



Citizenship and Precarious Labour in Canadian Agriculture

By Gerardo Otero and Kerry Preibisch

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November 2015

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Summary

This study explores how citizenship status affects agricultural employment, and makes comprehensive recommendations for change.

DISCUSSIONS ABOUT LOCAL FOOD and sustainable agriculture have not generally considered employment conditions for agricultural workers. However, in British Columbia almost all of these workers are immigrants and migrants, subject to coercive employment practices with serious consequences for health and safety. Farmworkers' fear of losing hours or jeopardizing their employment leads them to accept unsafe work or transportation, work long hours, work while ill or injured and, in the case of migrants, acquiesce to poor housing. Meanwhile, regulations and enforcement for this sector are very weak. Certainly our current food system can't be seen as "sustainable."

This study explores how citizenship status affects agricultural employment, and makes comprehensive recommendations for change. Our research included questionnaires with 200 farmworkers; 53 in-depth interviews with stakeholders (farmworkers, growers, industry representatives, advocacy groups and Canadian and Mexican civil servants); and a detailed review of secondary data.

BACKGROUND AND HISTORY

In the 1960s, South Asian immigrants began joining BC's agricultural workforce, and by 2003 they accounted for some 98 per cent of farmworkers. Then in 2004 the BC government allowed growers to access the federal Seasonal Agricultural Workers Program (SAWP). By 2012, migrant employment, mostly from Mexico, skyrocketed to about 5,000 jobs, almost as high as immigrant employment.

Farm labour contractors (FLCs) act as intermediaries between immigrant workers and growers. FLCs supply immigrant labourers, arrange wages and provide transportation. FLCs are these workers' formal employer, rather than the farm owner-operators. The Mexican consulate provides SAWP migrant workers to farmers that apply and get approved for this labour source.

DANGEROUS AND UNHEALTHY WORKING CONDITIONS

The expansion of migrant employment has further entrenched farm work as a precarious and often dangerous job for workers. Yet, even for those who have achieved formal citizenship, precarious work and poor working conditions are rampant.

Agricultural work is physically demanding and fast-paced, resulting in high levels of fatigue. Workers report that unreasonable productivity targets, piece-rate wage systems and pressure from management increased their risk of injury.

Farmworkers also describe poorly maintained equipment and minimal protection from hazards like falls, cuts from dull knives or injuries from machinery. Inadequate hygiene and sanitation on some farms pose additional health and safety risks. In some cases, this includes a lack of toilet or hand-washing facilities. These conditions are often made worse by language barriers and by lack of health and safety training for workers.

Poor housing conditions are of specific concern for migrant workers, with some dwellings lacking indoor plumbing and potable water. In addition, workers reported overcrowding and inadequate laundry and refrigeration facilities, below legal and contractual standards.

Migrant workers are subject to more coercive forms of labour discipline and a narrower range of social protections than immigrants. They are dependent on time-limited, employer-specific work permits: employers can deport workers or give them a negative evaluation at the end of the season.

Migrants are offered no path to citizenship, and policies are in place to prohibit them from bringing their dependents. Migrants are not eligible for the provincial health care plan until they have resided in British Columbia for three months; they also depend on their employers to register them. In our study, only eight out of 100 migrants surveyed had been enrolled in public health care.

Immigrants with partial or full citizenship have greater opportunities to escape agricultural work. Formal citizenship rights also afford them greater ability to pursue claims against their employers. However, formal citizenship is not sufficient to produce a more just, safer food system:

- Immigrant workers are also subject to the high-pressure piece-rate wage system.
- While immigrants have the right to move freely in the labour market, in practice their mobility is hindered by language ability, age, location, the FLC system and gendered household and caring responsibilities (most immigrant workers are women, while most migrant workers are men).
- For immigrant workers, unsafe transportation constitutes a serious occupational hazard.

Poor housing conditions are of specific concern for migrant workers, with some dwellings lacking indoor plumbing and potable water.

RECOMMENDATIONS FOR CHANGE

This study offers a wide range of recommendations for different levels of government to develop a just food system. In particular:

- If the labour market requires more workers, then more immigration permits should be given. The new immigrants would then qualify for permanent residency from the start.
- The BC government should establish an employment compliance team, whose mandate would include random spot-checks at worksites to enhance enforceability.
- BC's public health care system should be reformed so that agricultural workers receive health coverage immediately upon arrival in Canada.
- Migrant employers and recruiters should be registered, so that the provincial government can hold them accountable if they violate workers' rights. Manitoba's 2009 *Worker Recruitment and Protection Act* is a model that BC should follow.
- Greater attention must be placed on the safe transportation and housing of farmworkers, including enforcement, mid-season inspections and assessments.

Introduction

Canada's large increases in labour migration have occurred largely through the country's suite of temporary migration programs. The latest rise in temporary migration has been most pronounced in Western Canada.

THE "GLOBAL AGE OF MIGRATION"¹ has been characterized by growing numbers of workers flowing to advanced capitalist countries as the countries' demographic profiles become older. Canada fits this trend and has dramatically increased its non-citizen, migrant population since the 1970s. In 2011, Canada welcomed an historically high number of migrants on temporary employment authorization, marking a significant policy shift for a nation with "an unusually strong immigration tradition."² Unlike the United States, where unauthorized immigrants add some 8.3 million workers to the labour force,³ or the European Union, where the common labour market resulted in significant movement from eastern to western member states following the 2004 enlargement,⁴ Canada's large increases in labour migration have occurred largely through the country's suite of temporary migration programs. The latest rise in temporary migration has been most pronounced in Western Canada, where temporary worker entries began outpacing those of permanent residents by 2007 in Alberta and 2008 in British Columbia.⁵ Rising numbers of temporary workers have been opposed by anti-immigrant campaigners⁶ and the general public,⁷ but most forcefully by a growing social movement that identifies a range of exploitative practices placed on migrants excluded from the rights and entitlements granted to citizens and permanent residents.⁸ At the heart of this latter movement is the demand to grant migrant workers permanent resident status on their arrival so that there are no conditions on their right to remain in Canada.

The problems identified with temporary migration programs (TMPs) find support in the academic literature. Although policymakers laud the benefits of managed migration schemes,⁹ scholars have pointed to their exploitative nature.¹⁰ Canada's Temporary Foreign Worker Program (TFWP), an umbrella program encompassing numerous initiatives, has been criticized for creating a system of

1 Castles and Miller 2009.

2 Cornelius, Martin and Hollifield 1994:119.

3 Passel and Cohn 2009.

4 Holland 2012.

5 Citizenship and Immigration Canada 2012.

6 Centre for Immigration Reform 2013; Immigration Watch Canada 2012.

7 Tomlinson 2013.

8 Alberta Federation of Labour 2009; Justicia for Migrant Workers 2013; Migrant Workers Alliance for Change 2013; United Food and Commercial Workers Canada and Agriculture Workers Alliance 2011.

9 See Hennebry and Preibisch 2010.

10 Binford 2009; Griffith 2006; Mannon et al. 2012; Stasiulis and Bakan 2003.

legislated inequality¹¹ and even global apartheid.¹² Critics allege that temporary migrants should be theorized as unfree participants in the national labour market.¹³ The principal basis of migrants' unfreedom is their categorization as "foreign workers," a move that allows the state to legally deny them the rights and entitlements associated with citizenship and to impose restrictions upon their labour mobility, such as closed permits or requirements to live on their employer's property.¹⁴ For migrant workers in low-skilled occupations, these restrictions are compounded by poor working conditions and/or substandard wages.¹⁵ Migrant employment tends to reinforce these jobs as low-paid, difficult and dangerous.¹⁶ It has also allowed employers to exercise labour arrangements that would be difficult to implement with an all-citizen labour force.¹⁷ Since citizens also work in these occupations, researchers have cautioned against associating extreme forms of labour exploitation exclusively with migrant status.¹⁸ Indeed, the employment of migrants may entrench precarious labour regimes within an industry, holding consequences for all workers, including those with formal citizenship or landed immigrant status who may nevertheless find it difficult to exit these jobs no matter how undesirable they become.

In this paper, we address how citizenship status affects agricultural employment. Specifically, we explore the comparative consequences in health and safety for two groups of farmworkers in Canada: migrants from Mexico under the Seasonal Agricultural Workers Program (SAWP) and immigrants from India holding Canadian citizenship or permanent residency. "Migrant" here refers to foreigners on temporary employment authorization, unless specified otherwise, and "immigrant" refers to foreign-born naturalized citizens or permanent residents (landed immigrants). We did not include unauthorized migrants as they make up only a marginal segment of the agricultural labour force.¹⁹ We conducted field research in British Columbia, Canada's westernmost province and fourth-largest agriculture and food-processing labour market, which only began hiring Mexican migrants in 2004. Since BC's agricultural employers had been prevented from using the SAWP before this date due to provincial government attempts to protect the domestic labour market that, until then, was almost exclusively composed of South Asian immigrants, this case study allowed us to study migrant incorporation at the outset. Although there are other immigrant and Canadian-born farmworkers employed in agriculture, including whites, our study population comprises the bulk of the workforce.

The research took place between 2007 and 2009 and included face-to-face questionnaires with 200 farmworkers (100 Mexican migrants, 100 South Asian immigrants); 53 in-depth interviews with stakeholders (farmworkers, growers, industry representatives, advocacy groups and Canadian and Mexican civil servants); and a detailed review of secondary data. Survey participants were chosen intentionally to meet the criteria for inclusion in the study. Since no list of the total farmworker population exists, precluding random sampling, we recruited participants from the three valleys that together account for nearly three-quarters of BC's horticultural farms. We contacted Mexican participants at churches, supermarkets and migrant-support centres and South Asian farmworkers through service providers. Our research team conducted interviews and questionnaires in Spanish, Punjabi or English, fostering rapport through shared language,

In this paper, we explore the comparative consequences in health and safety for two groups of farmworkers: migrants from Mexico and immigrants from India holding Canadian citizenship or permanent residency.

11 Lenard and Straehle 2012.

12 Sharma 2006; Walia 2010.

13 Basok 2002; Satzewich 1991; Sharma 1995; Stasiulis and Bakan 2003.

14 Bakan and Stasiulis 2012; Sharma 2006.

15 Piper 2008.

16 Saucedo 2006; Waldinger and Lichter 2003.

17 Rogaly 2008.

18 Goldring and Landolt 2012; Scott, Craig and Geddes 2012.

19 Basok and Rivas 2012.

empathetic listening and a conversational approach. We anonymized survey respondents and treated all data confidentially. We used NVivo and SPSS to manage our data and aid analysis.

We first chart changes in temporary migration in Canada with respect to the agriculture and food industries. Second, we show that agricultural employment is precarious work, explore the nascent Canadian literature on migrant health and position our research within the literature on precarious legal status. We then turn to our field results on workplace health and safety to explore a range of findings regarding coercive labour practices, working hours and labour intensity; workplaces, transportation, and housing; training and language barriers; and access to health care. We close with a discussion and recommendations.

Canadian immigration policy and agri-food labour markets

SINCE THE MID-1970S, a significant shift in migration to Canada has seen a relative decline in numbers of new permanent residents alongside rising numbers of migrants on temporary employment authorization; in other words, from a flow of people to a flow of labour power.²⁰ This trend has become pronounced in recent years: since 2000, temporary migrant entries have more than tripled to reach a high of 300,211 in 2011 as a result of policies to expand the authorized use of migrants in jobs designated as low-skilled.²¹ Prior to 2002, agriculture and domestic work were the only occupations classified as low-skilled that had formalized TMPs designed to admit migrant workers. Migrant farmworkers entered Canada through the SAWP, a post-war, sector-specific guestworker program that began in 1966 with a bilateral agreement between Canada and Jamaica and subsequently expanded to include 11 Caribbean countries and Mexico. Owing to its focus on the agricultural sector and the seasonal nature of work in that sector, the SAWP runs from January 1 to December 15, issues work permits for a maximum of eight months and is available only to producers of specific commodities considered on-farm, primary agriculture. In 2002, the government launched the Stream for Low-Skilled Occupations, a unilateral immigration initiative that allowed approved employers from any sector to recruit foreign workers into jobs categorized as low-skilled. This initiative simultaneously enabled a broader range of agri-food industries to use temporary migrants and, since it was not bound by bilateral agreements, permitted migrants from a broader range of countries access to the Canadian labour market. Further policy adjustments meant that, by 2012, agri-food employers could hire temporary migrants under four different initiatives, all of which were experiencing growth.

Canadian agricultural production has a long history of im/migrant employment that began before (and has consolidated alongside) formalized TMPs. In British Columbia, Lanthier and Wong document the labour incorporation and exodus between 1880 and 1960 of racialized immigrants and migrants, including Pacific Northwest indigenous, Chinese, Japanese, Doukhobor and

Canadian agricultural production has a long history of im/migrant employment.

²⁰ Arat-Koc 2009; Sharma 2012.

²¹ Citizenship and Immigration Canada 2012:59.

Portuguese farmworkers.²² In the 1960s, racist criteria favouring white settlement were removed from Canada's immigration policy, allowing increased immigration from the Indian subcontinent that again altered the social composition of the province's agricultural workforce. By 2003, some 98 per cent of BC's 6,000 farmworkers were South Asian immigrants with limited or no English proficiency.²³ Most were newcomers; Runsten et al. found that two-thirds of workers employed by farm labour contractors (FLCs) had entered Canada less than three years before.²⁴ This workforce is, and has consistently been, predominantly female,²⁵ reflecting in part their migration trajectory as Family Class immigrants, a category that allows Canadian citizens or permanent residents to sponsor the immigration of parents and children. Among Family Class immigrants, women outnumber men three to two.²⁶

By 2003, some 98 per cent of BC's 6,000 farmworkers were South Asian immigrants with limited or no English proficiency.

The social composition of British Columbia's labour force started to shift again in 2004 when the provincial government allowed growers to access the federal SAWP. In the ensuing five years, migrant employment skyrocketed. Just 47 Mexican workers arrived in 2004; by 2008 they numbered almost 3,000. Since the contracted farmworker population composed predominantly of South Asian immigrants remained more or less stable in that period, this means that in five years Mexican migrants came to represent half of BC's seasonal agricultural labour force. South Asian farmworkers either retired or were displaced by the younger Mexican workers. In 2011, most Mexican migrants were employed in fruit and/or vegetable production and some 96 per cent were male.²⁷ By 2012, British Columbia accounted for 17 per cent of all approved SAWP positions country-wide, just under 5,000 jobs.²⁸ The relative proportion of migrant and immigrant farm workers appears to have evened out by 2012, with just slightly more immigrant than migrant farm workers based on the number of employees bonded for licensed FLCs.²⁹

22 Lanthier and Wong, 2002.

23 BC Public Service Agency 2003.

24 Runsten et al. 2000.

25 Fairey et al. 2008; Sharma 2012.

26 Citizenship and Immigration Canada 2008.

27 Moral del Arbona 2011.

28 Employment and Social Development Canada 2014.

29 BC Government 2014.

Agricultural labour markets and precarious employment

AGRI-FOOD EMPLOYMENT IS located at the bottom of Canada's occupational hierarchy, with most jobs in the sector exhibiting indicators of precarious work as outlined by Luin Goldring and Patricia Landolt³⁰ who build on previous sociological scholarship.³¹ First, farm labour tends not to involve contracts.³² Across Canada, but particularly in British Columbia, farm labour contractors (FLCs) provide the bulk of seasonal labour. Second, work schedules on many farms involve significant seasonal variation and hours that are inconsistent, demanding and unconventional.³³ Third, wage structures vary between hourly wages and piecework, with few salaried full-time positions. A 2008 study found that BC's immigrant farmworkers lacked secure income and were often paid piece rates and below the minimum wage.³⁴ Fourth, benefits are scarce or non-existent; in British Columbia, farmworkers lack overtime pay and other benefits enjoyed outside the industry such as paid statutory holidays, paid rest periods and annual vacation.³⁵ Fifth, farmworkers' place of work can also shift between multiple sites, particularly for those contracted by FLCs. Finally, few farmworkers are unionized and in some provinces (which in Canada have jurisdiction over labour standards and health) it is illegal for them to unionize.³⁶ In Ontario and Alberta, while farm workers are excluded from the legislation that allows for collective bargaining rights and union certification, they are not prohibited by law from joining unions. Yet employers do not have a duty to bargain with individual workers or unions.³⁷ Like the United States and other high-income countries,³⁸ Canada has excluded farmworkers from laws that set standards for working conditions and protect most workers historically.³⁹

Canada has excluded farmworkers from laws that set standards for working conditions and protect most workers historically.

30 Goldring and Landolt 2012.

31 Rodgers and Rodgers 1989; Vosko 2006.

32 In the case of temporary guestworkers, however, employers must create a contract.

33 Lanthier and Wong 2002; Sergeant and Tucker 2009.

34 Fairey et al. 2008.

35 Ibid.

36 Tucker 2012.

37 Makin 2011.

38 Getz, Brown and Shreck 2008; Luna 1998.

39 Tucker 2012.

Agriculture is not only one of Canada's most precarious job sectors, it is also one of the most dangerous.⁴⁰ Workers' compensation figures depict a hazardous occupation in which workers take longer to recover from injuries sustained at work and have a higher serious injury rate than the all-industry average.⁴¹ Research on farmworker health, however, remained limited prior to 2000,⁴² when rising migrant employment sparked new scholarly interest.⁴³ To date, the literature has focused on migrants in eastern Canada and comparative study of im/migrant farmworkers is scarce, although two studies have examined both groups' vulnerability with respect to the law⁴⁴ and employment standards.⁴⁵

This emerging research identifies the principal occupational risks for farmworkers as exposure to agrochemicals, plants, soil, insects, sun and climatic extremes; hazards posed by machines, vehicles and confined spaces; and repetitive and stressful ergonomic positions.⁴⁶ Repetitive motion and accidents constitute some of the principal occupational exposures in agriculture that can present acute problems and long-term disabilities.⁴⁷ Some farmworkers perform tasks that involve constantly breathing in particles or work in poorly ventilated, enclosed spaces; in 2008, three workers at a BC mushroom farm died and another two were left with severe brain damage after being overcome by toxic gas in a composting shed.⁴⁸

Research identifies the principal occupational risks for farmworkers as exposure to agrochemicals, plants, soil, insects, sun and climatic extremes; hazards posed by machines, vehicles and confined spaces; and repetitive and stressful positions.

In addition, unsafe transportation constitutes a significant occupational health hazard, particularly for farmworkers hired by contractors who are known to use unsafe vehicles and careless, tired, untrained or unlicensed drivers.⁴⁹ A coroner's report into a major traffic accident in 2007 that resulted in the deaths of three greenhouse workers found that the 15-passenger van had faulty brakes and poor tires, was overloaded and was equipped with only two seatbelts.⁵⁰ In a second major accident in 2012 that killed 10 farmworkers (nine of them Peruvian migrants) and the driver of the oncoming vehicle, police found that the driver transporting the farmworkers was not properly licensed.⁵¹ Poor living conditions constitute a further principal health risk. Rural housing is often low quality, underserved and overcrowded. In addition, chemical over-spraying or drift poses hazards for those who live on or adjacent to their worksites.⁵² Poor hygiene and sanitary conditions at the workplace and in farmworker housing have also been identified as key hazards, including compromised access to adequate drinking water and hand-washing, toilet and laundry facilities.⁵³

These risks have given rise to a range of work-related health concerns among im/migrant farmworkers ranging from chemical exposure to infectious disease, chronic back and joint pain, musculoskeletal injuries, heat stress and mental-health issues.⁵⁴ Migrant farmworkers, however, face substantial barriers to address these health concerns, including limited information regarding

40 Pickett et al. 1999; Sharpe and Hardt 2006.

41 WorkSafeBC 2012.

42 Bolaria, Basran and Hay 1988; Bolaria, Hay and Basran 1992.

43 Duarte and Sánchez 2008; Hennebry, Preibisch and McLaughlin 2010; McLaughlin 2009; Otero and Preibisch 2010; Pysklywec et al. 2011; Tucker 2006.

44 Tucker 2012.

45 Fairey et al. 2008.

46 Hennebry et al. 2010; McLaughlin 2009.

47 Hennebry 2008.

48 CBC News 2012.

49 Fairey et al. 2008.

50 CBC News 2009.

51 Ontario Provincial Police 2012.

52 Arcury et al. 2005; Quandt et al. 2006.

53 Hennebry et al. 2010.

54 Hennebry et al. 2010; McLaughlin 2009; Mysyk, England and Gallegos 2008.

health services and resources, legal protection or health-insurance coverage.⁵⁵ Language barriers further compromise access and quality of treatment. Moreover, both immigrant and migrant farmworkers lack secure income and thus may be unwilling to forfeit wages by taking time off from work.⁵⁶ Farmworkers also tend to refrain from accessing health services and fail to report work-related illnesses or injuries to their employers in order to protect their employment and/or immigration status.⁵⁷ In addition, im/migrant farmworkers' social and geographical isolation acts as a barrier to health care, particularly when some employers resist their requests for medical treatment.⁵⁸ Undeniably, wage labour in agriculture is not only highly precarious but also carries significant health and safety risks for workers, particularly those with less than full citizenship status. Because migrant workers are separated from their families and communities while in Canada, they have an incentive to work as much as possible.

Migrant workers' separation from their families thus plays well into employers' own incentives to extort as much labour from as few workers as possible, as observed by Marx in *Capital*: "It is the absolute interest of every capitalist to extort a given quantity of labour out of a smaller rather than a greater number of workers, if the cost is about the same."⁵⁹ On top of this, the fact that migrant workers are tied to a single employer puts them in a particularly precarious labour status.

In seeking to understand the connections between how citizenship shapes labour market outcomes and the enjoyment of rights, including workplace health and safety and health care, Goldring and Landolt's concept of precarious legal status is useful.⁶⁰ Precarious status identifies individuals or groups to whom the following applies: "the absence of permanent residence authorization; lack of permanent work authorization; depending on a third party for residence or employment rights; restricted or no access to public services and protections available to permanent residents (e.g. health care, education, unionization, workplace rights); and deportability."⁶¹ The concept of precarious status goes beyond either/or categorizations of migrant farmworker status (e.g. irregular/regular, undocumented/documentated, etc.) and recognizes the overlap or fuzziness between such categories and the membership norms, rights, regulations, public benefits and so forth associated with each.⁶² Further, this approach emphasizes how precarious status and work intersect, particularly because how immigration is managed internationally and nationally allows different degrees of legality and illegality that feed into employer strategies of "flexibilization" (flexibilization of work forces means employers can change hours of work, shift lengths and number of employees with ease).⁶³ As Bridget Anderson has argued, immigration controls work with and against migratory processes to construct workers with particular types of employment relations, many of which are particularly suited to precarious work.⁶⁴ There is ample evidence that unauthorized status is associated with negative employment outcomes⁶⁵ and that this status allows employers to restructure employment conditions so as to increase labour flexibility.⁶⁶ Yet, relatively little is known about how other forms of precarious legal status—including its authorized forms—intersect with precarious work. Migrants who use legalized pathways to enter "foreign" labour markets are able

Farmworkers tend to refrain from accessing health services and fail to report work-related illnesses or injuries to their employers.

55 McLaughlin 2009; Preibisch and Hennebry 2011.

56 Downes and Odle-Worrell 2003; Fairey et al. 2008; Preibisch and Hennebry 2011.

57 Fairey et al. 2008; Hennebry et al. 2010; Sergeant and Tucker 2009.

58 Verduzco and Lozano 2003.

59 Marx 1977:788.

60 Goldring and Landolt 2011.

61 Goldring and Landolt 2011:328.

62 Goldring 2010.

63 Anderson 2010; Goldring and Landolt 2011; Sharma 2006.

64 Anderson 2010.

65 Anderson 2010; Goldring and Landolt 2012.

66 Bloomekatz 2007; Saucedo 2006.

The transition to secure legal status does not always result in improved labour market outcomes.

to cross borders designed to keep others out, but they are also subject to many conditions on their entry that result in “differential inclusion” in the labour market and society.⁶⁷ As Macklin writes, immigration law serves to structure “the vulnerability of those who do enter by assigning them to varying categories of precariousness, ranging from illegality through permanent temporariness, transitional temporariness and permanent residence to citizenship.”⁶⁸ Furthermore, while some labour migrants transition to full citizenship status, each worker’s initial legal status and the time spent in that status—his or her trajectory—has a lasting impact on the quality of jobs he or she will get.⁶⁹ Goldring and Landolt’s research shows that the transition to secure legal status does not always result in improved labour market outcomes, a finding that indicates both how labour markets are becoming stratified according to migratory status and how precarious work can “become a ‘sticky’ web for people with precarious status.”⁷⁰

In these debates, our study sought to investigate the impacts of differing citizenship status on workplace health and safety for Mexican temporary migrants and South Asian immigrant farmworkers. Examining this question in a labour market that only recently began admitting temporary migrants allowed us to explore how labour regimes transition with the arrival of a new group of racialized, precarious status workers.

67 Fudge 2013; Macklin 2010; Sharma 2006.

68 Macklin 2010:232.

69 Goldring and Landolt 2011.

70 Goldring 2011:336.

Farmworker health and safety in British Columbia

ACROSS HIGH-INCOME COUNTRIES, immigrant and migrant farmworkers carry out many of the same tasks, often on the same farms, but with contrasting relationships to (and positions within) multiple and overlapping social relations of power (gender, race/ethnicity, age, sexuality, rural/[sub]urban location, state citizenship, class). Such differences have consequences for the structural realities of their lives and their ability to exercise their rights. For migrant guestworkers, precarious legal status stems primarily from time-limited, employer-specific work permits that highly constrain their labour mobility and, consequently, dampen their bargaining power. Crucially, employers can deport workers or give them a negative evaluation at the end of the season, thus jeopardizing future job placements. Thus, the lack of a dismissal review process in their contracts or the right to be rehired each year before new workers, combined with sending-country practices of labour control (e.g. worker evaluations or compulsory savings schemes), means migrants are a highly disciplined, vulnerable workforce. Other coercive features of temporary migration programs include forced rotation: obliging migrants to return home at the end of their contracts as a pre-condition for subsequent employment. Migrant farmworkers in Canada are offered no route to citizenship, and policies are in place to prohibit them from bringing their dependents, a factor that shapes their willingness to accept longer, anti-social hours.⁷¹ This disciplinary tactic is reinforced by recruitment policies that favour married applicants with dependents. Furthermore, temporary migrants usually reside on property owned/rented by their employer, living arrangements known to foster personal labour relations and extend employers' control beyond the sphere of work.⁷² Some of the newer agricultural TFWP streams require employers to provide either on-farm or off-farm housing.⁷³ The architecture and operation of Canada's guestworker programs ensures that, even though temporary migrants share many of the same rights as domestic workers, they will face challenges exercising those rights without a path to citizenship.

Although immigrant farmworkers enjoy permanent residency or full citizenship, the nature of their immigration trajectories also positions them precariously in the labour market. They fall within the definition of precarious status because their categorization as Family Class immigrants subordinates them to the person who sponsors their entry into Canada—often a son, son-in-law

Employers can deport workers or give them a negative evaluation at the end of the season, thus jeopardizing future job placements.

71 Basok 2002; Preibisch and Binford 2007.

72 Wall 1992.

73 Government of Canada 2014.

Family Class immigrants constitute a more vulnerable segment of the workforce if they feel compelled to repay their families for bringing them to Canada and supporting them.

or husband.⁷⁴ Sponsors agree to financially support their dependents for 10 years (even if the sponsored immigrant becomes a Canadian citizen in that period), including repaying any social assistance they may incur.⁷⁵ Family Class immigrants constitute a more vulnerable segment of the workforce if they feel compelled to repay their families for bringing them to Canada and supporting them, at times remaining in employment despite poor working conditions, ill health or old age.⁷⁶

Furthermore, while this category of immigrants has the right to move freely in the labour market, their mobility is hindered by language ability, age, suburban location and, often, their gendered responsibilities for social reproduction (i.e., their unpaid work in the household, which is essential to reproduce the labouring ability of workers themselves). As such, Family Class immigrants come to depend heavily on the farm labour contracting system for employment, an institution notorious for its exploitative labour practices.⁷⁷ FLCs act as intermediaries between workers and growers, supplying labourers, arranging wages and providing transportation, thus linking a predominantly suburban-sited, non-mobile group to the agricultural labour market.⁷⁸ FLCs are these workers' formal employer, rather than farm owner/operators. Strong kinship ties, with origins in the Punjab region of India, further shape workers' loyalty to contractors, even when these relationships are abusive.⁷⁹ Growers continue to rely on FLCs, despite a history of flouting employment standards and violating safety regulations.⁸⁰ Moore reports that 69 per cent of FLCs involved in site visits by provincial authorities in 2003 were in contravention of "core issues" including non-payment of wages, failure to pay minimum wage and fraudulent payroll records.⁸¹ Overall, labour contracting has multiple implications for the employment relationship, including the potential to discourage growers from training contract workers and, consequently, increase the risk of accidents.⁸² The manifestations of the power imbalance between farmworkers and their contractors have been well documented in the US and UK literature, including wage theft, debt peonage, physical/verbal abuse, unjust firing, unfree labour and blacklisting.⁸³ Both groups, racialized as non-white workers from the "Third World," enter a labour market hierarchically organized by race and gender and confront challenges to their social inclusion in predominantly white rural communities.

The social contours of our survey participants corroborated existing descriptions of the workforce. On average, South Asian immigrant farmworkers were older, married women who came from India as Family Class immigrants and now held Canadian citizenship (65 per cent) or permanent residence (35 per cent). Most had very little formal education: more than a fifth lacked primary school education. Conversely, Mexican migrants were generally young, married men and had completed junior high school or higher. A majority were from the most populous (and poorest) central and southern states of Mexico, and more than half spoke an indigenous language, a strong indicator of indigeneity. While South Asian survey participants included mixed numbers of newcomers and longer-settled immigrants, the majority of Mexican migrants (84 per cent) had just begun their labour trajectories in Canada, and over three-quarters had only worked in British Columbia.

74 Oxman-Martinez et al. 2005.

75 Ontario Ministry of Community and Social Services 2013.

76 Fairey et al. 2008; Oxman-Martinez et al. 2005.

77 Bush and Canadian Farmworkers Union 1995; Moore 2004.

78 Immigrant farmworkers belong to households located predominantly outside rural areas, owing to the greater concentration of co-ethnics, cultural/religious infrastructure and employment opportunities in cities.

79 Bush and Canadian Farmworkers Union 1995.

80 Fairey et al. 2008; Moore 2004.

81 Moore 2004.

82 Guadalupe 2003.

83 Benson 2008; Linder 1990; Vaupel and Martin 1986.

COERCIVE LABOUR PRACTICES, WORKING HOURS AND LABOUR INTENSITY

Our research found a labour regime in agriculture characterized by coercive employment practices occurring in a weak regulatory environment, with serious consequences for workplace health and safety, even for those who had achieved formal citizenship. To begin, a principal finding was that farmworkers' fear of losing hours or jeopardizing their current or future employment led both groups to accept work or transportation they perceived as unsafe, to work long hours, to work while ill or injured and, in the case of migrants, to acquiesce to poor housing. A common perception among Mexican migrants was that questioning their employers, let alone refusing work or long hours, would jeopardize their current and long-term employment in the SAWP through a negative evaluation, failure to be recalled or premature dismissal/deportation. The following excerpt illustrates migrants' reticence to raise concerns:

"The tractors don't have signal lights and the brakes are failing. Sometimes you have to drive on the highway when you're going from one field to another, and this worries me. But if [my employer] says the signal lights or brakes are working, I'm not going to contradict him." (Mexican migrant)

South Asian immigrants similarly feared that speaking out could result in losing both income and their jobs. As one former farmworker-turned-advocate explained:

"Today if I speak something against the contractor, the next day I'm not going to be picked up. He'll say, 'Fine, stay at home. You'll come to know.'" (advocate)

Fear of losing hours or jeopardizing future employment led both immigrants (79 per cent) and migrants (69 per cent) to work when ill or injured and/or avoid reporting health concerns. Our interviews included statements such as:

"We tolerate the pain and don't say anything." (Mexican migrant)

"There are people who have injured themselves horribly, and even so they keep working." (Mexican migrant)

In addition to short-term economic motivations such as losing hours for working while ill or injured was a general fear of employer reprisals. When respondents were asked to agree or disagree with the statement "On my farm there are co-workers who work when they are ill because they are afraid to tell the boss," 48 per cent of Mexican migrants responded affirmatively, as did 44 per cent of South Asian immigrants. The following excerpts illustrate this view:

"You don't want to stop working because you think maybe they [employers] won't ask for me [next year] if they see me complain and because I'm hurt." (Mexican migrant)

"I'm still in pain, but I've decided not to say anything because I'm ashamed [and] afraid the boss will send me back to Mexico." (Mexican migrant)

"I have felt sick a few times at work, but I was afraid that the owner may get angry at me if I asked for [time off]." (South Asian immigrant)

Farmworker advocates stated that a common employer response to illness or injury among migrants was firing the individual and arranging his/her deportation. This practice has been widely documented in Eastern Canada.⁸⁴

A common perception among Mexican migrants was that questioning their employers, let alone refusing work or long hours, would jeopardize their current and long-term employment.

84 Basok 2002; Henneby 2006; McLaughlin 2009; United Food and Commercial Workers Canada 2005.

Fear is also fostered through degrading treatment. Study participants reported verbal aggression (yelling, insults, racist remarks) and even physical violence. When asked to rate activities they carried out on the job in terms of the perceived risk to their health and safety on a scale of 1 to 10, where 1 indicated very low risk and 10 indicated very high risk (hereafter the “risk scale”), 44 per cent of the Mexican migrants and 22 per cent of South Asian immigrants rated “working with an aggressive boss or supervisor” as high risk (≥ 7). Thus, while both groups perceived aggressive management as a risk, it was of considerably greater concern to Mexican migrants.

Fear of jeopardizing their employment is also inducing both groups to acquiesce to long shifts. Mexican migrants, however, worked significantly longer shifts than their South Asian counterparts. Our survey found that during high production, Mexican migrants worked an average of 12 hours on weekdays and eight hours on Saturday and Sunday, while South Asian respondents averaged nine hours on weekdays and five hours Saturday and Sunday. The trend for Mexican migrants to work longer hours held up in low production periods when they reported an average of nine hours on weekdays and five on Saturday and Sunday, while South Asians worked an average of six Monday to Friday, three on Saturday, and 2.5 on Sunday. Thus, even low production periods involved a 55-hour work week for Mexicans, substantially higher than the 30.5-hour work week for South Asians. While both groups perceived long hours as risky, this was more of a concern for South Asian immigrants who are, on average, older than Mexican migrants. Forty-three per cent of South Asian respondents rated “working long hours” as a high-risk activity compared to 28 per cent of Mexicans. As one participant said, “The hours worked [are] a risk. During the rush season, I’d work 11- to 12-hour shifts for two straight weeks. My body would be sore, but I knew I’d have to get up and gut it out” (South Asian immigrant). Some individuals in both groups work even extraordinarily longer hours: up to 20 in a continuous shift. Mexican migrants reported working for two weeks straight before having a day off. Although these workers are motivated to work as many hours as possible during their work permits, they can jeopardize their employment if they refuse.

Amendments in 2001 to BC’s Employment Standards Act have likely exacerbated the already long shifts that characterize seasonal farm work.

Amendments in 2001 to BC’s Employment Standards Act, which governs minimum wage, hours of work and holiday pay, have likely exacerbated the already long shifts that characterize seasonal farm work. Farmworkers lost their entitlement to overtime pay and had to work longer to compensate for wages they lost through other mechanisms, such as cuts to the minimum piece-rate wage. In 2008, a study calculated that Canadian farmworkers on piece rates were earning just over \$5 per hour⁸⁵ at the time that Mexican migrants were making \$8.90 per hour (the prevailing minimum wage at the time was \$8 per hour).

In addition, the self-disciplining character of piece rates operates in a distinct institutionalized context whereby eligibility for Employment Insurance in the off-season (an entitlement denied to migrant workers) requires recent labour market entrants to accumulate a minimum of 910 hours the first season and a minimum of 700 hours in following years.⁸⁶ Because employment opportunities in agriculture diminish substantially in the winter, Canadian workers often rely heavily on Employment Insurance payments to complement their income.⁸⁷ Immigrant farmworkers may thus acquiesce to prolonged work hours, consequently placing themselves at an increased risk of workplace injuries and accidents, or work while ill or injured. Guestworkers are protected from this form of wage theft since their employers are contractually obliged to pay them annually negotiated hourly rates. Employers were implementing productivity targets for migrants, however, that similarly intensified production, at times involving bonus payments. Mexican migrants, residing permanently in a country with a much lower rank on the human development index (71)

85 Fairey et al. 2008.

86 Ibid.

87 Ibid.

than Canada's (8)⁸⁸ and separated from their families, also accept long hours in order to maximize their earnings during their temporary employment, retain the approval of their employers and protect their Canadian jobs.

In agriculture, the occupational health hazards of fatigue⁸⁹ occur in workplaces that involve physically demanding tasks carried out at an intense pace.⁹⁰ Study participants perceived that unreasonable productivity targets, piece-rate wage systems and pressure from management intensified the production process to an extent that was increasing their risk of workplace injury:

"Since we use very sharp knives and they ask us to cut very quickly, there's always a risk. They ask us to cut 13 boxes of [green peppers] per hour per person, so you have to work very fast, and I've cut myself twice." (Mexican migrant)

"To make work safer, I feel that we should receive three breaks per day and not get pushed so hard by our contractor to work faster." (South Asian immigrant)

Employers were also using ethnic or national competition as a disciplinary tactic to increase productivity or gain acquiescence and were intimidating South Asian farmworkers with their potential substitution by Mexican migrants and vice versa. With the spectacular growth of the SAWP, these threats need little reinforcement among South Asians. However, labour replacement also constitutes a threat for Mexican migrants. The year after a group of Mexicans became the first migrant agricultural workers to unionize in British Columbia, their employer rehired only a dozen migrants out of the original 38 and supplemented the workforce with 28 Canadians.⁹¹

Respondents described hazards such as falling from heights, cuts from dull knives or injury from machinery.

WORKPLACES, TRANSPORTATION AND HOUSING

Immigrant and migrant farmworkers also worked in environments they perceived to be unsafe. Respondents described poorly maintained equipment and worksites that presented hazards such as falling from heights, cuts from dull knives or injury from machinery. Inadequate hygiene and sanitation on some farms also pose health and safety risks. Fourteen per cent of our respondents reported lacking access to bathrooms. Interviewees reported withholding urine and stool for extended periods, being reprimanded for using toilets outside scheduled breaks and the indignities of lacking bathroom facilities in a mixed-gender workplace. One Mexican migrant said: "If I feel like going to the bathroom, I go, but my co-workers say they wouldn't do it because they fear they'll be fired" (Mexican migrant). Thirty-one per cent of respondents rated the risk of working without access to a bathroom as a high-risk activity. Twenty-three per cent also reported lacking hand-washing facilities at their worksites, amplifying their risk of exposure to infectious diseases and chemicals. Interviewees reported being unable to wash their hands before eating after using the toilet, handling chemicals or working with soil. One interviewee related: "Sometimes we cannot wash our hands as we'd like to and this causes stomach ailments. Many of us have fallen ill. It's what we get the most" (Mexican migrant). Finally, more than a third of migrants and a quarter of immigrant farmworkers indicated lack of drinking water as a high risk.

Transportation also presents a risk to both groups. For immigrant workers dependent on the FLC system, unsafe transportation may constitute their most serious occupational hazard.⁹² One participant

88 United Nations Development Programme 2013.

89 Lilley et al. 2002.

90 Basok and Rivas 2012.

91 Sandborn 2009.

92 Canadian Farmworkers Union 1995.

explained why she drove to work: “It was common knowledge in the field that contractors did not offer their workers adequate seatbelts, the van was overloaded, and it was being driven too fast” (South Asian immigrant). Among survey respondents transported to their worksites, an astounding 27 per cent reported insufficient seatbelts. Further, 24 of our South Asian immigrant respondents disagreed with the statement “I felt safe when being transported from my home to my workplace.” Respondents reporting insufficient seatbelts were more likely to be travelling in vans or buses driven by an FLC and to work on larger farms. While Mexican migrants tend to live on farm premises, they are exposed to transportation hazards travelling between worksites, often sitting or standing in trailers, wagons or tractors, some of which are not roadworthy. Both groups also face risks when working in remote areas, since some employers fail to provide a vehicle or cellphone for emergencies. One interviewee reported carrying an injured co-worker 30 minutes before reaching a telephone.

Housing was also a specific concern for migrant workers. Thirty-seven per cent of Mexican survey respondents disagreed with the statement “The state of my housing does not present any risk to my health” and reported shortcomings in facilities such as inadequate sanitation, with some dwellings lacking indoor plumbing and potable water (see Figure 1). Farmworker and advocate interviewees emphasized concerns of overcrowding, as well as insufficient facilities:

“People are living nine, 10, 11 to a house with access to one bathroom; without even a stove but three or four electric hotplates for nine people. No washer, no dryer. There are houses that...are not even adequate for human abode.” (advocate)

Mexican migrants are exposed to transportation hazards travelling between worksites, often sitting or standing in trailers, wagons or tractors, some of which are not roadworthy.

Figure 1: Survey results of availability of housing facilities for Mexican migrants

	% Yes	% No
Drinking water within the dwelling	97	3
Functioning toilets inside the dwelling	93	7
Portable toilets outside the dwelling	71	29
Running water inside the dwelling	96	4
Kitchen separated from the toilet	88	12
Stove separated from sleeping area	72	28
Sufficient refrigerator space for all occupants	79	21
Sufficient cooking elements for all occupants	75	25
Washing machine	81	19
Tumble dryer	75	25
Heating in cold weather	86	14
Windows with insect screens	75	25

Despite SAWP guidelines (developed by the BC agriculture industry in conjunction with HRSDC in 2005) indicating that a laundry facility should be provided for every 15 occupants, 19 per cent of migrants had no washing machine and 25 per cent had no tumble dryer. This is a significant concern considering the importance of washing clothes to mitigate pesticide exposure. Further, inadequate refrigeration space is troubling, given that migrants' access to supermarkets is generally limited to one day per week. The risks of gastrointestinal problems are exacerbated by insufficient cooking elements that impede migrants' ability to heat meals adequately, if at all. The existence of poor housing conditions indicates both inconsistent employer compliance with the SAWP agreement and regulatory deficiencies in monitoring and enforcement.

TRAINING AND LANGUAGE BARRIERS

A further principal finding was that most farmworkers—74 per cent of Mexican migrants and 70 per cent of South Asian immigrants—did not receive health and safety training for their jobs at their principal worksite. One woman, aged 30, who became a farmworker in Canada at age nine, said: "Throughout my agricultural career, I haven't received much training from my different bosses. In agriculture you learn from your co-workers and through experience. Your boss or supervisor doesn't have the time to train you properly and doesn't want to [pay] to have someone else train you" (South Asian immigrant). Even when workers did receive some occupational health and safety training, our research did not find a significant association between training and a decreased likelihood of occupational injury: workers were just as likely to get injured whether they received training or not. This could indicate that training is inadequate, corroborating our qualitative findings. Moreover, that training did not affect the likelihood of injury could also indicate that a trained person who returns to a hazard-filled environment is still exposed to the potential for injury because the structural factors that lead people to work unsafely or accept unsafe work remain unaddressed. Training in workplace health and safety is essential for all workers, but it may be even more important for im/migrants whose non-Canadian work experience likely took place under different conditions and regulatory environments.

Most farmworkers did not receive health and safety training for their jobs at their principal worksite.

In addition to insufficient training, farmworkers confronted language barriers in their jobs that held consequences for workplace health and safety. Our study found that workers whose self-assessed English proficiency is poor or very poor were more likely to have sustained a work-related injury. Among South Asian immigrants, we found a strong relationship between language skills and work-related injuries; 75 per cent of South Asian workers who reported work-related injuries rated their English proficiency as poor or very poor. Using Cramér's V, a measure of the strength of association between two nominal values, indicates that having sustained a work-related injury and self-assessed poor or very poor English skills was 0.346 ($p <= 0.05$), suggesting a strong relationship. Although the survey did not find statistically significant results for Mexican migrants, it is noteworthy that 82 per cent of those who reported a work-related injury also reported poor or very poor English skills. Mexican migrants perceived language barriers as a greater risk than South Asian immigrants, some of whom speak English or whose FLC, supervisor or employer speaks Punjabi. When asked whether they agree with the phrase "I think that not knowing the language of my supervisor increased my risks," 82 per cent of Mexican migrants and 49 per cent of South Asian immigrants agreed, indicating different but widespread language barriers. In fact, when asked to rate "Working without knowing the language of the supervisors or employer" on the risk scale, the median risk assessment of Mexican migrants was 6 and that of South Asian immigrants was 2.

ACCESS TO HEALTH CARE

Language barriers also constitute one of multiple barriers to health care identified in this study, particularly for Mexican migrant workers. This barrier is compounded by geographical isolation and poor rural transportation, as most migrants live on farms located in rural, sometimes remote areas. Long, anti-social work shifts further hamper their access to health care. Moreover, migrants are not eligible for the provincial health care plan until they have resided in British Columbia for three months; they also depend on their employers to register them. In our study, only eight out of 100 migrants surveyed had been enrolled in public health care. Although migrant workers have private insurance for the intervening period, its coverage is limited: at the time of the study, some clinics and hospitals were not recognizing it and, consequently, either refused to treat migrants or required a pre-payment, something migrants were unwilling or unable to finance. For South Asian immigrants, the three-month qualifying period for public health care also applies to newcomers, thus increasing their dependency on their sponsors.

Access to health care was impeded by employers and supervisors who did not respond immediately (or at all) to farmworkers' concerns.

In addition to insurance-related problems, access to health care was impeded by employers and supervisors who did not respond immediately (or at all) to farmworkers' concerns:

"The delay it takes—it's as if they don't believe us immediately. One of my co-workers has been waiting a month, and they [Mexican Consulate employees] told him that they're going to come visit him today to see if they take him to the doctor. They'll probably send him [back] to Mexico." (Mexican migrant)

Immigrant farmworkers also claimed that FLCs denied requests for medical care on the job:

"If we have an accident at work, we'll be left to take care of ourselves. Another problem with the contractor is that they don't pay attention to anyone who gets hurt. They will never offer to take someone to the hospital if they get injured or are feeling ill. They may offer the person a ride home, but more often they'll tell you to wait in the lunchroom until the day is over." (South Asian immigrant)

When respondents were asked to express their level of agreement with the statement "My boss does what is necessary to guarantee the health and safety of his workers," 42 per cent of Mexican migrant farmworkers disagreed. Similarly, when South Asian farmworkers were asked to indicate their level of agreement with the statement "The owner of the farm cared about the health and safety of his workers," 29 per cent disagreed.⁹³ Employers' failure to respond to farmworkers' requests for medical care may generate feelings of despair, hopelessness and having been discriminated against—factors identified by researchers as stressors for higher rates of mental distress and psychiatric difficulties among migrants.⁹⁴ Such failure is also a violation of provincial occupational health and safety legislation and the current SAWP agreement.

93 The wording of this phrase was slightly different in order to convey a similar meaning in Punjabi.

94 Arcury and Quandt 2007; Lee 2008; Magaña and Hovey 2003.

Conclusion and recommendations

THROUGHOUT HIGH-INCOME COUNTRIES, non-citizen migrants are a growing component of the labour market supporting food systems. A key finding of this study is that the debate about “sustainable agriculture” and “sustainable food systems” has not focused enough, if at all, on the issue of sustainable and safe employment for agricultural workers. We must thus emphasize that *social sustainability* is just as important in this context as environmental sustainability, and a food system that depends on precarious workers cannot be viewed as “sustainable.”

In Canada, temporary migration programs have served as a principal policy instrument to expand non-citizen migrant employment in food and agricultural industries, most dramatically since 2002. This shift, along with other changes to immigration policy, has resulted in greater variation in the Canadian workforce in terms of status categories and their associated entitlements. Our research on workplace health and safety provides insights into the intersection between precarious work and precarious legal status through a novel and empirically rich comparison of migrant and immigrant farmworkers. As we have demonstrated, migrants on tied work permits are subject to highly coercive forms of labour discipline that rest principally on their deportability. The fear of losing the opportunity to access Canadian wages, fostered as a result of their precarious legal status as highly deportable, temporary labour market entrants, compels them to acquiesce to working conditions and housing that many perceive as unsafe or damaging to their health, to accept exceptionally long hours or to work while ill or injured. Family Class immigrants experience precarious legal status in other ways. These older, predominantly female workers, living in (sub)urban centres, face challenges to their economic integration in the wider workforce. They thus rely on the FLC system to link them to the agricultural labour market, where they face a remuneration system that induces them to accept undesirable working conditions if they are to qualify for social protection during the low season. They face specific risks linked to the FLC system, including that the contractor rather than the farm owner is their formal employer, a factor that may affect the amount and quality of the health and safety training they receive. Studies that focus on one group of precarious legal status workers—landed immigrants, undocumented migrants or authorized guestworkers—may fail to perceive how people occupying a diverse range of social locations are differentially incorporated into the same labour markets to the benefit of capitalist accumulation. As we have shown in our comparison of two legalized groups of im/migrant workers, precarious migratory status shapes labour regimes in distinct, complex and paradoxical respects.

Social sustainability is just as important as environmental sustainability, and a food system that depends on precarious workers cannot be viewed as “sustainable.”

Both groups of these racialized, precarious status workers toil in an occupation long characterized by exploitative employment conditions, weak labour standards, insufficient monitoring of compliance and lax enforcement of the law. One of the principal contributions of our study is a snapshot of the wretched labour regimes that characterize contemporary food and agricultural production in a post-industrial economy. Farmworkers continue to face a number of indignities at work, such as verbal, physical and racial aggression; exacting productivity standards that have intensified the work process; and dangerous environments for which they have received little health and safety training and in which they often do not understand the language of the “shop floor.” Among risks to their bodily integrity are unsafe transportation to their jobs and unsanitary, under-equipped and overcrowded housing. Migrant farmworkers in particular work incredibly long shifts, averaging an astonishing 76 hours per week without a day of rest in periods of high production.

Immigrants with partial or full formal citizenship have greater opportunities to escape agriculture’s brutal labour regime.

Immigrants with partial or full formal citizenship, however, have greater opportunities to escape agriculture’s brutal labour regime. Entitled to labour mobility and state-funded language classes, they can potentially improve their labour market attachment and find work outside of the sector. At the very least (although unlikely) they can also withdraw from the labour market to rely on their family members physically located in Canada and, for those landed for more than 10 years, access the (diminished) social protection offered by the state (e.g. welfare). Being supplementary rather than primary economic providers for their households is one factor that may allow them greater latitude to work fewer hours than guestworkers in what is a physically exacting job. Finally, for those immigrants who cannot leave agriculture or who “choose” to remain in the sector, formal citizenship rights afford them greater ability to pursue claims against their employers, notwithstanding the barriers we identified with the FLC system. Indeed, that temporary migrants return to their home countries, either as a result of forced rotation or deportation, acts as a constraint on migrants’ ability to exercise their rights. Although unions and community groups have been pursuing migrant rights through the courts and provincial labour boards aggressively since the mid-2000s, fundamental features of guestworker programs such as deportability and forced rotation hamper these efforts.

While formal citizenship rights mitigate some vulnerabilities, the activist call for “status on arrival” would defeat the purpose of guestworker programs from the perspective of employers and government. The popularity of such programs lies in their efficacy in allowing the state and employers to implement flexible labour regimes around migrants’ unfreedom, including in worksites where farmworkers with multiple citizenship statuses are employed. As our research corroborates, the employment of migrants—whether provisional or consistent—changes agricultural labour regimes substantially.⁹⁵ Competition between workers of mixed citizenship status, along with other disciplinary strategies, creates new standards for productivity and acquiescence that employers come to expect. Some farms have introduced ethnic/national competition through tapping the different TFWP streams, particularly given that the newer streams are even less regulated.⁹⁶ In this regard, our research emphasizes both the multifaceted composition of the labour force serving agriculture and its mutually reinforcing benefits for production. Further, our findings corroborate scholarship on migrant incorporation in other high-income countries’ food systems that indicate that the expansion of migrant employment further entrenches farm work as a precarious and often dangerous job for all workers.⁹⁷ Formal citizenship status is thus not enough to address the dangers of precarious work in agriculture. As Goldring and Landolt have argued,⁹⁸ shifting from

95 Rogaly 2008; Rye and Andrzejewska 2010.

96 McLaughlin 2009.

97 Rogaly 2008; Rye and Andrzejewska 2010.

98 Goldring and Landolt 2011.

precarious legal status into secure status (in this case, sponsored family members who become citizens) does not ensure movement out of precarious work.

Most of the recommendations that follow are derived directly from our study, but we also take into account other efforts by organizations in civil society that are making constructive proposals to address issues related to temporary foreign workers (TFWs). In particular, we have drawn on the draft legislation proposed by the BC Employment Standards Coalition, prepared by Linnsie Clark (2013);⁹⁹ and on a white paper prepared by Susana Quail and West Coast Domestic Workers Association¹⁰⁰ regarding barriers to effective protection of temporary foreign workers in Canada. Two issues stand out in these documents: the temporariness of foreign workers has become permanent, and that there is an administrative and legislative maze to deal with TFWs.

On the first point, if there could be a determination that the Canadian labour market in general requires more workers, then more immigration permits should be given. The new immigrants would then qualify for permanent residency (PR) from the start. In this way, there would not even be the need for a “route to permanent residency” for TFWs; PR would be applied for at the moment of getting a work permit as a TFW. The assumption is that all new immigrants will be filling a labour market need. This is in fact how most workers entered Canada prior to 2006. As of this year, however, the share of TFWs exceeded that of immigrants, and the former have grown considerably more than the latter through time. Canada should once again become a nation of immigrants rather than one with two tiers of workers, one of which is condemned to precarious labour. While this strategic goal is pursued, the following policies are geared to address the most urgent needs in the existing administrative maze.

All recommendations pertaining to labour regulation below should be incorporated in the BC Employment Standards Act (ESA) so they can be monitored and enforceable with adequate funding. To this end, the BC government should establish an employment compliance team comprised of WorkSafeBC, RCMP/city police and the Employment Standards Branch (ESB), whose mandate should include random spot-checks at worksites to enhance enforceability. The ESA should be the very minimum protection to which all workers in BC are entitled.

Canada should once again become a nation of immigrants rather than one with two tiers of workers, one of which is condemned to precarious labour.

The provincial government and health authorities should:

- Reform BC medical insurance for SAWP and other agricultural workers streams so that they receive health coverage immediately upon arrival and also eliminate high upfront costs and waive premiums in recognition of these workers’ low-income status. At a minimum, ensure that insurance companies are contracted as needed to mitigate out-of-pocket expenses.
- Provide workers with information resources concerning the details of their health-care and insurance coverage in their languages, including region-specific information on local health-care providers and sexual-assault prevention.
- Register all migrant employers and recruiters, using Manitoba’s 2009 Worker Recruitment and Protection Act as a model. In consultation with migrants and community representatives, the BC government should keep up-to-date information on the whereabouts

⁹⁹ BC Employment Standards Coalition, prepared by Linnsie Clark 2013.

¹⁰⁰ Susana Quail and West Coast Domestic Workers Association 2014.

of all migrant workers.¹⁰¹ Similarly, require employers of TFWs to register so that the provincial government can hold them accountable in the case of violating the rights of TFWs. Make continued registration contingent on abiding by their contract with the TFW, the ESA and other BC legislation.¹⁰²

Ensure that WorkSafeBC is fulfilling its mandate to promote healthy and safe workplaces for all workers, including farmworkers.

- Ensure, through the Ministry of Jobs, Tourism and Skills Training and the Ministry of Technology, Innovation and Citizens' Services that WorkSafeBC is fulfilling its mandate to promote healthy and safe workplaces through the administration of the Workers' Compensation Act and the Occupational Health and Safety Regulation for all workers, including farmworkers.
- Ensure that greater attention is placed on the safe transportation of farmworkers by implementing the recommendations in the 2009 coroner's inquest into the March 2007 van crash that killed three women farmworkers and injured 14 others. Central among them is increasing random inspections of commercial vehicles.
- Fund and collaborate with community organizations and agencies active in working with immigrant and migrant farm workers that are well connected to these populations and have developed appropriate cultural, linguistic and other resources. Specific emphasis should be placed on outreach components and the incorporation of medical services with bilingual/bicultural support workers.
- Provide training courses for medical professionals who practise in areas of high farmworker concentration to ensure that they have a proper understanding of immigrant and migrant worker issues and of agricultural health hazards.
- Provide interpreters in hospitals and walk-in clinics to help farmworkers communicate their medical needs to health-care practitioners with the aim of reducing workers' dependency on their employers and improving the reporting of workplace injuries to WorkSafeBC.

WorkSafeBC should:

- Maintain budget increases to agriculture that were put into effect following the March 2007 van crash and recognize agriculture as a high-risk industry.
- Continue collaboration with the Employment Standards Branch, the Ministry of Transportation and Infrastructure and the RCMP aimed at improving farmworker transportation in such areas as random inspections of vehicles used by farm labour contractors.
- Encourage and support the formation and activity of health and safety committees at larger farms that can respond to issues related to workplace health and safety and do regular inspections for health and safety hazards.
- Increase the budget of the Farm and Ranch Safety and Health Association (FARSHA) to enhance its ability to fulfill its mandate in the context of a multilingual, multi-ethnic agricultural community.

¹⁰¹ Weiler, Dennis and Wittman 2014.

¹⁰² BC Employment Standards Coalition 2014:13.

The Farm and Ranch Safety and Health Association should:

- Provide more multilingual health and safety training and resources for employers and workers.
- Educate farmworkers about their rights and responsibilities through accessible, language-appropriate materials that include pictures.
- Adapt current practices to adequately address the needs of a migrant workforce (for example, by offering training schedules that take into account the varying arrival dates of SAWP workers).

Municipal governments should:

- Adopt comprehensive regulations for migrant-worker housing and improve their enforcement, including mid-season inspections and assessments. Because the provision of housing for migrant workers is a condition of their employment, housing standards for migrant workers should be homogenized throughout the province and included in the ESA.
- Proactively welcome migrant workers and provide a list of local communal resources in a variety of languages. Organize events in which migrant workers can participate so as to promote community integration.

The federal government should grant permanent residency to all immigrant workers, including farm workers, upon arrival in Canada.

The federal government should:

- Grant permanent residency to all immigrant workers, including farm workers, upon arrival in Canada.
- Amend the Immigration and Refugee Protection Regulations so that accompanying immediate family members of farmworkers with a temporary work permit are automatically eligible for an open work permit.
- Amend the Immigration and Refugee Protection Regulations to reduce the dependency of Family Class immigrants on their sponsors.
- Restructure the Seasonal Agricultural Workers Program, including replacing employer-specific work permits with open or industry-specific work permits.
- Abolish repatriation as an employer right. In cases of illness or injury, workers should receive coverage in Canada or in Mexico for the full length of their recovery and should also receive support in accessing their right to compensation and employment insurance. A process for appealing dismissal, administered by an independent body, should also be established.

The Mexican government should:

- Improve and increase health and safety information provided to workers through pre-departure orientation and resources. This should include both work-related information and other safety details such as the requirement to use helmets when cycling.
- Carry out medical assessments of workers upon their return to Mexico at the end of each work term.
- Increase the mediating role of the Mexican consulate and promote more proactive protection of the rights of Mexican workers, including the exercise of the consulate's prerogative to move workers to new employers.

Employers should:

Employers should comply with existing regulations under the Workers' Compensation Act and the Occupational Health and Safety Regulation.

- Help migrant workers obtain their Medical Services Plan CareCard upon arrival in Canada.
- Comply with existing regulations under the Workers' Compensation Act and the Occupational Health and Safety Regulation, including proper maintenance of worksites and the availability of toilet and handwashing facilities, drinking water, first-aid materials and personal protective equipment.
- Provide workers, free of charge, with all safety and personal protective equipment (such as masks, gloves and protective eyewear), including raingear and work boots not covered under existing regulations. Access to washers and dryers must be ensured.

Employer organizations should:

- Improve the dissemination and promotion of health and safety information to employers by including these materials in regular newsletters and any seasonal information packets distributed to their members.

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