

Did you know that over 17,000 workers from other countries come to work on Ontario farms for up to 8 months each year?

Who are these migrant farm workers and why are they here?

What are some of the difficulties that they face while working here?

How can we help to ensure that all of their rights are respected and that they are welcomed into our communities?



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migrant workers in ontario

growing the food we eat

What is this book?

This book is about the migrant farm workers who live and work in our communities throughout Ontario and Canada for up to eight months each year. It looks specifically at why Canada brings people from other countries to work in agriculture and attempts to explain some of the inequities, problems, and challenges these workers face.

Why this book?

This book was created to help inform the public about a portion of our population that is largely invisible to many Canadians. They face some common difficulties related to access to services, quality of living and working conditions. By bringing these issues to light, we hope that people (like you!) will become interested in learning more and taking action to help support full rights and fair treatment for all migrant workers.

Acknowledgements

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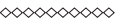
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WPIRG

The Waterloo Public Interest Research Group provides students at the University of Waterloo a place to pursue research, education, and action on environmental and social justice issues. Funded and directed by students, WPIRG acts as a bridge between campus and community. There are over 20 PIRGs in Canada and over 200 in the United States.

** Please note that pseudonyms have been used for the names of all migrant workers and images have been altered.*





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SECTION 1: MIGRANT FARM WORKERS IN ONTARIO

Who are the Migrant Farm Workers in Canada?

Migrant farm workers work in Canada during the prime agricultural season to help plant, maintain, harvest or process produce. Also known as seasonal agricultural workers, migrant farm labourers, temporary workers, or guest workers, migrant farm workers may be here for up to eight months a year working up to seven days a week. Many return year after year, in some cases for over 20 years.

In 2003, Canada welcomed over 18,000 migrant farm workers, with 94% hosted by Ontario. Currently workers come from Jamaica, Trinidad and Tobago, Barbados, Grenada, Antigua, Dominica, St. Kitts and Nevis, St. Lucia, St. Vincent, Montserrat and Mexico.¹

These workers generally work and live on one farm throughout their stay. The majority of the workers are male, and all of them have wives or dependent families in their home countries who do not travel here with them but who depend on the money they send home from Canada.



What are their needs?

Migrant farm workers need support from their own governments as well as the Canadian government, and from communities and citizens alike. Sometimes this support is lacking, particularly from the governments who often face conflicts over ensuring that there is cheap labour available while ensuring that people's rights are always respected. Many community organizations, religious groups, individuals and unions attempt to provide support and advocacy in a variety of ways. Some groups advocate for worker rights, some provide religious services in workers' own languages, some organize social or recreational activities. Others provide information on rights and obligations, benefits workers are eligible to receive, English classes, translation services, legal consultation, community services, and more.

<http://www.nsi-ins.ca/ensi/research/progress12.html>
North-South Institute, links to articles on migrant workers

http://www.nsi-ins.ca/ensi/pdf/exec_sum_preibisch.pdf
Excellent article outlining issues and difficulties

<http://www.jennahennebry.com/qac.html>
Jenna Hennebry's website, Professor at Wilfred Laurier University with focus on migration and Mexican migrant workers

<http://www.whsc.on.ca/Publications/atthesource/summer2002/cultivatinghs.pdf>
Good Health and Safety overview article

<http://www.farmsafety.ca>
Farm Safety Association

<http://www.cra-arc.gc.ca/E/pub/tg/rc4004/rc4004-e.html>
Detailed SAW tax info

http://www.regional.niagara.on.ca/living/health_wellness/health_bus/default.aspx
Niagara Health Bus Services

http://www.stelizabethseton.ca/ses_orgs.html
Project El Sembrador, connecting the Spanish Catholic community and providing support for migrant workers

<http://www.hrsdc.gc.ca/asp/gateway.asp?hr=/en/epb/lmd/fw/lowskill.shtml&hs=on0>
Pilot Project description

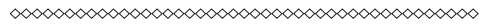
<http://www.ufcw.ca/cgi-bin/download.cgi/westNileInfoSheet.pdf?id=597&a=v&name=westNileInfoSheet.pdf>
West Nile pamphlet in Spanish

<http://www.cdc.gov/nasd/docs/d000101-d000200/d000144/d000144.pdf>
Tobacco sickness pamphlet in Spanish

<http://www.cdc.gov/nasd/docs/d000101-d000200/d000143/d000143.pdf>
Pesticide information in Spanish

<http://www.nfu.ca/>
National Farmers Union (supports collective bargaining for agricultural workers)

**For a copy of this book online, please visit
<http://wpirg.org>**



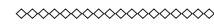
Other Migrant Farm Workers

A recent federal pilot project managed in Ontario by the Foreign Worker Recruitment Unit of Human Resources and Skills Development Canada has also brought offshore workers to work in Canada. The “Pilot Project for Hiring Foreign Workers in Occupations that Usually Require a High School Diploma or Job-Specific Training” brings workers to work in trades requiring little technical skill or training, such as hospitality, meat processing, ski resorts, and food processing. Only a few workers in this program work on farms.

However, these jobs are less regulated by the government than those under the SAW Program. This new program needs to ensure workers are fully informed of their rights when they first come to Canada. As a pilot project, the program is still subject to change. Monitoring and advocacy by human rights and social justice groups could help to encourage the government to ensure decent living and working conditions.

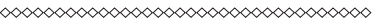
There are also large numbers of undocumented farm workers in Canada. In the Leamington area alone, significant numbers of Chinese and Vietnamese visitors and immigrants are bused in from Toronto, Windsor, and other cities to work for cash. Their immigration status varies; some may be here on visitor visas, some may be permanent residents. Some local residents also work on farms to supplement their family’s income, and are paid in cash. The undocumented migrant labourers have no one to appeal to if they are not paid or are otherwise treated unfairly. They risk deportation, and many face additional language and cultural barriers to fair treatment.

A number of Mexican Mennonites also make their way to Canada each year to work on farms in Canada throughout the growing season. These are Mennonites who moved from Canada to Mexico around the 1920s. Many retained Canadian citizenship. Some have migrated back to Canada and remain here permanently working on farms or in machine shops and renting old farmhouses, while others follow the harvest through parts of Canada and return to Mexico in the winter. Some have been known to start working at the age of five.



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Farm Labour Shortages

The need for farm labourers in Canada has grown in the past 100 years as farms have moved toward larger commercial operations rather than small, family run businesses. It is often difficult for farmers to find enough reliable local labour, and with the size of many farms, relying on family members is no longer an option. But it is unclear whether there is a shortage of labour *available* for farm work, or if the shortage is due to the demanding and sometimes difficult working conditions of most farm work. Nevertheless, a shortage exists, and the Canadian government has attempted to meet this labour shortage in a variety of ways.

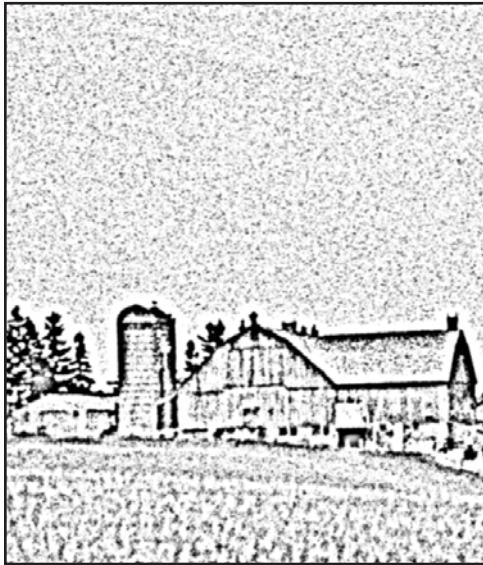
Around 1900, the Canadian Government began accepting British children, mostly boys, to live on farms and provide farm labour, sometimes against the will or without the knowledge of their parents in Britain. This “labour supply” lasted until 1939. Canada also recruited European immigrants to work on farms for two years when they first arrived in Canada, but this often lasted only until they found other employment in better paying, less demanding jobs.³

Other forms of farm labour were also explored. From 1942-1946 many Prisoners of War were required to work on farms, particularly in southern Alberta.⁴ Some Japanese Canadians in internment camps were also forced to work on farms, and Polish War Veterans were required to provide farm labour if they wanted to emigrate to Canada after WWII.⁵

In hindsight, many of these policies and practices are questionable as to their respect for human rights. The next section will examine some of the benefits and challenges of the SAW Program and will highlight some of today’s practices – some that can be applauded, others that also need to be questioned.



*A city under glass:
Leamington hosts huge greenhouses
where produce is grown year-round.*



A farm in Southwestern Ontario.

- **Workplace Safety and Insurance Board**
Agricultural Director, 1-888-259-4228
- **Centre for Spanish Speaking Peoples**
2141 Jane Street, 2nd Floor, Toronto, Ontario, 416-533-8545

Consulates & Liasons

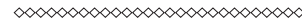
- **Mexican Consulate:** 416-368-2875 Carlos Obrador, Program Coordinator, Email: cobrador@consulmex.com
- **Jamaican Liaison Office:** 416-733-4359, 1-888-898-3951 (toll free number for the exclusive use of Jamaican workers)
- **Barbados Consulate:** 416-214-9825
- **Trinidad & Tobago Consulate:**
Keith James, Consul (Labour) 905-897-3001 ext. 13
- **Eastern Caribbean Consulate:**
Egbert Lionel, Consul/Liaison Officer 416-222-1988

Administration

- **F.A.R.M.S.** (Foreign Agricultural Resource Management Services -SAWP administrative body) 905-568-4500, Sue Williams Manager, Mina Vivar-Dy, Program Coordinator

Religious Organisations

- **St. Michael's**
29 Elliot Street, Leamington Spanish Services Sundays, 2:30 PM
- **St. Vincent de Paul**, Niagara on the Lake – 6 pm Sunday Mass, and other events
- **Free Reformed Church of Vineland** – sports, a meal and evangelistic message Saturday evenings in the summer
- **Caribbean Workers Outreach Program in Niagara (CWOP-N)**
Jamaican Pastors hold services at Bethany Mennonite Church, Virgil in May, June, & September at 7:30 pm Sundays, with food afterwards.



A Global Problem

Tanya Basok, author of *Tortilla and Tomatoes*, has found that rural Mexican farmers' livelihoods are being replaced by large-scale, foreign-owned agribusiness – sometimes the same Canadian businesses that request migrant workers. This has helped to fuel the migration of workers to places like Canada and the United States.⁶

In Mexico and the Caribbean, many small farmers have lost their land to large corporations who will produce crops for export, rather than for local use. When people do not have their own land and cannot grow their own crops, they have to pay for basic foods. If food is being imported rather than produced locally, it is more expensive. This leads to chronic underemployment and poverty in rural areas. This causes people to leave their homes to seek employment either in larger cities, or through programs like the SAW Program.



Rural farmland in Ontario hosts many migrant farm workers, but the issues they face are not separate from the global economy.

Already Know Some Migrant Workers?

- Inform workers of their right to collect Workers Compensation, to seek medical attention, and to collect CPP and Parental Benefits
- Provide proper clothing and protection (masks, etc) to protect from pesticides
- Inform workers about workplace dangers and safety
- Distribute contact numbers for support organizations
- Offer to drive workers someplace if needed (i.e., doctor, bank, grocery store, phone, support centre)

Letter Writing

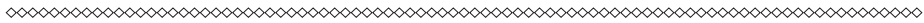
- Write to the Provincial Minister of Labour, the Premier, and your local MPP in support of agricultural worker rights, specifically inclusion in the Occupational Health and Safety Act, and the right to bargain collectively and form a union
- Write to your MP and the Prime Minister asking them to exclude migrant workers from paying into Employment Insurance since they are not eligible to receive benefits
- Write to your MP and the Prime Minister asking that Canada sign the UN Migrant Workers' Convention honouring the rights and fair treatment of all migrant workers

Community Connections

- Encourage your city council to produce relevant publications in Spanish – especially event publications, transportation, or recreation information
- Ensure that businesses and public institutions have signs that are easy to understand – e.g. a picture of a phone rather than the word “phone”
- Create a drop-in space for migrant workers in your area

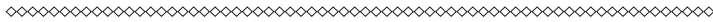


Caribbean workers picking strawberries near Simcoe, Ontario. This is backbreaking work when done for long hours.



Benefits to Canadian Farmers and the Canadian Economy

- Low cost, hard-working labour,
- Solves a difficult to fill labour gap,
- Reliable, readily available workforce,
- Constant supply of workers,
- Workers purchase goods here (such as bicycles, stereos, TVs, etc.) for themselves and to send home,
- Workers can be sent home immediately if employer is dissatisfied.



Benefits to Mexico and Caribbean Countries

- Provides employment for underemployed or low skilled labourers,
- Lack of employment can cause unrest, so helps to maintain stability in their home countries,
- Better paying employment than most workers would receive in their home countries,
- Money sent home is spent in home country, benefiting its economy.

SECTION 3: CHALLENGES

The following challenges that migrant workers may face are addressed in detail on subsequent pages.

- Language/Literacy
- Isolation
- Worker-Worker Relationships
- Effects on Workers' Families and Home Communities
- Worker Exclusion and Vulnerability
- Labour Laws and Regulations, and the Unique Nature of Farm Work
- Deductions and Benefits
- Health and Safety
- Accessing Services
- Unions
- Exclusion from Joining a Union

Language/Literacy

"If we are not allowing them to apply for citizenship, why do we expect them to communicate in English or French?"
- Canadian literacy worker

Language and literacy barriers can magnify a worker's challenges. If a worker cannot *read* English, he will not be able to read warnings on pesticide containers, or he may experience difficulty understanding his paycheques and deductions, or rules, which his employer must post. If a worker cannot *speak* or understand spoken English, misunderstandings may occur when the employer gives instructions or when he goes to purchase items at a store or does his banking. He may have trouble discovering local transportation routes, or learning about local recreational activities.

Although it is not always their first language, all Caribbean workers commonly communicate in English (though many have low literacy skills). Mexican workers, on the other hand, often only speak Spanish. There are no requirements in the SAW Program for translating instructions into Spanish or ensuring that workers understand. While some farmers try to learn Spanish themselves or hire people to act

Volunteer

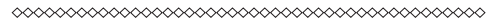
- Contact one of the support centres or another organization to volunteer
- Offer English as a Second Language tutoring. Use a learner-centred approach that recognizes workers own experiences and needs – i.e., one priority may be to learn words relevant for the work they do, dangers they may encounter, etc.
- Volunteer with a school readiness program

Projects

- Start a newsletter or newspaper with/for migrant workers
- Start a Spanish radio show on a local station – perhaps one hour of Latin/Hispanic music, discussion of current events – ask workers what would appeal to them and if they'd like to get involved!
- Organize a drive for clothing, kitchen utensils, work gloves or other protective equipment, or old bicycles and donate them to a support centre, church or directly to farms with migrant workers.
- -Donate dishes and household items, work clothes or work boots, bedding, baby seats, material, old furniture, or diapers to Mexican Mennonite families by contacting Sue Martin at 656-2187
- Provide safety information or workshops in English and Spanish so workers understand the precautions that need to be taken around farm machinery, pesticides, and other dangers
- Make a personal donation or take up a collection at your religious institution and donate it to the Global Justice CareVan Project or Justicia 4 Migrant Workers
- Organize an event with some workers – ask what kind of event they would like, a barbecue, a soccer game, a music jam night, movie night, TV sports night, etc.
- Organize an information session or blitz on December 18th, International Migrants Day
- Encourage existing local literacy groups to reach out to migrant workers, The Literacy Group of Waterloo Region, for example

Special Skills?

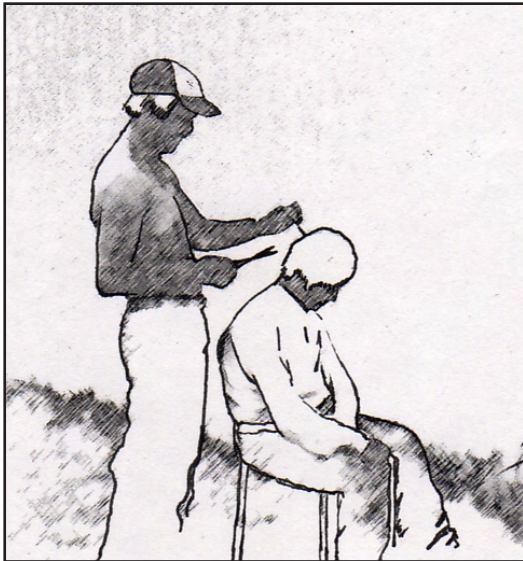
- Offer legal services to workers in need
- Offer bicycle repair and maintenance workshops
- If you own a store that migrant workers frequent, carry products from the Caribbean or Mexico, translate your signage, train your workers in basic Spanish



Worker-Worker Relationships

“You have to get along with everybody because there isn’t much room.”
- Migrant farm worker, 2004

Relationships naturally develop between workers who are working and living together in close quarters for up to eight months a year. However, it can be difficult when living arrangements place them in rooms with two to twelve (or more) other people, sometimes in 3-level bunk beds. Personal space and a sense of privacy are often hard to come by. Workers may also be reluctant to form close ties with their co-workers, as they do not know in advance whether or not they will all be returning to the same farm. Unless they are from the same town in their home country, they may never see one another again once they stop returning to Canada.



Two Mexican workers take a break after a long day of planting tobacco and cut each others’ hair. Workers usually help one another out when they can.

All of these people have different needs and experiences and are governed by different agreements. Indeed, the variety of types of migrant workers across the world is even wider and goes far beyond farm work. They are all marginalized or on the fringes of society by the nature of the temporary work that they do and the fact that this work is not in their home country.

In an effort to mitigate the dangers of maltreatment of migrant workers working in a variety of professions across the world, the UN introduced the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*¹⁴ (Migrant Workers’ Convention) in 1990. It entered into force on July 1, 2003. Canada has not yet signed the agreement. Indeed, the majority of countries who have signed the agreement are sender countries, rather than countries who primarily host migrant workers.

The Convention outlines fair treatment of migrant workers working in any profession, working legally or illegally, and specifies basic human rights that should be upheld by employers and governments. However, the majority of the UN member states have yet to sign the agreement.¹⁵ In an effort to raise awareness around these issues, December 18 has been declared International Migrants Day by the UN – a day to honour and respect the hard work and difficult conditions that migrant workers often face.

Many organizations, small and large, provide support for migrant workers and for migrant worker rights. Amnesty International, for example, urges governments to sign the UN’s Migrant Workers Convention and to abide by its guidelines in order to respect the rights and dignity of all migrant workers.



Juan, a migrant worker from Tlaxcala, Mexico, has been returning to Canada for several years and considers himself fortunate to have been placed with a grower who treats him and his coworkers with dignity and respect.

By signing the Migrant Worker Convention, Canada has the opportunity to demonstrate its commitment to the fair treatment of migrant workers. This could be a huge step toward fully recognizing migrant worker rights in Canada.

SECTION 4: BALANCING BENEFITS AND CHALLENGES

While there are benefits to both migrant workers and their home countries, as well as Canada, there are obviously some struggles which workers face when they come to Canada. Workers are placed in positions where they have less power than the farmers, the Canadian government, their own countries' government, and the administering bodies, yet it is their lives and livelihoods that are affected most directly by the SAW Program.

The benefits of the Seasonal Agricultural Workers Program need to be balanced against respect for the full human rights of migrant workers. Government support for workers and their families needs to come from both Canada and workers' home country governments, and workers' needs and rights should be placed at the forefront of any laws and policies, and in the SAW Agreement itself.

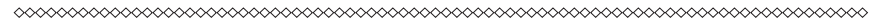


Universal Migrant Worker Rights

Vilified by politicians and the popular media, often subject to discrimination and human rights violations, many migrants continue to live their lives at the margins of societies unwilling to accept or integrate them fully.
- Amnesty International website¹³

In Canada, most migrant farm workers come through the Seasonal Agricultural Workers Program that governs much of their rights and expectations while here. However, as noted above, this agreement places the workers in vulnerable positions with little power to act in their own interest if they do not want to risk being sent back to their home country.

Other migrant workers may come to Canada through the Low Skills pilot project and there are also many undocumented workers, such as the Mexican Mennonites.

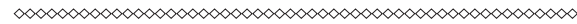


Effects on Workers' Families and Home Communities

"It's hard to be away because sometimes one of your kids needs a hug."
- Migrant farm worker, 2004

Workers are absent from their families and home communities from six weeks to eight months each year. This has many implications for the families at home. They must perform tasks that the absent member would normally perform. Sometimes this means that the husband or wife must perform in non-traditional roles and they may take on more work than when their partner is there. It means that many fathers (and some mothers) cannot help with child rearing for a large part of the year.

At the same time, the SAW Program usually helps people to better the lives of their family members, and it can inject money into their home country communities. It may also help the workers' families to escape the cycle of poverty by enabling their children to pursue higher education and better paying jobs. Although workers' sense of connection, community and belonging are interrupted when they come to Canada for long periods of time, most, and perhaps all of them, still identify where they are from as "home".



Worker Exclusion and Vulnerability

Home may remain home, but migrant workers' lives beyond work do not stop when they are in Canada. In Dr. Kerry Preibisch's report "Social Relations Practices between Seasonal Agricultural Workers, their Employers, and the Residents of Rural Ontario" she quotes one migrant farm worker, "you said that we have our lives back home, but that's not true. When we come here we don't stop living. What we have here [in Canada] is our life also."⁷

• Limited rights

Compared to most Canadians, migrant farm workers are some of the most disadvantaged people living in our society. Migrant farm workers are vulnerable to injustices on a number of different levels. As mentioned earlier, farm work is often dangerous and there are very few laws protecting farm workers.

The SAW Agreement limits workers' ability to switch employers and prevents them from staying in Canada once their contract has finished or from applying for

Canadian citizenship. At the same time, it places most aspects of workers' lives under their employers control. The worker becomes subject to his or her employer's personal goodwill which can result in a supportive environment and even friendship, but it can also lead to tense or difficult working and living arrangements.

At the community level, workers may be welcomed through outreach, social or religious activities and social supports, or they may be excluded from these events and services. This may sometimes be due to racial or class-based prejudices and discriminations, or ideas that foreign workers are only here to work and would not be interested in socializing.

• Designed to prevent immigration

Regardless of how many years workers have been coming to Canada, they are unlikely to be allowed to settle in Canada at any point in their lives as they are considered low skilled workers. To encourage workers to return home at the end of their contract, workers must be married or have dependent families in their home countries. Their children do not receive any education benefits or opportunities to study in Canada. Workers themselves cannot take formal classes while working in Canada, nor can they stay beyond the end of their contract. This is not accidental.

When the government first considered starting the program, pre-1966, officials weighed what they considered to be key issues. "By admitting West Indian workers on a seasonal basis, it might be possible to reduce greatly the pressure on Canada to accept unskilled workers from the West Indies as immigrants. Moreover, seasonal farm workers would not have the privilege of sponsoring innumerable close relatives."⁸ Thus, the SAW program has always intended to prevent migrant farm workers from immigrating permanently to Canada.

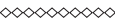
Other government statements and policies from near the same time demonstrate blatant racism and classism, intended to keep people out of Canada. When migrant workers from the US were allowed to work on Canadian farms, "the Canadian state specified that 'no coloured workers [be] included in those selected for work in the tobacco fields of Ontario."⁷

Today, farm workers from other countries are welcome to plant, nourish and harvest our food, but still cannot enjoy the rights of Canadian citizenship.

on their first collective agreement when the Conservative Ontario government repealed the *Agriculture Labour Relations Act* (ALRA), again excluding agricultural workers from the Labour Relations Act. At this time they terminated any certification rights of trade unions, and any collective agreements certified under the ALRA, meaning the mushroom workers were no longer allowed to be represented.

The UFCW challenged the Act, but it wasn't until December 2001, when the case reached the Supreme Court of Canada, that they won a ruling that concluded that not allowing farm workers the freedom to associate was unconstitutional. As of 2004, the right to bargain collectively is still before the courts.¹²





Unions

Farm workers are among the most exploited workers anywhere in the world. Allowing foreign workers to come into Canada and be treated poorly doesn't speak well of the labour movement in Canada, or the federal or provincial governments. When we allow these exploitations, it basically says that our standards and most things we stand for as Canadians are lip service. By working with the most exploited and impoverished people in Canada we can set basic national standards and we can only move forward from there. We want to ensure this is not a race to the bottom.
 - Stan Raper, UFCW

It is the hope of the United Food and Commercial Workers Union that the government will see the need for the support that the centres provide and take responsibility for funding the centres to ensure workers are made aware of all of their rights and good worker-farmer relations can be maintained.

The UFCW has been the most prominent union involved in supporting migrant farm workers in Canada. With support from the Canadian Labour Congress, the United Steelworkers' Union, and the Canadian Auto Workers' Union, as well as other social justice organizations, the Global Justice CareVan Project was begun in 2000. The van travels to various farming communities throughout Canada providing information on farm worker rights and where farm workers can seek support. The UFCW has created four Migrant Agricultural Worker Support Centres in Ontario (see page 29). The Centres provide services ranging from translation to advocacy to health education. The UFCW is also spearheading several court challenges that will improve the working conditions for all farm workers, including the right to freely associate, to unionize, and to bargain collectively, and the right to be included under Ontario's Occupational Health and Safety legislation.

Exclusion from Joining a Union

When the Ontario Government provided a framework for the establishment of trade unions and collective bargaining in 1943, agricultural workers were excluded. They remained excluded from the Labour Relations Act until 1994 when the provincial NDP government passed *An Act Respecting Labour Relations in the Agriculture Industry*. For the first time agricultural workers were given the rights to form associations and to bargain collectively.

Shortly after this Bill was passed, a group of mushroom workers won representation by the United Food and Commercial Workers (UFCW) Canada. They were working

• Farmers are in the driver's seat

Once workers are hired, their employers determine when workers come to Canada, when they leave, where they live, their living conditions (how many people per room, for example), how many hours they work, the type of work they perform, access to services (most significantly the telephone which may or may not be provided for workers), and more.

This instability and lack of access is reinforced by the farmer's ability to send a worker home, known as "repatriation". If a worker is considered "non-compliant" by a farmer, he can be sent back to his home country with little opportunity to challenge the decision and no appeal process – sometimes at the worker's own cost. This means that when workers are faced with an unreasonable work request or poor living conditions, s/he can be put in a position to choose between putting up with it, or speaking out and potentially being sent home and permanently banned from working in Canada.

Conversely, if a worker is favoured by an employer, he may be requested by name to come back, which guarantees his renewal of employment. Thus, workers often try to please their employer, sometimes compromising their own rights, needs, desires, free time, or even health. This is not to say that all, or even most, farmers take advantage of this arrangement. However, the power structure in place through the agreement reinforces an employer's power over his employee in ways that go beyond employment, to affect every aspect of the worker's life. It creates the potential for an abuse of power with few alternatives for the worker.



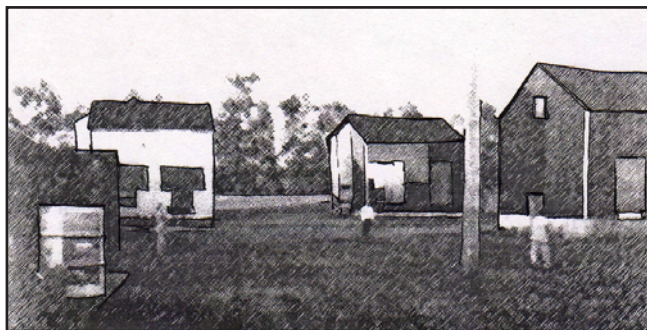
Large farms often use vans or schoolbuses to take workers into town for weekly shopping trips. When this takes place is decided by the employer, although in many places it is Friday evenings. It may be the only opportunity workers have to use phones, do their banking and buy groceries.

• Community integration difficult

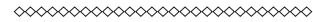
Traditionally, many rural Canadian communities have been primarily populated by white people of European descent. It has made it easy for an “us-them” attitude to develop where members of other ethnic or cultural groups are seen as different from, and often less than, the dominant white community. Ideas like “they are only here to work”, “they just want to make money”, “they don’t like our food or events anyway”, “they can’t speak in English”, “they are too tired after working”, “they are uneducated”, or “they don’t have any skills other than farming” can also be used to exclude migrant farm workers from social or recreational events and activities and planning.

Many communities do try to include migrant farm workers in events. In the past several years, there has been an increase in community outreach and support for migrant farm workers. Due to false information or perceptions, some of these older ideas and prejudices remain, . These outlooks should not be used to generalize about workers’ situations, nor should they form the basis for any kind of exclusion. Exclusion based on race or class is just as it sounds: racism and classism.

Again, it is important to recognize that we are discussing migrant farm workers who come to Canada through the SAW Program and that there are other migrant farm workers who may have other experiences of oppression and exploitation. Undocumented farm workers are at the greatest risk for being underpaid or not paid at all as they have very little leverage other than their labour to hold their employers to any work agreements.



Isolation on rural farms can increase worker vulnerability and make it difficult for people without transportation to travel to community events or services.



Accessing Services

Transportation

On most farms, the employer will drive the workers into town once a week to buy supplies, do their banking and any other errands. Many migrant workers living and working in rural areas rely on bicycles as their key means of transportation. Bicycles can be purchased relatively cheaply at yard and rummage sales and workers may share bikes between each other. Sometimes farmers keep a few old bikes on hand for workers to use. However, not all farms have bikes available and in some cases, there are no services or entertainment nearby so bikes are of little use. Having access to rides or knowledge of local transportation systems may help with mobility and the freedom to come and go if the workers live relatively close to a town.



Recreation and Social Activities

“Those who perform get to express other sides of themselves, other than just using their bodies as machinery.”

- Migrant worker activist



Pedro, from Amecameca, Mexico, plays accordian when he finds the time.

During peak season, long hours usually prevent workers from participating in social activities. Some community centres, churches and other support groups schedule events after 8 PM or on Sundays when more workers may have a day off.

Transportation to recreational events is crucial, but there are also possibilities for facilitating or encouraging on-farm activities. Providing a soccer ball or other recreational opportunities can greatly increase morale and enhance people’s quality of life by giving them an outlet outside of work.

specially drafted for farm labour is the area of the Act that enables the government to immediately and completely shut down an operation for violations. Due to the unique nature of farming, this could endanger the lives of farm animals, or potentially ruin an entire year’s crop. Thus, new legislation needs to balance these concerns, as well as be complete and effective for all workers.

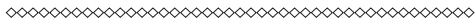
The main health and safety concerns for farm workers are pesticides, heat stress, injuries relating to improper lifting, bending or reaching or improper use of machinery, and tobacco sickness. It is because of their fear of being sent home that some workers accept less than desirable working or living conditions.

There are stories of workers working in fields a few meters from where pesticides are being sprayed, of workers labouring in the hot sun far from any access to drinking water, of workers having no water in the fields to wash their hands after they have applied pesticides and then eating their lunch in the field, or of working 14 hour days 6-7 days a week, in all weather conditions. This is reinforced by poor access to information on taking precautions and recognizing signs of fatigue, heat stress, West Nile, and other ailments. When this information is available, it is usually in English, and not in Spanish.

Generally, farmers are not required to provide training on how to “safely” apply pesticides unless they are extremely toxic (Schedule 2 and Schedule 5 pesticides). There is little monitoring of safe pesticide use by the government and workers are reluctant to complain as there may be the possibility of them losing their jobs. These difficulties demonstrate the need to include farm labour in the Ontario Occupational Health and Safety Act.

Ontario’s Occupational Health and Safety Act gives employees the right to refuse unsafe work and to know about hazards in the workplace. However, it specifically excludes farming operations from its application. Ontario is the only province that excludes the agriculture sector entirely from health and safety laws. Agricultural work is dangerous, labour-intensive work -- 13% of all occupational deaths in Canada are farm-related.

Workers who refuse work they feel is unsafe risk being sent home (repatriated) at their own cost, as well as being banned from working in Canada in the future.



Labour Laws and Regulations, and the Unique Nature of Farm Work

A large peach orchard which requires the work of twenty men the year round will need as many as 2000 for the brief time of picking and packing. And if the migration of the 2000 should not occur, if it should be delayed even a week, the crop will rot and be lost.
- John Steinbeck⁹

Farming has unique labour requirements. Planting and harvest depend on weather and may require long hours at peak times when planting conditions are ideal or crops are ripe, while there may be lulls at other times. For these reasons farm work can be demanding or slow, and so farm work has often received exemptions from standard labour laws. In some cases, this can result in more dangerous and inequitable situations for farm workers compared to workers in other sectors.

For example, while some migrant workers were earning \$7.75 per hour as of 2004, farm labour is not subject to minimum wage in some provinces. When other industries such as factories and construction first began paying higher wages, unionizing and providing benefits such as overtime pay and mandatory vacation; farm workers did not receive these benefits. Indeed, farm workers are not even covered under Ontario’s Health and Safety Act.



Benefits

Workers are not always aware of their rights or how to go about collecting benefits. The Canadian government and the body that administers the SAW Program, the Foreign Agricultural Resource Management Services (F.A.R.M.S.), do not require that adequate information packages on rights and benefits are presented to all migrant farm workers in their own languages when they enter the country.

- Taxes

If workers make above a certain amount each year, they must have income tax removed from their paycheques and they are eligible to receive income tax reimbursement. However, this means that they must file their taxes in English,

usually when they have already returned to their home countries. Alternatively, the employer or another person can be designated to do it using a consent form from the Canada Revenue Agency.

• **Employment Insurance (EI)**

In 2000, \$11 million was deducted from migrant farm workers and their employers [for EI] yet they do not qualify to collect the benefit.¹⁰

Seasonal Agricultural Workers pay into Employment Insurance, but because they return to their home country immediately after their contract ends, they are never considered *unemployed and available for work*, which is necessary to qualify for Employment Insurance.

Thus, to enable workers fair access under the law, they should either not pay into EI, or EI would have to be revised to include their potential to find jobs once they are back in their home country. Under EI, migrant farm workers are eligible to receive parental benefits, but they must apply in English and supply supporting documentation (also in English). The Migrant Agricultural Worker Support Centres help workers to receive these benefits.

• **Overtime Pay**

Under the SAW Program workers are not eligible to receive overtime pay and thus can work for 10 or 11 hours a day, seven days a week making only \$7.50 per hour. 70-hour work weeks are not uncommon in the agricultural industry.

• **Canadian Pension Plan**

Workers are eligible for the Canada Pension Plan (CPP). Deductions are taken from their paycheques and they can work with their home country through their Consulate to collect. However, many workers do not claim CPP due to language difficulties or simply because they are unaware of it.

• **Health Coverage**

All workers through the SAW Program are covered by OHIP while they are working in Ontario. Caribbean workers do not have any coverage beyond this, while Mexican workers are required to buy medical coverage for non-occupational illnesses.

• **Workplace Safety & Insurance Board (Workers' Compensation)**

One worker was told by his Consulate that if he wanted to keep coming to work in Canada he should stop pursuing his Workers Compensation Case.

A worker on a different farm had his tailbone injured and the farmer helped him to claim Workers Safety and Insurance Board benefits. The farmer also arranged weekly visits to a physiotherapist who was an hour away to aid the worker's recovery.

As with Canadian workers, if migrant workers are injured on the job, or become sick from something at their job, Workplace Safety and Insurance Board benefits cover them. This means they can receive full pay for the time they are off due to the illness or injury. It does not matter whose fault the injury or illness is, the benefits are no fault. Ensuring workers are informed about this is crucial as it is a worker's responsibility to seek medical attention and to inform his supervisor or employer as quickly as possible if he has been injured or fallen ill. Employers may sometimes discourage workers from making claims as the cost of the employer's WSIB insurance premium may then increase.



Health & Safety

Established in 1978 and amended in 1990, the Ontario Occupational Health and Safety Act excludes all farm labour from provincial Health and Safety regulations. This means that farm workers, including migrant farm workers, are not subject to the same protections as most workers in Ontario.¹¹

According to Stan Raper, the National Coordinator for the United Food and Commercial Workers of Canada Migrant Agricultural Worker Support Centres, the current provincial government has agreed to begin drafting Occupational Health and Safety Regulations for farm workers beginning in the Fall 2004. This should give farm workers the right to be informed about the hazards facing them, and provide more training for potentially dangerous situations. The area that needs to be