



Canadian Centre for  
Policy Alternatives  
Manitoba Office

# work *life*

## When Does Temporary become Permanent?

**E**ach year up to 400 mostly Mexican workers come to Manitoba under the Seasonal Agricultural Workers Program (SAWP) to work on local farms. They perform physically strenuous work on vegetable farms and in greenhouses for up to eight months, year after year. Workers regularly toil twelve hours per day, six to seven days a week, and they live socially isolated from Canadian society.

The SAWP is the longest standing Temporary Foreign Worker Program in Canada, dating back to 1966. As such, 2016 marks the 50th anniversary of the program which was initially created to temporarily assist farmers in obtaining the workers required to cultivate their crops. The low wages and strenuous labour do not attract Canadians or Permanent Residents and therefore the SAWP was created to temporarily fill this significant labour market shortage in the Canadian agricultural industry.

The SAWP's 50th anniversary is evidence, however, that this temporary band aid for Canada's agricultural industry has become a permanent, essential element in maintaining the industry. After 50 years of the SAWP's existence it is clear that Canada's agricultural industry cannot survive without the help of the SAWP workers who leave their families to come to Manitoba every year to perform labour that Canadians are not interested in.

The workers are not provided with the same rights and privileges that Canadians and Permanent Residents enjoy. Some of those rights and privileges are:

- An avenue to immigrate to Canada;
- Access to social welfare programs;
- Accessible health care; and
- Unimpeded freedom of association.

### Immigration

SAWP workers are not eligible to apply for permanent residency. As a result, workers provide labour in Manitoba year after year, some for more than 20 years, and remain in the status of a temporary foreign worker, unable to ever immigrate with their families to Canada despite Canada's strong dependence on their labour. Not only are the workers' families not permitted to immigrate to Canada, they are not permitted to visit Canada at all.

### Social Welfare Programs

SAWP workers pay Employment Insurance (EI) premiums, pension plan premiums, and income tax but they are not able to access many of the social programs funded by their contributions. For example, although SAWP workers pay EI premiums and qualify with hours after some months of labour, they cannot receive regular EI benefits once they return home because they must be living in Canada and available to work in order to qualify. Migrant workers are not eligible for settlement services available to immigrants and refugees though they may potentially benefit from some of these services, such as English as an Additional Language classes.

In addition to the contributions to Canada's social programs, workers are responsible for reimbursing the employer for the cost of the work permit, travel costs to and from their home country, health/travel insurance and for paying a deduction for household maintenance.

### Health Care

A lack of English and their isolation on farms makes SAWP workers very dependent on their employers and vulnerable to abuse. The workers' legal status in the country is tied to their employer, and they are reliant on their employer for housing

205 - 765 Main St.

Winnipeg, MB

R2W 3N5

204-927-3207

[lynne@policyalternatives.ca](mailto:lynne@policyalternatives.ca)

[www.policyalternatives.ca](http://www.policyalternatives.ca)

**May 26, 2016**

ERROL BLACK CHAIR  
**EBC**  
IN LABOUR ISSUES

**“It is clear that the SAWP (Seasonal Agricultural Workers Program) is no longer a temporary solution to addressing Canada’s labour shortage in the agricultural industry”**

and transportation, including to a clinic or hospital in the case of illness or injury. Not only are workers uncertain of what their private health insurance covers, they want to be nominated by their employer to return the following year and so are hesitant to admit to being ill and trying to access care. Injuries among SAWP workers are unfortunately a common occurrence due in large part to the strenuous and repetitive work that they perform. This is exacerbated by the long hours they work so they can send as much money as possible back to their families. Although they are keen to work long hours, testimonials from the workers indicate that some are not provided with a day of rest during their entire stay from August through mid-October.

When injuries do occur, workers often hide their injuries for fear of missing out on money that they could be earning or fear of being sent home. Some employers actually discourage workers from applying for Workers Compensation when they are injured or become sick on the job.

When workers are seriously injured and cannot work, they face ‘medial repatriation.’ The recent case in Ontario highlights how this practice puts workers in such a precarious situation. A migrant worker from Jamaica was badly injured at work. His inability to work invalidated his work visa so there was an effort to send him home for care. He died before the situation was resolved, but had he been repatriated his prospects for recovery in Jamaica would have been even worse. This man had been coming to Canada for 12 years straight to perform difficult work in trying circumstances. He paid into the same social programs Canadians pay into: he deserved access to those programs.

## **Freedom of association**

The SAWP is a joint program administered by both the Government of Mexico and Canada. Prior to leaving Mexico, workers report that they are often advised that they will jeopardize their employment by working or relating with unions or union organizers while in Canada. This is a violation of Manitoba’s labour legislation which allows agricultural workers to unionize. The Mexican Embassy to Canada is responsible for the workers’ wellbeing while in Canada, however, there are reports that it has black listed workers from the program if they have been associated with a union in Canada.

Despite the problems, some progress has been made: Manitoba’s Worker Recruitment and Protection Act provides a framework to better protect workers from abuses. In 2014, Manitoba granted the workers access to Manitoba Health Care, however, the Province needs to better educate workers so they understand how the system works and injured or sick workers should not face medical repatriation. Although the province can do much more to protect these workers, Manitobans and all Canadians need to engage the federal government in a serious conversation about how these workers are treated. It is clear that the SAWP is no longer a temporary solution to addressing Canada’s labour shortage in the agricultural industry.

After 50 years, it is time to figure out how to change, or replace the program, so that workers can be treated with the same dignity and respect as Canadians and Permanent Residents.

*Nicole Smith and Lynne Fernandez are members of the Migrant Workers Solidarity Network. Lynne Fernandez holds the Errol Black Chair in Labour Issues at the Canadian Centre for Policy Alternatives, MB*

**work** *life*