill, in the form of temporary low-skilled labourers (Piore 1980). Governments are able to create policies and programs like SAWP, which create the opportunity for foreigners to work in Canada. Canada offers economic opportunities for the workers, while filling employment needs within Canada.

The second way in which governments play a role in contributing to a migrant’s decision to migrate, is through brokering. That is within Mexico, and other sending countries, that “ideal” workers are selected and nominated for positions that employers in Canada need filled. With the government operating as a broker for temporary migration, the state plays a much larger role in the decision to participate in temporary migrant, than it does in more traditional migration streams.

Existing theory shows that there are a variety of explanations as to why a migrant might participate in temporary migration, but it is important to also note the costs and deterrents to this form of migration. Many of the traditional costs for the individual, as highlighted by the new economic theory of migration appear at first glance to be less important to the cost-benefit equation for temporary migration. Specific factors such as community, language and culture would not have to be abandoned, as ultimately the temporary migrant will return to their home where these characteristics are still important. This paper argues that while these costs are mitigated by the temporary nature of the workers’ migration, these factors still play a role in the decision to migrate temporarily, and
that there still exists a set of costs that must be examined by temporary migrants before they decide to migrate, or continue to participate in temporary migration streams.

These costs are explored throughout this paper, presented in four major categories drawn from the theories of migration and previous seasonal agricultural literature. First we will explore the temporary migrants’ living conditions while in Canada, followed by the working conditions in Canada. The third factor to be explored are the potential health issues that arise from the migrants’ time in Canada, focusing on the institutions and regulations in place that impact health care decisions. Finally, the impact of community and isolation is explored, examining how temporary migrants are slow to build social networks, as these social networks are only active for parts of each year.

While current theory explores “permanent” migration and can be used to better understand temporary migration, no single theory presents a complete picture. With temporary migration, we have a situation where both the macro (governmental) and micro (individual/family) forces need to be studied and understood. This unique situation makes it difficult to fully understand temporary or cyclical migration, for this it is necessary to analyze all of the push and pull factors that contribute to an individual’s decision to migrate, including the social, economic and even political factors.

**Methodology**

A content analysis will be conducted to examine the experiences and policies surrounding Seasonal Agricultural Workers in Canada. There are three main sources for information: academic articles, personal accounts and Canadian policies and data (from multiple departments). Three different sources of information must be used as most of the current academic research either focuses on understanding the experiences of seasonal
workers or focuses on the policies, and often failing to bring these together to form a cohesive understanding of the seasonal agricultural workers program in Canada.

The academic research will be the starting point for understanding both the experiences of these workers, as well as the policies surrounding SAWP. This knowledge helps to create a framework of known problems. Using past research, evidence of these problems will be collected, understanding where and how they occur. This data will be collected from a variety of sources including news sources (newspaper and radio), and reports from involved parties including support groups like MWAC (Migrant Workers Alliance of Canada), and unions like UFCW. Many of the examples will be drawn from British Columbia, Alberta and Ontario cases, as these provinces account for over 85% of all migrant workers in Canada and three quarters of the seasonal agricultural workers (CIC, 2015; Parliamentary Budget Officer, 2015)\(^4\).

Having identified potential problems and problem areas in the SAWP, the final step is understanding how these problems develop and continue to be problem areas. In the final section the policies of the involved governmental agencies and their role in shaping the experiences of foreign agricultural workers will be explored. Three departments are involved with the administration of the SAWP at the federal level: the ESDC (Employment and Social Development Canada; previously HRSDC), the CIC (Citizenship and Immigration Canada) and the CBSA (Canadian border Services Agency). As well as the provincial governments are also involved in shaping the administration of temporary migration programs.

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\(^4\) Québec is also a large receiving province for migrant labour, however it has only recently grown as a destination for agricultural labourers, and its unique immigration requirements mean that there is a lack of data relevant to understanding Canada’s overall experience with foreign seasonal agricultural workers (Parliamentary Budget Office 2015, Immigration Québec, 2015).
The ESDC is primarily responsible for administering the LMIA (Labour Market Impact Assessments; formerly LMO), to determine the need for foreign workers in Canadian labour markets (ESDC, 2014). The CIC is responsible for assessing work permits submitted by workers. The CIC is also responsible for investigating Canadian employers, ensuring that Canada’s policies are being implemented and practiced (ESDC, 2014). CBSA is responsible for examining the migrant workers as they enter Canada and the issue of work permits (ESDC 2014). CBSA is also responsible for investigating migrant worker issues and any potential breaches of Canadian policies. The provinces have specific responsibilities which include establishing health and labour standards, and enforcing recruitment laws (ESDC 2014). Each province has their own specific regulations, however for the purpose of this study each provinces’ regulations will not be investigated, limiting the examination to their general ability to administer temporary migrant regulations.

An in-depth content analysis of current Canadian policies will highlight issues within the Seasonal Agricultural Workers Program and incongruities between the written policies and their implementation. Although much of the data examined will focus on Ontario and British Columbia (as mentioned before), this study will serve as a starting point to bringing the different voices together to gain a better understanding of the Seasonal Agricultural Worker Program in Canada. Further research can continue to compare policies within this broader framework to provide a more in-depth view within specific provinces.

Results

This section identifies four major problems (which were drawn from the literature review) that the foreign agriculture workers face while working in Canada, and explores examples of these issues. The four main areas of note where seasonal agricultural workers
face issues are: living conditions, working conditions, overall health, and social isolation and community integration. In exploring the problems that workers face in these areas, it becomes evident that Mexican workers are not offered the same levels of protection that is specified while working in Canada as outlined in the Seasonal Agricultural Workers policies and requirements (ESDC 2015b), despite the government’s claim that “foreign agricultural workers are treated the same as Canadian workers” (Justice for Migrant Workers, 2005).

**Living Conditions**

Regulations state that “Employers must provide TFWs with free suitable housing … either on-farm (e.g. bunkhouse) or off-site (e.g. commercial establishment).” (ESDC, 2015b). Despite the requirement of ‘suitable’ living conditions, migrant workers often live in small bunk houses with a large numbers of workers crowded in to a confined space, or live in the house of the employer (Basok 2002). This is due to the employers being obligated to pay for the housing and not redirect the costs to the employees, resulting in employers having limited choices. This ultimately ends with housing that research identifies as ‘substandard’ (Basok 2002).

Kerry Preibisch (2014) highlights the housing problems that migrant workers encounter. These issues range from instances of 11 individuals sharing a single bathroom, to housing that lacks heating during the winter or air conditioning during the summer. The key problem with housing is that there is little to no consequences for providing substandard accommodations. As Basok (2002) indicates, even when workers recognize the subpar conditions that they are living in, it is a risk to report these conditions. Basok cites one example, the case of Anastacio who reported subpar conditions that he felt were akin to slave conditions, and was then penalized, and could not return to his job for the following two
years (Basok 2002: 112; Hennebry 2010; Hennebry & McLaughlin, 2012). Further reading indicates that this is not the case of a “few bad apples”, but rather a systemic issue where individuals live in unhealthy situations but do not report it for a variety of reasons, including lack of information and fear of reprisal.

Another problem identified within the program is the way in which inspections are completed. Employers should prove “that the on-farm or off-site housing has been inspected by the appropriate provincial/territorial/municipal body or by an authorized private inspector with appropriate certifications from the relevant level of government.” (ESDC 2015b). This means the inspections are organized by the farm owners, unless there has been an official complaint (Basok 2002). Having already established that migrant workers often have a fear of reporting issues, and if they do report a problem, it often goes unresolved or the worker is punished, the issues of the program start to become clear. Though this form of discouragement is not always being actively pursued by employers, the system allows for it to frequently and easily occur. When dealing with these farm workers, it is important to remember that they are vulnerable, relying on someone else for shelter and work, and that in the current system, problems can and do exist which allow workers to be abused and have their basic human rights denied.

**Working Conditions**

Workers have the ‘Right to refuse dangerous work’ (Canada Labour Code; 2015), and employers are obligated to “notify workers of pesticide and chemical use and provide workers with: free protective equipment; appropriate formal and informal training; and supervision where required by law.” (ESDC 2015b). Yet some migrant workers face poor working conditions, including a lack of basic training; despite opportunities for further
training, research indicates that a majority of migrant workers are not fully equipped for their jobs (Lee 2003; Marsden 2011; James & Karmowska 2012). The lack of training often leads to workers improperly using (if at all) the safety equipment that is needed for the jobs they are doing, as seen in the documentary *El Contrato* (Lee 2003). These poor working conditions are clearly a problem, which workers should not have to face.

Expanding on the idea of workplace safety, the TFWP guidelines explain that workers have the right to refuse any unsafe work (ESDC, 2013; Canada Labour Code; 2015). Despite this claim, evidence suggests that there is a lack of connection between practice and implementation. Migrant workers face two main problems when dealing with unsafe working conditions: lack of education and fear of the consequences of non-compliance (Lee 2003; Marsden 2011). Dealing with the question of fear is similar to the problems mentioned with regard to living conditions that is migrant workers fear losing their jobs if they do not complete with their assigned tasks, even when the work is unsafe. In the film *El Contrato*, a rare example is shown of a diplomat from the consulate actually coming to a farm\(^5\). While on the farm the workers explained how they were asked to do unsafe work, to which the diplomat reminded the workers that they were all ‘ambassadors’ of Mexico, and that their behaviour reflected on Mexico (Lee 2003). This meant that the workers were “to behave themselves”, and secondly that the workers were to do the tasks that their employers asked them to do, even if it seemed unpleasant or dangerous, as it was important not to upset the relationship with Canada.

\(^5\) The diplomat came because citizens of the town complained about several of the Mexican migrant workers who were drinking and had been seen around town drunk causing a ‘nuisance’.
Health Issues

The poor living and working conditions faced have also lead to increased health risks for many of the migrant workers (Hennebry 2010). Research indicates that migrant workers encounter many factors that contribute to poor overall health, and because of their close proximity to each other, infectious diseases can easily spread through migrant worker groups. Within Canada, the fear of reprisal is also a contributing factor causing many workers to not seek medical treatment when it is required (Lee 2003; McLaughlin 2011; Hennebry & McLaughlin 2012; Pysklywec & McLaughlin 2011). Overall the research on migrant health indicates that migrants are particularly vulnerable, and often lack the resources or knowledge to access appropriate health care services.

This is an example where it is not only the implementation of the policies that is lacking, but there are problems with the policies themselves; if an employer feels a worker can no longer fulfill their tasks, they can terminate the contract, forcing the migrant worker to leave the country before they are healthy (Amuchastegui 2006). Migrant workers do not have the same access to health care as the rest of the Canadian work force (Pysklywec & McLaughlin 2011; Hennebry & McLaughlin 2012). For example, migrant workers have at least a 3 month delay from when they start working to when they can first access healthcare in Ontario (Migrant Workers Alliance for Change, 2014). As healthcare is a provincially administered program, similar policies requiring a minimum waiting period before accessing the health care system exist in many provinces, and federal policy recognizes that “employers must ensure that all TFWs are registered for provincial/territorial health insurance as soon as they become eligible” (ESDC 2015b). Additionally, migrants may be forced to leave the
country before they complete (or receive) their treatment, meaning that despite being injured while working in Canada they do not have access to the Canadian healthcare system.

The problem does not lie entirely with the Canadian farm owners; it also lies with the Mexican government. As mentioned above, the Mexican consulate is not always interested in protecting its workers from harm. One example provided is Gutierrez, a Mexican migrant worker who suffered kidney failure in Canada (Amuchastegui 2006). Gutierrez did not have health insurance in Mexico as he worked in Canada for most of the year, meaning if he returned to Mexico he would die, as he required a new kidney. Fortunately for Gutierrez, his employer encouraged him to stay in Canada until he got better, explaining that if you get sick in Canada, Canada has the responsibility to provide health care. Despite the employer’s insistence, the Mexican consulate (the group which is supposed to be protecting Mexican citizens and their rights) encouraged Gutierrez to return home. The consulate did not want Canada to see Mexican workers as a liability or a cost, but rather as a benefit for Canada, as the Mexican economy has come to rely heavily on this program (Lee 2003; Basok 2003; Amuchastegui, 2006)

The relationship between migrant workers and their employers is clearly an asymmetrical one; where even the Mexican government is more likely to protect the Canadian stakeholders rather than their own citizens, even to the point of exploitation. Canada is benefiting from migrant agricultural labourers, filling job vacancies where there is a lack of Canadians willing to do the job, as well as contributing to maintaining lower costs for produce. On the other hand, migrant workers are receiving minimum wages (and perhaps less after accounting for ‘hidden fees’) and not even receiving full benefits, such as
healthcare or EI, that others who work in Canada receive\textsuperscript{6} (Keung 2014). Canada’s economy and Canadians in general benefit far more from these seasonal agricultural workers programs than do the Mexican workers. As the Mexican workers also face detriments while working in this program.

\textit{Integration/Isolation}

In addition to issues impacting the physical health of the migrant workers, are issues of mental health. The lack of equal rights, access to information, and isolation can all be seen as sources of stress, added to the fear that migrants already face from their housing or working conditions. This leads to another major area where migrant workers face stress: the isolation and a lack of community.

While working in Canada, migrant workers participate in a small community but it is uniquely contextualized, as they are a community with their fellow workers, but are no longer completely a part of their home community, nor are they a member of the communities where they are working and living. Despite a general lack of access to the larger community, migrant workers encounter some of these experiences within their micro-communities, the groups of migrant workers working on the same farm, or in the same geographical area. The film \textit{El Contrato} (Lee 2003) and several reports demonstrate (CCR, 2013; Hennebry & McLaughlin, 2012) how these communities can often help migrants have their voices heard, to ensure fairer opportunities. Workers in these communities share information and the issues that they are facing, and at the same time they are able to share

\textsuperscript{6} This also includes access to EI and CPP which part of their pay check goes towards, yet they have historically not received; however in a recent court decision in Ottawa 100 farm workers won the right to have their EI payments returned, although this is only a small part of total population working in Canada (Keung 2014).
stories of their homes and families, reducing the feeling of isolation, and reminding each other why they are doing this work.

Another form of community which workers can experience is from unions, who often support migrant workers (Mustchin 2012; United Food and Commercial Workers (UFCW), 2014). Basok (2002) explains however, that some of the problems foreign workers face, are due to their ineligibility to join unions, restricting the amount of protection unions might offer. Although some regions such as the province of British Columbia have allowed migrant farm workers to unionize, in other provinces, such as Ontario, battles for the right to unionize have ultimately failed (UFCW, 2011; Russo 2011). These unions, or smaller support programs (to avoid legal or social issues with organizing) help to inform migrants of their rights, and help raise awareness of the issues that migrant workers face (MWAC 2014; UFCW 2011; UFCW 2014) Despite the ability for some migrant labourers to join a union, current research indicates that due to a fear of reprisals, many labourers do not join unions even when they are available. When they do join unions, they still lack a significant political voice (Basok, 2002; Marsden, 2011; Walia 2010).

This problem of a lack of community that temporary migrants experience is directly tied to isolation. While working in Canada temporary migrants are still viewed as the ‘other’ by the Canadian community, even when returning for numerous sequential years. This means that they continue returning to an environment in which they are never fully comfortable, as they also see themselves as the ‘other’. Additionally, the workers miss many important events in the lives of their family, and despite investments in their home community, they ultimately become an outsider in that community as well (Basok, 2002; Lee 2003). This lack
of belonging to any community, due to the temporary nature of their migration, contributes to the stress that the migrants face and their poor mental health.

In some regions such as Leamington, ON and Southern B.C., where there are a growing number of migrants who are returning to these same location year after year, some of the workers are starting to finally become members (if only partially) of these communities. This sense of being a partial member can limit the migrant workers’ sense of isolation, but it has taken numerous years of temporary migration to begin this process of integration (CCR 2013; CIC 2011).

The language barrier as it appears here, relates to community, and it raises another obstacle contributing to the isolation that migrant workers experience. As Provine’s (2010) article mentions the communities in the United States, especially in the South, have American citizens (including landed immigrants) who speak Spanish. This means that Mexican workers although they face other forms of exclusion and isolation, are able to communicate with the communities in which they are working and living (Gabriel & Macdonald 2004). Ultimately, the ability to communicate with the community you are living in for an extended period of time can help to limit isolation and improve the overall experience of these workers (Gabriel & Macdonald 2004).

Where a language barrier exists, there will be a sense of isolation, as migrants are unfamiliar with how to ask for what they need, as well as not being socialized in Canadian norms and practices. This is of course lessened with repeat visits, as communities, the locals and the migrant workers themselves gain experience, allowing them to become more socially involved, while gaining knowledge of the local practices. An example of locals adapting to temporary migrants is provided in the case of the butcher shop in Leamington being aware.
that the migrant workers come to town on a specific day, and a specific time to make their purchases for the week (Lee 2003). Also in Leamington, the community has modified structures and institutions to help incorporate migrant workers into their communities, such as churches with Spanish services (Lee 2003).

This discussion of communities indicates an overarching theme for temporary migrant workers in Canada; while some measures are being taken to include and protect them, current policies and regulations fall short. The nature of the current program allows for temporary migrant workers to be abused, exploited and isolated from Canadian society, while they perform an essential task for Canadian society and its economy. Moving forward to ensure greater equality and protection for these workers, where their voices are to be heard, current policy and its implementation is not adequate and needs amending, and more revision. Policies need to be enforced, and followed through with the intention behind the policy, and not just too minimum standards, without risking consequences from CIC. For example, this means that if information is to be provided to temporary workers, we need to actively ensure that migrants are getting the information, and the information should be easily accessed and shared.

**Discussion**

Canada is often portrayed as a model of best practices on the subject of migrant workers (Hennebry, J. and K. Preibisch, 2010); however, Canada is clearly not perfect. When discussing integration, the United States has practices from which Canada might be able to learn, or adapt, from. Building on the idea of isolation, the American ‘National Agricultural Workers Survey’ (NAWS, 2012) demonstrates one advantage that the American agricultural workers face over their Canadian counterparts in dealing with the language barrier. That is
the Mexican Migrants in the United States have greater access to employers and communities with whom they can communicate. Of course, this is partially due to a higher percentage of locals speaking at least some Spanish. The other reason that this program is important is that it serves to demonstrate the accessibility to the information provided to migrants. In the United States, all information for migrant workers on government websites is readily available in Spanish, in addition to English. While in Canada, although information can often be found in other languages, it can be very difficult to access, and only available after you have navigated through French or English channels (where even a native English speaker, aware of the material can still be have difficulty finding).

Canada does recognize its responsibility and admits it has a legal requirement, like the United States, of offering information in the native language of the workers, but often fails to fully meet this requirement (ESDC 2013). One example of this problem is seen on the Human Resources and Skills Development Canada webpage (now Employment and Social Development Canada), stating that they have pamphlets available in seven different languages for migrant workers about general information and rights (ESDC 2013). Although this claim is promising on paper, in reality the existence of this pamphlet is difficult to find out about, and still more difficult to locate, as it is not in fact on the ESDC website as they claimed, but rather on the Canadian Immigration & Citizenship (CIC) webpage.

This study has shown that problems exist with the current Canadian policies surrounding the seasonal agricultural workers program, and in 2012 the government came to a similar conclusion in a report authored by the HRSDC (now ESDC), the CIC and CBSA;

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7 A copy of the English pamphlet can be found here on the CIC website: http://www.cic.gc.ca/english/pdf/pub/tfw-rights-english.pdf. Changing the “English” in the link to Spanish, French or Chinese will change the pamphlet to that language (this was discovered through trial and error as it does not list the available languages, and failed to identify what the other 3 languages were).
highlighting issues with the broader TFWP (ESDC 2012). This government report is an important resource, which needs addressing and can demonstrate some of the changes which still need to occur to improve the system. The report’s main findings suffer from a problematically low response rate to the survey. The report states that the category with the highest response rate (employers) was 26%, while the response rate for workers was only 13% and for third party services only 10%. The problem here is the lack of evidence, although we are building a wealth of qualitative research on the topic of seasonal agricultural workers, we still lack substantive quantitative data. Although a panel study would be nearly impossible, as you are not guaranteed the same workers every year, a longitudinal study examining trends and patterns could provide useful information. The National Agricultural Workers Survey (NAWS), the British Labour Force Survey (LFS) and the British “National Well-being Survey” already collect some data on migrant workers, and could be used as a framework for building a Canadian Survey.

The next issue raised in the Canadian government’s review of the TFWP was identifying the unions as playing a major role in supporting temporary foreign workers (ESDC, 2012: Appendix A p. 73). On paper this seems like an effective measure, however it ignores the reality that several provinces restrict workers’ ability to join unions, and even talking to unions is discouraged (Preibisch, 2007; Basok, 2002; Lee 2003). This indicates a lack of communication between the different parties involved in the implementation of the program. Either the government needs to change its view on who should offer services to

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8 The NAWS survey is conducted by the United States Department of Labor: Employment and Training Administration [http://www.doleta.gov/agworker/naws.cfm](http://www.doleta.gov/agworker/naws.cfm) and the LFS and National Well-Being are conducted by the Office for National Statistics.
migrant workers (tax information and protection of worker rights), or a change to provincial legislation needs to be implemented.

On a positive note, if Unions are allowed to aid migrant workers, the British model shows positive results; James & Karmowska (2012) and Alberti’s (2013) articles focus on how unions are promoting higher education for workers in these precarious jobs, encouraging them to join a union and gain access to language courses among other skills. Cam (2013) and Mustchin (2012) focus on the workers themselves, examining how policies, country of origin and education levels impact the workers. Cam’s article also examines how unions can collect demographic information such as age, gender and marital status, allowing for more precise information on the makeup of migrants to be known.

As discussed above, one of the areas that Canada can continue to improve in, is the access to information which we offer to migrants. Both the American and British models explain how information should not just be made available, but offered to migrants (James & Karmowska 2012; Alberti et al 2013). Canada has made strides in this direction by offering workers pamphlets on a variety of topics, but a follow through needs to occur to ensure the understanding of the information, and the pamphlets need to be updated (the current pamphlet offers a link to an old HRSDC website which no longer exists\(^9\)).

This brings us back to the issues of housing, working conditions and the health of the workers. As this study showed, the migrant worker programs have gone through numerous changes, and despite this, additional improvements are still required. This should indicate to policy makers that it might not be the policies themselves that are flawed, but rather their implementation, and follow through. With housing, it should not be the farm owners deciding

when, or if their facilities are checked, with working conditions, better ways of ensuring workers are properly trained and equipment needs to be implemented; safety regulations without safe practices are not creating a safer work environment. Finally with regards to health, we have to ensure that workers are comfortable with reporting any injuries and health issues, because as research indicates, despite the policy of no consequences for reporting an injury, there is still a lack of reporting (Hennebry 2010; Hennebry & McLaughlin 2012). It is also important to note that we cannot only focus on how we change the workers’ behaviour but also the employers’. As some examples show employers are able to make a difference, encouraging workers to stay and get the treatment they need, or going above the minimum requirements; however this is not always the case (Amuchastegui 2006). As the newest policy indicates more inspection and review of the employers is needed to ensure that employers are complying with the requirements (ESDC 2014). Moving forward, increased awareness of the requirements, and increased inspections are preliminary steps in ensuring that the vulnerable population of seasonal agricultural workers is not being taken advantage of.

One final area that needs discussion, is the changing demographics of Canada’s temporary foreign workers. As the composition of the workers is shifting away from the male Mexican worker it is important to understand both the cause and impact of these changes. Canada has been established as a preferred destination for immigrants (Weeks 2012), allowing Canada to be more selective with the immigrants it allows to enter the country. This idea of selection translates well into the temporary migration stream, where Canada and Canadian employers are able to select their ‘ideal’ workers from a host of sending countries. In the Canadian context evidence suggests that the Mexican workers have been the ideal
workers, seen both in the literature and the statistics, as Mexican workers far outnumber workers from all other countries (CIC, 2015; McLaughlin, 2010). More specifically it has been the married, uneducated Mexican males that have been the ideal workers for Canada (Preibisch & Grez, 2010; McLaughlin 2010; Lee, 2003).

Mexican workers have traditionally been seen as ideal labourers as they are willing to conform to Canada’s expectations as hard workers, who are flexible and willing to perform any, and all needed tasks. However, it is important to note, that it is not only due to their willingness to work hard that Mexicans are defined as ideal workers, but also for a variety of other factors including their orientation towards family (reducing the likelihood they will stay in Canada illegally), lack of education, and lack of pathways to citizenship (Barber, 2008; McLaughlin, 2010). Over the past 5 years however, Mexican workers have seen a shift away from this perception as ideal workers, at least in terms of numbers, with Guatemala and the Philippines sending more seasonal agricultural workers (CIC, 2015)

This brings us to the case of female temporary migrant workers; while it can be argued that an increase in female workers is a positive change, as it shows a willingness to broaden our understanding of ‘ideal workers’ beyond gender restrictions, into a more egalitarian perception; however, it is important to remember the other factors that go into constructing an ideal worker. With the case of Mexican workers, it is important to note the State’s role in selecting workers to nominate for the SAWP; it was originally Mexico’s decision to define the ideal seasonal agricultural worker as a married, uneducated male.

Male Mexican workers are beginning to demand more rights, are becoming more aware of their rights, and therefore are less flexible in what they are willing to do, or in other words are becoming less docile. This means that individuals, and organizations are beginning
to tell the stories of issues in seasonal agricultural work, and that the workers themselves are less willing to perform certain tasks. On the other hand, Mexican female workers have been well documented as being more docile and obedient workers specifically in the maquiladoras (see Salzinger’s 2003 Book: “Gender in Production” for more information on other issues Mexican workers face in their home country). In the shift towards female workers, Mexico is conforming to the image expected of them, or rather Mexico is trying to identify workers who fit the flexible, reliable and hard-working yet docile model that they have established over the past few decades (McLaughlin, 2010).

Mexico’s shift towards more female workers, and Canada’s shift away from Mexican workers in general, indicates not just a diversification of workers, but a search for the most ideal workers. Normally seeking the ideal workers is not a problem; however, in this context it is more problematic as the ideal worker is the worker whom you can most exploit. Therefore while increased female representation in seasonal agricultural work is generally good, as it demonstrates more equal opportunities, it also highlights the issue within the current Canadian system that vulnerable employees, who can be the most exploited, are seen as the ideal workers. As women continue to come to Canada, and possibly increase in numbers, it will be important to ensure that the exploitation of seasonal agricultural workers does not increase; strides towards gender equality are generally positive, but there can also be a flip side. The growth in the number of female Mexican workers, or a shift away from Mexican workers in general, could be indicative of larger social and political problems.

**Conclusion**

This paper has reviewed many of the issues seasonal agricultural workers (temporary migrants) face while working and living in Canada. First the SAWP was situated within the
broader TFWP, noting how the role of this program was different than any other. Being aware of the unique nature of seasonal agricultural work we began to explore the four major areas in which these workers face problems, specifically: housing and working conditions, and general health and integration/isolation. Temporary migrant workers can face a range of sub-standard housing issues, stemming from cost-cutting and lack of regular inspections. These practices of sub-standardization can also be seen in the working conditions. Migrants often lack proper safety equipment, and even when the equipment does exist they lack the training on its proper use. The poor housing and working conditions are part of the story of how these workers have poorer health; however, it is not the full story as they also have added stress from being apart from their families and communities. The stress of being away from their family contributes to their feeling of isolation, as they lack integration into the communities in which they are working, while they are missing key events in their home-communities, forcing them to be outsiders in two communities.

While this paper has largely focused on the social aspects of the issues surrounding temporary migrant workers, it briefly touches on the social policies. In moving the study of temporary migrant workers forward it would be important to address these policies in greater depth. Addressing the policies will allow for a more complete picture of temporary migrant workers in Canada, examining the issues from both the migrant workers’ experience, and the Canadian ‘employers’ side (employers being both the government and the actual employer). This means that while the policy is a Canadian policy written largely with Canada’s economy as the focus, and with the goals of protecting jobs for Canadians, the reason that this policy may fall short is in the nature of who it is servicing. Additionally, more communication
needs to occur between agencies and levels of government, as responsibilities overlap and are missed, as well as goals being different at the local, provincial and federal levels.

Despite being aware that the Seasonal Agricultural Workers Program does not focus on the needs of seasonal agricultural workers, it is important to note that it does address issues that affect them. It is clear in the policy that these workers have become an essential part of Canada’s economy, and it is important that the workers have a net positive experience in Canada, as we have a legal and a social responsibility. If seasonal agricultural workers continue to have negative experiences in Canada it could impact the supply of workers to Canada, who are essential for our economy.
Works Cited


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