



NSI Workshop

*Findings, Conclusions & Recommendations of
the First Comprehensive Study on Canada's
Seasonal Agricultural Workers Program*

November 21-22, 2003



Documents provided by IICA Canada

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- Agenda
- Participants List

Executive Summaries

Regulatory and Policy Framework, Farm Industry Level Employment Practices, and the Future of Program Under Unionization
- *Veena Verma*

The Social Relations Practices between Migrant Agricultural Workers, Farm Employers and Farm Community Residents
- *Kerry Preibisch*

Analysis of Survey of Migrant Workers: Jamaican Workers
- *Roy Russell*

The Canadian Seasonal Agriculture Workers Program
Barbados, Trinidad & Tobago, OECS
- *Andrew Downes & Cyelene Odil-Worrell*

A Study of the Program for Temporary Mexican Workers in Canadian Agriculture
- *Gustavo Verduzco & Maria Isabel Lozano*

The Canadian & United States Migrant Agricultural Workers Program
- *David Griffith*

Final Reports Amended As Per Consultation Workshop
Received: *January 2004*



The North-South Institute - L'Institut Nord-Sud

NSI Workshop
Findings, Conclusions and Recommendations of the first Comprehensive Study on
Canada's Seasonal Agricultural Workers Program
November 21-22, 2003
Volunteer Canada Building, 330 Gilmour St., Ottawa Canada

WORKSHOP PROGRAM

Friday, November 21

8:30 – 8:45	Welcome, Introduction and Comments	Roy Culpeper, President, NSI
8:45 – 9:00	Remarks (HRDC CSAWP Perspective)	Dave Greenhill, HRDC
9:00 – 9:10	Remarks (Caribbean CSAWP Perspective)	Jerome Davis, Liaison Officer Barbados Liaison Services
9:10 – 9:20	Remarks (Mexico CSAWP Perspective)	Armando Vivanco, Legal Attaché Embassy of Mexico
9:20 – 9:30	Remarks (Employer CSAWP Perspective)	Gary Cooper, President F.A.R.M.S.
9:30 – 9:45	<u>COFFEE BREAK</u>	
9:45 – 10:45	“ CSAWP Regulatory and Policy Framework, Farm Industry-level Employment Practices and the Potential Role of Unions”	Veena Verma, Barrister/Solicitor Cavalluzzo Hayes Shilton McIntyre and Cornish
10:45 – 11:30	Open Discussion on Findings and Recommendations	
11:30 – 12:30	“The Social Relations Practices : Residents of Rural Ontario-Migratory Workers-Farm Employers”	Professor Kerry Preibisch, University of Guelph
12:30 – 1:15	Open Discussion on Findings and Recommendations	
1:15 – 1:45	<u>LUNCH</u>	
1:45 – 2:45	Case Study: “Jamaican Workers’ Participation in CSAWP and Development Consequences in the Workers’ Rural Home Communities”	Roy Russell, President, Agro-Socio Economic Research, Kingston, Jamaica
2:45 – 3:30	Open Discussion on Findings and Recommendations	
3:30 – 4:30	Case Study: “Barbados, Trinidad & Tobago, OECS Workers’ Participation in CSAWP and Development Consequences in the Workers’ Rural Home Communities”	Professor Andrew Downes and Cyrilene Odle-Worrell, University of the West Indies, Cave Hill, Barbados
4:30 – 5:15	Open Discussion on Findings and Recommendations	

**NSI Workshop
Canada's Seasonal Agricultural Workers Program
Volunteer Canada Building, 330 Gilmour St., Ottawa, Canada**

WORKSHOP PROGRAM (cont'd)

Saturday November 22

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| 8:30 – 9:30 | Case Study: "Mexican Workers' Participation in CSAWP and Development Consequences in the Workers' Rural Home Communities" | Professor Gustavo Verduzco Igartua, El Colegio de Mexico |
| 9:30 – 10:15 | Open Discussion on Findings and Recommendations | |
| 10:15 – 11:15 | "Parallels and Divergences Between Two North American Seasonal Agricultural Labour Markets with Respect to 'Best Practices'" | Professor David Griffith, East Carolina University |
| 11:15 – 12:00 | Open Discussion | |
| 12:00 – 12:45 | <u>LUNCH BREAK</u> | |
| 12:45 – 1:45 | "Hemispheric Integration and Trade Relations: Implications for CSAWP" | Ann Weston, Vice-President and Research Coordinator, NSI |
| 1:45 – 2:15 | Open Discussion | |
| 2:15 – 3:00 | "CSAWP as a Model of Best Practices: Synthesis of the Research Evidence" | Rudi Robinson, CCSAWP Project Director and Senior Researcher, NSI & Project Director |
| 3:00 – 3:15 | Open Discussion | |
| 3:15 – 3:30 | Summary Comments on Workshop | Heather Gibb, Senior Researcher, NSI |
| 3:30 – 3:45 | Concluding Remarks | Roy Culpeper, President, NSI/
Ann Weston, V.P., NSI |

**ATTENDANCE LIST
(project 343)**

**NSI Workshop
Findings, Conclusions and Recommendations of the first Comprehensive Study
Canada's Seasonal Agricultural Workers Program
November 21-22, 2003**

Invited but did not attend

12299 Brendan Flanagan – please send copy of study referred to – unable to attend
 John Wright – Jamaican Liaison
 Robert Cardozo – Trillium Foundation
 Fahim Ahmad – Int'l Org. for Migration
 Michael Pearson
 Mme. Michele Saint Mleux
 Dominique Raynauld
 Andrew S. Downes – Univ. of the West Indies
 Keith Carter Citizenship and Immigration Canada

ATTENDED

11759 Abols, Percy – DFAIT
12383 Arguelles, Bing – Canadian Human Rights Foundation (SATURDAY ONLY)
11316 Banks, Kevin – HRDC
12301 Clark, Graeme – DFAIT
12347 Connery, Doug – Connery's Riverdale Farms Ltd.
12315 Cooper, Garry – Strawberry Tyme Farms – FARMS
12265 Crosby, Alison – InterPares
12384 Dade, Carlo – FOCAL
 9712 Daudelin, Jean – Carleton University
11408 Davis, Jerome – Consulate General of Barbados
12367 Delanghe, Hector – Delhaven Orchards
12359 Desnoyers, Madelaine – Rights and Democracy
12392 Doucet, Martin – Citizenship and Immigration Canada
12037 Fernandez, Edwardo – Ambassador – Embassy of the Dom. Republic
11308 Garcia Segovia, H.E. Maria Teresa – Mexican Embassy
12369 Gillis, Charlie – Macleans
12036 Gooding, William – High Commission of Barbados
 5048 Greenhill, David – HRDC
11980 Griffith, David – East Carolina University
11777 Hawa, Salam – HRDC
11525 Henson, Spencer – University of Guelph
12300 Hernandez-Iraheta, Minerva – DFAIT
12320 Heyder, Ella – HRDC
12382 Hopkins, Raul – IFAD
12363 James, Keith – Trinidad & Tobago
12360 Joseph, Carol (Mr.) – Chargé d'affaire – Embassy of Haiti
12380 Lapierre, Marthe – Development and Peace

12355 Liebenberg, Caroline – HRDC
 12351 Lionel, Egbert – Eastern Caribbean Liaison Service
 1814 Loubier, Yvan – Block Quebecois MP for St-Hyacinthe
 11076 Mackay, Donald – FOCAL
 12358 Mantha, René – F.E.R.M.E.E
 12316 Murray, Glyne – High Commission for Barbados
 12295 Neufeld, Henry – HRDC
 12120 Nitoslawska, Anna – Canadian Labour Congress
 12353 Odle-Worrell, Cyralene – Univ. of the West Indies
 12307 O’Leary, John – Frontier College
 12381 Paguaga, Claudia – FOCAL
 12356 Pappas, Christine – DFAIT
 12304 Pentney, Pat – Inter-American Ins. for Cooperation on Agriculture. (IICA)
 12032 Piggott, Arnold – H.C. – Trinidad & Tobago
 12358 Porter, Kathryn – DFAIT
 12308 Poulton, Brent – Frontier College
 11448 Preibisch, Kerry – Univ. of Guelph
 12365 Rampersadsing, Rudranath – Attaché – Trinidad & Tobago
 12391 Rancharan, Juan – Belize High Commission
 12309 Raper, Stan – United Food & Commercial Workers (UFCW)
 12031 Rodney Evering, Patricia – Jamaican High Commission
 12296 Rondeau, Mario – HRDC
 11625 Russell, Roy L. – ASER Ltd.
 12283 Smith, Jimmy – CIDA
 12394 Trepanier, Nathalie, CIDA
 12364 Tudakovic, Emina – Citizenship & Immigration Can. (FRIDAY ONLY)
 12393 Vantongerlow, Bob – Strawberry Tyme Farms - FARMS
 12348 Verduzco, Gustavo – Igartua, El Colegio de Mexico
 8509 Verma, Veena – Cavalluzzo Hayes Shilton McIntyre and Cornish
 8628 Vivanco, Armando – Embassy of the United Mexican States
 12370 Wildeman, Alan G. – Guelph University
 12314 Williams, Sue - Strawberry Tyme Farms (and Manager, F.A.R.M.S.)

NSI STAFF:

3577 Anglin, Gail – Resource Mobilization and Planning, NSI
 3578 Culpeper, Roy – President, NSI
 2652 Gibb, Heather – Senior Researcher, NSI
 11813 Mindiola, Omaira – Visiting Researcher, NSI
 10295 Robinson, Rudi, CSAWP Research Project Director– NSI
 10695 Ross, Lois – Communications Director, NSI
 11115 Scarpa de Massellis, Luigi – Researcher, NSI
 3589 Weston, Ann – VP & Research Coordinator, NSI

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**CANADA'S SEASONAL AGRICULTURAL WORKERS PROGRAM AS A MODEL
OF BEST PRACTICES IN THE EMPLOYMENT OF CARIBBEAN
AND MEXICAN FARM WORKERS**

Executive Summaries

1. "The Mexican and Caribbean Seasonal Agricultural Workers Program: Regulatory and Policy Framework, Farm Industry Level Employment Practices, and the Future of the Programme under Unionization", *Veena Verma, Solicitor and Barrister*
2. "The Social Relations Practices Between Caribbean and Mexican Migrant Agricultural Workers, Their Employers and Residents of Rural Ontario", *Professor Kerry Preibisch*
3. Case Study: "Jamaican Workers' CSAWP Participation and Development Consequences in Their Rural Home Communities" , *Roy Russell, Agro-Socio-Economic Research, Kingston, Jamaica*
4. Case Study: "Barbados, Trinidad & Tobago, and OECS Workers' CSAWP Participation and Development Consequences in Their Rural Home Communities", *Professor Andrew Downes and Cyrelene Odel-Worrell, University of the West Indies, Cave Hill, Barbados*
5. Case Study: "Mexican Workers' CSAWP Participation and Development Consequences in Their Rural Home Communities", *Professor Gustavo Verduzco, Igartua, El Colegio De Mexico*
6. "Parallels and Divergences Between Two North American Seasonal Agricultural Labor Markets with respect to "Best Practices", *Professor David Griffith, East Carolina University*
7. "Hemispheric Integration and Trade Relations: Implications for Canada's Seasonal Agricultural Workers Program", *Ann Weston, Vice President and Research Coordinator, The North South Institute*

**Report Prepared for the
NORTH SOUTH INSTITUTE**

COMPONENT I:

**THE MEXICAN AND CARIBBEAN SEASONAL AGRICULTURAL WORKERS
PROGRAM: REGULATORY AND POLICY FRAMEWORK, FARM INDUSTRY LEVEL
EMPLOYMENT PRACTICES, AND THE FUTURE OF THE PROGRAM UNDER
UNIONIZATION**

by

Veena Verma, LL.B.

**Cavalluzzo Hayes Shilton McIntyre & Cornish
Barristers & Solicitors**

November 2003

Executive Summary

The Canadian Seasonal Agricultural Workers Program (CSAWP) has been in existence for approximately 36 years. The CSAWP began as a pilot program between Canada and Jamaica in 1966. Since that time the CSAWP has expanded to include Mexico, Barbados, Trinidad & Tobago, and the Eastern Caribbean States of Dominica, Grenada, St. Kitts/Nevis, St. Lucia and St. Vincent & the Grenadines.

CSAWP is a formal program of "managed" circular migration. It facilitates the temporary migration of Caribbean and Mexican agricultural workers into Canada to meet fruit, vegetable and horticulture (FVH) growers' demand for low-skilled labour. HRDC's stated objectives of the program are paraphrased as follows:

- Meet qualifying FVH growers' seasonal demand for low-skilled agricultural workers during the peak planting and harvesting season when there is a relative shortage of similarly-skilled Canadian workers;
- Help maintain Canada's economic prosperity and global agricultural trade competitiveness through timely planting, harvesting, processing and marketing of fruits, vegetables and horticulture crops, and expand job prospects for Canadian citizens dependent on agriculture and agriculture-related employment opportunities;
- Enhance and maintain the Canadian economy's efficiency through better allocation of local labor resources;
- Improve the economic welfare of the migrant workers by providing them with temporary full-time employment in the labor-intensive commodity sectors of the FVH industry at relatively higher wages than they could obtain from similar or alternative activities in their home countries;
- Facilitate the return of the workers to their home countries at the end of their temporary employment in Canada.

CSAWP is managed and implemented within a three-tier institutional framework. At the federal level, the program is implemented within the framework of the *Immigration Refugee and Protection Act and Regulations* and a labour market policy premised on the "Canadians First" principle. At the provincial level, statutes relating to employment standards, labour and health govern program implementation. The program is also implemented within bilateral administrative arrangements between Canada and the source countries. These arrangements are formalized in Memoranda of Understanding (MOUs) and Employment Contracts between FVH growers and migrant workers and the Government Agents of the supply country.

The main objective of the research undertaken by the North South Institute on CSAWP'S institutional framework is twofold. First, to factually establish the "good practice" areas of CSAWP'S regulatory and policy mechanisms and industry-level employment practices that have worked, or are working well in the interest of the migrant workers and their FVH employers, and areas that might not have worked, or are not working well in the interest of both the migrant workers and their employers and which, therefore, may need "good practice" principles attention. Second, to propose practical recommendations, that CSAWP managers might use to build upon the areas of the program that are found to have worked or are working well, in order to address the challenges in those areas that might not have worked, or are not working well in the interest of both the migrant workers and their employers. The research also examines a possible role for unions in CSAWP operation at the FVH industry level in shaping the future direction of the program. The findings, conclusions and recommendations presented in this report are based on content analysis of the relevant federal and provincial statutes, the MOUs, Employment Agreements, the Supreme Court of Canada's decision in *Dunmore v. Ontario (A.G.)*, and international conventions, as well as sample interviews with CSAWP policy and operational managers. Data from workers was derived from surveys collected and summarized by researchers in Mexico and Caribbean.

Section I of the Executive Summary presents findings on the CSAWP'S institutional framework; Section II, industry-level employment practices; and Section III, the role of unions in the context of the *Dunmore v. Ontario (A.G.)*. Conclusions regarding CSAWP "best practice" features and

recommendations for future action follow.

Ontario was used as the case study since the majority of the CSAWP workers are placed on Ontario farms.

I. The Program's Institutional Framework

The CSAWP is established under a series of instruments that operate within the general labour and employment legislative scheme in Canada and the provinces.¹ These instruments delineate the duties and obligations of the various stakeholders in the Program and provide a comprehensive scheme for the migration of workers. The CSAWP may be described as a "government to government" managed program of migration. Private actors and any role they may have in the CSAWP are defined and regulated by government. The primary Canadian government agency in the administration of the Program is Human Resources Development Canada (HRDC). Government agents from Mexico and the Caribbean act as Government Agents in Canada between the workers and the Canadian government and growers. The Canadian Government privatized the administration of the CSAWP by delegating certain duties to the Foreign Agricultural Resource Management Services (FARMS) in Ontario, which is a non-profit organization charged with transmitting and processing employment orders accepted by Human Resource Centres. A Board of Directors elected from representatives in the grower community governs FARMS. It identifies itself as an organization "run by employers and it is for the employers". Similar private administration has been established in Quebec, with the Fondation des Entreprises en Recrutement de Main d'oeuvre Agricole Etrangere (FERMES).

Some of the key findings of the CSAWP institutional framework are the following:

1. The starting point in understanding the industry level practices of the CSAWP is to note the legal vacuum that exists for the protection of agricultural employment and labour

¹ The primary documents are the Memoranda of Understanding between Canada and Mexico and Canada and the Caribbean states. Attached as annexes are 1) Operational Guidelines and the 2) Employment Agreement that is required to be signed by all participating employers and workers.

rights in Ontario. As the Supreme Court of Canada noted in the *Dunmore v. Ontario (A.G.)* decision, the workers' exclusion from such a protective regime have disadvantaged them while living and working in Canada.

2. The legal status of the MOU between Canada and the supply countries is defined as an "intergovernmental administrative arrangement", not an international treaty. Therefore, the MOUs do not legally bind the parties. However, the Canadian government's decisions may still be reviewed under *Charter of Rights and Freedoms* and general principles of administrative law.
3. The MOUs incorporate the policy objectives and rationale of the CSAWP. It emphasizes the role of the state as determining those aspects of the program which are to their "mutual benefit"; monitoring the movement of workers; and ensuring that CSAWP workers do not displace domestic labour. The benefit to Canada and growers have been outlined at the outset of this Executive Summary. From the perspective of the sending countries, the CSAWP supports economic development at home through remittances of foreign currency. For example, in 2001, OECS reported that approximately \$2 million per year is sent back in remittances, and Jamaica benefited from approximately \$7.6 million in remittances. Workers benefit from earning Canadian dollars used to improve living conditions for themselves and their families when they return home.
4. The Employment Agreement is an employment contract that is supposed to be signed by the worker, the employer and the supply country government agent. It does not state how the Employment Agreement is to be enforced. Therefore, theoretically, it can be enforced like any other employment contract in the Canadian courts.
5. Workers are admitted into Canada under the general provisions relating to the issuance of temporary work permits under the *Immigration and Refugee Protection Act*. HRDC is required to provide a labour market opinion for each application based on factors outlined in the Act:
 - a. Is the work likely to result in direct job creation or job retention for Canadian

citizens or permanent residents?

- b. Is the work likely to result in the creation of transfer of skills and knowledge for the benefit of Canadian citizens or permanent residents?
 - c. Is the work likely to fill a labour shortage?
 - d. Will the ages and the working conditions offered be sufficient to attract Canadian citizens or permanent residents to, and retain them in, that work?
6. The labour shortage in agriculture has been couched in terminology of "reliability" and "suitability". There is no shortage of low-skilled Canadian workers, but rather, the shortage is qualitative in that even unemployed Canadians refuse to work in agriculture because of low wages and difficult working conditions.
7. CSAWP workers are authorized to remain in Canada only for a temporary period not exceeding eight months. Workers are required to live on the grower's property and to work only in agriculture. The majority of the CSAWP workers are "named" by growers to participate in the Program. The "naming" process provides workers a level of job security for future employment; but at the same time it may also act as a disincentive for a worker to raise complaints for fear of the employer not "naming" him/her for the next season. Many workers have been returning to Canada over several years under the "naming" process; however, workers do not accrue any rights to Canadian citizenship.
8. The CSAWP allows for workers to be transferred to another farm with permission from HRDC and the Government Agent. This allows workers to extend their stay in Canada thereby earning more wages, and growers have access to labour without going through the immigration process again. Government Agents may also activate the transfer process to ensure that a worker does not have to go home if he/she has difficulties with his/her employer. Currently, Government Agents report that the transfer process is

cumbersome and believe that FARMS should take a greater lead in administering this process. Because FARMS arranges for travel for all workers, it is able to track the dates of departures and arrivals of migrant workers, and therefore, has information readily available if there are openings on another farm. Mexico and the Caribbean states only have information about the movement of workers from their own countries. FARMS argues that this role should be assumed by government.

9. The Employment Agreement allows employers to repatriate workers for "non-compliance, refusal to work, or any other sufficient reason". Government Agents may also remove workers from a farm if the grower breaches the Employment Agreement. The repatriation provisions are interpreted at the discretion of the employer and the Government Agent, and there is no formal right of appeal. The premature repatriation provisions undermine the workers' ability to enforce their rights under the Employment Agreement or laws of Canada. The practical implication is that the worker is immediately removed from the grower's property, requiring costs for alternative accommodation to be incurred at the same time as employment income has ceased. If a transfer placement is not available, there is some urgency to return the worker home to avoid any additional costs for room and board. It is extremely difficult for the worker to claim damages for breach of contract in these circumstances.
10. Interviews with various stakeholders suggest that the role of FARMS is no longer limited to administration; it also participates in setting the policy direction of the program. This has become most apparent at annual regional and national meetings where the operational aspects of the CSAWP are reviewed.
11. While the commodity groups play an integral role in the CSAWP and are formally recognized as such, there is no recognition for workers' participation. The rationale for this exclusion is that the supply country consulates provide this representation.
12. The role of the Government Agents is program administration, policy inputs, and dispute resolution. They process approved requests for workers; provide worker orientation;

inspect accommodations on the farms; investigate conflicts and disputes between workers and between workers and employers. They also provide general administrative services, such as processing tax returns and worker's compensation claims. All of the Government Agents are situated in Toronto.

13. The Mexican consulate currently lacks resources to effectively manage the administration of the program. There were 7,633 Mexican workers under the CSAWP in Ontario for 2002 and only five Mexican officers and some volunteers to serve them. Workers voice frustration with the consulate's failure to respond to their complaints. FARMS voiced similar complaints.
14. Interviews with stakeholders reveal that Government Agents may also act in the interests of employers. The Operational Guidelines also state that the role of the Government Agent is to act in the interests of the employer. This "dual role" may create a conflict of interest in the Government Agent's role as the workers' representative.
15. The Government Agents also ensure that their respective country's receive as many placements as possible in order to maximize the return of remittances. Combined with the employers right to select the supply country of workers, there is a competitive structure among the consulates. This has been encouraged by the Canadian government. This structure undermines the Government Agent's ability to pursue workers' grievances, knowing that an employer may often find a worker from another supply country if one Government Agent does not agree with his or her treatment of a worker.
16. There currently lacks a formal independent dispute resolution mechanism in the Employment Agreement. An informal mechanism is in place whereby employers and Government Agents exercise discretion in determining whether there is a breach of the Employment Agreement, and the remedy for either party is to remove the worker from the farm. The Government Agents play a "dual" role of representing workers' interests and acting as a "neutral" mediator, also representing the employer's interests.

Government Agents may also concede to the employer's interests for fear of "losing the farm". This raises a potential conflict of interest and denies workers independent representation should the worker and the Government Agent disagree on any particular matter relating to the worker's employment.

17. Despite any disagreement with the Government Agent or worker, the employer can make the ultimate decision and repatriate the worker. The current tool for employer accountability is the country's right to refuse to provide the employer a worker in future seasons. However, as reported by the Government Agents, the employer has little difficulty obtaining a worker from another country in these circumstances creating a competitive dynamic among the supply countries. The current mechanism also does not allow the employer to challenge a Government Agent's decision to remove a worker from the farm if the Government Agent feels that the employer has breached the contract.
18. Canadian government representatives and consulate officers reported that this informal system is functioning well from their perspective because it is flexible and cost-effective. While the current informal dispute resolution mechanism may ensure that the interests of the state parties are met, this conclusion was examined from the perspective of the worker and against the policy objectives of the CSAWP.
19. The Canadian Government has devised a program for managed migration to meet the private sector's demand for labour and to prevent illegal trafficking of workers. There are at issue two relevant policy objectives in the CSAWP instruments and immigration laws: 1) migrant workers are to be afforded equal treatment to Canadian workers, and 2) the hiring of migrant agricultural workers will not result in depressed wages and working conditions unattractive to Canadian workers. Canadian agricultural workers have access to employment related tribunals and courts to enforce their rights. Migrant agricultural workers may also theoretically access these mechanisms. However, migrant workers do not have the same labour mobility rights as Canadian workers and may be subject to premature repatriation before they are able access or realize their rights under

mechanisms otherwise available to Canadian workers. Migrant workers have further disincentives to raise complaints for fear of repatriation or being "blacklisted" from future participation in the CSAWP. The unique circumstances of migrant agricultural workers and their lack of mobility rights reveals that workers are not provided equal treatment with Canadian workers when the *effect* of the repatriation provisions makes it difficult to enforce their rights.

20. The current mechanism allows for the earlier stated objectives to be undermined because the effect of the CSAWP'S structure denies migrant workers equal access to dispute resolution mechanisms otherwise available to Canadian workers. This, in turn, leads to the potential of worker complaints about poor working conditions being ignored. Persistence of poor working conditions will continue to be unattractive to Canadian low-skilled workers. Therefore, from a public policy perspective, migrant agricultural workers and employers should have an open, accessible mechanism to ensure due process of complaints. While flexibility and cost-effective mechanisms are worthy considerations, structuring and checking discretion will also strengthen the instrumental framework as a credible mechanism by preventing the potential for arbitrary decision-making and creating procedural fairness for workers. The call for a mechanism that guarantees due process is consistent with standards in the international conventions applicable to migrant workers.
21. The findings suggest that provincial authorities take a "hands off" approach as it relates to the application of labour and employment legislation to migrant workers because there is an assumption that HRDC is ensuring enforcement. However, expertise in the provincial laws lie with provincial authorities. Furthermore, it is the provincial authorities, that can ensure that proactive steps are taken as it relates to housing and working conditions. HRDC does not have this jurisdiction.

II. Industry Level Practices of the CSAWP

This component examines: migrant labour costs; working conditions; and rules and regulations. Generally, the government and private sector stakeholders were satisfied with the operation of the program. This section highlights portions of the report relating to industry level practices that may require improvement. Some of the key findings include the following.

1. Migrant workers' wages are low and heavily deducted. The Employment Agreements provide that workers shall be paid wages, which ever is greatest: the provincial statutory minimum wage; the rate determined annually by HRDC to be the prevailing wage rate for the type of agricultural work being carried out by the worker in the province in which the work will be done; or the rate being paid by the employer to his Canadian workers performing the same type of agricultural work. The minimum wage in Ontario is \$6.85; wages for CSAWP workers in 2002 based on the "prevailing wage rate" was \$7.25.
2. The methodology of setting the "prevailing" wage rates has proved to be the most contentious issue among the parties and stakeholders at this time. HRDC is attempting to resolve this problem by contracting departments within the government to establish a standard national wage structure methodology. A large number of workers are returning workers from previous seasons, but wages do not reflect their seniority or skills appreciation.
3. In addition to the normal deductions Canadian workers incur, migrant workers' wages are subject to additional deductions that reimburse employers for partial travel expenses and visa fees. As well, workers from Mexico and certain Caribbean states have deductions for non-employment related insurance coverage. Caribbean workers remit 25% of their wages as part of the compulsory saving scheme; a portion is returned to the worker when he/she returns home, another portion may be allocated for liaison office administrative costs and other expenses relating to the program. The Government Agents identified the "unfairness" of the employment insurance premium deductions when the migrant workers cannot access unemployment benefits because of their

temporary status in Canada. Workers may have theoretically collect sickness and maternity/parental benefits under the *EI Act*, however, collection of these benefits is extremely rare. The federal government rationalizes the deduction because it is the work that is insurable and not the worker. A deeper analysis of the *Employment Insurance Act* reveals that this rationale is inconsistent with the broader policy purpose of the *EI Act* which is to provide temporary income for workers who are unemployed not at the fault of the worker.

4. CSAWP workers work extremely long hours (9-15 hours per day), up to seven days a week, with few rest periods. However, the Ontario *Employment Standards Act* excludes agricultural workers from provisions relating to minimum hours of work, daily and weekly/bi-weekly rest periods, statutory holidays, premium overtime pay. The Mexican Employment Agreement attempts to fill this gap by providing some standards for rest periods.
5. Agricultural work is one of the most dangerous occupations in Canada. However, agricultural workers continue to be excluded from *Occupational Health & Safety Act* in Ontario. A large number of CSAWP workers are exposed to workplace hazards including pesticides and operation of machinery. However, safety training is inconsistent and based on employer discretion.
6. The Government Agents reported that while they had heard cases of workers being exposed to pesticides, there were very few cases reported most recently. Some Government Agents also reported that health and safety training and protective clothing are provided, while others believed that there was inadequate protection against pesticides. The University of Guelph provides pesticide training but 2001 data indicate that training is still low relative to the number of CSAWP workers that come into Ontario. The training is provided to workers doing the actual spraying. However, workers not directly handling the pesticides raised concerns about being in the fields when the spraying was done or being ordered to re-enter fields too early after spraying. Government Agents stated that when such cases were reported, investigations were

performed and the workers' concerns were unfounded. There appears to be a gap between what are proper re-entry times and the workers' understanding of these guidelines. It was acknowledged by some Government Agents that the problem of workers' exposure to pesticides is difficult to assess because their information is dependent on workers reporting incidents; this may not always happen for fear of repatriation by the employer. Government Agents also report that a worker's attempt to refuse unsafe work may lead to repatriation.

7. In terms of housing, the Government Agent reported that most housing was acceptable and that housing has improved over the years. Housing is reviewed in a two stage process. The Ministry of Housing inspects accommodation prior to the arrival of the worker; and then the Government Agent visits the site to determine whether it meets an "acceptable standard". Two issues were raised as concerns. First, many accommodations do not have indoor plumbing facilities, and second, not all Ministry of Health housing inspections are being completed before a worker arrives in Ontario. The second stage of housing inspections, i.e. the Liaison Officer's inspection, is assessed at the discretion of the Government Agents. Some Government Agents state that the Ministry housing guidelines were not high enough and out of date. A worker may not be placed with an employer if the Government Agent believes the accommodation is not acceptable and the employer refuses to improve them. However, it was acknowledged that if one country does not place a worker in housing considered to be sub-standard by a Government Agent, another country may accept the conditions for their workers.

III. Unionization and Industry Level Migrant Agricultural Labour Markets

The recent Supreme Court of Canada decision in *Dunmore v. Ontario (A.G.)* was hailed as putting to rest the controversy of whether agricultural workers have the constitutional right to join a union. The Court held that agricultural workers have the right to form employee associations and protective legislation to allow workers to organize "without intimidation, coercion or discrimination". While growers and most Government Agents expressed concerns and resistance in the unionization of migrant agricultural workers, the decision of the Supreme

Court of Canada has indicated that worker's right to organize and join an association of their choice should be recognized while they are in Canada.

More recent events indicate that this matter continues to be the centre of significant political tensions in the Ontario agricultural community. At present, agricultural workers, as held by the Supreme Court of Canada are disadvantaged in all aspects of Canadian society. Agricultural workers and migrant workers continue to be denied the right to unionize and collectively bargain despite the *Dunmore* decision and the enactment of the *Agricultural Employees Protection Act, 2000*. Rather, the Ontario Government has applied a minimalist approach in its interpretation of *Dunmore* by only allowing workers to participate in "associations" and make representations which do not require an employer to engage in any additional consultations or negotiations. Therefore, the current impact of *Dunmore* on migrant agricultural workers is minimal in terms of having any effect on their current working conditions.

Some key findings on the implication and impact of unionization are:

1. If farms were covered by the model of unionization based on current labour relations law in Ontario, farms will most likely be unionized on a farm by farm basis, assuming that a sufficient number of union cards are voluntarily signed by workers. Based on the current model, unionization on these individual farms, where a union has been certified, will likely cause reconfiguration of the applicable instruments that apply to migrant workers' terms and conditions of employment. Based on the definition in the collective agreement, the union may be the only recognized bargaining agent on behalf of workers in a defined bargaining unit on an individual farm.
2. If unions are permitted to bargain for the terms and conditions of migrant workers, the Employment Agreement will likely be replaced by the collective agreement based on current labour relations law. The role of Government Agent would continue to be important to the operation of the CSAWP in recruiting workers; managing the migration of workers from the supply country to Canada; processing income tax returns, CPP and worker's compensation claims; providing policy inputs into the direction of the program;

and negotiating with the Canadian government as it relates to the framework of the CSAWP. These roles may be strengthened while the union may relieve Government Agents from workers' grievances about working conditions or the enforcement of local laws.

3. Unionization will likely result in increased wages and benefits for migrant workers. Traditionally, unions have also ensured job security for workers by providing a dispute resolution mechanism if workers were unjustly terminated. Remedies may include reinstatement.
4. One outcome of unionization may be increased mechanization resulting in a decreased demand of agricultural labour, including migrant workers.
5. Unionization will likely result in increased wages and benefits for migrant workers. Traditionally, unions have also ensured job security for workers by providing a dispute resolution mechanism if workers were unjustly terminated. Remedies may include reinstatement.
6. Growers have expressed that if unions were to come onto farms, they would consider moving or closing operations as a response. This would also result in a decreased demand of farm labour or as a response of employers to avoid perceived costs of a unionized labour force. The perceived costs growers associate with unions, including increased wages and benefits, which make it difficult for the farm to be viable. Growers are concerned about the right to strike which may have devastating consequences on the harvest.
7. Unions may be sensitive to the unique circumstances of agriculture as evidenced by the union's concession to give up the right to strike when agricultural workers briefly gained the right to collective bargain in Ontario between 1994-95 under the *Agricultural Labour Relations Act*.

8. If migrant agricultural worker gain the right to collectively bargain, this will result in union dues deductions from migrant workers' wages ranging from 1-2%. Currently, Caribbean workers pay 5-7% of their wages for services of the Government Agent to cover expenses relating to the general administration of the CSAWP as well as employee representation in the day to day employment matters of workers.

IV. Conclusions

A. "Good Practice" Areas of the CSAWP

"Best practices" are defined as practices that have "proven and have produced successful results" that are sustainable, and that can be replicated elsewhere. Taking this definition and applying it to the Canadian seasonal agricultural labour markets, best practice may be described as good practices at the policy and regulatory, labour-management relations, farm industry employment, and migrant worker-farm community levels that make the farm labour markets work well in the interest of both the migrant workers and the growers who employ them. Based on this definition, the research finds that CSAWP exhibits "good practices" in the following areas:

- Government controlled migration of foreign labour, which minimizes the exploitation of migrant labour via labour contractors or other unregulated or exploitive private means. Managed migration reduces the risk of illegal migration.
- The instrumental framework of the CSAWP including the MOU, Operational Guidelines, and the Employment Agreement which delineates the roles, duties and obligations of the various stakeholders. This delineation provides benchmarks for program evaluation in determining what is working in the interests of workers and employers and what is not working in the interests of workers and employers at all levels of the program.
- The Employment Agreement provides an instrument by which workers and employers are made aware of the terms and conditions of employment before the commencement

of the employment relationship. Because agricultural workers are exempted from several Ontario employment related statutes, the Employment Agreement fills this gap in some circumstances. For example, Mexican workers are entitled to meal breaks which they would not otherwise be entitled to under provincial laws.

- The instrumental framework of the CSAWP, in particular the Operating Guidelines, provides an informative tool of detailing every step in a multi-party, complex set of administrative processes in bringing migrant workers to Canada.
- Annual CSAWP review meetings at both the regional and international levels Regular face-to-face meetings among the various stakeholders ensure the smooth operation of the CSAWP and provide a reliable forum for issues to be addressed on a regular basis. This serves to create a program that is responsive to all interests as well as building relations and contacts among the stakeholders.
- The constructive role of the Government Agents in providing information to workers, administering the program in certain aspects and providing policy inputs into the program. An example is one consulate which provided a comprehensive orientation for workers which includes some training about the nature of the program.
- The ability of farmers to have "named" workers return on an annual basis, which may minimize the transient nature of the migrant worker by having the stability of returning to the same employer.
- The transfer process which allows workers to move to other farms as opposed to returning home, should problems arise with a grower during their work permit.

B. CSAWP Areas that may need "Good Practice" Principles Attention

- The "dual" role of Government Agents as worker representatives which creates potential for conflict of interest and may undermine independent representation of workers.

- The competitive structure of the program among the consulates to place workers on farms which may undermine enforcement of the contracts for fear of having workers replaced by workers in other supply country.
- The impact of the repatriation provisions, the competitive nature of the program among the supply countries, and the lack of migrant worker's mobility in Canada have had an adverse impact on the enforcement of employment standards and the Employment Agreement between the worker and the employer.
- The increasing role of agricultural private sector interests (i.e. FARMS) in policy-making is causing tensions in relations between supply countries and the Canadian government. This also diminishes the "government to government" nature of the CSAWP.
- The Mexican consulate has inadequate resources to service the number of Mexican workers currently in the program.
- The lack of an objective methodology in the determination of appropriate wages for migrant agricultural workers.
- The application of Canadian laws and the policy objectives that underline them need to be responsive to the unique circumstances of migrant agricultural workers. For example, the policy objectives for the deduction of EI premiums cannot be reconciled with the immigration restrictions and lack of mobility placed on migrant workers.
- There is an inconsistency of interpretation of "acceptable standards" in housing among the Liaison Officer and guidelines for housing inspections are outdated.
- There are varying practices relating to training and protective clothing against pesticides. In light of the exclusion of agricultural workers from the *Occupational Health*

and Safety Act in Ontario, the level of pesticide training and use of protective clothing is dependent on the goodwill of the employers.

- There is no system in place to address disputes that cannot be amicably resolved or to provide open accountability to all participants in the program. Enforcement of employment standards and contracts are left to the discretion of individuals instead of objective criteria.
- There is hesitancy of some participants in the CSAWP to recognize independent migrant worker associations in the operation of the program whereas employers are provided formal recognition and opportunities for policy inputs.

C. Selected Recommendations

The following are selected key recommendations arising from the findings. Additional recommendations may be found in the report.

Government of Ontario

1. Provincial Ministries should become more active in the annual review meetings in order to educate themselves on the CSAWP and how it fits within the provincial legislative framework, and to provide Government Agents with resources and contacts in case of questions about provincial employment and labour laws.
2. The Ontario *Employment Standards Act* should be amended to include agricultural workers under provisions relating to minimum hours of work, vacation pay, daily and weekly/bi-weekly rest periods, and overtime pay.
3. Stakeholders should encourage and allow for agricultural workers to be covered by the *Occupational Health and Safety Act* ("OHS") in Ontario. Inclusion of agricultural worker under OHS will assist in addressing worker's health and safety concerns, including

pesticide use, by providing an institutional framework in which this may be addressed.

4. Housing inspection guidelines need to be updated in consultation with all Government Agents collaboratively to ensure that consistent standards are applied for all migrant workers regardless of the supply country from which they come.

Government of Canada

5. Review of deduction of Employment Insurance ("EI") premiums should be undertaken with the recognition that CSAWP workers are paying premiums into a system in which it rarely sees any benefit. It is recommended that workers be exempt from paying EI premiums or be reduced in recognition of the limited access workers have to benefits under the EI scheme.
6. An objective formula for the appropriate calculation of migrant workers wages should be established. This initiative is under way by the federal government and is encouraged to be completed. A stable and reliable formula for the calculation of wage rates will serve to minimize the current hostilities among the state stakeholders.
7. Seniority of returning named workers should be recognized in the wage rate calculation as well as skill levels of workers.
8. Absent legislative protection under the *Occupational Health and Safety Act* or the *Employment Standards Act*, migrant agricultural workers should be provided with rest periods, overtime pay and health and safety protections under the Employment Agreement recognizing that there are benefits to employers and workers for such protections.
9. Guidelines or a policy statement be drafted on the interpretation of "non-compliance, refusal to work, or any other sufficient reason". In particular, note that a breach of contract will not be found where a worker refuses work that is unsafe.

10. The power of the employer to repatriate workers should be minimized. It is recommended that there should be a minimum two (2) week waiting period before a worker is sent home in order to allow the worker the opportunity to raise a complaint about the validity of the repatriation decision. If the worker accepts the repatriation decision, the two (2) week period may be waived to allow for immediate return. If the worker files a complaint, then an independent body should investigate the complaint and the worker should be allowed to stay until the investigation is complete or a decision on the merits of repatriation has been determined. The transfer process may be utilized during this period in order to place workers with other farmers during this interim period.
11. It is recommended that a review of the dispute resolution mechanisms in the CSAWP be undertaken in order to ensure procedural fairness and enforcement of the various instruments. A credible dispute resolution mechanism will strengthen the existing instrumental framework of the CSAWP by structuring and checking the exercise of discretion.
12. It contemplating a possible dispute resolution mechanism, the following factors should guide the deliberation:
 - a. proceedings must be quick and cost effective since migrant workers are restricted to Canada for a short period of time and farm production should not be jeopardized.
 - b. to address these concerns, negotiation and mediation be built into the mechanism as stages of dispute resolution before using formal hearing processes.
 - c. if workers are members of a union, then the Employment Agreement should explicitly recognize the arbitration process under any applicable collective agreement as required by law.
13. The dispute resolution process may include stages of informal process which may escalate to binding processes of arbitration should the dispute not be resolved. For example, the parties may try to mediate the dispute with all representatives in a formal meeting; the next stage would be to use a trained neutral third party mediator to attempt

to resolve the dispute; the next step would be binding arbitration with reasons for decision. The Employment Agreements should include a roster of mutually agreeable arbitrators or mediators. An established list will ensure that the dispute is heard expeditiously and supersedes time that may be expended in finding agreement on the arbitrator.

14. The dispute resolution mechanism should be open equally to both workers and their employers. Therefore, while Government Agents should be able to file disputes with the dispute resolution mechanism on behalf of a migrant worker, the worker should also be able to access the mechanism should the Government Agent disagrees with the worker.
15. The dispute resolution mechanism should be paid for by the Canadian Government in recognition that resources will need to be committed in ensuring that policy objectives and contractual provisions intended to guarantee fair treatment of migrant workers are in fact enforceable. This will reinforce that HRDC's mandate to ensure that wages and working conditions are not depressed by the hiring of migrant workers.
16. The workers' right of association and their right to appeal involuntary repatriation should be enshrined in both the MOUs and the Employment Agreements.
17. A central database of all worker complaints should be maintained by HRDC in order to track patterns of industry level practices which may assist in developing future policy objectives and guidelines for the CSAWP. The database may also be used to track good and bad employment practices and employers in assessing future employer participation in the CSAWP.
18. In light of the greater policy role that the private sector is taking in the operation of the CMAWP, this perspective needs to be balanced with greater participation of workers, their representative organizations, and/or labour groups at the annual meetings. They may give input on the impact of the program on the current labour market as well as addressing concerns about wages and working conditions.

Supply Countries

19. Amend the Operational Guidelines to clarify that, while the government agent will endeavour to ensure the smooth functioning of the program, the role of the supply country's government agent is to represent the worker's best interest should a conflict arise between the worker and the employer.
20. Consulates are under-resourced in performing their task as worker representative and additional resources are required if they are going to continue to provide services for its nationals. Physical distance makes it difficult to effectively and expeditiously resolve dispute as they emerge on the farms. Local or satellite offices closer to the farming communities in which workers are placed should be considered
21. The orientation program should include information on migrant workers' right to join a union or any other worker association of their choice while working in Canada.
22. If the migrant workers voluntarily elect to join a union or any worker association of their choice, the Canadian, Caribbean and Mexican Governments and growers participating in the program should grant institutional recognition of such unions or worker associations.
23. If workers are unionized on a particular farm, consider whether the current compulsory administrative deductions for these workers may be decreased in light of some of the administration costs relating to contract enforcement being shifted to the union.

FARMS

24. Employers could be made aware through F.A.R.M.S. Information Package of the right of migrant workers to join an employees' association or to become a member of a trade union.

25. **Further review and discussion is required about FARMS role in the administration of the transfer process. In the alternative, the central database of information that FARMS currently controls as it relates to the movement of workers needs to be shared in a format that is accessible and will reduce the cumbersome nature of the transfer process. It is recommended that a central body that has access on the movement of workers from all supply countries be mandated to administer the transfer process.**

**“The Social Relations Practices Between Caribbean and Mexican Migrant Agricultural
Workers and Their Employers and Between the Workers
And Residents of Rural Ontario”**

A Report Prepared By

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For

**The North South Institute
Ottawa**

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EXECUTIVE SUMMARY

Since the late 1960s, the Canadian government has granted temporary employment authorization to men and women as agricultural workers in the horticultural industry, first from the Caribbean and later from Mexico. The number of people employed under the Caribbean and Mexican Seasonal Agricultural Workers Program (SAWP) is significant; in 2002, over 15,000 foreign workers were employed in agriculture in the Province of Ontario alone.¹ While the Program is designated as seasonal, many foreign workers will spend up to eight months living and working in Canada's rural communities.

Previous research on Mexican and Caribbean farm labour in Canada has taken a critical historical perspective and focused on labour relations (Satzewich, 1991; Wall, 1998). More recent studies have concentrated on the limited rights of guest workers relative to domestic workers and documented their working and living conditions (Basok, 2002; Colby, 1997; Preibisch, 2000; Smart, 1998). Other studies have explored the obstacles to the productive investment of remittances in migrants' home communities (Basok, 2000) or demonstrated preference for the Canadian guest worker program to undocumented migration to the United States (Colby, 1997). This growing literature, however, has neglected to study the social and economic changes in rural communities that have accompanied the agricultural sector's growing reliance on foreign workers. Apart from Cecil and Ebanks' (1991) research in the late 1980s, questions of social exclusion and the overall relations between migrant workers and rural communities have been raised only tangentially relative to other concerns within the literature on migrant agricultural workers in Canada.

This component of our research contributes to filling this gap within the literature on migrant agricultural workers in Canada, with a central focus on the social relations that exist between the migrants and the permanent community in rural Canada. The research documents workers' range of experiences while they reside and work in Canada's rural

¹ Ontario receives approximately 85 percent of workers entering Canada as part of the Caribbean and Mexican Seasonal Agricultural Workers Program.

farming communities, with particular attention to the structure and quality of the social relations between workers, their employers and the larger community.

The study involved both primary and secondary research in the Province of Ontario, which employed approximately 85 percent of SAWP workers in 2002. The research design adopted a qualitative approach using case study methodology that was multi-method in focus. Throughout the research process observations were recorded in field notes and photographs. In order to record perceptions and attitudes, interviews constituted the principal research method. Research participants included government and industry representatives active in the administration of the SAWP, growers employing migrant farm workers, Mexican and Jamaican farm workers, residents of rural communities, and members of groups that engage in advocacy and/or service provision for migrant farm workers. In total, interviews were conducted with 104 informants.

Considering the scope of the research and its objective to study complex social relations, a qualitative approach was deemed the most suitable. Indeed, the study was less concerned with making inferences or quantifying social exclusion than it was in gaining a deeper understanding of the human experiences of workers employed in the SAWP in terms of their relationships with employers and the broader community. Given the sheer variation among and across producers, any research endeavour that intended to generalize on community relations for the province as a whole would require a research budget and time line that were beyond the scope of our project. Our research modestly chose two different research sites to illustrate and contrast the different contexts in which migrant farm workers work and live: Simcoe County, employing a smaller number of migrant agricultural workers in primarily vegetable field crops, and the Niagara region, accounting for a larger concentration of migrant agricultural workers in tender fruit, vineyards, and greenhouse production. The results of this study should be read within its limitations. The findings presented here, however, have been arrived at through careful, rigorous analysis and extensive use of triangulation. This study represents one of the first and most comprehensive attempts to understand and contextualize the complex relations that have developed between migrant workers, their employers, and rural communities to date.

Part I: Working and Living Conditions

Part One of the report explores the working and living conditions of migrant agricultural workers, based on the specific instances observed and documented in the two study sites as well as information from interviews with administrators, community residents and advocacy groups. The objective of Part One is to provide a sketch of workers' human experience at their workplace in order to contextualize the remainder of the report that directly addresses the main research questions regarding employer and community relations.

Working Conditions

Agricultural work differs greatly depending on the production process, but in general can be characterized as physically demanding, tedious and often dangerous. Our research found that farm workers experience significant work-related health and safety risks. Pesticides were a particular concern among workers employed in greenhouses who cited skin irritations and respiratory problems. Heat stress was also an issue for greenhouse workers. Farm workers in general were prone to muscle pains and workplace injuries such as hernias. Mental health issues such as stress and depression were also reported, especially among women and workers who spent extended periods in Canada. Injuries and illnesses had great potential to become more serious because many workers reported working while sick, reluctant to advise their employers in fear of being sent back to their home country or of losing hours at work. When the research found examples of workers reporting a health concern, they did not receive prompt medical attention in all cases. Mexican workers often had problems communicating their concerns because of language issues. In some cases, there were allegations that doctors had colluded with employers to avoid compensation claims.

Within the Memorandum of Understanding, workers should receive a contract for at least 240 hours in six weeks or less and no more than eight months. The research for this study found that most workers come to Canada in the hope of working 40 hours a week at the very minimum. Migrant workers in Niagara and Simcoe County are generally working 40 to 70 hours per week, six to seven days per week. Our research documented both reports of employment sites with excessively long hours, seven days a week and

cases in which employers stipulated a day off, to improve the welfare and productivity of their workers.

Pay rates for migrant agricultural workers were low relative to wages in other sectors and relative to migrant farm workers in the U.S. under the H2A program. Migrant agricultural workers in Canada are to be paid the greater of the provincially determined agricultural wage, the prevailing provincial agricultural wage rate as determined annually by Human Resources and Development Canada (HRDC), or the rate being paid to Canadian seasonal workers performing the same type of work. Workers, advocacy groups and home country representatives are of the view that the prevailing wage rate needs revising upwards. The study heard reports of employment sites where Canadian workers were getting paid more than foreign workers for the same tasks, yet other sites in which it was suspected that domestic workers supplied through labourer contractors were getting paid less. Several of the labour supply country representatives also supported recognition for the seniority and skills of migrant agricultural workers. Employers were concerned that wage increases would erode their profit margin, citing competition from their U.S. counterparts.

The deductions made to workers' pay were significant. In 2001, the Canadian government collected over \$9.5 million in income taxes, \$3.4 million in EI deductions, and \$6.0 million in CPP deductions from migrant agricultural workers (Stevens Associates, 2003).² Income tax returns, the responsibility of liaison officers, are processed differently by each country government. Mexican workers expressed a great deal of confusion around income tax deductions; many workers were unaware if a return had been filed on their behalf. Several informants claimed the Mexican Consulate had not been processing income tax returns properly in the past. In regards to EI and CPP, some workers did not fully understand the deductions they were making or how to access potential benefits. Canadian pensions for migrant agricultural workers are often low because they rarely work in Canada until they are 60. Temporary agricultural workers face obstacles such as age discrimination and moreover, many are unwilling to engage in such physically demanding work and/or extend their migration periods into their later

² All figures are in Canadian dollars, unless otherwise indicated.

years. The Compulsory Savings Scheme that is deducted from Caribbean workers was referred to with mixed opinions. While some Jamaican workers found it helpful to save, others had grievances including allegations that they did not receive their money promptly. Workers explained that they had livelihoods in their home countries that they sustained in their periods outside of Canada, and the late delivery of their savings prevented them from making productive investment in those livelihoods. Other workers felt the scheme was paternalistic.

Living Conditions

The living conditions of migrant agricultural workers varied markedly across the Province. Workers almost always live on the grower's property in houses, trailers, or living quarters that have been furnished within work buildings. Employers with less than 30 workers are likely to provide trailers or farmhouses, while farming operations hiring a higher number of workers have bunkhouse installations. Some of these employers have invested in facilities that can be likened to hotels while others may provide a number of small units. The condition of these buildings varies significantly. While some employers provide decent housing, other accommodations were overcrowded and dilapidated. The size of living quarters is a central issue, as were inadequate furnishings and facilities.

While good living conditions foster a sense of pride amongst workers in maintaining the dwelling, poor living conditions degrade the human experience of migrant workers in Canada. Such conditions occur in part due to inadequate legislation and enforcement. Housing standards for employers of migrant workers follow provincial Ministry of Health guidelines that have not been updated since 1982 and lack rigorous specifications. The practice of housing inspections, furthermore, is inconsistent from one municipality to the next. Problems with enforcement also lie with liaison officers' reluctance to be too strict with employers for fear of losing labour placements to another labour source country.

Part II: Social relations between migrant agricultural workers and their employers

Part Two of the report examines the relations that develop between agricultural workers and their employers. The analysis of this section argues that the relations that develop between workers and their employers and the broader community in general are shaped to a large extent by the characteristics of the SAWP that circumscribe the conditions under which temporary workers are admitted to work in Canada. When the Program has come under media scrutiny, industry and government representatives are quick to point out that the problems are owing to a fraction of "bad" employers soiling the reputation of a model program of labour recruitment. Discussions of labour relations that look at the incidence of "bad" employers versus "good" employers ignore the structural features of the Program that subordinate workers and provide the scope for abuses to occur. A key dimension of the Program that structures relations is immigration restrictions that bind temporary workers to a single employer and residential location. This status within the workforce sets them apart from domestic workers who have the option of finding another job and, therefore, the benefit of potentially greater bargaining power. Further, temporary workers' legal status denies them the services and protections associated with citizenship or permanent residency, relegating them to inferior and therefore vulnerable positions.

A further aspect of temporary employment authorization structuring labour relations is workers' civil status upon recruitment and their entry as single applicants. Preference in recruitment has historically been biased toward married/cohabitating workers or single workers with dependents in order to deter workers from attempting to secure permanent residency through marriage or seeking to remain in the country illegally. This characteristic of the Program treats workers as members of family on the one hand, yet single applicants on the other, as they are unable to bring - or visit - their families during their course of work in Canada. The fact that workers have limited social commitments in Canada is one of the reasons they are particularly valuable to employers, a finding extensively corroborated in this study. "Good" workers were those who limited their social activity. Indeed, some employers discouraged and actively attempted to control the social lives of their workers. Growers who formerly hired from one source country

claimed to have switched to another in order to diffuse the social networks that had developed.

Mechanisms for employment recruitment and retention play a role in structuring labour relations. Renewal of employment is conditional on the growers' request of workers by name. The naming policy works to discipline workers, as consecutive employment in Canada depends on the employer's subjective recommendation. These structural dimensions effectively reduce the relative power of temporary workers within the context of global inequalities. The willingness of thousands of migrant farm workers to accept the low wages and degraded working conditions in Canadian agriculture is evidence of the economic and social conditions in their countries of origin that motivate them to seek work outside national borders in the first place.

Housing arrangements constitute a crucial factor shaping relations, granting greater opportunity to control farm workers' behaviour. Attempts to control workers' behaviour were extensively documented, including restrictions on workers' mobility on and off the farm and the entry of visitors. The degree of worker mobility depended ultimately on the subjective goodwill of the individual employer: whereas some employers prohibited workers from leaving the property, others provided a vehicle for workers to move about if they informed him of their whereabouts. The control that employers exercise on their property is buttressed through their capacity under the contract to set down 'farm rules.' There are no specifications on the content of farm rules, an ambiguity that leaves them open to interpretation. It is not surprising that the research found wide variations in farm rules among employers; while some were fairly rigid, others were more relaxed.

Perhaps the principal mechanism of control structuring relationships is the power that employers hold to repatriate workers. Part of the reason that the threat of repatriation is an effective mechanism of control is because workers and their representatives have little recourse to reverse or question the decision. If an employer decides to dismiss a worker, s/he phones the Liaison Service to make arrangements to send the individual home. The Liaison Service can intervene and attempt to remedy the situation, but if the employer insists on dismissing the employee there is little scope for action.

Genuine representation of workers on behalf of home country officials is compromised in their dual role of ensuring worker protection under the SAWP and maintaining their country's market share of labour placements in the program. When employers are displeased with the behaviour of either their workers or the supply country representatives, they have the option of switching countries. This argument should not suggest that home country representatives do not always act in the interest of workers, but rather that their representation is compromised by their other responsibilities. Labour replacement is currently favouring Mexican workers over those from other labour supply countries. A historical look at the numbers of workers disaggregated by county suggests that Mexican workers have slowly taken over Jamaica's "corner on the market." While accounting for just 22 percent of total workers in 1987, by 2001 Mexican workers accounted for over 51 percent.

The dimensions of the Program that structure labour relations are reinforced by the narrow range of legal rights accorded to farm workers in Ontario. For example, farm workers are not covered under the provincial Occupational Health and Safety Act and have historically been denied the right to form unions. A final structural determinant of the nature of labour relations that develop is the size of farming enterprise. The relationships that develop on small, so-called "family farms" employing one or two workers differ from those typical in corporate operations. Workers on large farms have limited direct contact with their employers. Several informants claimed that the supervisors were more problematic than the employers themselves, and cited cases of threats and acts of physical violence against workers. The research for this study, however, also found cases of positive supervisor-worker relationships. Regardless of the behaviour of the supervisor, when employers no longer have contact with their workers, the nature of the relationship changes.

Analysis of the structural determinants of labour relations indicates that discussions centering on incidences of "bad" employers versus "good" employers risk overlooking the structural features of the Seasonal Agricultural Workers Program that subordinate temporary agricultural workers relative to citizens and permanent residents and relative to workers in other sectors. Furthermore, this analysis suggests that the scope for abuses to

occur is institutionally embedded into the Program. Within this context, it is not surprising that our research found a range of worker-employer relationships, confirming that in the absence of firmer regulation and enforcement of working and living conditions or expanded rights for farm labour, the human experience of migrant agricultural workers in Canada is largely dependent on the subjective goodwill of the employer.

The workers interviewed in this study generally characterized their relationships with their employers as fair to good, although many had serious grievances in terms of their living and working conditions. Some workers spoke of their employers in very positive terms; those that held less positive opinions were guarded with their answers. When employers were asked to describe these relationships, most of them reported working relationships that did not extend beyond the workplace. Other employers claimed to have closer relationships with their workers that involved socializing with them periodically. Cases of negative relationships were also recorded, in which employers were perceived to treat workers as a commodity or were physically and verbally abusive.

Part 3: Social relations between migrant workers and rural communities

Part Three of this study confirms findings in the literature that migrant agricultural workers do experience social exclusion from the broader rural community and that residents, for the most part, are either unaware or choose to ignore the migrant worker community living in their midst. At the same time, however, our research suggests an important shift in the relations between migrant workers and the surrounding communities is underway. Firstly, the social environment has changed. While settlements in rural Ontario are still predominantly composed of people with Caucasian features and white skin, there are more visible minorities living in these areas than in the past. In addition to demographic changes in the rural citizenry, temporary labour is increasingly taking on heightened relevance in agriculture with burgeoning numbers of migrant agricultural workers coming to the Province each year. Anyone who, on a Friday evening, has set foot into the A&P grocery store in Simcoe, tried to cash a cheque in Bradford, or attempted to use a pay phone in Leamington, can attest to the heightened presence of migrant workers within Ontario's rural communities. The increased visibility

of migrant agricultural workers as a social group is reflected in, and enhanced by, recent media attention to their working conditions and renewed pressure for unionization by labour activists.

Secondly, the nature of relationships between the migrant and permanent communities is undergoing small but perceptible transformations. In accordance with the existing literature it is accurate to claim that, for the most part, social relations between migrant workers and the broader community occur mainly through commercial interactions. In the last five years, however, efforts to integrate workers in the broader community have emerged throughout southern Ontario, particularly in churches. Further, members of the permanent Canadian community and migrant agricultural workers are increasingly forming relationships as friends, lovers, or spouses.

The level of awareness of the existence of Caribbean and Mexican migrant workers among the population of southern Ontario is generally low. Various factors play a role in facilitating or impeding social interaction, but to a large extent the degree to which residents become aware of migrant workers and interact with them depends on physical proximity. The towns of Leamington in Essex County and Simcoe in Haldimand-Norfolk, regions receiving the highest proportion of the migrant agricultural labour force, are economic and social hubs for migrant workers on Thursday and Friday nights. The opportunity for social contact between Canadian residents and migrant workers in these towns is considerably greater than other regions in the Province; there are several other towns that host less than 250 workers in their vicinities, such as Peterborough, that employs just two workers. It is also important to note that the size of the community - whether it is a small farming community or a large urban centre - may influence the level of awareness of migrant workers within the permanent community. Residents of small farming communities are much more likely to have had contact with offshore workers than those living in cities, even when a significant number of workers are employed on the surrounding agricultural land.

Social contact between migrant workers and the broader community occurs primarily on Thursday and Friday evenings, as migrant workers throughout southern Ontario surge

into town to do their shopping and banking. In the weekly pilgrimage, workers emerge from the fields and arrive by the busload in the downtown core of rural communities. The study sites for our research receive a fair proportion of the migrant community. In the Niagara region, the quiet town of Virgil bustles with the commotion of hundreds of workers convening around the parking lot of the local grocery store. The town of Bradford in Simcoe County experiences a similar transformation. In these communities with very little racial and ethnic diversity among the permanent population, the presence of the Mexican and Caribbean workers is highly conspicuous.

The weekly shopping trip constitutes the most significant social contact between migrant workers and the Canadian community. Local businesses in both communities described friendly interaction with migrant workers, although few people actually knew them by name and had little contact with migrants outside of the working environment. These findings suggest offshore workers' encounters with Canadians are mainly commercial rather than social. In both study sites, stereotypical and racist conceptions of migrant workers coloured interactions with the business community.

The business community welcomed the presence of migrant workers and recognized their economic contributions. A recent study estimated the impact on rural Ontario economies of the migrant labour force amounted to \$82 million (Stevens Associates, 2003). Workers not only spend money on goods and services to meet their daily consumption needs but they also take a considerable amount of goods home with them, including small and major appliances, power tools, electronics, bicycles, clothing and footwear. The limited mobility of migrant workers constitutes them as a captive market for local businesses in rural communities that lose customers who travel to urban areas. The importance of the migrant clientele is visibly illustrated in the inventory of grocery stores and convenience shops in both these locations, stocking Caribbean and Mexican ethnic food products or other items geared to the migrant agricultural worker population.

Migrant workers also spend their earnings in restaurants and bars. Long distance telephone card companies find a huge market in the migrant community, as does the mobile phone industry. The new and used bicycle market thrives in areas of high worker

concentration, and taxi cab and bus companies also profit. Taking advantage of the migrant population's limited mobility, itinerant vendors bring their merchandise to the farm, including phone cards, ethnic foodstuffs and wire transfer services. Migrant workers are also important clientele in the second hand market.

Financial services such as banks, credit unions and wire transfer companies obtain a significant share of the money migrant workers spend in rural communities. Banks remain a key player amongst the competitors for remittances. Although bank charges for transferring money are very high, it is likely that they capture a significant part of profits generated through remittances due to their presence throughout rural Ontario. Wire transfer companies are still clustered in areas of high worker concentration, although their network is expanding. Regardless of whether workers send their money through a bank or not, they usually cash their cheques there, constituting the bank as a principal site for worker/community interaction, second only to the grocery store.

Despite the economic contributions migrant agricultural workers represent to the agricultural sector and the broader rural economy, this study found that Canadian banks have done little to facilitate their banking transactions or reduce the costs of transferring remittances home. Local branches in areas with high worker concentration have made some attempts to accommodate migrant workers and their employers, but these are not generalized across rural Ontario. When migrants have the option, they use wire services to remit their money to their home countries because they are in some cases cheaper and in other cases quicker or more accessible. Wire transfer companies offer a commission to local agents and thus a portion of these services' profits stay in Ontario's rural communities.

Despite the fact that migrant workers have formed part of the rural population since the late 1960s and make significant economic contributions, as a group they are still denied social membership in the community. One dimension of the social exclusion of migrant workers is physical. On farms hiring migrant labour, workers' accommodations are often concealed behind packing sheds or greenhouses. Attempts by some growers to physically separate migrant workers from the community are accompanied with

intentional avoidance by residents. These incidents also took place in the workplace, when customers buying produce on farm did not treat migrant workers as legitimate employees.

While migrant workers perceived that residents held negative perceptions of them, most residents described migrant workers as friendly, hard working people. Perceptions of migrants as workers often conformed to racialized and gendered ideologies, perceiving workers from certain countries and genders more suited to performing particular tasks. Racial stereotypes were frequently observed, while residents expressed particular concerns about foreign workers having sexual relationships with Canadian women. The women who formed relationships with migrant workers were perceived in very negative terms and workers have suffered racially-motivated attacks for becoming involved with them.

Despite the avoidance practiced by some people, there were cases where migrant workers and rural residents had formed friendships. Friendships provided human contact outside of the working environment and a measure of social support. Friends were called upon to assist with money transfers, to help access health care, and in time of emergencies in Canada or at home. These relationships helped migrant workers exercise rights they are accorded. To some extent they also worked to reduce workers' relationships of dependency on their employers. Many of the people who had formed friendships with migrant workers came from the Caribbean and Latin American community in Canada, but this was not always the case. Intimate relationships had also developed between the migrant and permanent community, some which had produced children. For some workers, relationships formed in Canada had resulted in changes in their migratory status and they had become permanent residents and/or Canadian citizens.

Churches constitute one of the key social spaces in which the migrant community and the permanent community form relationships. The longest standing efforts to integrate migrant workers into the community or to see to their needs in the history of the Program find their origins in the church. Churches that have made special efforts to reach out to

migrant workers do so for a variety of motivations. Some clergy were motivated by evangelism and others by social justice concerns.

In the last five years, the Province of Ontario has experienced an emergence of groups whose efforts target migrant workers. The origins and motivations of these groups are diverse, as are their methods for achieving their goals. What they share in common is the desire to improve the human experience of migrant agricultural workers while they work and live in Canada. Focusing on the study sites but also recording instances of groups in other areas in the Province, we identified the following groups. Faith-based groups include the Caribbean Workers Outreach Program (Niagara, Haldimand-Norfolk), Project El Sembrador (Newmarket), as well as initiatives by local churches such as St. Vincent de Paul and Vineland Free Christian Reformed Church (Niagara); the Springdale Christian Reform Church (Simcoe County); and various other churches throughout the Province. Municipal or regional initiatives were also present, such as Niagara Community Policing that promotes bicycle safety and the Niagara Regional Health Department's Health Bus that offers medical and dental services to migrant workers. In Leamington, the municipality's South Essex Community Centre ran activities targeting migrant workers in 2002. Groups aimed at integrating migrant workers into the broader community were also identified, such as the Latin Immigrant Niagara Community Association (LINCA), Community of Agricultural Foreign Workers and Friends of Exeter (CAFFE) and ENLAC Community Link. Groups with a specific social justice objective include the Global Justice Care Van Project that led to the opening of three migrant worker resource centres by 2003 with funding from the United Food and Commercial Workers Union (UFCW) and the Toronto-based Justicia 4 Migrant Workers. One of the groups with the longest histories is Frontier College, a non-profit organization involved in literacy education that has provided English as Second Language (ESL) training for migrant workers for over ten years.

Community groups vary widely in their mandates, motivations, and mechanisms for change, but many of the needs they have identified overlap. Firstly, a shared achievement is the provision of an alternative social space for migrant workers outside the farm. Churches have provided a place of worship and made efforts to arrange

services in Spanish or brought Jamaican ministers to Canada to provide pastoral care. Churches have also arranged social events, some with a religious focus and others for recreation and celebration. Along with other organizations, churches have made efforts for workers to see more of Canada than the farm. At the margin of the social activities organized by faith-based groups and secular organizations, the presence of their members on farms through planned visits or English classes can also provide some of the only social contact workers receive. Social activities can lead to enhanced integration of migrant workers into the broader community.

In addition to increasing migrant workers' opportunities for social contact outside of the farm and grocery store, the various groups have improved migrant workers' access to services. Some groups have taken workers shopping, to church, or have organized the distribution of used bicycles, workers' principal mode of transportation. Several groups have made efforts to improve bicycle safety. The provision of ESL and basic literacy classes has been given particular focus by groups working with migrant workers, recognizing the ways in which the language barrier, experienced primarily by Mexicans, poses serious problems for them in the workplace (in terms of training, health and safety issues, communication with management), in the broader community (communicating needs, social interaction), and as they seek to defend themselves in their interactions with employers, residents, and government officials. ESL and literacy training is provided primarily through Frontier College that has their Labourer-Teachers (L/Ts) placed on farms and in the Migrant Workers Support Centres in Bradford, Simcoe and Leamington, but also through the churches, Project El Sembrador, and CAFFE.

All of these groups have played a role in facilitating access to services, either acting as translators or through more organized attempts at service provision. Acting as translators has made significant impacts in the lives of individual workers, in the hospital, the police station, or in conflicts on the farm. Other groups play an important role in disseminating resources among the migrant community that inform them of their rights and how to exercise them. The Migrant Worker Support Centres in Leamington, Simcoe, and Bradford have made the most important contributions in this regard. Since workers are reluctant to voice their complaints directly to liaison officers or the Mexican

Consulate, some groups have elected to serve as advocates on their behalf. Advocacy can range from mediating with employers, liaising with the Mexican Consulate or, as UFCW has done, legally challenging the Ontario government. Until greater checks and balances are built into the SAWP, migrant worker advocacy groups play an important role as negotiators.

The efforts of all these groups, whether their motivations are evangelism, charity or social justice, have raised the profile of migrant workers in the consciousness of the immediate community and province-wide. Perhaps one of the most immediate and significant roles that groups in rural areas are playing is holding accountable the industry, the Canadian government and the governments of labour sending countries, to ensure that migrant workers' rights are respected. Some of the groups believe their effectiveness lies in raising awareness with the Consulate and Liaison Service staff in a non-confrontational stance. Others are in a position to demand that legal and institutional changes are put in place to avoid abuses of migrant workers' rights, as is the example of UFCW's recent Charter challenge and efforts to allow migrant workers to organize. While some groups have been much more aggressive than others, the mere presence of these groups is a reminder to industry and government that civil society is vigilant.

These groups have also made steps in extending social membership in Canadian society to migrant workers. While the history of civil society's engagement with migrant agricultural workers is fairly nascent, important changes have no doubt occurred in the lives of individual workers and in the broader social group. These organizations, however, reach only a small fraction of the more than 17,000 migrant agricultural workers coming to Ontario each year. Most of the groups are operating with limited funding and are mainly supported by volunteers. Their efforts, while important, are not an adequate long-term measure for meeting the social needs of migrant agricultural workers and facilitating their integration into rural communities. They can provide direction, experience, and insight, but the federal and provincial government must take more systematic and concerted action at recognizing and meeting the human and social

needs of the tens of thousands of migrant workers complementing the agricultural labour force each year and making key contributions to the Canadian economy.

Conclusions

Migrant agricultural workers coming to Canada often face arduous working conditions. Migrant workers accept long hours in part to compensate for low rates of pay that are subject to a series of deductions and because their social necessity demands it of them. Workers live on property leased or owned by the employer and are subject to a set of farm rules that can impose restrictions on their mobility beyond the farm or the access of visitors. The geographical isolation of workers combined with long hours of work leaves them little time to form relationships beyond those they develop with their employers, supervisors, and co-workers.

The social relations that do develop between workers and their employers and the broader community in general are shaped to a large extent by the characteristics of the SAWP that circumscribe the conditions under which temporary workers are admitted to work in Canada. Within this context, it is not surprising that our research found a range of worker-employer relationships, confirming that in the absence of firmer regulation and enforcement of working and living conditions or expanded rights for farm labour, the human experience of migrant agricultural workers in Canada is largely dependent on the subjective goodwill of the employer.

Migrant agricultural workers experience social exclusion from the broader rural community, while local residents, for the most part, are either unaware or choose to ignore the migrant community living in their midst. At the same time, however, an important shift in the relations between migrant workers and the surrounding communities is underway. While settlements in rural Ontario are still predominantly white, they are no longer as homogeneous as they once were. In addition to demographic changes in the rural citizenry, temporary labour is increasingly taking on heightened relevance in agriculture with burgeoning numbers of migrant agricultural workers coming to the Province each year. Secondly, the nature of relationships between the migrant and permanent communities is undergoing small but perceptible transformations. While

social interaction between migrant workers and the broader community occurs mainly through commercial interactions, efforts to integrate workers in the broader community have emerged throughout southern Ontario in the last five years. Many of these efforts have come from faith-based and secular groups that are organizing to offer services the Canadian government and labour supply governments have failed to provide as well as serve as advocates on migrant workers' behalf. These organizations, however, reach only a small fraction of the migrant agricultural workers coming to Ontario each year. Their efforts, while important, are woefully inadequate as a long-term measure for meeting the social needs of migrant agricultural workers and facilitating their integration into rural communities.

Selected Recommendations

In light of the findings of this report, the following recommendations have been developed and are organized according to stakeholder group.

The Government of Ontario:

- ★ *The Government of Ontario should revise the Occupational Health and Safety Act to include agricultural workers.*
- ★ *The Government of Ontario should actively recruit Spanish-speaking health professionals for counties employing high numbers of migrant agricultural workers.*
- ★ *The Government of Ontario should revise the "Ontario Ministry of Health Guidelines on Accommodation for Migrant Farm Workers;" mandate municipal and regional public health inspectors to carry out mid-season inspections of all farms to ensure that the guidelines are being adhered to; and take steps to ensure that the procedures and standards of housing inspectors are harmonized across the Province.*

The Government of Canada:

- ★ *The Government of Canada, through HRDC, should review their wage rate methodology and make it accessible to all stakeholders in the SAWP. Within HRDC's wage rate calculation, the seniority of returning named workers should be recognized, as should the skill levels of workers.*

- ★ *The Government of Canada, through CCRA and HRDC, should provide information to workers through bilingual workshops and print media on deductions of income tax, CPP and EI.*
- ★ *The Government of Canada should review migrant agricultural workers' contributions to EI premiums and CPP, with the view of exempting migrant agricultural workers from EI deductions and establishing retirement benefits that are more suitable to a temporary, migrant agricultural workforce.*
- ★ *The Government of Canada should immediately address the issue of involuntary repatriation in consultation with stakeholder groups. It is recommended that current procedures be revised to delay immediate repatriation in order to allow the worker(s) to question the decision through an officially designated representative and have it reviewed. Disputes over repatriation should be heard by an independent dispute resolution body, and workers who have been dismissed unfairly should be transferred to another farm and be allowed to continue in the SAWP.*
- ★ *The Government of Canada, together with Government of Ontario, should finance workshops and public forums in rural Ontario communities to promote greater awareness between the migrant community and the permanent community. These events should include information regarding the economic and social contributions of the migrant community and promote anti-racist education.*
- ★ *The Governments of Canada and Ontario should explore avenues for facilitating the transfer of migrant agricultural worker remittances. Finding a solution should be informed by the insights of all stakeholder groups, including Canadian administrators, labour supply country governments, industry representatives and migrant agricultural workers.*
- ★ *The Governments of Canada and Ontario should fund initiatives that address the human and social needs of migrant agricultural workers who spend up to eight months of their lives working and living in this country. Some of these funds should support the existing Migrant Worker Support Centres that are currently financed by*

Canada's unionized employees. New initiatives should be established with the participation of individuals that have experience working with the migrant worker community, such as the organizations mentioned in this report, through a competitive application process.

Employers and their representatives:

- ★ *Employers of migrant agricultural workers should provide their workers with health and safety protections and health and safety training.*
- ★ *Employers of migrant agricultural workers should promptly comply with migrant worker requests for medical attention, and encourage their employees to report health problems immediately.*
- ★ *Employers of migrant agricultural workers should ensure their migrant workers a minimum 40-hour work week and grant them a day of rest after six days of employment. If employees are asked to waive their days of rest in peak production periods, employers should grant another day of rest in no less than six consecutive days.*
- ★ *Employers of Mexican migrant agricultural workers and their supervisors should pursue Spanish language instruction, as well as provide workplace information in Spanish.*
- ★ *Employer best practice for housing should accommodate fewer workers in smaller units. Large units lodging a large number of workers can create tensions between workers and do not foster a sense of ownership that more private quarters do. Employer best practice for housing should ensure each worker has his or her own room, supply a stove and a refrigerator for no more than three to four workers, and include a social area separate from eating and sleeping areas.*
- ★ *Commodity group associations should adopt codes of best practices for the accommodation of migrant agricultural workers and actively promote adoption among their members.*

- ★ *F.A.R.M.S., in consultation with stakeholder groups, should draw up guidelines for farm rules to be included in the Employer Information Package. Farm rules should list worker rights and responsibilities.*
- ★ *Employer best practice should not impede workers from engaging in social activities outside of working hours and take care to avoid farm rules that restrict the mobility of their migrant agricultural workers or deny them social contact with the broader community.*
- ★ *Employers of large numbers of workers should attempt to maintain employee-employer contact and ensure that supervisors receive labour relations training.*

Labour Supply Country Governments:

- ★ *The Governments of Barbados, Jamaica, the countries of the OECS, and Trinidad and Tobago should review the compulsory savings scheme, with input from Program participants.*
- ★ *The governments of all labour supply countries should continue their efforts in exploring ways of more effectively transferring workers' savings to their home countries.*
- ★ *The Government of Mexico should review worker concerns over Income Tax and allow other firms outside Leamington to apply for the tender.*
- ★ *The Government of Mexico should review worker concerns over the Royal Bank of Canada Insurance package.*
- ★ *The governments of all labour supply countries should work collaboratively to create a resource document for workers similar to F.A.R.M.S. Information Package for Employers. This single document could also contain country-specific information.*
- ★ *The governments of all labour supply countries should properly resource Consulates and Liaison Offices with the view of improving worker representation. Satellite offices should be considered for areas of worker concentration that are distant from Toronto (i.e. Leamington).*

- ★ *The governments of all labour supply countries should make efforts to recruit workers with agricultural experience, to avoid voluntary repatriations that hold costs for all stakeholders.*

Other groups:

- ★ *Major banks and credit unions operating in Ontario should consider reducing the fees charged to migrant agricultural workers, keeping their wage levels and economic need in mind, and facilitate their financial transactions in general. Spanish-speaking staff would facilitate the transactions of Mexican workers.*

Positive features of existing relations: Towards a Sustainable Framework

In addition to the recommendations above, this report highlights some positive features of the existing structure of social relations between the three groups of actors – migrant agricultural workers, their employers, and farming community residents – that are worthy of mention and could be considered “best practices.” The following series of features is not exhaustive as it is limited to practices observed or recorded in this study and therefore should be considered together with the recommendations listed above.

Research Evidence on Positive Employment Practices

- ★ **Hours of work.** *Several employers ensured that their Caribbean and Mexican workers received a minimum of 40 hours and one day's rest per week. Ensuring adequate worker rest is vitally important for the workers' health and safety and labour productivity quality, and ultimately, the overall productivity of employers' farming business. It is also important for the consumers of farm produce in terms of food safety and food quality.*
- ★ **Housing.** *The research documented a few cases in which the employer provided his workers with their own bedrooms, a few cases where two workers share the same room, and one case where the employer who did not have housing with separate rooms, removed bunk beds at the workers' request and provided single beds to better accommodate them. Our research also documented the installation of DuraKit “Instant HousesTM” that have individual bedrooms (one per worker), two bathrooms,*

two kitchens, and a small dining area. There are also cases found of employers who exceeded workers' expectations by providing them with satellite television in Spanish, furnishings in good condition, air conditioning, and in one case, a separate building for recreation and English-language instruction. These cases point to the fact that not all employers provide poor housing accommodation for their migrant workers. Reasonably good housing accommodation, like a healthy and safe working environment translates into increased worker productivity, and hence increase income for those employers, who engage in "good practices" in these and other areas.

- ★ **Medical attention.** *Our research finds that there are employers who responded quickly to worker requests for medical attention. In cases of serious illness or accident, these employers waited with their employees in the hospital and ensured they were cared for when recuperating at the farm house. One case was recorded of an employer who hired a Spanish-speaking Labourer/Teacher who in addition to farm duties, accompanied Mexican workers to obtain medical treatment in their language. The impartiality of this translator as an L/T rather than a supervisor was central to gaining worker's trust. This kind of good practice, undoubtedly has implications for worker productivity, since it also translates into increased worker commitment to employers.*

- ★ **Dental care.** *Recognizing the cost of dental care in Canada relative to workers' earnings, the research, there is also a case where one employer set up a dental plan for the migrant agricultural workers. While this may not be feasible for all employers, others could facilitate worker access to these services and/or the employer could facilitate other employers to allow their workers to use these services.*

Research Evidence on Positive Employer-Worker Relations

- ★ **Recognition of Workers' Human and Social Needs.** *There are some employers who recognize and accept that migrant workers have social needs outside of the immediate farm workplace. These employers take concrete steps to help their workers meet these needs. They facilitate worker movement to and from their farms by*

purchasing new or used bicycles for their workers and in other cases, licensing a vehicle for them to use. Some employers also provide transport for their workers to attend church or events organized by community groups. In some cases, employers attended these events with their workers. Additionally, clear farm rules were documented that ensured respect for the living arrangements yet did not impose restrictions on worker mobility. Clearly, these employers take a keen interest in the social welfare of their workers, and take concrete actions to help their workers have a good employment experience while in Canada

★ **Attempts to Improve Communication and Cultural Understanding.** *Some employers and farm supervisors take Spanish lessons in order to better communicate with their Mexican workers, while others hire Frontier College students to act as translators and social coordinators. Several employers invited their workers for meals, supported soccer matches, took them to tourist sites, or held parties or barbeques. There are also employers who attempt to better understand workers' cultural frameworks by visiting their employees in their home countries. These efforts will contribute to a safer and more productive worksite, strengthen healthy relationships between employers and workers, and enhance workers' experiences of Canada.*

★ **Family Visits.** *There are some employers who encourage and allow migrant agricultural workers with work periods of eight months a chance to visit their families after four months, under a 'dual entry' arrangement, while a few others facilitate spousal visits to Canada to meet with the workers concerned. While many employers would find the costs of this arrangement prohibitive, it should be commended since it reflects the participating employers' recognition and acceptance of the social and emotional costs migrant agricultural workers face.*

Research Evidence on Positive Community Relations

★ **Friendships.** *Many Canadians and permanent residents who reside and work in the migrant agricultural worker dependent communities form friendships with the Caribbean and Mexican migrant workers. These friendship relations provide a*

significant measure of social support to migrant men and women tethered to the same employer, the same farm, and in the same location by CSAWP policy for up to eight months away from their family and friends at home; and who often face difficulties accessing Canadian services and institutions.

- ★ **Spiritual and Social Outreach and Support.** *Several Christian churches run migrant worker outreach programs. These organizations are playing a key role in providing spiritual support for migrant agricultural workers in their own language or through ministers from their country. They provide an alternative social space, which, in some cases, is the site of social events or skills acquisition (ESL). Members of these faith communities have made friends with workers and acted as a source of social support network for workers needing medical attention, help with banking, and other personal services. Through their work, churches are also encouraging social inclusion of the migrant worker community among rural Canadians.*

- ★ **Commercial Transactions.** *In rural communities, local businesses have expanded their product lines to include foods and beverages that are preferred by Mexican and Caribbean workers. While the motivations of most merchants are undoubtedly profit-led, some welcome the migrant worker community for more than the profit motive; they recognize the workers' social and cultural needs while acknowledging their economic impact. Some banks have adapted their services to meet the needs of migrant agricultural workers, recognizing their particular needs, facilitating their transactions, and reducing fees charged to this relatively low-paid workforce.*

- ★ **Responding to Health Needs.** *The Niagara Regional Public Health Department's Health Bus is an important resource for migrant agricultural workers living close to the town of Virgil. This resource has provided basic prevention and treatment, including dental care, to those workers able to access the Health Bus on Thursday nights and when a translator is available. In addition, the pager system that has been established by volunteers in the town of Leamington is a practice that, in the short term, should be emulated in other areas as it links workers needing emergency health care with a translator from the community. These types of efforts to include migrant*

workers in the health care system will undoubtedly impact the productivity of workers and have wider implications for public health within the community.

- ★ **Promoting Communication.** *Several secular and faith-based groups are making important contributions in improving communication between migrant workers and rural communities. Examples include the consolidation of volunteer translators in Leamington through a beeper number available to emergency room staff and the police, and the decade-long efforts of Frontier College to promote English language acquisition among Mexican workers. Efforts such as these bridge communication between migrant workers, their employers and the broader community and lead to enhanced mutual understanding.*
- ★ **Promoting Safety.** *Community groups are also making important contributions in promoting bicycle safety among migrant agricultural workers and greater awareness among drivers. These efforts make community roads safer places for both workers and drivers. Events such as these also create social opportunities for migrant workers and rural residents to come together and could enhance community relations.*
- ★ **Promoting Social Inclusion.** *Community groups, both secular and faith-based, host social events in an effort to better integrate migrant workers, their employers, and the residents of rural communities. These groups have also provided an alternative social space for workers outside of the farm workplace where they can meet other workers and members of the community. Furthermore, they increase awareness between the two communities which can contribute to improving inter-ethnic social and cultural relations.*
- ★ **Promoting Social Justice.** *Community groups are working with employers, workers, and the broader community to promote social justice within the SAWP. Some employers tend to see these groups as threats; but an understanding of their motives suggests that they are not a threat since they only seek to ensure that the migrant workers are accorded the same rights with respect to labour standards and health and safety at the workplace as native Canadians and permanent residents.*

**“Jamaican Workers’ CSAWP Participation and Development Consequences in Their
Rural Home Communities”**

A Report Prepared By

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For

**The North South Institute
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Expanded Executive Summary

Introduction

The objective of the study on the Jamaican component of Canada's Seasonal Agricultural Workers Program (CSAWP) is to provide research-based findings and practical recommendations that program managers might use to develop strategies that will enhance the economic development benefits that Jamaican workers and their families derive from CSAWP (and hence CSAWP'S rural development impacts in Jamaica) while at the same time ensuring that the program continues to recruit and deliver reliable and qualified Jamaican workers to meet the growers' labour demand during the peak planting and harvesting seasons.

The study was carried out from the workers' perspective as well as from the perspective of CSAWP'S administrators in Jamaica. Both field survey and desk research methodologies were applied in pursuit of the above objective. In terms of the field survey, the research focused on the 2001 population of workers 18 – 60 years of age numbering a little over 5,000 workers. The survey concentrated on those who successfully completed their contracts and were residing in Jamaica during the period of the survey. Stratified and systematic random sampling techniques were used to select a sample of 300 workers and a sample of 150 of their households, respectively, for participation in the survey. Therefore, the primary units of analysis are the workers themselves and their respective families or households. Pre-tested survey instruments were used to collect primary information from the sample of workers and their households. Desk research concentrated on secondary (published) information as well as office interviews with Jamaican CSAWP administrators.

Primary and secondary economic and ethnographic information/data were collected and statistically analyzed on areas including the demographic characteristics of the workers and their family or households, the recruitment process, CSAWP program administration, the characteristics of the communities in which the workers reside, the workers' employment experience in Canada, compulsory savings scheme, remittances and their uses. In addition information on the agricultural sector was also collected and analyzed. This summary highlights the main findings in some of these areas. The findings are generalized to the population of 2001 workers.

MAIN FINDINGS

Workers' Demographic Characteristics

1. Age and Family/Household Attributes

Approximately 82% of the workers studied are below 45 years of age. The average age is 38.3 years. As one would expect, the age characteristics suggest that most of the workers selected for CSAWP participation are workers in their prime working years. In terms of family/household relationships, an estimated 76% of the workers are either in a nuclear non-common law union, or nuclear common-law union with dependent children. Some are also in extended family households involving adult dependents such as mothers, fathers and grandparents as well as children. The number of non-adult and adult dependents is estimated at approximately 19,600. The average age of non-adult and adult dependents (excluding grandparents) is 3.9 and 36.4 years, respectively. The age structure of the workers and their dependents suggest that they are in the early to middle years of their life cycle. These patterns of family relationships suggests that CSAWP'S participation may be more a family/household decision than an individual worker decision. Flowing from that decision, they also suggest continuous interactions between the workers and their family/households of origin in terms of remittances of money and goods while in Canada, inheritance, and family investments as well as in terms of trans-national emotional support.

Workers' Pre-CSAWP Entry Farm Labour Market Quality

1. Education

The workers' level of education ranges from no schooling to post-primary education. Some are graduates of post-primary agricultural training centers. The majority (74%) received primary and a post-primary level of education; but more than 98% received at least a primary education. Only 1.1% did not attend school. This does not mean that this 1.1% is totally illiterate, however. The general level of literacy among the Jamaican CSAWP worker population is high, relative to the overall level of literacy (65%) in the rural labour force from which they are recruited. One conclusion from the distribution of educational characteristics in the program is that their participation is that the workers are endowed with sufficient schooling that would allow them to assimilate basic agricultural technologies encountered on Canadian farms, as well as allow good oral and written communications between them and their employers on the one hand, and between them and the residents of the farming communities in which they are employed, on the other.

2. Workers' Multiple Vocational Skills

2.1.0. The Jamaican CSAWP participants are workers with multiple vocational skills ranging from construction, plumbing, carpentry, joinery, auto-mechanic and wicker craft in addition to farming. Approximately 50% possess these skills in addition to farming and 29% possess only farming skills. In addition, the majority of the workers who possess farming skills only, or both farming and non-farming vocational skills have either been trained formally in agriculture or have acquired considerable knowledge in the discipline through a period of apprenticeship or personal experience, or a combination of all three.

2.1.1. The implications of this finding are three-fold: First, the combination of the workers' level of education with their multiple vocational skills suggests that the qualification of the Jamaican workers is higher than that of mere "low-skilled" farm labourers, and that if their farm employers gave them the opportunity, their farm productivity could be collectively higher than those of mere manual farm labourers engaged primarily in fruit and vegetable planting and harvesting routine tasks. The question then arises, whether Canadian farm employers recognize the farm productivity enhancement value of the workers' multiple skill sets and fully utilize them to increase farm output in areas other than planting and harvesting crops or in addition to planting and harvesting crops, and reward the workers accordingly. There is no evidence from the survey of the workers and their farm experience that this is the case. Second, in Jamaica, the workers' acquire these multiple skills over time to give them multiple employment options; that is to enhance their payroll employment or self-employment flexibility. The third implication is that although these workers may be underemployed in terms of income received for these skills when they are back home in Jamaica, they are not necessarily unemployed. Hence, it is more "low-wage" employment opportunities and the stability of the wages from these skills while in Jamaica than "open" unemployment that motivate them to seek the relatively surer and higher wage employment opportunities provided under the CSAWP within a relatively shorter time frame.

CSAWP Management, Worker Recruitment and Pre-departure Orientation

1. Management

The CSAWP program is managed from the Ministry of Labour. A Board of Directors with the Permanent Secretary as chairman manages the program. Board composition reflects a government-unions-private sector partnership in program administration. The Jamaican liaison officers also sit on the Board. The current structure and operations of CSAWP'S management is a fundamental departure from the typical Jamaican civil service structure. The Board, inter-alia, periodically reviews the program to ensure its effectiveness in meeting both the employers' requirements for the type of workers they demand as well as the worker's welfare while in Canada. It also implements worker

recruitment policies in line with the prescriptions set out in the Memoranda of Understanding. In addition, the Minister and officials of the Ministry also periodically visit Canada to meet with farm employers and the Jamaican workers, as well with HRDC CSAWP management.

2. The Worker Recruitment Process

2.0. The worker recruitment process seems too structured and organized. Worker recruitment is aimed at providing Canadian farm employers with the best quality Jamaican workers available from the targeted segment of the rural labour force and on a timely basis. Emphasis is placed on the overall agricultural labour market productivity quality of the potential CSAWP participant in addition to possession of a valid Jamaican passport. Successful recruits are required to open a personal savings account at a commercial bank of their own choice to facilitate the operation of the CSAWP Compulsory Savings Scheme (CSS).

Information about CSAWP is disseminated mainly through network relationships of friends, the workers and relatives of the workers and through their political representatives. Nevertheless, in principle, the recruitment process is geared to providing the rural population in all fourteen Parishes competitive access to CSAWP participation. Consequently, there seems to be no artificial institutional barriers to CSAWP entry. These finding suggests that CSAWP recruitment process in Jamaica is seemingly open, non-geographically concentrated, and not held hostage to influential politicians, a development that adverts the numerical domination of CSAWP participants from one rural region or Parish or overt recruitment nepotism. The process is also seemingly gender neutral. Program administrators reported that attempts are made to recruit female CSAWP participants; but the potential candidates indicate a preference for non-farm or non-farm related seasonal work in Canada. Consequently, the number of actual female program participants is very small.

2.1. The non-geographical concentration of the recruitment process does not totally negate the influence of political representatives on the recruitment process in the rural constituencies in which the workers reside, however. In Jamaica's political culture, the personal closeness of some politicians with their constituents usually leads to the establishment of "patron-client relationships". Consequently, it would not be unusual for politicians to play an information role in the identification of potential CSAWP workers and neither would this be a unique feature of the program throughout the Caribbean. Political identification of potential CSAWP'S workers does not necessarily translate into selection of the workers so identified, however. Nevertheless, even the benign influence of political representatives on the worker recruitment process in terms of providing information to their constituents that gives them access to available employment opportunities, can give rise to adverse public perceptions regarding transparency in the overall CSAWP recruitment process. This is not to

suggest that there is undue political influence on the overall CSAWP recruitment process. Rather it is to point to the fact that in Jamaica, public perception of such influence could raise the issue of “best practices” in the overall recruitment process. These findings suggest that although the recruitment process may be fairly open and successful, there may be room for further operational improvements.

3. The Pre-Departure Orientation Program

3.1.0. Workers’ pre-departure orientation could be perceived as a form of CSAWP-specific training. It is an important Canada pre-entry input in enhancing the workers’ overall farm productivity potential, and also an input in developing the workers’ human relations and survival skills. It prepares new workers especially, for the critical initial settling-in and adjustment experience to farm work and way of life in rural Canada that may be totally unfamiliar at best and unknown at worst to most of them, as well as reinforces the overall skills, knowledge, and experience of prior seasons or repeat program participants. It also prepares the workers for handling the emotional and mental stress that comes with prolonged separation from their families.

3.1.1. Within the above framework, the Jamaican pre-departure orientation program is premised on the assumption that preparing the workers for agricultural work and life in rural Canada is more than earning wages to support themselves and their families. It is also preparing them to be “ambassadors” for their country, and therefore, their success as farm workers and as “ambassadors” for their country is their success, that of their employers and of their country. Specifically, the program seeks to inform workers on how CSAWP works both in Canada (the demand end) and in Jamaica (the supply end), its objectives, their contractual obligations and responsibilities once in the program, resources in Canada available to the workers, the importance of adapting or adjusting to farm work life in Canada, the importance of constructive relationships with their employers, fellow workers, and constructive interaction with farming community residents. The program also apprises the workers on Canadian immigration laws and regulations, CSAWP’S policies, the potential spatial nature of their farm employment location, on-farm physical conditions of employment as well as the performance expectations of the growers who employ them.

3.1.1. The majority of the workers participate in the pre-departure orientation program. However, the study also found that workers with more schooling are more likely to voluntarily participate than workers with less schooling. One possible explanation is that given the geographically dispersed areas from which most workers are recruited, and given access to convenient transportation and cost of travel, the timing and venue of the pre-departure orientation program may not be altogether convenient to all workers at the same time. This finding suggests that, although Jamaica has the longest CSAWP participation experience, and currently enjoys the second highest number of

participants of all supply countries, there may be room for further evolution of the pre-departure orientation program.

Workers' On-Farm Employment Experience

1. Wages

The wages the workers receive for their work are the critical measure of the social and economic welfare benefits they and their families derive and expect to derive from their CSAWP participation. Given the alternative home country employment opportunities available to the workers and the stability of their earnings from these sources, the opportunity of earning higher wages under CSAWP within a relatively shorter time period is the single main reason the Jamaican workers give for their participation in the program. However, given the importance of the wage issue to the Jamaican workers, only a surprisingly 16% said that they were dissatisfied with the wages that they are paid for the type of farm work they are asked to perform. Nevertheless, over 50% percent reported that an increase in the wage rate paid for the type of farm work they do in Canada would significantly increase their productivity on the farms on which they work, and hence their social and economic welfare.

2. Housing Accommodation

The quality of the housing accommodation farm employers provide is another dimension of the workers' employment experience in Canada. The Jamaican workers' experience with the quality of housing accommodation generally confirms the research findings of the two components of this study undertaken in Canada. Therefore, I will not elaborate upon this finding here. Suffice it to say, however, that the majority (64%) of the workers rated the overall quality of housing accommodation units from very good to very poor relative to their own accommodation in Jamaica. This assessment reflects the wide variability in the quality of housing conditions employers provide, with bunkhouses offering the best overall accommodation, while trailer housing offering the worst overall accommodation quality. However, the single main housing accommodation problem that concerns the Jamaican workers is over-crowding; that is too many workers forced to live in the same space.

The implication of the adequacy or inadequacy of reasonably good quality or comfortable housing accommodation for the workers is two-fold. It either enhances or lowers the workers' commitment to the work they are expected to perform and hence the quality of that performance. Second, it either enhances or lowers farm productivity, and hence lowers or enhances the bottom line of farm employers. One implication of these findings is that the provision of reasonably good quality housing accommodation translates into increase worker productivity. If farm employers invest in reasonably good quality housing for the workers and this results in increased worker productivity that also

increases farm employers' bottom line, then the increases in worker productivity would more than offset the investment in reasonably good quality housing for the workers. In sum, reasonably good housing accommodation for the workers is also an input in worker productivity. The main responsibility, in this regard, is on the growers.

3. On-Farm Worker Health and Safety

3.0. On-farm Health and Safety is a third dimension of the workers' employment experience. The Jamaican workers' concerns with health and safety revolves around four main issues: training in the use of agricultural chemicals and machinery, long hours of work without adequate time for rest and relaxation, and adequacy of medical or health insurance coverage in cases of injury. Again, the experience of the Jamaican workers' with the health and safety dimension of their employment in Canada, generally confirms the findings of the two Canadian-based components of the overall study; so I will not go over these issues here.

Suffice it to say, however, that the findings of the Jamaican component of the study warrants an emphasis on the worker health and safety and worker productivity implications of long hours of work that the workers put in either involuntarily or voluntarily without adequate time for rest and relaxation, the adequacy of appropriate training in the use of dangerous agricultural chemicals, and the risks of physical injury of operating farm machinery without adequate training in safe operation of these equipments, as well as an emphasis on what should be regarded as a an approach to over-time pay that is paternalistic at worst, and discretionary at best. They also warrant an emphasis on the deleterious consequences for consumer healthy and safety of the vegetables and other food crops produced, and which ultimately find their way onto dining tables, an issue that is not unimportant, or unrelated in an era of diet and increasingly overall health-conscious consumers not only in Canada, but in countries that also import North American farm produce.

3.1. The above findings point to the conclusion, that like worker recruitment, the pre-orientation program and the workers' home country-acquired schooling, vocational training on the supply-input side, better wages, provision of reasonable good quality housing, worker expectations that they will be reasonably safe from physical injury, and other worker productivity enhancing conditions must be regarded as inputs in the farm productivity process that enhances' the farm enterprises' bottom line. Consequently, farm employers who do not provide the workers with basic, but reasonable good quality working conditions on their farms may be implicitly acting against their own self-interest, and by extension, the Canadian economic prosperity objective, which is the fundamental CSWAP'S rationale.

Worker Earnings, Remittance Flows, Remittance Use, and Skill Transfer

1.0. Categories or Types of CSAWP'S Worker Remittance Flows

Apart from CSAWP'S impact on the rural unemployment problem in Jamaica, worker remittances constitute the most direct and significant rural development consequences of the program. The study differentiates the workers' remittances into "mandatory" remittances and "discretionary" remittances. Mandatory remittances refer to the fixed cash amount (25%) of the workers' net wages deducted at source, 20% of which is transferred through the Compulsory Savings Scheme (CSS) into Jamaica's commercial banking system.¹ Discretionary remittances refer to the cash amount and the value of the goods that the workers voluntarily send periodically from net wages directly to their family members and/or households of origin while in Canada plus the cash amount and the value of the goods the workers take back home with them. These amounts are variable per time periods, and will depend upon family/ household social and economic circumstances, size and age composition of family/households, the stage of their life cycle of workers' family/households, the workers' other motives for remitting, as well as upon the workers' planned use of the money and goods that they take back home with them.

1.1. Workers' Net Farm Earnings Distribution

The estimated 2001 gross earnings of the approximately 5,000 Jamaican workers totalled CA\$31.64 million, which is equivalent to CA\$6,326.00 in gross earnings per worker for that season. An estimated CA\$7.04 million of their farm earnings in total was remitted through the CSS. Total discretionary remittances are estimated at CA\$17.19 million (\$6.21 sent home to family/household members, \$6.13 taken back home in cash, and \$4.85 in the value of the goods purchased in Canada and taken back home with them). This implies that of the estimated CA\$31.63 million in 2001 gross earnings, an estimated \$12.19 million remained in Canada ((\$1.77 million in Federal Tax Revenues, CPP and UI payments; \$1.03 million in employer recovery cost for the workers visa and transportation, and \$9.39 in worker spending (consumption in Canada plus goods purchased taken back home) in the rural economy)). Of course, given that the workers for the most part are paid the basic minimum wage rate, the value of their labour to the Canadian economy – the agriculture industry in particular as well as to Canadian farm produce consumers in general - is far greater than the total amount dollars from their earnings that remain in the Canadian economy would suggest. Nevertheless, it cannot be denied that in terms of earnings, CSAWP is making a net "export earning" contribution to the Jamaican economy, not to mention the tourism value for Jamaica of any good will the workers might generate under the program. Approximately 76% of the workers' Canadian labour incomes are export earnings for the Jamaican economy. At a 2001 exchange rate of CA\$1 = JA\$27.5,

¹ The remaining 5% is used to help finance Jamaican CSAWP administration budget

the workers' participation in CSAWP generated an estimated JA\$666.33 million in the 2001 season.

1.2. Mandatory Remittance Flows: CSS Savings Issues

1.2.0. The workers' CSS savings deducted at source either weekly or bi-weekly are transferred via the Liaison Services and the Ministry of Labour into the workers' personal savings account at the national commercial bank in, or nearest the community in which each worker resides. The transfer of a portion of the workers' savings directly into the commercial banking system is a pre-departure institutional arrangement between the Bank of Jamaica (BOJ) the Ministry of Labour and the individual worker. This is an arrangement that is a departure from previous CSS transfer arrangements: it reflects "best practices" in management-worker relations at the Jamaican CSAWP administration level. Indeed, given the legitimate sensitivity of the workers - as is the case of most people to the security and safety of their savings - the transparency that is implied in the direct transfer arrangements explains the high level of confidence the workers have, and the support they give to the administration of the CSS. An overwhelming number (79%) of the Jamaican workers strongly applaud and support the CSS.

The importance of the CSS to the Jamaican workers is two-fold: First, it contributes to the total amount of their farm earnings that they are able to save and draw on upon their return home. Second, the savings deposited into their personal savings account are available to the family members or households they designate should have access to those savings while they are in Canada. However, some workers who do not support the CSS; they feel that they should be allowed to do their own savings independent of government intervention. Other workers, who do not support the CSS explain their non-support on family grounds. Nevertheless, the fact the large majority of the workers strongly support the CSS suggests that they perceive the scheme to be managed in their interest.

1.2.2. There is one aspect of the CSS with which some workers seem dissatisfied, however. Some workers complain that the CSS administration takes more than two months to deposit into their bank accounts in Jamaica the 20% of their earnings deducted as savings. The Jamaican Liaison Service (JLS) explains that "this 20% is sent directly to the Bank of Jamaica and the information to credit the workers' account is simultaneously sent to the Ministry of Labour. The Ministry of Labour advises the National Commercial Bank in the area which the worker resides of the amount to be credited to his or her account, based on the exchange rate at the time and this is done on a biweekly basis". The JLS further indicated that the reported cases of deposit delays stem from the employers' payroll accounting practices. Some employers, albeit a minority, do not always expeditiously release the amount deducted nor provide information on payroll deductions to the JLS. If this is the case one conclusion is that some workers may imperfectly understand how the CSS actually works. Assuming

that the source of the delays are employers themselves, irrespective of workers' imperfect understanding of how the CSS actually works, those employers who deduct the stipulated amount for the CSS but allow two or more months to elapse before they make the deducted amount available to the JLS for deposit into the workers' savings account would have received at least a two-month interest-free loan from their workers.

1.3. Workers' Discretionary Remittance Flows

1.3.0. In contrast to the CSS, discretionary remittance flows are that portion of the workers' net farm earnings that they voluntarily remit home to their family or household members, independently of the 20% remitted through the CSS. It is discretionary because, unlike the CSS, the amount remitted may be in the form of cash or goods or both; the workers determine the total amount remitted; the frequency of the remitting and the channel or channels of remitting. In addition, and in general, the remitting workers also determine how the recipients should spend or use the total amount remitted.

1.3.1. The vast majority (93%) or 4,714 of the workers voluntarily remit a cash portion of their net farm earnings to their family or households. The average amount remitted was CA\$1,317 during the 2001 season. This cash amount may appear small; but CA\$1 to the average Canadian family is worth CA\$5,000 or more in value to a poor rural Jamaican family. Moreover the amount remitted is remitted relatively frequently. Over 85% (4,012) remitted a portion of their net earnings in cash either weekly or bi-weekly. However, the amount remitted may underestimate the total amount remitted, since it excludes the value of the goods that the workers may have also sent home while in Canada.

1.3.2. The Jamaican workers use two principal institutional channels to remit earnings to their family or household members: Western Union and commercial banks. However, Western Union is by far the preferred channel. Approximately 96% of the Jamaican workers use Western Union. This is because its money transfer cost structure is more competitive than the commercial banks. Moreover, it is also more time-efficient in delivery of the monies to the intended recipients.

1.4. Family/households: Their Characteristics and Uses of Remittances

1.4.0. There were 19,563 family members of all ages directly dependent on the workers who participated in the CSAWP 2001 season. Of the adult dependents, 97% are females and are also the main decision makers in the household in the absence of the worker. This suggests that the estimated number of household heads in the absence of the worker is 4,850, and implies an estimated average family or household size of four persons directly dependent upon the Jamaican CSAWP worker. Approximately 93% of the female household heads obtained primary and secondary schooling, a minority (12%) had some form of vocational skill; 72% were employed; but the majority (98%)

directly depends upon the workers' Canadian farm earnings as the main source of household income.

1.4.1. As one should expect, the remittances the households received are spent to meet the family's basic social needs, with food, shelter, healthcare and clothing accorded the highest allocation priority (41%). Children's schooling (20%) is next in spending priority. Remittance receiving households also use 0.4% of their remitted income to increase the family's livestock holdings and place a little over 10% in formal and informal savings institutions. The informal savings institution is a "grass-root" savings institution known as "Partnership" in Jamaica.

1.5. The Workers' allocation of Earnings taken home with them

The education and healthcare of their children are the single largest items on which the workers spend the portion of their farm earnings that they take back to Jamaica with them. Investments in children's education and healthcare account for 35% of the expenditure from the workers' "take-home" farm earnings. When combined with the 20% educational expenditure from the amount remitted home while in Canada, an estimated 55% of the workers' combined discretionary remitted incomes are invested in the education of their children. Given the very high value that Jamaican families place on education and the direct economic cost of education in Jamaica, this pattern of expenditure allocation is not unusual to Jamaicans. It follows, therefore, that the higher the number of seasons workers participate in CSAWP, the higher the probability that their children will receive more schooling. Second in line of remittance spending priority is spending on housing (7.3%). Third in line is investment in income-earning activities, tools and equipment (4.7%), while a little over 4% is allocated to liquidation of old debts. Undoubtedly an amount is also spent on entertainment involving relatives and friends as well as on community ceremonial activities. The social significance of this latter amount should not be discounted, since it helps to cement the worker's prestige in his rural home community as being able to go abroad, earn money and bring back monies, which also benefits to his friends.

1.6. Workers' Agricultural Skills Acquisition and Transfer

1.6.0. The majority of the Jamaican workers (93.7%) work in crop harvesting, with the tobacco and fruits, and vegetables sub-sectors of the horticulture industry leading the way. Others are employed in land preparation, crop spraying, fertilizing, farm equipment maintenance, produce handling and packaging, a few in tractor driving. A worker may be asked to perform other tasks than, for example, fruit picking during his tenure. Nevertheless, tasks performance in some of these commodity sub-sectors inevitably exposes the workers to large-scale commercial farming technologies, techniques or know-how.

1.6.1. On-the-job training in the performance of most of farm tasks the workers perform is informal and varies in form, content and duration from farm to farm. The workers report that CSAWP provides no opportunity for systematic or organized on-the-job training. For example, 88% (or 4,472) of the 2001 Jamaican workers reported using agricultural chemicals (or being exposed to their use) and machinery in the performance of the tasks they perform at one time or other during their tenure; the other 12% used either agricultural chemicals or agricultural machinery. Yet only 23% (or 1,169) reported receiving informal on-the-job training in the use of agricultural chemicals or machinery and equipment.

1.6.2. The study finds that 80% of the Jamaican workers are “named” workers”. Named workers are workers who return to the same employer, on the same farm, year after year at their employers’ request based upon the workers’ prior season’s good overall task performance. These workers probably perform the same or similar types of farming tasks in the same commodity sub-sectors in which they were first employed when they participated in the program for the first time. Even though on-the job farm training is informal, tasks performance tends to be routinized or repetitive. Consequently, over 4,000 of the 2001 workers, including the 1,169 who reported receiving some form of informal on-the-job training would have expected to acquire skills and experience in modern commercial farming tasks, which would complement or enhance their Jamaican acquired vocational skills and agricultural work experience.

1.6.3. Given differences in land topography, agronomic quality of soil conditions, scale of farming, climatic conditions, and access to publicly-financed agriculture-supporting infrastructure, skills and experience workers acquire from performing tasks in some commodity sub-sectors may not be directly applicable to Jamaica’s agricultural conditions. Nevertheless, an estimated 14% (or approximately (700) of the 2001 workers said that they have acquired substantive skills and knowledge in crop planting, crop spraying, fertilizing, crop harvesting and farm produce packaging technologies that are directly applicable to Jamaica’s agriculture or farming conditions.

CSAWP’S Development Consequences: Remittance Use and Livelihood Asset Accumulation

1. Remittance Use: Household Level Spending Consequences

1.0. The findings of CSAWP’S development consequences via remittance use in rural Jamaica are limited to the first-round development effects of remittance spending. However, where applicable, inferences are made regarding potential second-round remitted income effects.

The study of international migration and development raises questions concerning the nature of development itself. The literature on remittance development impacts, tends to define development in

terms of investment and economic growth, and consequently defines remittance development impacts in terms of physically visible remittance-financed micro-enterprise ventures directly supportive of long-term economic growth.² While this definition is valid, it is only partially valid. This study departs from this arbitrary, narrow, and ethnographically-uninformed definition because it ignores the personal circumstances of the remittance-receiving households, the structural conditions under which poor people make spending decisions, and the inherently private nature of remittances. Instead, it defines the remittance dimension of CSAWP'S development consequences in terms of the first-round remitted income effects at the household/family level, as well as at the second-round remitted income effects at the workers' wider community level, and at the economy-wide level in general.

1.1. At the household level, CSAWP'S development consequences via remittance use is, and should be equated with household social development or consumption poverty alleviation. At the Jamaican migrant farm worker household level, CSAWP makes a positive contribution – small as it may be – towards achieving this goal. Approximately 54% of the workers' families reported that given the uncertainties in the income generated from their other activities, the workers' remittances are a steady source of household income for financing the families' basic social needs, and 71% said that the incomes received from the workers' participation in CSAWP has significantly contributed to improvement in their overall standard of living. This assessment by the remittance-receiving households is consistent with the findings on their use of the remitted incomes.

One inference, therefore, is that since much of the remittances the workers send home, and much of the farm earnings they take back home with them is spent on their children's education, housing, food and healthcare (1.4.1. and 1.5. above), their participation in CSAWP raises the social and economic welfare of their families and helps sustain them. Moreover, worker household remittance spending on the family's basic social needs is another family's or household's or individual's income. Consequently, it is reasonable to conclude that the remittance invested in the household's social development, inevitably generate second round social and economic effects throughout the rest of the local community.

1.2. Thus, when viewed through this first concept of development, it cannot be concluded that because the families or households, which receive remittances spend the remittances on food, shelter, clothing and on their children's schooling and healthcare, instead placing all the amount received in a bank account or invest in other types of income-generating activities CSAWP'S positive rural development consequences in Jamaica are insignificant or non-existent.

² See IADB 2001 Papers on "Remittances to Latin American and the Caribbean"

1.3. Nevertheless, CSAWP'S worker household social and economic welfare improving consequences come at the cost of some adverse household social development consequences for the workers' families or households. Approximately 30% of the families studied reported that the periodic absence of the workers causes instability and emotional stress in their households, particularly among the non-adult family members. Second, it can be argued that the flow of remittances into small rural communities can aggravate income inequality in these communities. An equally valid argument, however, is that the economic multiplier effects arising from the initial spending out of remitted incomes by remittance-receiving worker households would most likely mitigate some of the inequality impacts.

2. Remittance Use: Economy-wide Consequences

2.0. Balance of Payments and Private Sector Capital Formation

At another level, development entails long-term structural change: reasonable manageable balance of payments and external debt positions, removal of structural impediments to employment and income-generating activities, application of improved skills, knowledge and technology, efficient provision of government services, and efficiently functioning public institutions supportive of economic growth. When viewed through this second concept, CSAWP'S development consequences in Jamaica present a mixed picture.

The CSS is a mandatory remittance requirement policy embedded in CSAWP'S operation applicable to the Commonwealth Caribbean workers only. As the case of Korea illustrates, mandatory remittance policy can be an effective instrument for development only when governments have control over the process of labour migration. In the case of the Jamaican migratory farm workers, the Jamaican Government uses the CSS as an effective tool for attracting a portion of the workers' net farm earnings into the domestic banking system. As indicated above, approximately CA\$7,000,000 of the net farm earnings of the 2001 workers was deducted at source and transferred into their savings account at the commercial banking system. The Liaison Services explain that the money is sent directly to the BOJ, which then instructs the national commercial banks in which the workers hold their savings account to credit the accounts with the Jamaican currency equivalent amount. Since it is reasonable to assume that commercial banks disburse the deposits in the form of loans to their credit-worthy borrowers, it must also be assumed that the workers' hold a claim on the remittance-receiving commercial banks for principal and interest amount. Thus, at the economy-wide level, the country benefits from CSAWP through the CSS in terms of balance-of payment support as well as in terms of remittance-related commercial loans to the private sector. Based upon the Canadian dollar amount (\$7,000,000) on record, these down-stream CSAWP economic development contributions may look

small to Canadians; but one should also consider the size of the economy in question and the direct and indirect economic multiplier consequences of the amount.

3. Rural Community development Consequences: Small-scale Business Ventures

The study finds that the workers invest a total of 4.7% of their net farm earnings taken back home with them in own-account income-generating activities. When combined with the 0.4% the remittance-receiving family/households spent to increase their small livestock holdings, total amount investment in micro-economic ventures amounted to less than 5% of total discretionary remittance from the workers' net farm earnings. This amount can be viewed as relatively small. However, the social and economic characteristics of the workers' rural home communities that are most likely to constrain or facilitate remittance-financed micro-enterprise investment opportunities within those communities must also be taken into consideration as potential explanatory factors.

One such typical rural community is "Mayberry" community in St. Catherine Parish.³ The population is sparse and widely distributed. Small livestock farming and basic food cultivation for domestic consumption is the mainstay of this community; but most of the seemingly arable lands are left idle. In terms of social and economic infrastructure, there is piped water, but residents report that the consumable quality is unreliable, necessitating the use of trucks to periodically deliver drums of water for household consumption as well as for small livestock purposes. There are roads that are generally in disrepair, and seem so for a very long time. Mayberry is served with electricity as well; but the residents complain that the rates charged for this service are beyond their ability to pay. In a community where cultivation mainly for basic domestic food consumption and small livestock farming are the main income earning activity, this complaint should be understandable and appreciated. Mayberry is also equipped with a basic school and a primary school, a post office and one Type 1 Health Clinic. There was no visible evidence of new or existing micro-enterprise investment activities in Mayberry, which could be traced to the CSAWP workers from this community; and neither did Mayberry residents indicate the existence of any such CSAWP worker-related micro-entrepreneurial investment activity. It may be that the total earnings that a particular worker takes back home are not sufficient to take care of his family's basic social needs and invest in income-earning ventures at the same time. Alternatively, it could be that other rural communities in other Parishes from which CSAWP workers are recruited, and which are better infrastructurally endowed socially and economically may provide some visible evidence of CSAWP worker related micro-entrepreneurial investment activities. In this regard, these two latter issues could be the focus of further research, the former addressing the question of whether workers who have participated in

³ Mayberry is a fictitious name given to the community actually studied.

CSAWP for 10 or more years undertake significant investment in income-generating ventures.

3. Rural Community Development Consequences: Workers' Skills Utilization

3.0. The study addresses the farm skills utilization issue in terms of whether workers who have access to cultivatable lands and actually cultivate those lands while in Jamaica, utilize their Canadian acquired farming skills, knowledge and experience on their farms, and whether those workers who are not normally engaged in agricultural activities while in Jamaica transmit their Canadian farming knowledge and experience to farmers who have never participated in CSAWP. The study finds that only 12% of the workers who have access to cultivatable lands and actually cultivate those lands utilize their Canadian acquired farming skills, knowledge and experience on their farms. Within this 12%, the incidence of skills, knowledge and experience utilization differs by the age of the workers. Approximately 20% of the workers age 45-54 utilize their Canadian acquired farm skills and experience on their farms, whereas the incidence of utilization among those workers 55 years and over was 28%. The study also finds that approximately 17% of the younger CSAWP workers whose main income activity while in Jamaica is not in agriculture, reported that they pass on their Canadian acquired farming knowledge and experience to their non-CSAWP farming compatriots who do farming. This percent is higher than those CSAWP workers who reported utilizing their Canadian acquired farming skills, knowledge and experience on their own farms while in Jamaica.

3.1. Two conclusions may be drawn from these findings. One is that in terms of CSAWP'S rural development consequences via worker skills utilization, knowledge and experience gained in Canada, older workers with access to cultivatable lands and actually cultivate those lands may be more likely to utilize their Canadian acquired farming skills, knowledge and experience to enhance output productivity of their own farms in Jamaica. Younger CSAWP workers, in contrast, tend to prefer transmitting their Canadian acquired farming knowledge and experience to non-CSAWP farmers, either because these younger CSAWP workers do not have access to cultivatable lands, or if they have access to cultivatable lands, prefer to engage in non-agricultural wage-employment activities while in Jamaica. The latter type of behaviour would not be unusual in Jamaica, since younger Jamaicans tend to have an income aversion to agricultural work in Jamaica, compared to incomes that can be earned from available non-agricultural alternatives.

3.2. The conclusion that younger CSAWP workers tend to transmit their Canadian acquired farming knowledge and experience to their non-CSAWP farming compatriots suggests the policy question of how can the Jamaican Ministry of Agriculture in collaboration with the Ministry of Labor capitalize upon the Canadian acquired farming knowledge and experience of younger CSAWP workers who prefer to do agricultural work in Canada because of its greater economic rewards, while at the same

time have an income aversion to agricultural work in Jamaica?

4. General Conclusion: CSAWP'S Development Consequences

CSAWP'S immediate development consequences in rural Jamaica, appears to be primarily at the workers' family or household level. Most of the workers' Canadian farm earnings either saved and remitted through the CSS, remitted directly to their family/households, or the amount that they take back home with them is spent on the social and economic development of their families though allocation on basic food, education, clothing, healthcare and housing improvements. One should not doubt the development value of these patterns of remittance use in rural Jamaica for a number of reasons. First, irrespective of how one chooses to define the Jamaican family, whether in terms of a nuclear non-common law union or the nuclear common law union, worker participation in CSAWP is more a family than an individual decision. The decision is based on expectations of remittances to help the family smooth out fluctuations its incomes given low and uncertain earnings from the family's home country economic activities, and to contribute to the household's livelihood assets. Looked at in these terms, CSAWP to the workers and their families is an insurance policy against home-country income security. The workers' voluntarily participation in the CSAWP is part of their households' overall strategy to improve family members' standard of living. Participation in the CSAWP augments their financial resources for basic foods, education, clothing, healthcare and housing improvements and for the purchase of small household appliances for themselves and their families. Individual workers may also have an investment motive for CSAWP participation. Consequently, CSAWP worker remittance spending on household social development in Jamaica is not only spending on social development, it is also investment in long-term economic growth and poverty reduction. Investment in children's education and healthcare, for example, is investment in human capital formation; it is investment that contributes to a healthy and educated labour force, which is among the critical prerequisites for long-term economic growth. Thus, on the basis of the findings regarding CSAWP'S development consequences at the workers' household level, the argument can be made that CSAWP has contributed, and is making a small but significant contribution toward attainment of some of the UN'S 8 Millennium Social Development Goals. Second, remittance spending at the household level to entertain friends and relatives as well as on community ceremonial activities is investment in social capital formation. In rural Jamaica, it is these same friends and relatives whom the farm worker will be able to call upon for support and assistance to his family when he returns to Canada in successive seasons to do farm work.

Third, CSAWP mandatory remittance requirement policy is an effective tool for increasing a larger flow of the workers' remittances directly into the commercial banking system. Heuristically, worker remittance flows influenced by this policy, most likely have a balance of payment effect, an

employment effect, and a capital formation effect at the macro level. The statistical and economic significance of these effects could be the subject of future investigation. Regarding remittance-financed small-scale income-generating activities at the rural community level, there may be structural constraints in these communities that function as disincentives to the workers and their families to allocated a higher percentage of their hard-earned cash in these activities. It is reasonable to assume, therefore, that as long as these constraints are in place, or their influences remain unmitigated, the Jamaican CSAWP workers may have no major incentive to invest their farm incomes in home-country ventures, whose rate of return is more risky or less certain than the returns on their farm labour in Canada.

The fourth general conclusion I would like to suggest that can be deduced from the findings on CSAWP'S development consequences in Jamaica, is in the form of an implication. The rural poor are not able to participate in globalization from above, for the top is designed to exclude them and does function to exclude them. However, they can participate in globalization from below. The CSAWP can be viewed as one instrument that facilitates participation of the rural poor in the benefits of economic globalization; but participation is participation from below. This is to say that CSAWP provides an avenue for the rural poor and their families (in this case the Jamaican workers and their families) to participate in some of the benefits of economic globalization. Unlike manufacturing plants, Canadian farmers, the people who recruit and hire labour from the rural Caribbean, cannot take up their lands and their crops and transport them to the rural Caribbean in order to take advantage of lower unit labour cost of production. Instead, they recruit Jamaican workers not from the economically well-off segment of the rural population, but from the socio-economically marginal segment and bring them to Canada. CSAWP gives the recruited workers from this segment the opportunity to earn incomes in a highly developed economy, part of which they inevitably spend in Canada, but the greater portion (77%) of their incomes earned in Canada is in the form of cash and goods remitted or taken back home to their families. In addition, some of these workers acquire additional skills, knowledge and experience, which they also take back home with them, and some the research findings indicate, utilize these skills while back home in Jamaica to improve their social and economic circumstances, while others seek to transfer their Canadian acquired skills and knowledge to non-CSAWP participant farmers. The policy or program development challenge, therefore, is: How to reform CSAWP to make the workers and their families derive greater benefits of economic globalization under CSAWP, while minimizing or avoiding some of its worse consequences?

OTHER FINDINGS

1. On-Farm Employer-Worker Personal Labour Relations and Ethnicity

1.0. Given the visible ethnic and “cultural” differences between employers and their workers, the study also collected and analyzed information on how the workers’ perceive the employers’ attitude or behaviour towards them. The study attempted to gauge these aspects of employer-worker personal relations at the farm workplace in terms of employers’ cordial relationships, “verbal abuse” and “physical abuse” of the workers and in terms of the workers’ “perceptions of overt racial or religious discrimination”. Caution is urged on the findings below since the workers’ responses are subjective and may not necessarily be descriptive of the growers’ actual attitudes or behaviour. Nevertheless, the responses reflect how the workers’ perceive their employers in general and how this perception influences or does not influence their farm productivity. To some extent, the workers’ responses also reflect the effectiveness of the pre-departure orientation program in imparting human relations skills and knowledge.

1.1. On the issue of verbal abuse, a minority (6%) of the workers reported that their employers use “curse words” in relating to them. None reported physical abuse. Since there may be cultural differences in interpretation as to what is, and what is not verbal abuse, and since the study did not explore the frequency of an employer’s resort to this form of communication with his workers, no conclusion can be drawn as to whether this reflects a pattern of personal labour relations’ practices on the part of CSAWP’S employers. Nevertheless, if employers frequently resort to what is generally considered abusive forms of communications in their relations with their workers, and if it can be corroborated as abusive forms of communication, it would be a practice that reflects coercive and intimidatory personal labour relations’ practices, which would not rise to the level of “good” practices. Moreover, such practices, if descriptive of actual reality, would be a potential source of employer-worker conflict, and would inevitably have implications for the “abused” worker’s productivity, commitment to his employer, voluntary or involuntary repatriation, repeat CSAWP participation, and ultimately implications for the employer’s bottom line.

1.2. The workers report encountering no overt discriminatory practices on the grounds of race, religion, or gender from their employers. This does not necessarily imply, however, that attitudinal or covert racial and religious discrimination, which is subtler than overt racial or religious discrimination is not a feature of some employers’ personal relations practices with their workers.

1.3. The bottom-line assessment from the workers is that the majority of their employers’ personal relations with them range from “neither poor nor good” to “very good”. Again, this rating is very subjective and should be taken as such. The rating varies by worker age group, with the older workers rating their employers’ personal relations with them higher on a scale of 1-5 than younger workers, 5 meaning “very good”.

2. Off-Farm Migrant Workers-Rural Canadians Social Relations and Ethnicity

2.0. One of the many structural features of Canadian society that Canadians are proud of is the social quality of life Canadians enjoy and its seemingly equal distribution among all those who reside in the country as citizens, immigrants and temporary workers. From this perspective, although a dimension of the workers experience that is technically external to CSAWP, policy-wise, the structure and quality of off-farm social and cultural interactions between rural Canadians and the temporary workers become relevant, both in terms of their farm productivity and in terms of their human conditions while living and working in rural Canadian society.

2.2. The study considered the structure of inter-ethnic social relations between the Jamaican workers and rural Canadians in terms of the workers' participation in the economic and non-economic aspects of rural Canadian life and society. Again, the findings here are based on the workers' subjective experience, opinions or perspectives. Over 67% of rural Canadians welcome the workers as a potential consumer market that is good for their retail and wholesale business. But apart from the business value of the workers' presence in the communities, rural Canadians in general distance themselves socially from the workers. The off-farm social distancing of the workers by rural Canadians dispose the Jamaican workers to look for social interactions and mutual support among their CSAWP compatriots and among CSAWP workers from other Caribbean countries, as well as from Mexico. These findings generally confirm the findings of Preibisch's study of the social and cultural relations dynamics between rural Canadians and the migrant workers.⁴

2.3. It appears then, that while rural Canadians value the annual presence of the Jamaican workers in their communities as a seasonal consumer market, the social quality of life that Canadians are proud of is not extended to these workers. A number of factors may be tenable in explaining this seeming contradiction in the inter-ethnic relations between rural Canadians and the migrant workers, one of which is traceable to one of CSAWP'S stated objectives. On the economic plane, the workers are expected to provide labour services that improve Canada's economic prosperity by ensuring that fruits, vegetable and other horticulture crops are planted and harvested in a timely fashion and in the process enhance job prospects for Canadians dependent on both down-stream and upstream agriculture related employment and profitable business activities. However, on the social plain, the same Canadians who are directly dependent on the workers' labour services to generate employment and profitable business activities that benefit their rural economy, distance themselves socially from the workers. Given the socially ascribed differences between the workers and rural Canadians, other

⁴ See Kerry Preibisch, "The Social Relations Practices between the Migrant Workers, Their Employers and the Residents of Rural Ontario" (Component II of the current Research Project)

factors such as racial discrimination in rural Canadian society may be tenable, as well.

MAIN RECOMMENDATIONS

The recommendations below are organized according to the perceived stakeholder audience (the audience ordering has no significance) and are put forward for further deliberation. They are recommendations which the research findings suggest could enhance the economic development benefits that the Jamaican workers derive from CSAWP – and consequently the program’s rural development impacts in Jamaica - while at the same time ensuring that the program continues to deliver reliable and qualified Jamaican workers to meet the farm employers’ workforce needs. While some of these recommendations may require only marginal adjustments in the way CSAWP is structured and operates, others may require fundamental review of some aspects of the program’s institutional structure, farm industry-level employment practices, as well as a challenging of rural Canadian residents’ social relations practices toward the migrant workers who annually reside and work in their midst.

I. Recommendations Specific to CSAWP Administration in Jamaica

1.1. Improving CSAWP’S Recruitment Strategies

Good practices require that the recruitment process is “information efficient”. First, this means that all relevant information regarding CSAWP participation be publicly available to the rural population in the same quantity, quality, and at the same time. Relevant information would include information on CSAWP selection criteria such as minimum education, vocational skills, agricultural work experience and other important CSAWP-related labour productivity attributes. Second, it also means that all relevant CSAWP productivity-related information on each worker be fully incorporated in the selection of that worker. These and other relevant characteristics of the overall recruitment process enhances the confidence of potential CSAWP recruits as well as that of the general Jamaican public in the process in terms of greater transparency and equal chance of participation on the same set of information regarding selection criteria.

1.0. While systems of private network information distribution can be efficient, it may not all together be distribution efficient. In this regard, greater use of either the electronic or print media, or both, would complement and reinforce the effectiveness of current worker recruitment strategies. More importantly, it would also enhance the confidence of the Jamaican public in the transparency of the overall recruitment process. However, given the level of circulation, use of the print media may not be as effective in recruitment information dissemination, as use of the electronic media. Therefore, since most rural Jamaican households at the minimum possess a radio even in rural areas poorly supplied or not supplied with electricity, and given the recent proliferation of radio stations in Jamaica, use of the electronic media – particularly radio - would be relatively the more effective recruitment information dissemination strategy. In this regard, given electronic information dissemination relative cost it is recommended that the Jamaican Information Service (JIS) should be the first order choice in disseminating recruitment information electronically.

1. 2. Improving the Content Quality of the Pre-Departure Orientation Program

The overall quality of the pre-orientation program, like the overall quality of the recruitment process, determines the farm labour productivity quality – particularly the farm labour productivity quality of first-time workers that CSAWP delivers to the horticulture industry. While the pre-departure orientation program appears to be generally effective in terms of preparing the workers for farm work and general life in rural Canada, there seems to be room for improvement in the scope and quality of the orientation program content and in the level of worker participation, particularly first-time recruits at the lowest end of the education, vocational skill, agricultural experience scale, and those who have never traveled or lived overseas.

1.2.0. Given these considerations, a content review of the pre-departure orientation program with the view of expanding its scope and quality could increase the farm labour productivity quality of the workers CSAWP delivers to the farm employers. In considering these issues, the following CSAWP areas should be considered for emphasis in the review:

- Canadian immigration, customs laws and regulations, transportation to farms
- CSAWP'S principal policy objectives
- Employers' and workers' contractual obligations, responsibilities and mutual expectations
- On-farm work and labour compensation policies
- The general wage structure and wage setting process
- The purpose of the CPP and the UI Scheme and how each works
- Transportation and visa costs and recovery
- Income tax payments, filing returns, resources for filing returns and penalties for not filing
- CSS overall management and the purpose and allocation of the 25% wage deduction
- Housing; healthcare and medical insurance coverage
- Workers' compensation claims procedures
- Accessible Canadian resources
- Jamaican Liaison Services and communication channels
- Human relations with farm employers and with residents of farming communities
- Voluntary departure from Canada
- Worker penalties for AWO.
- Employer-worker grievance/conflict resolution procedures
- Canadian culture and social norms
- The evolving discussion on CSAWP'S future direction with respect to unionization

Some of these content areas are undoubtedly already strongly emphasized in the orientation sessions. Nevertheless, they may need to be reinforced and even expanded, where warranted to reflect changes that occur, or are occurring in the structure and operation of the program in Canada, as well as to reflect anticipated changes, particularly with respect to the seeming proliferation in Canada of other temporary foreign worker programs.

1.2.1. To reinforce the quality delivery of the content and scope of the pre-departure orientation program, it might be useful for the Jamaican Ministry of Labour to consider drawing upon the direct on-the-ground farm work experience and knowledge of workers who have had at least 5 continuous

seasons of CSAWP participation, or workers who have retired from the program after 10 or more seasons of continuous participation to complement the current resources used in orientation delivery.

1.2.2. The modalities of delivery of the orientation sessions should be considered in contemplating quality reinforcement of the pre-departure orientation program. While verbal delivery is inevitably an important modality, video presentations can be far more effective delivery modalities.

1.2.3. An "End-of Season Worker Return Report" could be another orientation content enhancement instrument. The Return Report would be filled out by each worker and documents the overall farm employment experience of the worker. It could also include worker suggestions for improvement of CSAWP'S operation in following seasons. However, the format of the Report must be simple and straightforward. In addition, filling out of the Report should be mandatory on the part of all returning workers. The timing and location of for filling out of the Report is a strategic consideration, however. In this regard, arrangements could be made with the Jamaican Customs and Immigration Authorities at the point of worker re-entry to Jamaica, to accommodate the workers in the filling out of the Report. Most importantly, however, is that the Report should be used only for the purpose of enhancing the content and quality of the pre-departure orientation program. Any other use would not serve the best interest of the workers or that of their actual and potential farm employers in Canada.

1.2.4. Given the reliance of the horticulture industry on CSAWP to deliver a core quality workforce, and given the role of the pre-orientation program in delivering that workforce, worker participation in the pre-orientation program should be made universally mandatory as a matter of recruitment policy, and some form of penalty imposed for avoidable non-participation in all orientation sessions. It must be recognized, however, that access to convenient transportation and the cost of such transportation is not evenly distributed in rural Jamaica. Unequal access to convenient transportation and the uneven distribution of transportation costs suggests that the Ministry of Labour should consider decentralization of delivery of the pre-departure orientation sessions to strategic rural locations.

1.3. Maximizing CSAWP'S Rural Development Potential in Jamaica

CSAWP connects Canadian agriculture and rural development in Jamaica. The connection lies in the understanding that the workers, by virtue of being a labour resource for Canada's seasonal agriculture, they are also a potential development resource for Jamaica. They are a potential development resource by the farming expertise they acquire in Canada and by the money they send or bring back home with them from their farm earnings. The issue, therefore, is how can this pool of potential development resource be more fully maximized or capitalized upon? The following proposals suggest possible directions.

1.3.0. Maximizing the development potential of Workers' Canadian-acquired Farming Expertise

The Jamaican Ministry of Labour should consider exploring with the Ministry of Agriculture the feasibility of a pilot project in agriculture designed to utilize the skills and knowledge of the returning workers, particularly those workers who have participated in CSAWP for 5 or more continuous years, and have acquired substantive farming skills, knowledge and experience in Canada, that are applicable to Jamaican agricultural conditions. The study finds that there were workers who were applying some of the farming skills, knowledge and experience acquired in Canada on their own and on their own cultivation, and there were workers, who possess applicable skills and knowledge acquired in Canada, but were not utilizing these assets in Jamaica either because they do not have access to cultivatable lands, or if they have access to cultivatable lands were not disposed to engage in agricultural work while in Jamaica. Nevertheless, this latter group of workers was not averse to sharing their Canadian acquired agricultural "expertise" with Jamaican farmers who have never participated in CSAWP, and in fact some have taken initiatives in this direction.

One approach that might be considered in order to maximize the potential development benefits of these groups of workers' Canadian-acquired agricultural expertise is to assist those workers who have their own farms and apply their expertise on those farms. The assistance may take the form of "*Own-Farm Development Program*" (OFDP). To stimulate worker interest in the OFDP, incentives may take the form of either additional cultivatable lands, and/or additional tools, machinery equipment, fertilizer, seeds, storage facilities, communication equipment and output marketing intelligence to commercially expand their farms in the area of areas of their choice, provided they commit to continue applying their Canadian-acquired farming expertise on their own farms. The provision of such assistance could be initially on an experimental basis, monitored, and probably expanded over time, depending upon monitoring and subsequent evaluation results.

Another approach that could be pursued either in tandem with the OFDP, or separately, would be to draw upon the Canadian-acquired farming expertise of those returning workers who are not themselves disposed to engage in actual "hands-on" agricultural work in Jamaica, but are not averse to sharing their expertise with Jamaican farmers who are actually engaged in farming, and who have never participated in CSAWP. One of two possibilities (or both) might be contemplated for maximizing CSAWP'S rural development potential under this scenario. One is that the Ministry of Labour could explore with the Ministry of Agriculture the feasibility of the latter's deployment of this group of workers' Canadian-acquired farming expertise as agricultural extension officers within the rural communities in which they reside, as well as in contiguous farming communities. Alternatively, the Ministry of Labour could consider exploring with the Ministries of Education and of Agriculture the feasibility of the latter's utilizing these workers' Canadian-acquired farming expertise as practical teaching resources at the Elim, Knockalva and other agricultural technician training centers in Jamaica, bearing in mind that some of these workers are themselves graduates of some of these same centers.

1.3.1. Maximizing the Development Potential of Workers' Remittance Flows

CSAWP workers are also potential development resource in Jamaica by the money they send or bring back home with them. Given the inherently private nature of the workers' remittances, the household social and economic conditions which influence their remittance-spending decisions, and the limited opportunities for small-scale investments in the communities in which they reside, it may appear that politically unfeasible to suggest policy interventions that would influence a re-balancing of their household social spending decisions in favour of small-scale investment activities.

Quite the contrary, it is in the political realm that successful re-balancing of remittance spending might find frictionless policy solutions. No politician in Jamaica has ever past up the opportunity to be seen doing some economic good for his or her constituents. In this regard, the proposal is that the Ministry of Labour should contemplate exploring with the Ministry of Community Development, or more specifically, The Social Development Commission (SCD), the feasibility of removing the most salient structural impediments in those rural communities from which a larger proportion of the migrant workers are recruited, and which restricts their remittance spending decisions primarily to household social development. Again, the trick is to proceed initially with a carefully designed or crafted pilot or experimental "*Worker Remittance-financed Small-scale Business Program*" (WRSBP) program in one or two rural communities of highest worker recruitment concentration, monitored and evaluated over time to determine the workers' remittance-spending decision responsiveness and rate of responsiveness to the removal of the structural constraints, as well as to identify lessons that might be learnt to guide similar initiatives in other worker recruitment rural communities.

1.3.1. Financing the Proposals for Maximizing CSAWP Workers' Development Resource Potential

One possibility for financing the *OFDP* proposed above, might be to encourage a larger number of returning workers to invest more of their net farm earnings in Canadian-made farming tools and equipment adaptable to Jamaica agricultural conditions, with Government commitment of guaranteed duty-free entry of the tools and equipment purchased. The development gains to the workers' family/households, immediate community as well as to geographically contiguous communities would far outweigh the small revenue loss from the duty-free entry of the workers' farming technology inputs purchased in Canada. Complementary or alternative sources of *OFDP* financing could be grant funding from the International Fund for Agricultural Development (IFAD) under this Agency's "Strategic Framework for Rural Poverty Reduction"; The Inter-American Institute for Cooperation on Agriculture (IICA) under this Agency's "Sustainable Rural Development" and Technology and Innovation Programs"; and The Rockefeller Foundation's "Food and Security" and Global Inclusion" Programs.

Second, one possibility source for financing, or assisting in the financing of the *WRSBP* is the CSS itself. I have pointed out above, that the portion of the workers' earnings deducted at source is transferred directly into the national commercial bank in, or nearest the community in which each worker resides. It can be reasonably assumed that the receiving commercial banks make a profit from each worker's CSS deposit by lending the sum deposited to credit-worthier borrowers. Assuming this to be the case, then a portion of each bank's interest income of the workers' CSS deposit could be earmarked for *WRSBP* financing. Complementary or alternative sources of funding could be CIDA-America's Branch "Canada Fund for Local Initiatives" in Jamaica, and the IADB'S "Program for Micro-Enterprise Development in its Member Countries and The Rockefeller Foundation's "Global Inclusion Program".

II. Recommendations for Bi-Lateral Action on CSAWP Development

The preceding set of proposals is directed towards those *CMAWP* areas over which the Jamaican Authorities exercise strategic control and are rural development in emphasis. The following set of proposals is directed towards those *CSAWP* areas over which the Canadian and the Jamaican Stakeholders jointly share strategic control. I will not elaborate fully upon these proposals here, since the Canadian Components of the overall Study will direct recommendations for *CSAWP* strengthening in the areas targeted here. Moreover, unlike the previous set of proposals, the proposals put forward here are generic to both *CSAWP*'S Caribbean and Mexican workers.

2.1. *CMAWP* Wage Policy

It is recognized and appreciated that *CSAWP* has created basically a minimum-wage agricultural labour market within which Caribbean and Mexican farm workers voluntarily and legally participate. It is also recognized and appreciated that the policy intent of the minimum-wage policy is to permit this market to function in a way that would allow employment of Caribbean and Mexican agricultural workers to seasonally complement the native Canadian or immigrant workforce, rather than become substitutes in the native workforce, while at the same time satisfy horticulture growers' legitimate peak planting and harvesting season labour demand for a reliable core workforce. Third, it is also recognized that *CSAWP*'S actual wage structure can, and does vary by farm commodity sub-sectors. Nevertheless, the basic wage structure determined by *CSAWP*'S policy is a minimum-wage structure. However, some growers have the discretion to vary this basic structure upward – and some do implement a discretionary wage policy - provided it does not result in displacement, or exclusion of native Canadian and/or immigrant workers. Fourth, it is recognized that HRDC and STATCAN are currently working on a new wage-setting policy.

Both individual growers' discretionary wage-setting policy and the HRDC-STATCAN initiative would be elements of "good farm labour market practices", if the segment of the farm labour market within which Caribbean and Mexican Workers are employed is to function relatively frictionless and flexibly. Given the importance of a relatively frictionless and flexible farm labour market, it is proposed that:

- a) Individual growers with the ability to pay their workers higher than that which may be proposed and accepted under the new HRDC-STATCAN formula be encouraged to continue (rather than discontinue) implementation of his/her individual discretionary wage-setting policy but in keeping with the worker non-substitutability principle
- b) The new HRDC-STATCAN formula include the principle that a wage premium be paid to all Caribbean and Mexican migrant workers as an acknowledgement of the effect of their presence in the farm labour market in keeping wages lower than if the growers were forced to employ only native Canadian and immigrant workers, thereby raising horticulture growers' rate of return on farm capital.
- c) The new HRDC-STATCAN wage-setting mechanism be collectively negotiated with supply countries' government representatives, employers and workers before implementation; and that once agreed and accepted this should be followed by post-implementation vigorous enforcement, monitoring and evaluation by the relevant Federal and/or Provincial Government Authority at mutually-agreed intervals for the labour market's compliance and effectiveness.

2.2. Workers' CSS Deductions and Delays in Crediting Worker's Jamaican Saving Accounts

Assuming that the reported delays in crediting some workers' Jamaican-held savings account with the amount deducted at source as CSS stem from employers' payroll accounting or cash management practices, and assuming that these delays are systematic, they would not seem to rise to the level of "best practice" for three reasons: The first is that those workers who have imperfect knowledge of the real source of the delays are likely to attribute the delays to the wrong source; and this can give rise to false perceptions by workers on how the JLS manages the CSS, resulting in unjustifiably adverse JSL-worker relations. The second is that the affected workers would be made to unfairly bear the cost for their employers' cash-flow accounting difficulties. The third is that those employers, who engage in cash-flow management practices that give rise to the delays in question, would benefit from an interest-free loan tantamount to a transfer of income from workers to employers, over and above the workers' minimum wage payment. These issues suggests the following remedies:

- a) Employers who do not transfer the amount deducted from their workers' earnings as CSS to the JLS within a pre-specified period of time should repay the principal (i.e., the actual amount deducted) plus interest at the prevailing Jamaican commercial bank interest rate for the period the "loan" remains outstanding, plus a premium on the "loan" for transferring the risk associated with the loan to the "lender" (i.e., the worker)
- b) The terms and conditions for the employer's repayment of the "loan" be non-negotiable and clearly specified in the Employer-Worker Contract as a critical plank of labour-management relations.
- c) The JLS should refer an employers' non-compliance with the terms and conditions of this arrangement to the applicable Federal and/or Provincial Authority for remedial action.

2.3. Worker Housing Accommodation Policy

As implied in the formulation of the above wage-improvement proposals, a relatively frictionless and wage flexible farm labour market is the objective outcome contemplated. A frictionless and wage flexible farm labour market benefits both workers and growers equality - the former, a more economically-rewarding farm work employment experience in Canada, the latter, a more productive Caribbean and

Mexican workforce - and farm produce consumers ultimately. Nevertheless, a frictionless and wage-flexible farm labour market is not a panacea for all the current imperfections that afflict the farm labour market, important as these features may be. Other factors such as the general physical condition of the workers' housing accommodation and on-farm health and safety suggest the urgency for the relevant Canadian Federal and Provincial Authorities and horticulture growers to pay more collective attention to the need to enhance the workers' quality of life. In this regard, the following proposals are put forward for consideration:

- a) Vigorous steps should be taken to reduce housing accommodation overcrowding in cases where the research findings indicate very strong evidence of such overcrowding, and other quality of life conditions workers experience that fall short of criteria of good practices.
- b) The relevant Federal and/or Provincial Authorities should set new housing accommodation guidelines or upgrade existing housing accommodation guidelines and make it mandatory that all growers who employ migratory labour adhere to these guidelines. The new or upgraded housing accommodation guidelines should be subjected to on-going rigorous or in-depth monitoring for grower compliance and periodic review at periods mutually agreed to by all CSAWP stakeholders. In setting new or upgrading existing housing accommodation guidelines and periodically reviewing same, the objectives must be (i) a reasonably good quality of life for all workers, and (ii) ensuring that the compliance costs to the growers do not outweigh the compliance benefits.

2.3. On-farm Health and Safety Policy

Adverse worker health and safety conditions are another set of imperfections that affect the CSAWP farm labor market. Like adverse housing accommodations they negatively impact the labour market in two ways: lowering of worker productivity through adverse quality of life, and consequently, lower grower revenues and rate of return on farm capital. In addition, they adversely impact the 'Safe Food and Food Quality Policy' of the Department of Agriculture. In this regard, the following proposals are put forward for consideration:

- a) The relevant Federal and Provincial Government Authorities should contemplate undertaking a rigorous review of existing health and safety regulations and policy guidelines applicable to health and safety issues regarding the CSAWP farm labour market. The review process should accommodate horticulture growers' views and expectations on all health and safety issues on the review agenda. The objectives of the review should be two-fold: (i) a reasonably healthy and safe on-farm working environment for all workers; and (ii) ensuring that the guidelines are not so burdensome that growers have no incentive for compliance.
- b) Once these objectives are mutually-agreed to and accepted, the relevant Federal and/or Provincial Authorities should vigorously enforce grower compliance, with curative penalty for wilful non-compliance.

2.4. Grower Maximization of Worker Labour Productivity Capabilities

The Jamaican case study has found that CSAWP workers from this supply country are endowed with multiple vocational skills over and above those of mere "low-skilled" farm labourers. Undoubtedly, workers from other supply countries are similarly endowed.

It is not the purpose here, however, to recommend ways in which a particular grower, who employs migrant workers with multiple vocational skill endowment how best to utilize the labour at his command. To do so, would be to ignore the way or ways in which the grower chooses to organize his workforce relative to the use of machinery as well as to motivate workers to give their best, in order to maximize the return from his employment investment in each worker.

Nevertheless, for a grower to have in his workforce workers with vocational skills utilizable in areas other than weeding, picking, and harvesting, and limit such workers exclusively to these latter tasks suggests inefficient allocation of available labour and a lowering of his margin on net farm income. Taking the 'Canadian First' principles into consideration, basic economic principles would suggest that:

- a) Growers who employ workers endowed with versatile farm productivity skill attributes should explore ways to better utilize these workers on their farms – subject to the non-substitutability principle - thereby enhancing his return on farm capital.
- b) Although the initial rationale for employing Caribbean and Mexican farm workers is labour-intensive farm work, growers who maximize the productive capacity of workers with multiple vocational skills in other than labour-intensive work of weeding, picking and harvesting, should reward these workers commensurably, again subject to the non-substitutability principle.

Conclusion

The two categories of recommendations put forward above are designed to effect a more workable balance between the interest of the migrant workers and the interest of the horticulture growers. They are aimed at a balance that is fair; that is, on the one hand, they do not propose changes to the program that will make it becomes impractical for the growers to continue demanding and employing Caribbean and Mexican migrant arm workers. On the other hand, they propose substantive changes that will strengthen the program in a manner that the workers and their families can derive much greater social and economic benefits from the workers' continued participation. Pushing changes too far in either direction could result in disastrous consequences for both grower and migrant workers, more so the latter and their families.

CASE STUDY

**Barbados, Trinidad and Tobago, OECS Workers' CSAWP
Participation and Development Consequences in Their
Rural Home Communities**

EXECUTIVE SUMMARY

**Sir Arthur Lewis Institute of Social & Economic Studies
University of the West Indies - Cave Hill Campus
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Prepared for
The North-South Institute . Ottawa . Canada

During the month of April 2002, an official study of the Canadian Migrant Agricultural Workers Program (CMAWP) was commenced by the North South Institute of Ottawa, Canada. The Caribbean Component, which was facilitated by the Sir Arthur Lewis Institute of Social & Economic Studies, University of the West Indies, Cave Hill Campus - Barbados, commenced in June 2002.

Two questionnaires were administered to a stratified proportionate random sample of 807 migrant workers, and their households across a wide cross-section of randomly selected districts/parishes in each of the following Caribbean islands :

- {1} Barbados,*
- {2} Dominica,*
- {3} Grenada,*
- {4} St. Kitts & Nevis,*
- {5} St. Lucia,*
- {6} St. Vincent & the Grenadines,*
- {7} Trinidad & Tobago;*

where migrant workers reside who have participated on the CMAWP.

Qualitative information on the CMAWP was also derived from the following sources :

- {1} Interviews with the migrant workers and their households;*
- {2} Interviews with key personnel in the Ministries of Labour, and the Canadian High Commission located in Trinidad.*

There was a 91% response rate from the migrant workers who were selected and interviewed; and a 86% response rate from the migrant worker households that were selected and interviewed.

The Research Study

The Caribbean movement of the CMAWP, initially developed in 1966 with Jamaica, was expanded in 1967 to include Barbados and Trinidad & Tobago. A further seven (7) islands of the Eastern Caribbean began participation in 1976 and an eighth island was included in 1982. Caribbean workers are allowed to work in Canada under an agreement for the employment in Canada of Commonwealth Caribbean Seasonal Agricultural Workers. The program has been a source of employment for some 7,919 Caribbean Nationals in 2001 and 7,580 in 2002.

Previous research which has been of the anecdotal variety, viewed the CMAWP primarily as a labour program, and narrowly focused on rights-based issues within the context of Canada's social policy. While this approach may be valid, it reflects limited interest in broader issues and a narrow corridor of understanding. It ignores the actual and potential economic benefits of the program to its primary stakeholders.

The CMAWP can be viewed as a development program from the standpoint of the source countries and can be placed within the context of the economic development of the migrant worker sending countries as well as within the Canadian economic and social policy context. The program is therefore recognizable for the positive role, that it can play in Canada's agricultural trade competitiveness, in providing short-term income earning opportunities for the migrant workers, and being a source of generating income for the workers' families as well as a measure of contribution to the economy of their respective home countries.

In fact, from the consumption expenditure perspective, the program may be the main source of reasonably secure income for the workers and their families, and therefore, from this standpoint provides them with an economic "safety net". However, there is some indication, that the program has unused capacity, which if utilized could transform the program into a stronger contributing force to economic growth and wealth creation activities in the migrant workers' rural home communities of origin. Furthermore, the program can also be used as a model in the design of similar programs for other occupations.

The research aims to examine the CMAWP in relationship to its importance to the migrant workers, their families, and rural home communities of origin, by specifically focusing on the following areas :

- the socioeconomic characteristics of the migrant workers' rural home communities of origin: structural constraints and economic opportunities in these communities and challenges for the farm labour program as an instrument of rural economic development.
- migrant worker profile: profile include factors such as years of schooling, trade skills acquired, program participation frequency, reasons for program participation and main economic activity when not employed in Canada.
- general profile of migrant agricultural workers' main family households: profile includes factors such as households' life-cycle, main livelihood activity, importance of remittance flows in terms of money and goods to the households' expenditures, the extent to which the households rely on those flows as supplementary income to their livelihood, or a main source of livelihood when the workers are employed in Canada.
- the economic importance of remittance flows with specific reference to the workers, their rural communities of origin, and to their country's economic development and the workers' ease of difficulty of access to those flows upon returning home.
- the importance to the workers of acquiring better farming skills and better knowledge of modern farming technology and the structure of incentives for utilizing these skills and farming technology in combination with remittance earnings for productive economic activities.
- the actual and/or potential productive economic activities (farming or non-farming) in which migrant agricultural workers would deploy their Canadian acquired knowledge, skills, experience and savings from remitted earnings when they are at home, or when they retire from agricultural work in Canada, if a system of incentives were implemented to facilitate such deployment.
- the strengths and weaknesses of the migrant worker recruitment system in each island, and identification of feasible ways by which the system can build upon its

strengths while addressing its limitations.

- the evolution of the program, over the last (10) years, in each of the participating islands in terms of the framework for administration and operations as separate from the recruitment system.
- the future direction of the program in relation to Caribbean economic development and in relation to the NAFTA and the evolving FTAA frameworks.
- the potential importance to the economy of Guyana, of expanding Caribbean worker participation in the program, to also include agricultural workers from that country.
- the volume and relative importance of migrant worker remittance flows in each participating island's balance of payments.

Overview of the Caribbean Region's Macroeconomy

There have been indications that a global recovery was under way, since the start of 2002, led by the US and underpinned by a pickup in global industrial production and trade. World economic growth was estimated to have reached 2.8% in 2002, moderately better than the 2.2% recorded in 2001. Rapid fiscal and monetary expansion in the aftermath of 9/11 underpinned the renewed growth in the US for the first quarter of 2002. Growth was largely driven by both private and public consumption, and by a rundown in stocks, providing a boost to demand and output. However, corporate scandals involving over-representation of earnings through "creative accounting" has significantly shaken investor confidence causing stock prices to tumble to all-time lows. The spillover effects of these scandals were rapidly transmitted to both the domestic and international economies, which helped to exacerbate an already fragile economic performance.

Growth in a number of economies, such as Mexico and several countries in Central America and the Caribbean, remained very low or

contracted during the year because of their close trade and investment linkages with the US. On the other hand, relatively sharp declines in economic output on account of suppressed aggregate domestic demand and a disappointing tourism performance prevailed for the better part of 2002, preliminary data indicate that the weak economic performances recorded in 2001 improved somewhat during 2002. Overall the increased regional output performance of some of the islands was bolstered by improved performance in agriculture and manufacturing, and some recovery in tourism during the final quarter.

Within the member countries of the Organization of Eastern Caribbean States (OECS) economic performance improved in 2002 relative to 2001 for six (6) of the seven (7) states. With positive growth having occurred in a few Caribbean islands, there was corresponding contractions in the economies of two (2) islands, Dominica included. The generally weak performances exhibited throughout the Region were directly related to their heavy dependence on economic activity in the US. The reduced wealth effect of investors caused by the corporate accounting scandals, safety concerns in the aftermath of 9/11 which shifted the preferred mode of travel from air to sea, and the ongoing pressures on offshore financial centres, all combined to affect performance.

Features of the Caribbean islands' economies include :

- very small in terms of land area, population and gross domestic product (GDP) – microstates
- modest growth rates with a decline in the late 1990s
- decline in the contribution of agriculture and a rise in the services sector
- high levels of unemployment especially among the youth
- high levels of poverty associated with low levels of human capital of individuals
- but, high/medium level of human development as measured by the UNDP's Human Development Index (HDI)
- low rates of inflation; low public savings as a % of GDP
- low domestic savings, moderate levels of domestic investment as a % of GDP.

Background of CMAWP in the Caribbean

The Canadian Migrant Agricultural Workers Program (CMAWP) was formally established in 1966 with 264 Jamaican migrant agricultural

workers employed in the horticulture industry in Southern Ontario. The program, which has expanded extensively over its 36 year history, was established with the objectives of improving the economic and commercial viability of Canada's horticulture industry through timely crop planting and harvesting; enhancing Canada's labour market efficiency through better re-allocation of local labour resources, and improving the economic welfare of the migrant agricultural workers by giving them access to better paying seasonal jobs in Canada's agriculture industry.

The guiding hypothesis of the research under the Caribbean component is that the program has contributed to the economic improvement of the workers and their families, their communities, and to the economy of their respective home country.

Summarization of the Data Results

Migrant Worker Profile :

1. Mainly young men between the ages of 25 to 40 years, the majority of them were either married or in common-law relationships, except Grenada and St. Kitts/Nevis.
2. In the case of the OECS countries, most of the migrant workers had only primary level education, while in Barbados and Trinidad & Tobago, the migrant workers had secondary level education.

These features reflect the nature of the educational system in the territories where secondary level schooling is compulsory in Barbados, while the lack of school places at the secondary level in the OECS and to a lesser extent in Trinidad & Tobago constrains the extent to which the population can obtain secondary level education. The primary level education for some of these migrant workers indicate a low level of human capital. Even those with secondary level education might still have little or no certification.

3. Several of the migrant workers had acquired some trade skill either in construction or agriculture. These tend to be seasonal activities which therefore gave them the flexibility (time) to participate in the Farm labour program.

4. Earning an income was the main reason for participation in the program and hence improve their standard of living. The Farm labour program is therefore seen as another income earning activity (compared with construction or agriculture).
5. Migrant workers were not able to make much use of their pre-program skills in the farm labour program [probably due to non-transferable skills/idiosyncratic jobs].

Migrant Worker On-Farm Experience :

6. Migrant workers were primarily housed in bunkhouses with all the basic facilities, such as water, heating, bathing, washing, toilet, electricity, and kitchen.
7. Migrant workers used agricultural chemicals and pesticides, such as gramoxone, round-up amongst others were trained via demonstration method with respect to the use of these chemicals and in the majority of cases wore protective clothing.
8. Migrant workers used and operated farm machinery, equipment or implements in doing farm work tasks (tractors, harvesters, amongst others) were trained viz-a-viz demonstration.
9. There was 60% average response of migrant workers who were sick or injured. The majority received medical attention, a high percentage of those who were given time-off lost their wages.
10. Not many were traded or transferred, those who were responded to assisting other farms in completing the harvesting period on time. However in Dominica there was a high percentage of migrant workers who did not receive time-off, in the other islands there was a moderate response.

Wages & Deductions from Wages :

11. The majority of Migrant workers were paid a straight hourly wage rate of approximately \$7.25; working hours are between 9

- 14 hours a day with no overtime pay; same wage rate is paid; seven days a week with no shift system.

12. The following deductions are made from migrant workers wages
 - Canadian Employment Insurance (EI)
 - Canada Pension Plan (CPP)
 - Canada Income Tax
 - Employer recovery of worker's visa fee
 - Employer recovery of worker transportation cost
 - Compulsory Savings Scheme
13. The migrant workers' response to the Compulsory Savings Scheme (CSS) was favourable but there was indication of a lengthy delay in the remittance sent home.
14. The Employment Insurance (EI) did not receive such a favourable response as the CSS, primarily because the workers cannot derive unemployment benefits.

Remittances and Savings :

15. The majority of migrant workers in the OECS remitted funds home, overall funds were remitted through Western Union and were primarily sent to either their spouses or mothers.
16. Items such as clothing and household appliances rated high amongst those items purchased by migrant workers for their return trip home. Carpentry and electrical tools also rated highly amongst the migrant workers' responses.
17. The remittances of the migrant workers were used mainly to pay-off debts; build or repair their houses; and to educate children. In several instances, the migrant workers had access to facilities such as good roads, water and land to encourage the productive use of their remitted earnings. However, access to credit was a severe hindrance in some of the islands.

Farming Skills & Knowledge Acquired :

18. Special skills & knowledge acquired on farms in Canada included

driving or operating various types of Farm Mechanical and Technical Equipment, such as forklift, ploughers, harvesters, and priming machines, repairing farm equipment, Crop management: fruits, tobacco, vegetables, amongst others.

19. Migrant workers mentioned an interest in acquiring non-farming skills and knowledge in the following areas : Architectural Designs; Business Accounting, Computer, Business Management; Construction - Block & tile laying, Masonry/ Carpentry/ Joinery, glass engineering, land surveying, preparation of drywall, sheet rock.

Migrant Worker Farm Community Social Relations :

20. There was not a high level of response from migrant workers regarding their participation in farm community activities/events on weekends or when not working. The responses were also low with respect to having off-farm social relationships with farm community residents. There is some indication that these low levels is reflective of the fact that many of the migrant workers worked long hours including Sundays.

Pre-Departure Orientation Sessions :

21. The responses varied with respect to the effectiveness of the Pre-Departure Orientation Sessions in each participating island in the CMAWP. The majority of migrant workers found it to be useful, however, there were a number of areas which, in their opinion were not so useful.

The Importance of the CMAWP to the Migrant Workers' Households :

22. The majority of the workers' households included three or more children and approximately three to four adults including the migrant worker.
23. The major distribution of remitted funds was for food, housing and educational (children) expenses. The program was considered by households as important to the improvement of their standard of living. The incomes of migrant workers were instrumental to the household's income, and there was no

significant impact noted, with respect to the household's operations when the worker is in Canada.

Recommendations of the Study

The most immediate recommendations for the short-term have been listed according to each particular island. However, long-term recommendations for each island are mentioned in each section (see Chapter 6).

BARBADOS :

1. *Explore the possibility of increasing the number of females on the program. Communicating this request to the relevant Canadian authorities. To this end, serious targeting of females should be pursued (inclusion of this information - on the G.I.S. advertisement with "Giggard & Boo"). Include an interview session with one of the female workers who currently participates on the CMAWP.*
2. *Serious consideration should be paid to the various farm locations in Canada where Barbadian migrant workers are scheduled to be deployed. The local authorities should inform the migrant workers of specifics regarding their intended location. Information with respect to the type of farm, the farm employer, the farm community, and other relevant information, should be included prior to the workers' departure. This would be conducive to creating a more positive psychological impact. The workers would be better prepared for the type of environment in which they reside and work, in Canada.*
3. *Separate the Pre-Departure Orientation Sessions according to the length of time that migrant workers have participated on the CMAWP, for example :*
 - (1) *new recruits, and*
 - (2) *repeat workers**Emphasis should be placed on those areas of the program that would be of specific interest and hence, beneficial to these two groups. Include work ethic sessions on "how to conduct oneself on the job".*
4. *Implement a Session specifically for those workers with ten (10) years or more on the program, issues such as Pensions, and other matters could be emphasized. Individual Labour Departments should also consider a Session geared specifically for migrant workers with three (3) years but less than ten (10) years experience on the program.*
5. *Spotlight more Canadian Farms, other than the Tobacco Farms, highlight the others such as Fruits, Vegetables, just to name a few, interview a few migrant workers that are currently employed on these Farms, and have them participate*

in the Pre-Orientation Sessions by relating their work experiences.

6. *Intensify effort to ensure that migrant workers use protective clothing and that they are provided with training.*
7. *Emphasize the non-use of these chemicals and pesticides when other workers (who may be performing harvesting duties) are working in the field.*
8. *Since it may not be possible because of the time constraint to listen to worker complaints whether through the Liaison Officer or at the "migrant worker meetings" which are held annually (last one was held February 5th 2003). A "worker reporting system" is necessary and applicable. Efforts to ensure its implementation should be made almost immediately to correspond with the end of the current farm season.*
9. *Increase the responsibility and delegate more duties to the Liaison office staff in Canada.*
10. *Structure a visit every two weeks to a particular province where migrant workers are employed.*
11. *Allow one or two Labour Officers (recruiting officers) and a select number of Government officials to tour the Canadian farms in which the migrant workers are usually employed. It would reflect a caring and supportive Labour Department in the eyes of the migrant worker, as well as encourage better employer and employee relations in Canada. There are numerous psychological benefits to be gained from having such an outreach program. It could improve the overall productivity of the workers and eliminate petty grievances that are occasionally communicated to the Liaison Officer.*
12. *During the Pre-Orientation Sessions, it is necessary that the Barbadian authorities explain in more detail the rudiments of the EI program. The majority of migrant workers have misconceptions about this particular deduction .*

TRINIDAD & TOBAGO:

1. *Explore the possibility of increasing the numbers with respect to females on the program and communicate this request to the relevant Canadian authorities.*
2. *A Screening Committee should be established in the Ministry of Labour (include one or two Labour Officers, the Labour Commissioner and the Minister of Labour or a representative of his choice). Set specific criteria in place to assist with the successful screening of candidates. This should be done to coincide with the new farm commence.*
3. *Serious consideration should be paid to the various farm locations in Canada*

where Trinidadian migrant workers are scheduled to be deployed. Authorities should inform migrant workers of specifics regarding their intended location prior to their scheduled departure. Information, such as the type of farm, the farm employer, the farm community, and other relevant information, prior to the workers' departure. This would be conducive to a more positive psychological impact, by allowing the workers to be better prepared for the type of environment in which they would live and work in Canada.

4. *Separate the Pre-Departure Orientation Sessions, based it on the length of time that migrant workers have participated on the CMAWP, for example :*

- (1) *new recruits, and*
- (2) *repeat workers*

Emphasise those areas of the program that would be of specific interest and benefit to these two groups. In addition, include work ethic sessions on "how to conduct oneself on the job".

5. *Implement a Session specifically for workers with 10 years or more on the program, issues such as Pensions and other matters could be highlighted. In addition, the implementation of a Session geared specifically for migrant workers with 3 years but less than 10 years experience on the program.*

6. *Spotlight more Canadian Farms, other than the Tobacco Farms, highlight the others such as Fruits, Vegetables, just to name a few (request to have the information from the Canadian authorities), interview some of the Trinidad migrant workers who work on these Farms and allow them to participate in some of these sessions.*

7. *As a Special project between the Trinidad and Canadian authorities : document the Trinidad migrant worker's experience in Canada. Emphasize the migrant worker role as being an economic and social asset rather than a cultural threat in the Canadian farm community. Spotlight the islands of Trinidad & Tobago, highlighting such positive attributes as culture, the people, some of the rural communities, the importance of programs such as the CMAWP to the country's development. Although the economic and social impact of the CMAWP is marginal when one compares the number of participants versus the island's workforce, there is still an impact which should not be overlooked by the authorities.*

8. *Due to the nature of the climate, facilities such as washing, toilet, and pipe water should not be located outdoors. This is not in the best interest of the migrant worker. It could lead to complications for the migrant worker with respect to his health (there is the issue of tuberculosis and other bronchial health related issues). These results could eventually lead to poor work performance or, a more serious development, death. Overall productivity would also be affected and, an*

increase in medically related problems amongst Trinidad workers in the program would eventually strain relations between the two countries. Every effort should therefore be made to ensure that Trinidad migrant workers are housed in accommodations with indoor facilities, especially given the nature of Canada's climate during the year.

9. *Intensify effort to ensure that migrant workers use protective clothing and that they are provided with training. Emphasize the non-use of these chemicals and pesticides when other workers (who may be performing harvesting duties) are working in the field.*
10. *Organizers should ensure that migrant workers are properly trained in the use of all types of farm machinery and equipment. This, in effect, would assist in the elimination of minor and major accidents which could affect workers' productivity level.*
11. *Organizers should ensure that migrant workers receive medical attention, and furthermore, that they are given time off to recuperate for minor and major injuries, in addition to being paid a sickness/injury benefit. Worker productivity could be seriously affected if this is continued.*
12. *Due to time constraints of the Liaison Officer to listen each worker's complaints whether directly or at the "migrant worker meetings" which are held annually. A "worker reporting system" is necessary and applicable. Efforts to ensure its implementation should be made almost immediately to correspond with the end of the current farm season.*
13. *Allow one or two Labour Officers (recruiting officers) and a select number of Government officials to tour the Canadian farms in which the migrant workers are usually employed. It would reflect a caring and supportive Labour Department in the eyes of the migrant worker, as well as encourage better employer and employee relations in Canada. There are numerous psychological benefits to be gained from having such an outreach program. It could improve the overall productivity of the workers and eliminate petty grievances that are occasionally communicated to the Liaison Officer.*
14. *Canadian authorities should encourage the establishment of various committees amongst the residents and farm workers. These committees could be in the form of : a welcoming committee; an events planning committee (host and organize social events amongst workers and residents); neighbourhood watch committee. Establish a farm residents community outreach committee specifically geared at fostering good relations amongst : a) the workers and residents; b) the workers, residents and other communities; c) the workers, residents and their respective governments.*

15. *Establish local farm projects for the CMAWP to utilize their skills and knowledge, improve the island's agricultural sector.*
16. *Provide more assistance to persons on the CMAWP in the following areas : available credit, land, workshops where they can be trained prior to participating on the program.*

The Organised Eastern Caribbean States (The OECS)

1. *Explore the possibility of expanding the program to accommodate females from all of the OECS islands, and communicate this request to the relevant Canadian authorities.*
2. *Also stabilization of the number of males selected for the program should be pursued. Perhaps an equal number of male participants for each island.*
3. *A Screening Committee should be established in the respective Ministries of Labour (include one or two Labour Officers, the Labour Commissioner and the Minister of Labour or a representative of his choice). Set specific criteria in place to assist with the successful screening of candidates. This should be done as soon as possible, with the exception of St. Lucia where one was implemented for a number of years.*
4. *Serious consideration should be paid to the various farm locations in Canada where OECS migrant workers are scheduled to be deployed. The authorities should inform the migrant workers of specifics regarding their intended location. Information such as the type of farm, the farm employer, the farm community, and other relevant information, should be communicated to the worker prior to the departure. This would be conducive to the creation of a more positive psychological impact, that is, they would be better prepared for the type of environment in which they would reside and work in for an extended period.*
5. *Separate the Pre-Departure Orientation Sessions in each participating island, with particular emphasis on the length of time that migrant workers have participated on the CMAWP, for example : (1) new recruits, and
(2) repeat workers
Emphasize those areas of the program that would be of specific interest and beneficial to these two groupings. In addition, include work ethic sessions on "how to conduct oneself on the job".*
6. *Spotlight more Canadian Farms, other than the Tobacco Farms, highlight the others such as Fruits, Vegetables, just to name a few, interview some of the migrant workers at work on these Farms.*

7. *Due to the nature of the climate, facilities such as washing, toilet, and pipe water should not be located outdoors. This is not in the best interest of the OECS migrant workers. This could lead to complications for the migrant workers with respect to their health (there is the issue of tuberculosis and other bronchial health related issues). These results could eventually lead to poor work performance or, a more serious development, death.*

Overall productivity would also be affected, and the more medically related problems that occur amongst OECS workers in the program could strain relations between the countries involved. Every effort should therefore be made to ensure that the OECS migrant workers are housed in accommodations with indoor facilities, especially given the nature of Canada's climate during the year.

8. *Intensify effort to ensure that migrant workers use protective clothing and that they are provided with training. Emphasize the non-use of these chemicals and pesticides when other workers (who may be performing harvesting duties) are working in the field.*
9. *Organizers should ensure that migrant workers are properly trained in the use of all types of farm machinery and equipment. This, in effect, would assist in the elimination of minor and major accidents which could affect workers' productivity level.*
10. *Organizers should ensure that migrant workers receive medical attention, and furthermore, that they are given time off to recuperate for minor and major injuries, in addition to being paid a sickness/injury benefit. Worker productivity could be seriously affected if this is continued.*
11. *Since it may not be possible because of the time constraint to listen to worker complaints whether through the Liaison Officer or at the "migrant worker meetings" which are held annually. A "worker reporting system" is necessary and applicable. Efforts to ensure its implementation should be made almost immediately to correspond with the end of the current farm season.*
12. *Ensure that "worker schedules" and "shift systems" are maintained amongst the migrant workers. Essentially migrant workers who perform duties over the standard 8-hr. shift system will expect payment. If overtime pay is not a feature of the program, enforce and maintain a policy where migrant workers must perform their tasks under the shift system (standard 8 hours of work). The type of grievances regarding this aspect of the program "workers are not paid for overtime worked" would be alleviated.
*Ensure that workers are given time-off, at least a day to recuperate from their hard labour. Tired workers will eventually become less productive.**
13. *Allow the migrant workers access to a portion of their saved earnings prior to*

their departure from Canada. The administrative issues with respect to the processing of the savings would be a hindrance to some workers who depend on these earnings to support their families and, or their family-owned businesses. Consideration should be given to paying the CSS to the migrant workers in increments. This might assist with the long delay in the processing stage, but would also provide the workers with some money at various periods when they return home from Canada.

14. *Physical and human resources would certainly assist authorities in the enhancement of facilitating efficient and effective information regarding migrant workers. The implementation of a computerized system is highly recommended with a database of migrant workers. The allocation of administrative personnel to deal specifically with the CMAWP is also recommended. Payment in relation to the hiring of such personnel could be derived from the CSS or the EI deductions from the migrant workers.*
15. *Allow one or two Labour Officers (recruiting officers) from each OECS island and a select number of Government officials to tour the Canadian farms in where the OECS migrant workers are employed. It would reflect "caring and supportive" Labour Departments in the eyes of the migrant workers, in addition to encouraging better employer and employee relations in Canada. There are numerous psychological benefits to be gained from having such outreach programs. Economically - this would improve worker productivity, and eliminate petty grievances that would be communicated to the Liaison Officer.*
16. *Canadian authorities should encourage the establishment of various committees amongst the residents and farm workers. These committees could be in the form of : a welcoming committee; an events planning committee (host and organize social events amongst workers and residents); neighbourhood watch committee.*
17. *Establish local farm projects for the CMAWP to utilize their skills and knowledge, improve the island's agricultural sector.*
18. *Provide more assistance to persons on the CMAWP in the following areas : available credit, land, workshops where they can be trained prior to participating on the program.*

Program developmental emphasis should also be placed on expanding the migrant workers' human capacities and capabilities beyond their manual agricultural work experience. Caribbean migrant workers have continuously participated in the program for the past 36 years (1966-2002), and there are Caribbean workers who apply yearly to participate in the program however, the demand for positions does not exceed the supply, hence it is not feasible to accommodate these excess persons. It is therefore reasonable to conclude that the program has been and continues to be of significant income earning importance to these migrant workers and their families.

**“Mexican Workers’ CSAWP Participation and Development Consequences in Their
Rural Home Communities”**

A Report Prepared By

**Professor Gustavo Verduzco Igartua
El Colegio de Mexico**

For

**The North South Institute
Ottawa**

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Research Project. A Study of the Program for Temporary Mexican Workers in Canadian Agriculture

October 2003

Gustavo Verduzco and María Isabel Lozano

Executive Summary

During the early years of the Program (1974-1980), there was not much promotion for recruiting workers, and this was done only in states near Mexico City. By 1994, 80% of the participants came from six states in the central part of the country: Puebla, Tlaxcala, México, Morelos, Hidalgo, and Guanajuato. With the increase in the demand for workers and the decentralization of certain procedures for selecting and documenting workers, these have been incorporated from all the states. However, 70% of the participants still come from the central region of the country.

Since 1974, the year in which the program of Mexican workers began, the number of participants has increased on an average by 18% annually. This growth has been determined by Canadian employers' demand for workers: the periods showing the greatest increases were 1985 to 1989 and 1996 to 2000. Nominal workers account for 48% and 68%, respectively, of the total number of workers going to Canada each season.

The year 1989 was the first one in which Canadian farmers requested women workers through this Program. At present, women's participation in the total number of workers per season is around 3%. Although these numbers are very low, it is clear that women's participation in the Program has more than doubled in just a few years. This is due, above all, to an increase in the demand among Canadian employers, so that the women who have participated during all the seasons are the ones who are explicitly requested by their gender.

Operation of the Program

Throughout the years, several changes have been made to improve the Program's operation. A "single-window" system was set up to facilitate procedures, allowing workers to conduct most of the procedures in the Program Office without

having to go to the different government agencies. As of 1993, electronic files were prepared with data on each worker that has joined the Program; the aim is to be able to update the database.

Similarly, the participation of State Employment Services (SES) has been quite positive. The SES are 139 offices throughout the country that promote the program, provide orientation for interested candidates, and give support to the Program Office in contacting workers who have already participated and who have been requested by their employers by name.

However, the decentralization of certain other functions has still been difficult because there are not enough funds to provide the required training to the staff at the State Employment Services.

Research indicates that despite these significant advances, the Program's centralization still entails an additional cost for the workers, who have to pay, on an average, for six trips to Mexico City in order to conduct the necessary procedures every season.

Since May 2002, the Mexican Government has been giving financial support in the amount of \$3,000 pesos (about \$300 US dollars) to first-time workers for their trips to Mexico City in order to process their applications. According to the evaluation for the 2002 season made by the Program Office, 88.3% of all new workers received said grant that year.

More than three-fourths of the workers in our sample stated that they were provided with information prior to each trip to Canada. Responses about the information they received referred principally to the type of work they would be doing in Canada, the rules for behavior on the farms, and the rights of the workers. Although 144 of the subjects mentioned that they were given information on various topics, only nine referred specifically to labor rights and 99 answered that they were informed principally about the type of work they would be doing in Canada.

According to the survey findings, workers do not know clearly enough what their rights are as temporary workers in Canada. When asked to mention labor rights, 113 workers (31%) responded that they did not know what they are or did not remember them. Even those who responded that they did know their rights did not know very clearly what these consist of and how they can demand them. When workers were asked to mention some of these rights, there were 15 responses that referred to obligations and even prohibitions for the workers.

The growth of the number of participants has not been accompanied by an equal development of the administrative capacity of Mexican consulates in Canada. Those interviewed are aware that the consulates' function is to help them and to represent them while they are in Canada; they also have information on how to contact the staff of these offices. Yet only 30% of those interviewed stated that they have needed help from the consulate. Although this proportion is low, not all of them requested assistance from the consulate. Of the 98 workers who said that at some time they needed support from the consulate to report an accident or health problem, only 59 got in contact with it. And out of 80 workers who found it necessary to conduct some transaction while in Canada, only 61 requested support from the consulate. And even so, consulate staff can only attend to a limited portion of these requests for help.

Less than one-fourth of those interviewed consider the attention and representation given by the consulate to be adequate; 44.4% feel that they are not represented "as they should be"; 21% preferred not to give an opinion because they have never needed the consulate's services; the rest did not specify.

Perhaps because workers do not feel that they are attended to properly, 60% expressed that it would be advisable to have a union organization. A similar group (14%) would agree with this under certain conditions, while 21% were in disagreement.

The Consulate's personnel is analyzing if it would be feasible to create an Administrative Fund for the Program, similar to the one existing in the Program for the Caribbean workers, which is managed by deducting 5% of the workers' incomes. In the case of the Mexican workers, the Consulate recommends that this fund might work only

if workers' wages were increased, since otherwise it would become a heavy extra burden for them.

Regarding what workers like best in the Program, 37% said "everything"; 28% replied that what they like best is that it provides them with a job; 7.5% referred to the earnings and the benefits as the biggest advantage; for 6%, the personal and work experience that they get from participating in the Program is important; 5% said that what is best in the Program is the way it operates; and 4.2% were most pleased by how they were treated by their employer.

The question regarding what they like least about the Program was answered by only 183 workers. The rest feel that it has no disadvantages. Almost half of those who responded (87) referred to problems related to the way the Program operates, such as the trips to Mexico City to make arrangements, the medical examination, or some incidents that occurred because of organizational deficiencies. Another 26 workers (14% of those who answered the question) also replied to this effect, pointing out that the most negative aspect of the Program is its poor attention at the offices and in the Mexican consulate. For 11% (21 cases), the environment is the disagreeable aspect of the Program. By this they are referring to aspects such as being far away from their families, the difficulties of living on the farms, the climate, etc. For 10% (18 workers), the biggest disadvantage of the Program is that the employers treat the workers badly. There was a smaller proportion of workers who made negative comments about the work in general, about the working conditions, about the low wages, or about amounts deducted from their wages.

The workers' suggestions for improving the program had to do with the disadvantages mentioned. 38% of those interviewed who answered this question had no suggestions because they felt that everything is working well. Almost half of them (44.5%) made recommendations about the Program's operations, the functioning of the office in Mexico and the consulate's, amongst others. Some aspects to which they referred are expediting and decentralizing the arrangements, improving service, and for the consulate to really meet the workers' needs. The remainder of the replies referred to improvements in wages and in working conditions.

The research project did not seek to make a cost-benefit evaluation of the Program; however, it gave us some elements to put on the table. It seems that through the years, the Mexican Government has accepted some conditions that have meant a heavier workload, as well as a higher economic cost, for both the government and the workers.

One example refers to the modifications made to the MOU. The first MOU stated that the Human Development Research Center must request workers 45 days before the date they are needed in Canada. This period has been reduced to 20 days according to the last MOU. However, requests are often arriving to the Program Office only 10 days in advance.

At the beginning of the Program, the Mexican Government had to prepare a 100-worker reserve in order to respond to any sudden demand. Now, this reserve must be 10% of the total request, which means that the Mexican Government needs to prepare 1,000 workers more every season. According to the 2002 evaluation of the Program, 10,681 workers went to Canada; however, 11,659 procedures were made, including the medical exam.

Another example of the work and economic costs that the Program Office has accepted in Mexico is the medical exam. In earlier years, workers were examined at the Canadian Embassy. Later, governmental medical centers in Mexico subsidized the exams, but as of 2001, the government charges \$70 pesos (\$7 USD) per exam to the workers. In addition, since the 2003 season, workers have had to take an HIV test and pay an additional fee of around \$175 pesos (\$17.50 USD).

At present, it is not easy to ascertain the cost of the Program for the Mexican Government. The Federal Government Budget for 2002 is the first one to show a sum of funds allocated to the Program Office. In the section for the Ministry of Labor, the entry called "Program of Mexican Migrant Temporary Farm Workers to Canada" records \$23,396,454 pesos (\$ 2,339,645 USD). This means that in the 2002 season, that office alone spent around \$2,190 pesos (\$219 USD) per worker who went to Canada to work. This budget does not include the \$3,000 pesos (\$300 USD) in economic support that

new participants are receiving. According to the Evaluation of the 2003 season, 2,341 workers received that support, which means \$7,023,000 pesos (around \$ 702,300 USD).

Participation and characteristics of the workers

Next are some of the general characteristics of the workers who participate in the Program, according to the survey findings. The workers have an average level of schooling of 7.7 years, almost equal to the national mean.

The main occupation of workers while they are in Mexico is agriculture, mostly as day-laborers; a few work as masons; and to a lesser degree, in service-related activities. In the case of the occupation of the children of the workers, the trend is for them to devote themselves more to non-agricultural activities.

Access to cropland among the workers in this sample is very limited, and the few who have this possibility have small rain-fed plots (of 1-2 hectares). The main crop is corn, which mostly goes to family subsistence; very few workers grow commercial crops. For most of the workers who have access to land, farming does not represent an important source of income. According to our survey, during the last season in which they planted, 32% indicated that their production was insufficient and 16% said that although they planted, there was no harvest; 29% stated that production was sufficient for family consumption but not enough to face all other expenditures of the households.

With regard to trips to Canada, almost half of those interviewed (173) indicated that they had a close relative who had gone previously under the Program; they referred principally to their brothers and in a few cases to their parents (124 cases). Recruitment for work in Canada is more closely linked to family ties than to community networks. The other important source for recruitment has been the activities performed by the Program Office for this purpose.

The main reasons that workers indicated for joining the Program were the lack of employment in Mexico as well as the uncertainty of income if they had a job. In the sample, 58% of the workers indicated that although they had some form of income in Mexico, it was not sufficient nor stable and 14% decided to enter the Program because they did not have a job. At present, while workers are in Mexico, their economic

activities are usually temporary and the average income reported was \$544 pesos per week (about \$ 55 US dollars).

Working conditions in Canada

Our sample included workers who have gone to Canada from 1 to 25 seasons from the year 1977 to the year 2002. Nearly three-fourths of the workers (73%) continued to be active during that last season. This reveals a high degree of continuity of the workers in this Program, and can be interpreted not only as a sign of satisfaction among the workers themselves, but also as an overall expression of the Program's stability.

According to the 2002 Season Evaluation of the Program Office, of the total of workers participating, 70% of Mexican workers went to the Province of Ontario, 24.6% went to Quebec, and the rest to Manitoba and Alberta. The main agricultural industries that required Mexican workers that season were the production of vegetables and the greenhouses, with 41.6% and 18%, respectively.

The interviewed workers spent an average of 4.9 months in Canada each season. In practice, workers do not have the chance to decide the time of their stay, first because many of them are requested by name and they must adjust to the employers' needs. For the rest, their period of stay is also determined by demand, as well as by the candidate's labor profile: his or her physical condition and the date on which the worker initiated the procedures.

Moreover, during the 2002 season, around 60% of all the Mexican workers who went to Canada returned before their contracts had expired because there was no more work on the farms. In our fieldwork, those interviewed stated that sometimes when they arrive at the farms, they find that there is not enough work for them to complete an 8-hour day. The employer can attempt to transfer the worker to another farm, but when that is not possible, the worker returns to Mexico with much less money than he or she had expected to earn.

Mexican workers are hired by Canadian farmers mostly to harvest the crops. In our research we found only two workers who performed activities that require more technical knowledge in the productive process.

Housing that employers provide to workers consists of the following: 1) the old farm house; 2) hostels built by the employer specifically for them are the next in frequency; 3) lodging in trailers. The housing provided by the farmers usually has the necessary utilities. In general, a little less than half of the workers stated that the housing and the services provided to them by their employers in Canada are of better quality than what they have in their communities in Mexico; for 18%, their housing in Mexico is of better quality, and for 27%, the quality of both lodgings is similar.

Even though for most of them, the work that they perform on Canadian farms is as easy or even easier than the agricultural work that they do in Mexico, one-fourth of them felt that the work is very hard, and one-fifth felt that occasionally they had been asked to work too much. They mentioned that on many occasions the work pace, as well as the long working days, make work heavier.

We recorded some complaints about mistreatment, but the return report for the 2002 season is more illustrative on that matter: according to it, one-fifth of the participants believe that they were treated either "regular" or "bad," but mostly "regular." It may be that this answer is, in fact, concealing some sort of bad treatment which the workers are afraid to state explicitly.

In the fieldwork, we also found that many of those interviewed who said that they had suffered some kind of abuse by their employers or supervisors, preferred not to report the incident for fear that their employer would not request them for the following work season. In this regard, the system of requesting workers by name provides workers with a certain guarantee of continuity, and may also be functioning as a control mechanism.

Of the total number of workers interviewed, 24% have applied agrochemicals on Canadian ranches and 34% have gone to work in fields recently sprayed with

agrochemicals. Of those who have worked applying agrochemicals, only 43% have protected themselves with a mask and the proper gear.

Despite the fact that the activities they conduct are simple, in general the training the workers received was scarce. Only 45% of those interviewed responded that they had received some training. In these cases, they referred to information received in the field while they were working. Only six workers answered that they had received broader training.

In general, responses concerning attention given to them for accidents and health problems are favorable. The workers have received proper attention in those cases. Nonetheless, when the workers' illnesses arise after their work contract has expired, the workers have to cover the cost of treatment or see to it that they are taken care of in some government-run hospital in Mexico.

Wages and deductions

It was difficult to obtain precise data on this. Both the records of the Program Office and the data captured by the interview are at times imprecise or omit information. The best source for this should be employers' records.

However, with its limitations, the data obtained clearly indicates that the income of Mexicans on Canadian farms is much higher than what they could earn in Mexico, even if they had the opportunity to work all year long. This confirms the fact that the income is the main appeal of the Program for the workers.

For that reason, and with a few exceptions, the workers pointed out that they have no problem about working overtime. Yet Canadian legislation does not oblige farmers to pay overtime at a higher rate in all cases. All the workers in the sample have worked overtime, but the pay has been equal to that of regular work hours. It is common for those interviewed to work on Sundays and holidays; some pointed out that they have worked for as long as 17 hours in one day. The average for the sample was 9.3 hours per day.

There is ignorance among the workers regarding deductions of taxes and services from their wages, as well as the mechanisms that are applicable for reimbursement. But the workers feel that too much money is being deducted from their wages, and in some cases they feel this is unfair. According to the answers obtained in the questionnaire, the difference between the gross and net earnings of the workers is close to 20%.

The workers do not know how the pension program operates. And certainly they would like to know more about it, especially since some have worked for many years and are near the age at which they will stop working in the Program. But since the pension is determined by the number of weeks worked, the work situation of these temporary workers limits the amount of their pension. In fact, the two workers from the sample who are receiving their monthly pension stated that they were disappointed with how little money they were getting.

Relations between the worker and the community in Canada

Mexican workers in Canada face several kinds of obstacles that hinder their integration into Canadian communities. The main obstacles are lack of knowledge of the local language, and the isolated condition of the farms.

Out of the total, 96% (346) of the subjects work on farms remote from towns; most frequently the farms are located at a distance of 20 km. Not all the ranches have access to public transportation. More than 70% go into town if taken by the employer even to purchase groceries, make telephone calls, and effect bank transactions.

The isolated condition of the farms, as well as the fact that the workers are dependent upon the employers, leads to a limited degree of freedom for workers to decide upon the use of their free time.

Employers provide some forms of entertainment on the ranches (TV, VCR, table games, fields for practicing soccer or basketball, etc.). On their own, and in a limited fashion, some workers have become involved in the organization of sports tournaments or trips to tourist attractions.

Although few workers have had contact with volunteer groups and non-governmental organizations devoted to helping agricultural workers, the answers obtained give the impression that the work that has been done by these organizations is important to the workers.

Program impacts

As regards the Program's impact, we can sum up the conclusions as follows:

- a) The greatest impact is felt at the individual and family level of the workers
- b) It is derived from the money earned by the worker and
- c) It can be appreciated after several seasons in which the worker participates in the Program.

Almost all the workers pointed out that their family's well-being has improved. The proportion of those who feel this way is greater as the time they have participated in the Program increases. According to their statements, their families have better clothing and food; greater access to health services, and what seems to be very important to them, their children can continue their education and achieve a higher level of schooling than they did.

The information obtained on changes in housing conditions allows us to observe the relationship between longer participation in the Program and family well-being. All the indicators concerning better-quality housing show that the more seasons a worker has participated in the Program, the better the features of his or her housing.

During their first seasons of participation, the workers allocated their income to family consumption, especially to subsistence, health, and education, or to pay off pending debts. Only after several years of working temporarily in Canada can they have surplus income with which they can make other expenditures. That is when they may acquire, enlarge, or modify the family home. Therefore, the impact is different according to the frequency and number of trips made by the worker. That is why it is important to continue the practice of allowing workers to continue to go to Canada for several seasons, perhaps as many as 10 or more.

Nevertheless, the money obtained by the workers in Canada does not appear to be sufficient for them to acquire other types of goods. Very few of those interviewed currently have an automobile.

Similarly, there is practically no investment in some sort of agricultural or non-agricultural business, partly due to the limited money available to the workers and partly due to the traits of the workers' communities.

As regards the level of schooling attained by their children, those interviewed stated that thanks to their participation in the Program, their children have been able to continue with their education. Although in Mexico it has been possible to increase the level of schooling in recent decades, our research confirms that the Program has also had a positive effect. Thus, the greater the number of years that the head of the household has participated in the Program, the higher the level of schooling of his or her children.

Moreover, the children's level of schooling has a bearing on their occupations. We have found a greater tendency for workers' children to devote themselves to non-agricultural activities. In particular, we discovered that 15 children are professionals and, in almost all the cases, these are children of workers with longer periods of participation in the Program.

Therefore, we can state that the Program is helping to alleviate the effects of rural poverty.

In addition, although to a lesser extent, the Program has had certain indirect effects on the communities where the workers live, either through an increase in their families' purchasing power or through the effects of greater economic activity thanks to housing construction.

**Recommendations from the Research Project. A Study of the Program for
Temporary Mexican Workers in Canadian Agriculture**

October 2003

Gustavo Verduzco and María Isabel Lozano

To the Program Office in Mexico. Ministry of Labor and Social Welfare

Main Recommendations

1. In the cases in which workers, men or women over the age of 45, who have been participating in the Program as nominal workers, cease to be requested by their employers, it is recommended that the Program Office give them preference in the selection process.
2. It is important to continue the process for decentralizing the Program in Mexico City for the main purpose of reducing the number of trips made by workers to that city, since this would help cut back the costs for the workers and undoubtedly also for the Program as a whole.

Other recommendations

1. On the requirements for entry into the Program. The single workers who participate in the Program usually have their parents as financial dependents. The workers fear that they will be rejected once their parents have passed away. It would be advisable to make this requirement more flexible, at least in those cases.
2. Due to the growth of the employers' demand for women workers, it would be advisable to analyze whether the current entry requirements for the Program will promote or hinder the supply of female labor in the near future.
3. It would be a good idea to develop an orientation program for the new workers and a refresher course for the older ones. It is important to define the topics that should be delved into more deeply and to determine the participation of the State

Employment Services, the Program Office in Mexico City, and the Consulates in Canada. According to our research, among the topics that require the greatest attention are the following: the work situation, workers' rights, fringe benefits (health insurance, pension, reimbursement of taxes, workers' compensation, etc.), the legal deductions made to workers' wages and, especially, the mechanisms for claiming these benefits.

4. In particular, the guidance program that is derived from the previous recommendation should include among its goals that of providing the workers with security so that they may demand that their employers provide them with protective gear to conduct activities requiring it.
5. It is necessary to review the expenditure per worker currently made by the Mexican Government each season, as well as the total amount of expenses incurred by each worker to complete arrangements for documentation, since this may be an important subsidy that should be common knowledge for all concerned.

To Human Resource Development Canada (HRDC)

Main Recommendations

1. It is important to review the legal work status of Mexican temporary workers in Canadian agriculture. Despite the fact that they work year after year for the same employer, the workers are considered as temporary and have limited benefits.
2. With the aim of promoting the activity of non-governmental organizations, the HDRC could identify the groups that are working on the farms, and analyze with them and with the staff of the Mexican consulates, both the workers' needs and the availability of services on the part of these organizations; it would also be advisable to make cooperation agreements aimed at coordinating these efforts. Among the activities, we suggest the following: accounting assistance (for

reimbursement requests, pension arrangements, etc.), conversation practice in English or French, recreational activities, and support for familiarizing the workers with local stores, churches, banks, etc.

3. It is necessary to regulate and to enforce that all documents needed by workers are available in Spanish, as well as the announcements and posters at the workplace, which should be in Spanish so as to give the workers more security; this will also have a positive impact on their efficiency.
4. A review should be made of the possibility of not withholding income tax from the workers' wages since due to the length of their contract, they will not obtain income greater than 14,000 dollars. According to the sample, this measure could spare 77% of the workers from having to effect procedures for reimbursement of income tax.
5. Any other possible program similar to this should have the existing controls of the agricultural program; it should also operate with governmental bilateral links. This is of utmost importance since otherwise, abuses and illegal practices might expand even to the recruiting process and labor activities as well.

Other recommendations

1. It is important to search for mechanisms to extend the coverage of the health insurance for workers who have health problems derived from their work in Canada, even after the work contract has expired. It might be possible to set up an agreement between the Canadian insurer and the Instituto Mexicano del Seguro Social (Mexican Social Security Institute) in Mexico so that the workers can continue to be covered even after their return to this country.
2. The request made by the Canadian Government that all workers take an HIV test has entailed an additional cost that has to be assumed by the workers

themselves. It would be advisable for HRDC to look into the possibility of reimbursing that expense or compensating the workers in some way for it.

3. At present, the Mexican Government is under pressure due to certain clauses in the Memorandum of Understanding, and this hinders the efficiency in the Program's operation and increases costs. In particular, we recommend revising the period of 20 days currently set by the MOU for the Mexican Government to recruit, select, and document the workers requested. Similarly, the requirement of documenting as a workers' pool or reserve, a number of workers equivalent to 10% of those requested entails a high cost for the Program. We recommend that this problem be analyzed.
4. It is difficult for the Mexican Government to gain information on the net and gross income of the workers, and the records of the hours worked by each person. It is important for the Canadian Government to make available each season to the Mexican consulates and to the Program Office, the information recorded by the employers. This is with the aim of better orienting the workers in their need to recover the taxes they have paid, a review of the number of hours worked, and other related issues.
5. It is recommended that the legal situation of the payment of overtime in agricultural activities be examined. At present, employers are not obligated in all work activities to pay overtime at a rate of at least 1.5 times the rate of a regular work hour.
6. The workers interviewed do not agree with the deduction made to their wages for unemployment insurance, since this does not involve any kind of benefit for them. It would be advisable to review this situation.
7. The pension scheme sets a very limited monthly amount for retired workers. Moreover, the response to requests for checks and the distribution and collection of the same have not been efficient. It is necessary to evaluate this scheme for

the purpose of making it more efficient, since the number of workers who request their retirement from the Program will grow in the coming years.

To the Mexican Consulates in Canada

Main Recommendations

1. It is necessary to continue to make efforts to see to it that the banks reduce the costs or the transfer for worker's remittances. An important element influencing workers' decisions on a remittance alternative is whether the bank or other service is accessible to the family member who will collect the money in Mexico.
2. Workers do not have easy access to a telephone, nor do they have free time to contact the Consulate, so they easily give up. Those limitations must be considered when making proposals to improve the attention of workers in Canada.

Other recommendations

1. One measure that could alleviate the excessive workload that the Program demands of the Mexican Consulates in Canada could be the establishment of agreements with Mexican universities for the purpose of setting up programs so that, in particular, students of international relations may conduct their social service by working with the Program in the Provinces of Canada.
2. The research findings clearly indicate that the workers need more attention and support from the Mexican Government while they are in Canada.

To the Foreign Agricultural Resource Management Services (FARMS)

Main recommendations

1. The research indicates that the workers require more support than they are presently receiving from their employers. One of these needs is help in translating the different instructions given to them in their workplaces. In addition, it is necessary to search for the necessary means to guarantee that workers can express their concerns and needs to their employers throughout their stay in Canada.
2. Some of the conditions of the Mexican workers, such as the isolation of the ranches and their lack of knowledge of the local language, limit their possibilities of becoming involved in activities other than work. In fact, around a third of those interviewed do not feel free to come and go from the ranches without asking for permission, even after the work day has ended. It is recommended that employers consider these limitations and support workers so that they feel freer.

Other recommendations

1. It is proposed that employers do not make requests for workers if they are not sure there will be sufficient harvesting work for all of them.
2. It is recommended that contracts for less than the time specified in the MOU (six weeks) not be made.
3. It would be very advantageous for the workers if FARMS asks the telephone companies to install pay phones outside the ranches that do not have this service nearby.
4. It is important for employers to provide workers with more recreational alternatives on the farm.

5. The workers feel pressured by the work pace. One of the reasons for this is the great demand imposed upon those who work with programmed machinery. It is recommended to ensure that work paces in keeping with the abilities of the workers are scheduled, taking into account their physical condition and age.
6. It is important to provide adequate rest periods that are sufficient for the workers who conduct activities requiring a tiring position (stooping down, on their knees, carrying heavy loads, etc.) and to see to it that these activities are alternated with other less stressful ones.
7. Various conditions faced by workers in the Program are a cause of tension, and therefore we recommend that FARMS encourage the farmers employing Mexican labor to be cordial to their workers in order to avoid friction.
8. When a worker is required to apply agrochemicals, "to make sure that workers who are assigned to handle chemical substances or pesticides have protective clothing, without any cost to the worker, that workers have received adequate training, formal or informal, and that they perform the work under supervision, in the cases that are required by law", as is required by the work agreement.
9. The workers point out that the conditions of certain activities are harmful to their health and to their work performance. It would be advisable to look into possible ways of protecting the workers from the consequences of temperature conditions in the greenhouses and tobacco ovens.
10. It is important to search for mechanisms to extend the coverage of the health insurance for workers who have health problems derived from their work in Canada, even after the work contract has expired.

**The Canadian and United States Migrant Agricultural Workers Programs:
Parallels and Divergence Between two North American Seasonal Migrant
Agricultural Labor Markets with respect to “Best Practices”**

Executive Summary

The Canadian Migrant Agricultural Workers Program (CMAWP) and the U.S. H-2A Program were established and designed for the identical reason: to supply temporary foreign agricultural workers from the Caribbean and Mexico to agricultural producers in Canada and the United States during times when domestic labor could not or would not reliably work in agriculture. From identical foundations they have grown to resemble one another in many other ways and for many of the same reasons. Yet parallels and differences between the two programs exist, and this report compares and contrasts the Canadian and U.S. programs with the related goals of:

- 1) Describing best practices that have proven to be beneficial to employers, workers, and interested other stakeholders involved in the programs, such as sending country and receiving country government officials, host community members, or growers associations;
- 2) Describing aspects of the two programs that have not met the criteria of a best practice; and
- 3) Recommending ways in which the programs could be improved to rise to the level of best practices.

Defining Best Practices

As the above comments suggest, “best practices” are those that meet the needs of workers, employers, and interested other stakeholders in the two programs. As such, best practices strike a fair balance between the labor supply and reliability needs of agricultural employers while providing wages and working conditions for workers that allow them to work safely and improve their economic conditions and the overall life chances of their families. One of the key features of all the best practices described in this report is that they have been used by one or more growers, workers, or interested other stakeholders, that they have proven to be effective methods of making the contracts between workers and employers mutually satisfying, that they have been sustained over time, and that they can be replicated elsewhere (Robinson 2003). In short, the best practices described here have been observed in field settings. Best practices occur in each of the following areas: policy, regulatory activity, labor management relations, FVH Employment Practices, and Off-Farm Experiences.

Far more often than being the focus of best practices, most scholarly, media, and political attention directed toward the two programs has highlighted the ways that the programs have developed primarily to benefit agricultural producers, sometimes at the expense of foreign workers and their families. Unfortunately, criticism of the programs that has emerged from such approaches has too often preempted productive dialogue regarding working toward building on those best practices that exist while addressing the problem areas that remain. It is also unfortunate that, in both the U.S. and Canadian agricultural labor markets, the principal alternatives to temporary foreign worker

programs have been either the use of illegal immigrant workers or various private labor contracting systems that have generated negative publicity for the farming community. In Canada in particular, as well as in some regions of the United States, temporary foreign worker programs were and still are, in some circles, considered positive responses to the poor wages and working conditions that tend to accompany the hiring of illegal immigrants or use of farm labor contracting.

In considering both criticism and praise of legal temporary foreign agricultural worker programs, it is important to keep in mind the two most basic features of the programs. First, that the programs offer foreign workers access to wages that are far higher than wages they receive in their home countries. Second, agricultural producers in Canada and the United States are able to meet their labor needs with reliable workers during peak labor demand periods. It is these two features that are most beneficial to the principal parties involved—workers and employers—in the programs. At the same time, it is these two features of the program that underlie its most intractable problems.

Although it is much easier to criticize the two programs than locate best practices, in this report the criticism is calculated to be constructive, as a way of identifying areas where minor changes could be made to improve the two programs—changes based on methods that some growers, workers, and government officials have already tried. The two tables that follow compare and contrast the Canadian and U.S. systems in terms of best practices and areas that need additional attention to become best practices in the five areas noted above: policy, regulatory activity, labor management relations, FVH Employment Practices, and Off-Farm Experiences. Explanations of the bulleted points in the tables follow.

Table 1. Best Practices

Program Areas	CMWAP	U.S. H-2A Program
Policy	<ul style="list-style-type: none"> • Work authorization as preferred to illegal workers 	<ul style="list-style-type: none"> • Work authorization as preferred to illegal workers
Regulations	<ul style="list-style-type: none"> • Transferring workers among employers • Strengthening role of government officials 	<ul style="list-style-type: none"> • ¾ work guarantee
Labor-Management Relations	<ul style="list-style-type: none"> • Elaborating worker spaces and experience • Providing translation services/ ESL • Personal ties between workers and employers 	<ul style="list-style-type: none"> • Elaborating worker spaces and experience • Providing translation services/ ESL • Providing workers transportation • Personal ties between workers and employers
Employment Practices	<ul style="list-style-type: none"> • Government recruiting results in lower costs to workers and employers 	<ul style="list-style-type: none"> • Use of the Adverse Effect Wage Rate to determine foreign workers' wages • No reports of housing without indoor plumbing or other basic essentials
Off-Farm Experiences	<ul style="list-style-type: none"> • Community interest in workers' welfare 	<ul style="list-style-type: none"> • Community interest in workers' welfare

Table 2. Areas that Need Improvement to Become Best Practices

Program Areas	CMWAP	U.S. H-2A Program
Policy	<ul style="list-style-type: none"> • Housing inspections are too variable • Consular and liaison officials have limited powers to address worker grievances 	<ul style="list-style-type: none"> • Housing inspections are too variable • Consular and liaison officials have limited powers to address worker grievances
Regulations	<ul style="list-style-type: none"> • Disconnect between provincial labor law and international agreements • Labor law enforcement, highly variable, should be standardized • Enforcement of regulations is too dependent on local agencies 	<ul style="list-style-type: none"> • Labor law enforcement, highly variable, should be standardized • Enforcement of regulations is too dependent on local agencies
Labor-Management Relations	<ul style="list-style-type: none"> • Excessive labor control is common • Seniority is not recognized 	<ul style="list-style-type: none"> • Excessive labor control is common • Seniority is not recognized
Employment Practices	<ul style="list-style-type: none"> • Housing is variable, with reports of no indoor plumbing 	<ul style="list-style-type: none"> • Private recruiting results in undue costs to employers and workers • Employers using program to remove seasonal workers from farms during slow periods • Blacklisting of workers by growers association is common
Off-Farm Experiences	<ul style="list-style-type: none"> • Discrimination persists 	<ul style="list-style-type: none"> • Discrimination persists

More detail on the best practices listed in Table 1 follow, and a more detailed discussion of these practices can be found at the end of the report.

- **The Comparative Benefits of Work Authorization.** As opposed to illegal migration and work in Canada and the United States, legal temporary worker programs provide at least a framework for the active participation of foreign nationals in the receiving nations' economies under conditions where, on paper, they are protected under laws governing the treatment of labour.
- **Community Attention to Foreign Worker Programs.** In both countries, the role of churches, community organizations, labour unions, worker advocates, and others have been in large part beneficial to workers without creating undue burdens on those employers who engage in fair labour practices. These organizations have provided places for workers to socialize and interact with others off the farm and have advised workers of their rights in the two countries.
- **Elaborating and Expanding Foreign Workers' Spaces and Experiences.** To reduce the worker isolation and dependence that too often leads to excessive labor control and over-exploitation of foreign workers, some growers have provided workers vehicles, telephones, and translation assistance, as well as assisted them in orienting them to their surroundings.
- **Public vs. Private Recruiting.** As opposed to private systems, public systems of recruitment are by and large fairer and less costly to workers and to growers participating in the program. Private recruiting systems have a tendency, over time, to exact more and more costs of the program from growers and workers.
- **Transferring Workers Among Employers.** In the Canadian program, provisions exist to move workers to other employers during slow periods on the farms for

which they were contracted to work. This meets growers' labor needs and gives workers more work and higher seasonal earnings, which is their primary goal.

- Using a straightforward method of figuring wages for foreign workers. In the United States, wages are determined by the Adverse Effect Wage Rate (AEWR), or the highest rate necessary to pay off-shore workers that will not have an adverse effect on the wages of domestic workers. Annually, the U.S. Department of Labor figures the AEWR as "a rate equal to the annual weighted average hourly wage rate for field and livestock workers (combined) for the region as published annually by the U.S. Department of Agriculture. How Canadian wage rates are determined is not well-publicized.
- Standardizing Housing. In both countries, housing is highly variable. The best housing provides not only for workers' physical needs, but their social and emotional needs as well, offering recreational and commons areas and even classes in English.
- Work Guarantees. U.S. employers provide a $\frac{3}{4}$ guarantee: that is, they guarantee to offer workers at least three-fourths of the workdays in their contracts, and to pay them for this time if they cannot offer the work. This helps meet workers' expectations regarding seasonal earnings.
- Strengthening the Role of Government Officials. Closer involvement of consular and other government officials to monitor labour law, assure that the proper Canadian authorities enforce regulations that currently exist, and make the terms of contracts clear to workers and employers would benefit all parties. This would also be in line with reducing the roles of private contractors.

- **Providing Translation Services for Mexican Workers.** employers who hire Spanish-speaking foremen, bring in occasional outsiders to translate, or attempt to speak Spanish themselves, provide workers with a valuable service and enable them to deal with their surroundings—on and off the job—more effectively. In addition, many communities have ESL classes and some employers provide venues for these classes on their farms.

These recommendations are based on practices and policies that have already been discussed or used on farms in Canada, the United States, or both countries. Obviously, from the criticisms levied at the programs here and elsewhere, several other weaknesses in temporary foreign worker programs have emerged. Most of these are listed in Table 2 above. These offer other ideas for improving the two programs that have not yet been successfully tested in the field, yet it is important here to point to them as problem areas that may be addressed with additional information provided to employers and workers, more regulatory oversight, more effective representation of workers by liaison officers, consulate staff, or labor unions, or other means.

Organization of the Report

This report begins with a discussion of the history and policy of the two programs, moves through discussions of current practices and policies and workers' and employers' experiences with the programs, and ends with an in-depth discussion of best practices and research-based ideas for improving the seasonal foreign agricultural worker programs. The section on current practices and policies addresses both policy and regulatory issues, while the sections on workers' and employers' experiences address

labor-management relations and employment practices. The four major sections that follow each begin with an overview that compares the Canadian and U.S. programs, highlighting the key points of the section. The concluding section on best practices and research-based ideas for improving the programs, however, speaks to programs in both countries and thus includes no comparative discussion.

Component V – Hemispheric Integration and Trade Relations – Implications for Canada’s Seasonal Agricultural Workers Program

Ann Weston and Luigi Scarpa de Masellis, The North-South Institute
November 2003

Executive Summary

Introduction

This paper sets out the broader context for Canada’s Seasonal Agricultural Workers Program (CSAWP) and thus seeks to provide some background for the other components of this research project. In particular it focusses on the interface between trade and labour migration under the CSAWP. The main questions addressed are: What is the role played by the CSAWP in Canadian agriculture? How have trade liberalization initiatives such as the North American Free Trade Agreement (NAFTA) affected the sectors using CSAWP workers? What are the medium-term prospects for the Canadian economy to increase its demand for CSAWP labour force?

Background

- The rationale for the CSAWP, when it began in 1966, was to rationalize efforts by individual farmers to meet their short-term, peak season labour needs.
- While the government maintains a ‘Canadians first’ policy, the CSAWP has become more critical, with intensified domestic labour shortages and an increasingly competitive market for horticultural and other agricultural products, after NAFTA.
- Employers consider foreign seasonal agricultural workers to be the linchpin for keeping the Canadian horticultural sector internationally competitive.
- Some 1,600 employers in Ontario and 200 in Quebec now use the program, under which 18,146 workers came to Canada in 2001 compared to 1,271 thirty years earlier.

Canadian agricultural production, trade, employment and wages

Production

- In 2000 the agriculture and agri-food sector accounted for \$100 billion in annual retail and food service sales and 8 per cent of total Canadian GDP. In 2001, it contributed \$7.4 billion to Canada’s trade balance. Domestic production has been

stimulated by increased Canadian consumption of fresh fruit and vegetables, as well as changes in the trade regime.

- Agricultural crops, which include those that are involved in the CSAWP, in 2001 accounted for \$13.7 billion or 42 percent of all Canadian agricultural farm cash receipts (excluding payments such as subsidies).
- The importance of horticulture and floriculture has grown since 1981 from 11 percent of all crop receipts nationally and from over 30 percent in both provinces to 56 percent and 42 percent in Ontario and Quebec respectively in 2001.
- CSAWP workers are concentrated in seven key crops: apples, tomatoes, tobacco, cucumbers, peaches, cherries, and ginseng as well as greenhouse tomatoes and cucumbers.
- Horticultural production is becoming increasingly concentrated, following the trend for all Canadian agriculture; in 1996, 5.5 percent of all horticultural farms produced 42 percent of total fruit and vegetables. The growing prevalence of corporate farms has intensified the demand for hired labour and changed the nature of the relationships with foreign workers compared to those with smaller, family farms.

Trade

- Canadian agricultural exports in 2000 were \$14.8 billion, of which \$2.6 billion were horticultural products. The bulk of exports are to the US, and these have expanded rapidly. Particularly noteworthy were increases in horticultural crops which are a major source of employment for migrant workers, i.e. tomatoes, peppers, cucumbers and lettuce. Exports to Mexico also grew, notably of frozen vegetables.
- Canada is a net exporter of six of the seven CSAWP key crops. The most notable recent change was in the case of *tomatoes*, for which Canada shifted from being a net importer to net exporter in the last decade. There was also a major increase in *cucumber* exports, with sales to the US growing rapidly especially in the last five years. Imports from Mexico of both tomatoes and cucumbers have increased significantly. Exports of *tobacco* and *apples* also grew during this period, with Mexico emerging as a significant buyer after NAFTA came into effect. But growth in apple imports, especially from the US, led to an increase in net imports.

Employment

- The agriculture and agri-food sector currently contributes about 14 percent of jobs nationwide, mostly in primary agriculture. In 2001, agriculture employed 328,600 people or 2.2 percent of the total Canadian labour force of 15 million.
- Overall employment in fruits and vegetables at 17,367 in 2000 was considerably below the peak of 21,216 in 1987. Total Canadian employment in the sectors using CSAWP in Ontario and Quebec declined from 20,380 in 1983 to 14,778 in 2000, while the number of hourly employees fell from 13,748 to 9,518. At the same time the number of CSAWP workers grew sharply from 4,564 to 16,269 during the same period. In 2000, CSAWP workers accounted for 53 percent of total employment (including CSAWP). In terms of person-hours, they accounted for an estimated 45 percent.
- The CSAWP thus represents an increasingly important complement to the Canadian labour force. CSAWP workers can no longer be considered a minor part; in fact if present trends continue, it is likely that CSAWP workers will account for a larger share of total hours worked than Canadians workers.

Wages

- Agricultural wage data has not been generally available since 1997. Data to that point shows that Canadian agricultural workers tend to be paid less than the average industrial wage, though the differential narrowed somewhat. Of the five agricultural worker categories considered here, fruit and vegetable workers are paid the lowest wages, while supervisors get paid the most followed by machine operators. The wage rates in Ontario are typically somewhat higher than in Quebec.

The CSAWP

Numbers and distribution

- The bulk of demand for CSAWP workers is in Ontario and Quebec (on average 97 percent for both Mexican and Commonwealth Caribbean workers over the last ten years). In Ontario, the major employers produce tobacco, tomatoes, apples and peaches, whereas in Quebec they produce tomatoes and other unspecified field vegetables, followed by tobacco.

- There have been three main changes in the distribution of demand for workers between these crops in the last ten years in Ontario. The share working on tobacco has fallen by 10 percentage points, while that working on field vegetables has fallen 7 percentage points. The importance of the greenhouse sector has risen from 4 to 14 percent, reflecting strong growth in production and related to this demand for workers.
- In Quebec, the overwhelming majority of demand for foreign farmworkers is by market gardening enterprises (field vegetables and fruits), followed by tobacco and bush/sod.

Wages and earnings

- An important issue for both employers and for workers is the wage rate, as this is a key determinant of production costs and earnings respectively. Employers also value the predictability and level of effort of CSAWP labour supply. For workers, the total number of hours to be worked is also critical; other issues include overtime pay, wage deductions, remittance requirements/procedures, working/living conditions, and mechanisms for addressing their concerns such as the liaison officers.
- The terms of CSAWP employment agreements require wages to be the greater of the prevailing wage or the wage paid by an employer for similar agricultural work by Canadians. Data on the provincial prevailing agricultural wage rates are not readily available, which makes it difficult to compare with the CSAWP wages and thus to verify whether the agreements are being respected. From the available information, there seems to be a discrepancy between the CSAWP wage rates and those for domestic farmworkers. If wage differentials are explained by the different types of tasks involved, this raises the issue of whether CSAWP workers are allowed to perform the higher-wage tasks.
- The methodology used to determine the CSAWP wage rates has changed over time, with provincial surveys no longer being carried out consistently as required by the employment agreements. It is not clear whether even the limited amount of information so gathered is made available consistently to the representatives of the sending countries for use in the annual discussions about the following seasons' wage rates.

- Domestic wage rates have grown (in the case of general farm labour by 20.5 percent, and 41.3 percent for fruits and vegetables workers) at a rate almost equal to, or higher than, the prevailing wage rates for CSAWP workers (tobacco by 6.5 percent, tomatoes 21.4 percent). As provincial wage rates were already higher in 1992, the gap with CSAWP workers has increased. A similar pattern can be observed in Quebec.
- In real terms (2003\$ inflated by the Canadian CPI) CSAWP wages for most crops in Ontario barely increased from 1992 to 2003, and since 1994 they have fallen by 7 percent. The fact that wage rates have barely increased and yet the number of workers grew steadily to 2002 suggests the labour supply is highly elastic. Average CSAWP earnings in Canada are now some \$7,500 per year.
- Unit farm cash receipts for the top three products have risen over the last decade, faster than CSAWP wages, though in the case of three others, field tomatoes and cucumbers and apples, prices have not kept up with wage increases.

The emergence of new pressures

- In recent years Canada's shortage of unskilled or less skilled workers has become more pronounced, leading the government to introduce a pilot Foreign Worker Program (FWP) targeting seasonal agricultural workers as well. The initial users of the FWP were the meat, construction and tourism industries. Few observers expected that this mechanism would be made available to the horticultural sector given the availability of the CSAWP, as well as the particular vulnerabilities of farmworkers which had traditionally been addressed by various safeguards built into the CSAWP. In 2003, however, the Quebec-based recruitment agency, FERME, secured work permits for up to 160 farmworkers from Guatemala under the FWP.
- While some of the conditions covering the FWP are similar to the CSAWP, they provide for longer stays in Canada, lower costs (employers pay transport but not housing), and less official oversight to protect the workers.
- Another development was the announcement in June 2003 by the Quebec government that unskilled farm labour, notably workers involved in harvesting, would no longer be subject to the minimum wage. Recent history suggests that higher, not lower, wages are needed to attract Canadian workers, so this strategy seems geared to lower the wages paid to foreign farmworkers.

Conclusions

This paper has sought to outline the economic context underlying the CSAWP. A number of possible points emerge:

- Increasing integration with the US and Mexico has accelerated the expansion and consolidation of horticultural sector with increasing investment particularly in the greenhouse sector.
- As in the agricultural sector more generally, there has been a consolidation of horticultural production with increasing farm size, the emergence of corporate farms, and a reduction in the number of family farms.
- For some crops, notably greenhouse tomatoes and cucumbers and apples, a large share of which are exported now to the US, another issue will be growing competition in the US market, particularly following the FTAA, from Central America.
- As in the case of tomatoes, Canadian growers may still face trade barriers such as anti-dumping duties if competing US producers consider themselves injured by growing imports. Other problems which have emerged in trade with the US in recent years include the increased security measures at the border following the events of September 11, 2001, and stringent sanitary and phyto-sanitary standards. There are various national, regional and WTO mechanisms to ensure that such cases are fairly addressed, but meantime trade can be disrupted, affecting the demand for labour.

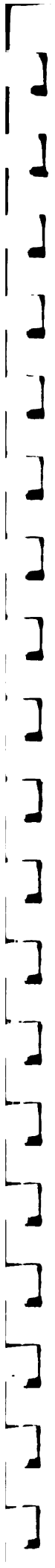
Implications

- Greater opportunities for agricultural trade, following the CUSFTA and NAFTA, have involved both benefits and risks for producers and their workers. Competition in the Canadian market has increased and will continue to do so as remaining barriers to imports from other countries, particularly from the Americas, are removed.
- Producers are facing increased energy costs, and in recent months, an appreciating Canadian dollar, both of which may limit their capacity to carry increased labour costs, particularly in energy-intensive, greenhouse, products.
- To maintain control of labour costs, employers would like increased flexibility in accessing foreign workers – i.e. greater freedom in choosing the country of origin as well as lower wages, housing and other costs.

- It is unlikely that the decline in real wages experienced in the last decade will be reversed in the next, unless there are changes in the way wages are calculated (and if higher wages can be sustained by increased productivity).
- The prospects for CSAWP workers to increase their annual earnings in Canada from the present average of \$7,500 (in the absence of wage rate increases) will depend on being able to extend their work hours (e.g. by shifting to crops with an extended production cycle) or to shift to more highly paid tasks. This in turn will depend on whether they are able to overcome existing patterns of labour segmentation.
- Total demand for CSAWP workers may continue to increase as additional employment opportunities emerge in sectors such as greenhouse, nursery and canning, as other crops are brought into the program (like floriculture) and even as Canada expands the temporary workers program beyond agriculture to other sectors like meatpacking, construction and tourism.
- The latter development, however, brings certain challenges to the CSAWP itself, as the recent employment of Guatemalan farmworkers in Quebec illustrates. This could limit the scope for major changes in working conditions, notably wages.

Recommendations

- We recommend a review of the process for determining CSAWP wages. If there is no longer a sufficient body of Canadians working in a crop for their wage to be the basis for comparison, an alternative approach would be to base the wage determination on an economic analysis for each crop, with the provincial minimum wage being the floor.
- We also recommend that the pilot Foreign Workers Program be carefully monitored to ensure that it does not undermine the CSAWP and that it be evaluated in terms of its implications for the CSAWP.



NORTH SOUTH INSTITUTE

THE MEXICAN AND CARIBBEAN SEASONAL AGRICULTURAL WORKERS PROGRAM:

REGULATORY AND POLICY FRAMEWORK, FARM INDUSTRY LEVEL EMPLOYMENT PRACTICES, AND THE FUTURE OF THE PROGRAM UNDER UNIONIZATION

by
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November 2003

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NSI PROJECT GOALS

- What is the overall legal and institutional framework governing seasonal agricultural workers' employment in Canada?
- How does the CSAWP's policy framework translate into actual farm industry-level employment practice?
- What impact does the role of trade unions have on the future of the CSAWP?
- What should be the future direction of CSAWP?

2

METHODOLOGY

1. Stakeholder Interviews
 - > Canadian Government (HRDC, Immigration, DFAIT)
 - > FARMS & FERMES
 - > Mexican & Caribbean Government Agents
 - > United Food & Commercial Workers
2. Workers' Surveys
3. Primary & Secondary Documents
4. Statutes, Regulations, Conventions

3

OVERVIEW

1. Historical Background
2. Objectives of the Seasonal Agricultural Workers Program
3. Policy & Institutional Framework
4. Industry Level Employment Practices
5. Unionization
6. Recommendations

4

HISTORICAL BACKGROUND

The Quest for Reliable Labour

- Recruitment of an adequate number of workers for the harvest.
- Retention of workers for the duration of the harvest.

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HISTORICAL BACKGROUND

In a 1970 Background Paper on the Caribbean Seasonal Agricultural Workers Program, the Assistant Deputy Minister of Manpower and Immigration described the problem of retaining agricultural workers as follows:

Wages and working conditions in agriculture lag behind those in other industries. Even in Ontario, the region of greatest farm labour demand in Canada, there is no indication that farm wage levels have risen sufficiently to compete with other industries in order to ensure an adequate labour supply. The development of secondary industries in many rural areas of Ontario has resulted in the withdrawal of workers from the seasonal agricultural work force. Younger workers, with higher educational levels, now have higher job expectations and even in periods of unemployment do not readily accept temporary work in agriculture.

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HISTORICAL BACKGROUND

- Failure of internal mobilization of labour
- Targeting vulnerable populations with limited labour mobility
- Growers' inability to compete with industry and prices of imported food
- Addressing worker abuses because of private recruitment and labour contractors
- Racial stereotyping - "suitable" labour force as opposed to permanent residents

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HISTORICAL BACKGROUND

1966 Memo of the Assistant Deputy Minister of Immigration

"...It should be mentioned here that one of the policy factors was a concern over the long range wisdom of a substantial increase in Negro immigration to Canada. The racial problems of Britain and the United States undoubtedly influenced this concern which of course still exists today."

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HISTORICAL BACKGROUND

Expansion of SAWP

- Jamaica (1966)
- Trinidad & Tobago (1967)
- Barbados (1967)
- Mexico (1974)
- OECS - Grenada, Antigua, Dominica, St. Kitts & Nevis, St. Lucia, St. Vincent, Montserrat (1976)

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HISTORICAL BACKGROUND

1973 Task Force Report on the Seasonal Farm Labour in Southern Ontario

- Examination of working conditions of Mexican Mennonites and Portuguese offshore labourer

- Effect of private grower recruitment and labour contractors

The authors of this report, and those who accompanied them, were shocked, alarmed and appalled at some of the arrangements made for accommodation in Canada for Mexican families, at their wages and working conditions, at the fact that the entire family works in the fields for the season, at the lack of schooling, at the evidence of malnutrition which exists among them, and at numerous other factors such as non-existent health facilities.

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HISTORICAL BACKGROUND

Recommendations of the Task Force:

- Offshore labour recruitment must be negotiated with supply country governments
- Develop government to government agreements guaranteeing basic and humane treatment of workers
- Direct involvement of Manpower Division, Immigration, External Affairs in negotiations with foreign governments
- Commitment of substantial resources – manpower and financial

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Distribution of Caribbean & Mexican Seasonal Agricultural Workers, 2002

Source Country of Worker	Canada	Ontario	Quebec	Alberta	Manitoba	N.B.	P.E.I.	Nova Scotia
Mexico	10779	7633	2636	196	276	12	20	
Jamaica	5272	5211	36		7			16
Barbados	558	476	9					72
Trinidad & Tobago	1491	1481						
OECD	447	413	34					
Total	18535	15213	2716	195	283	12	28	88

Source: Human Resources Development Canada

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OBJECTIVES OF THE CSAWP

1. The CSAWP should continue to be of "mutual benefit to both parties".
2. The CSAWP should facilitate the movement of Seasonal Agricultural Workers into all areas of Canada.
3. The operation of the CSAWP is dependent on Canada's determination of the need for Seasonal Agricultural Workers to satisfy the requirements of the Canadian agricultural labour market.

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OBJECTIVES OF THE CSAWP

Canada

- Meets qualifying growers' seasonal demand for low-skilled agricultural workers during peak planting and harvesting season when there is a relative shortage of similarly-skilled Canadian workers.
- Helps maintain Canada's economic prosperity and global agricultural trade competitiveness through timely planting, harvesting, processing and marketing of fruits, vegetables and horticulture crops.
- Expands job prospects for Canadian citizens dependent on agriculture and agriculture-related employment opportunities.

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OBJECTIVES OF THE CSAWP

Canada - cont'd

- Enhances and maintains the Canadian economy's efficiency through better allocation of local labour resources;
- Facilitates the return of the workers to their home countries at the end of their temporary employment in Canada;
- Protects workers from exploitation by labour contractors, private recruitment, and illegal migration.

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OBJECTIVES OF THE CSAWP

Supply Countries

- Improves the economic welfare of the migrant workers by providing them with temporary full-time employment at relatively higher wages than they could obtain from similar or alternative activities in their home countries.
- Enhances home economy through remittances of Canadian currency.
 - OECS = \$2 million per year
 - Jamaica = \$7.6 million per year
- Provides relief from high unemployment and underemployment.
- Decreases pressures on local social benefit schemes.
- Benefits from the transfer of skills and knowledge in agriculture.

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

The Legal Framework

- Memoranda of Understanding
 - > Annex I - Operational Guidelines
 - > Annex II - The Employment Agreement
- Government Policy Statements
- Federal Laws
- Provincial Laws
- International Laws

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Memoranda of Understanding

- Outlines the policy objectives and guiding principles of the CSAWP
- "Canadians First" principle
- Premium cost to employers
- Fair and equitable treatment of workers

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Legal Status of the Memoranda of Understanding

- "an intergovernmental administrative arrangement"
- Not an international treaty as defined by the *Vienna Convention of the Law of Treaties*
- Application of administrative law principles
Department of Human Resources Development Act:
"the powers, duties and functions of the Minister [of Human Resources Development Canada] ... are to be exercised with the objective of enhancing employment, encouraging equality and promoting social security"
- Application of the *Charter of Rights and Freedoms*

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Annex I: Operational Guidelines

- Recruitment, selection and documentation of workers
- Medical examinations
- Immigration documentation
- Transmission of employment orders (FARMS or FERMES)
- Appointment of government agents in Canada
- Subject to annual review

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Annex II: The Employment Agreement

- Signed by employer, worker, and government agent
- Duties and obligations of workers and employers
- Subject to annual review
- Lack of enforcement

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**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

Immigration and Refugee Protection Act

Temporary Work Permits – s. 203(3) of the Regulations

- is the work likely to result in direct job creation or job retention for Canadians?
- is the work likely to result in the creation of transfer of skills and knowledge for the benefit of Canadians?
- is the work likely to fill a labour shortage?

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**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

Immigration and Refugee Protection Act – cont'd

- Will wages and working conditions offered be sufficient to attract Canadians to, and retain them, in that work?
- Has the employer made reasonable effort to hire and train Canadians?
- Will the employment of the foreign worker be likely to adversely affect the settlement of any labour dispute in progress or the employment of any person involved in the dispute?

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**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

- Temporary Status of CSAWP Workers
- Selection of Workers –
"Named" vs. "Unnamed" Workers
- Restrictions on Workers' Mobility
- Transfer Process

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CSAWP Named and Unnamed Workers in Ontario

COUNTRY	Named		Unnamed		Total	
	2001	2002	2001	2002	2001	2002
Barbados	345	305	199	230	545	535
East Caribbean	302	317	146	110	448	427
Jamaica	4,372	4,481	1,651	1,265	6,023	5,746
Mexico	4,776	4,206	4,362	4,161	9,138	8,367
Trinidad/Tobago	1,117	993	671	596	1,788	1,589
TOTAL (2)	10,913	10,302	6,919	6,362	17,832	16,664

Source: FARMO, *Revised System: Named & Unnamed Workers, 2000 & 2001*.
* This chart represents the number of work placements, not workers.

POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Repatriation Provisions

- Employer's power to terminate workers for "non-compliance, refusal to work, or any other sufficient reason".
- Cost consequences.
- Allows for arbitrary exercise of discretion with no formal right of appeal.
- Undermines migrant workers' ability to enforce their rights and reinforces their vulnerability.

POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Access to Citizenship or Permanent Residency

- Workers returning under the CSAWP over several years.
- No accrued rights for permanent settlement.
- Contrast with the Live-In Caregiver Program
- "Suitable" for agricultural work, but not citizenship.
- Reinforces social and political disadvantage.

**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

Administration of the SAWP

- HRDC and local Human Resource Centres Canada
- FARMS and FERMES
- CanAg
- Government Agents
- No independent worker representation

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**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

Role of FARMS

- A "friendly voice" for growers.
- In 2002, 1,622 growers participating in CSAWP and paying fees to FARMS.
- Employee Information Package.
- Role is defined as administrative, but playing a greater role in policy making and acting as an advocate for the grower community.

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**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

Role of the Government Agents

- Provides program administration, policy inputs, assistance in dispute resolution.
- Essential to the smooth operation of CSAWP.
- Interfaces with FARMS and HRDC.
- Low level of interaction with provincial authorities.
- Mexican consulates have insufficient resources to effectively service workers.
- Physical distance from workers and farms.
- Lack of consistency in servicing workers and tracking workers' complaints

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

- "Dual" role of the Government Agent
 - Workers' representative
 - Operating Guidelines requires Government Agents to act in the employers' interests
 - Mediators
- Government Agent represents state interests = maximizing number of workers and return of remittances
 - Competitive structure among offices
 - Compromises resolution of workers' grievances

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Dispute Resolution

- Informal and consultative
- Resolution by repatriating or transferring workers
- No formal appeal procedure allows unfettered exercise of discretion
- Competitive structure of CSAWP results in lack of employer accountability and enforcement of workers' rights

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

They can appeal an employer's decision to the [Government Agent], but ultimately it is the employer who determines if they will stay or not. It is very difficult because of the competitive nature of the program. Farmers may come down hard on the workers. But there is nothing that can be done to force the employer to keep the worker. And the employer can always go somewhere else for workers. They hold that over your head... The program promotes competition between countries. There must be some other way to sanction the employers.

- Interview with a Government Agent

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Disincentives for workers raising complaints about working and living conditions:

- Government Agent lacks resources
- Worker fears repatriation
- Worker fears being "blacklisted" by employer or Government Agent from future participation in the CSAWP

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Policy Rationale for a Formal Dispute Resolution Mechanism

1. Migrant workers to be afforded equal treatment to Canadian workers.
 - Migrant workers do not have mobility rights or access to other mechanisms.
2. Hiring migrant workers must not result in wages and working conditions unattractive to Canadian workers.

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Annual Review Meetings & Policy Making

- HRDC consults with local HRCC as well as the Ontario Agricultural Advisory Committee (co-chaired by government and industry)
- Regional and National Meetings
- Provides opportunity for regular and on-going review of CSAWP
- Increasing role of FARMS diminishing Canadian government's role in CSAWP
- No independent worker representation
- Absence of provincial government

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Application of Canadian and Provincial Labour Laws

- CSAWP workers are covered by provincial employment and labour law
- Agricultural workers are excluded from several key employment and labour related statutes in Ontario
- Denial of legislative protection reinforces agricultural workers' vulnerability

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Employment Standards Act, 2002

- "farm workers" = primary production (planting crops, cultivating, pruning)
 - excluded: hours of work, daily and weekly/bi-weekly rest periods, eating periods, overtime pay, minimum wage, public holidays, and vacation pay.
- "harvesters"
 - excluded: hours of work; daily and weekly/bi-weekly rest periods; and overtime pay

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Occupational Health and Safety Act

- Deaths of farmers and farm workers represent 13% of all occupational fatalities in Canada.
- Employment Agreement allows workers to be terminated for refusing unsafe work.
- Agricultural workers do not have
 - the right to know about workplace dangers
 - the right to representation through health and safety committees
 - the right to refuse unsafe work
 - the right to be free from employer reprisals for trying to enforce rights under the Act.

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**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

Workplace Safety and Insurance Act

- CSAWP are insured under the WSIA
- Operational Policy: Foreign Agricultural Workers, Number 12-04-08
- Workers must file claim before departing Canada
- Employers obligation to notify Government Agent

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**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

Human Rights Code

Migrant agricultural workers have the right to employment and accommodation free from discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, same-sex partnership status, family status, disability, record of offences, or the receipt of public assistance.

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**POLICY AND INSTITUTIONAL
FRAMEWORK OF THE CSAWP**

Employment Insurance Act

- CSAWP workers pay premiums but are ineligible to receive regular benefits.
- CSAWP workers must be in Canada to be eligible for unemployment and sick benefits.
- Eligible for parental leave benefits, but rarely accessed.
- In 2001, CSAWP workers contributed \$3.4 million to EI.
- EI surplus of \$40 billion in 2002.
- Migrant workers earnings are being used to pay down Canada's national debt.

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

Canada Pension Plan

- CSAWP workers eligible for CPP at age 65 or if become severely disabled during their working years.
- Exemption from CPP deductions if yearly earnings are less than \$3,500.
- Disability benefits – contribution to CPP for a minimum of 4 of the last 6 years, plus earning 10% of the years Maximum Pensionable Earnings
- Low returnable benefit to CSAWP workers.

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POLICY AND INSTITUTIONAL FRAMEWORK OF THE CSAWP

The Charter of Rights & Freedoms

- s.6: mobility rights
- s. 2(d): freedom of association
 - *Dunmore v. Ontario (A.G.)*
- s. 15: equality rights
 - Discrimination because of "occupational status"
 - Charter Challenge of OHSA
 - Charter Challenge of EI Act

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INDUSTRY LEVEL EMPLOYMENT PRACTICES

Wages

The Mexican/Caribbean CSAWP Employment Agreements provide that migrant workers shall be paid wages, which ever is greatest:

1. the provincial statutory minimum wage;
2. the rate determined annually by HRDC to be the prevailing wage rate for the type of agricultural work being carried out by the worker in the province in which the work will be done; or
3. the rate being paid by the employer to his Canadian workers performing the same type of agricultural work.

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2002 Agricultural Prevailing Wage Rates – Ontario Region

COMMODITY	WAGE RATE
Tobacco Plus	\$2.89/hr (F) \$2.25/hr (S)
Tobacco Root	\$2.85/hr (General) \$2.25/hr (Planting)
Canning/Food Processing (Fruit & Vegetables)	\$2.25/hr
Rum Raisins	\$2.25/hr
Vegatables (F)	\$2.25/hr
Fruit (F)	\$2.25/hr
Plum	\$2.25/hr

Source: FWSMC 2002 Employer Information Package

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INDUSTRY LEVEL EMPLOYMENT PRACTICES

Deductions and Remittances

Caribbean Worker:

- EI, CPP, Income Tax
- Visa Fees (\$150)
- Transportation (\$425 max)
- Additional flight costs for connection between Kingston and Port of Spain
- 25% Compulsory Savings Scheme (5-7% non-refundable administrative fees; 20% or less returned to worker once returned home)

Mexican Worker:

- EI, CPP, Income Tax
- Visa Fees & Transportation (\$450)
- RBC Medical Insurance (\$4.00 bi-weekly)

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INDUSTRY LEVEL EMPLOYMENT PRACTICES

Hours of Work and Rest Periods

- Employment Agreements provide for an average minimum work week of 40 hours.
- Caribbean Agreement silent on the expectation of hours per day or rest periods.
- Mexican Agreement provides that a normal working day is 8 hours but on agreement may be extended, and rest periods (1 day of rest after 6 consecutive days and meal breaks)

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INDUSTRY LEVEL EMPLOYMENT PRACTICES

Health & Safety

- Employment Agreements silent on health & safety protections.
- Inconsistency in providing safety training and protective gear to workers because dependant on employer discretion.
- Gap between what are proper re-entry times after pesticide use and the workers' understanding of these guidelines.
- Workers may not always report pesticide exposure to Government Agents for fear of reprisation.

INDUSTRY LEVEL EMPLOYMENT PRACTICES

Housing

Government Agents reported that most housing was acceptable; however, 3 areas of improvement were identified:

1. Lack of indoor plumbing.
2. Ministry of Health inspections do not take place before workers arrive.
3. Current housing guidelines are out of date.

INDUSTRY LEVEL EMPLOYMENT PRACTICES

Rules and Regulations

- Low level of dissemination of rules
- No uniformity on posting rules of conducts
- Language barriers
- Lack of enforcement
- Little knowledge of content and operation of human rights in Ontario

UNIONIZATION

Dunmore v. Ontario (A.G.)

- Constitutional challenge of the repeal of the *Agricultural Labour Relations Act, 1994*.
- Exclusion of agricultural workers from labour relations legislation violates freedom of association.
- Collective bargaining not central to freedom of association.
- Agricultural workers are a disadvantaged group.
"Distinguishing features of agricultural workers are the political impotence, their lack of resources to associate without state protection and their vulnerability to reprisal by their employers."

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UNIONIZATION

Agricultural Employees Protection Act, 2002

- Agricultural workers have the right to form or join a "employees' association", not a trade union.
- The right to participate in lawful activities of an employees' association.
- The right to assemble.
- The right to make representations to their employers, through an employee's association, respecting terms and conditions of employment.
- The right to protection against interference, coercion and discrimination in the exercise of their rights.

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UNIONIZATION

Specific Issues of Debate

- Impact on wages – union dues deductions, increase in wages and benefits
- Employer responses to unionization – increased mechanization, impact on viability, the family farm
- Right to strike
- Role of Government Agents

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UNIONIZATION

Considerations for Future Models

- Unionization on a farm by farm basis with a sufficient number of union cards voluntarily signed by workers.
- Unionization on individual farms, where a union has been certified, will likely result in amendments to current CSAWP instruments as well as formal recognition of the union in the administration of the program.
- Based on the definition in the collective agreement, the union may be the only recognized bargaining agent on behalf of workers in a defined bargaining unit on an individual farm.

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UNIONIZATION

- If unions are permitted to bargain for the terms and conditions of migrant workers, the Employment Agreement will likely be replaced by the collective agreement based on current labour relations law.
- The role of the Government Agent would continue to be important to the operation of the CSAWP in
 - > recruiting workers;
 - > managing migration of workers from the supply country to Canada;
 - > processing income tax returns, CPP and workers' compensation claims;
 - > providing policy inputs into the direction of the program;
 - > negotiating with the Canadian government as it relates to the framework of the CSAWP;
 - > servicing workers on non-unionized farms.

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RECOMMENDATIONS

Government of Ontario

- Become more active in the operation of the CSAWP and educated on how it fits within the provincial legislative framework.
- Provide resources and assistance to Government Agents relating to employment and labour laws.
- Amend the *Employment Standards Act* to include all agricultural workers under provisions relating to minimum hours of work, vacation pay, daily and weekly/bi-weekly rest periods, overtime pay, and minimum wages.

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RECOMMENDATIONS

Government of Ontario – cont'd

- Amend the *Occupational Health and Safety Act* ("OHSA") should be amended to include agricultural workers.
- Update housing inspection guidelines in collaborative consultation with the Government Agents so that consistent standards are applied for all migrant workers.

■

RECOMMENDATIONS

Government of Canada

- Amend the EI Act exempt CSAWP workers from paying EI premiums. In the alternative, channel premiums to a fund that benefits CSAWP workers (eg. training, ESL classes, benefits during work slow down).
- Establish an objective formula for the calculation of migrant workers wages. This initiative is under way by the federal government and it is encouraged that it be completed as soon as possible.
- Share the methodology for the "prevailing wage rate" with Government Agents, workers, and growers.

■

RECOMMENDATIONS

Government of Canada – cont'd

- Recognize seniority of returning named workers and skill levels of workers in the wage rate calculation.
- Absent legislative protection under the OHSA or the ESA, provide these legislative benefits and protections in the Employment Agreement.
- Develop guidelines or a policy statement on the interpretation of "non-compliance, refusal to work, or any other sufficient reason". In particular, clarify that a breach of contract will not be found where a worker refuses work that is unsafe.

■

RECOMMENDATIONS

Government of Canada – cont'd

- Require a minimum two week waiting period before a worker is sent home to allow the worker the opportunity to appeal the repatriation decision. If the worker accepts the repatriation decision, the two week period may be waived to allow for immediate return. If the worker files a complaint, then an independent body should investigate the complaint and the worker should be allowed to stay until the investigation is complete or a decision on the merits of repatriation has been determined. The transfer process may be used during this period in order to place workers with other farmers during the interim period.

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RECOMMENDATIONS

Government of Canada – cont'd

- Establish a formal dispute resolution mechanism. Apply the following factors to the mechanism:
 - > proceedings must be quick and cost effective since migrant workers are restricted to Canada for a short period of time and farm production should not be jeopardized.
 - > to address these concerns, negotiation and mediation be built into the mechanism as stages of dispute resolution before using formal hearing processes.
 - > if workers are members of a union, then the Employment Agreement should explicitly recognize the arbitration process under any applicable collective agreement as required by law.

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RECOMMENDATIONS

Government of Canada – cont'd

- The dispute resolution process may include the following stages:
 - > mediate the dispute with all representatives in a formal meeting;
 - > use a trained neutral third party mediator to attempt to resolve the dispute;
 - > binding arbitration with reasons for the decision.
- Include in the Employment Agreement a roster of mutually agreeable arbitrators or mediators. An established list will ensure that the dispute is heard expeditiously and supersedes time that may be expended in finding agreement on the arbitrator.

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RECOMMENDATIONS

Government of Canada – cont'd

- Ensure that the dispute resolution mechanism is accessible equally by both workers and their employers. While Government Agents should be able to file complaints on behalf of a migrant worker, the worker should also be able to access the mechanism directly if the Government Agent disagrees with the worker.
- Finance the dispute resolution mechanism recognizing that resources must be committed to enforce the government's policy objectives for the fair treatment of migrant workers.
- Enshrine the workers' right of association and their right to appeal involuntary repatriation both in the Employment Agreements.

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RECOMMENDATIONS

Government of Canada – cont'd

- Maintain a central database of all worker complaints to track patterns of industry level practices that may assist in developing future policy objectives and guidelines for the CSAWP. The database may also be used to track good and bad employment practices in assessing future employer participation in the CSAWP.
- In light of the greater policy role that the private sector is taking in the operation of the CSAWP, allow and encourage greater participation of workers, their representative organizations, and/or labour groups at the annual meetings and in the administration of the CSAWP.

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RECOMMENDATIONS

Supply Countries

- Amend the Operational Guidelines to clarify that the role of the supply country's government agent is to represent the worker's best interest should a conflict arise between the worker and the employer.
- Invest additional resources to liaison and consular offices in Canada as required in order to provide an effective level of service for its nationals.
- Evaluate the government agents and the quality of service being provided to workers on a regular basis.
- Establish local or satellite offices closer to the farming communities in which workers.

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RECOMMENDATIONS

Supply Countries - cont'd

- Include information in the orientation program on migrant workers' right to join a union or any other worker association of their choice while working in Canada.
- If the migrant workers voluntarily elect to join a union or any worker association of their choice, the Canadian, Caribbean and Mexican Governments and growers participating in the program should grant institutional recognition of such unions or worker associations.
- If workers are unionized on a particular farm, consider whether the current compulsory administrative deductions for these workers may be decreased in light of some of the administration costs relating to contract enforcement being shifted to the union.

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RECOMMENDATIONS

FARMS

- Raise awareness through F.A.R.M.S. Information Package of the right of migrant workers to join an employees' association or to become a member of a trade union, as well as issues relating to human rights.
- Review FARMS' role in the administration of the transfer process or whether HRDC should be mandated to administer the process to make it less cumbersome.

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COMPONENT II:

**The Social Relations Practices
between Migrant Agricultural Workers,
Farm Employers and
Farm Community Residents**

**Dr. K. Preibisch
University of Guelph
21 November 2003**

Outline

- Research questions
- Research design
- Site selection
- Findings
 - Working and Living Conditions
 - Social Relations Employer – Worker
 - Social Relations Worker – Rural residents

Principal research question

**What are the core dimensions of the
structure and quality of relations between
migrant agricultural workers, their
employers and the residents of rural
communities in which they live?**

In what ways are relations structured?

**Within these structures, what kinds of social
relations practices can be observed?**

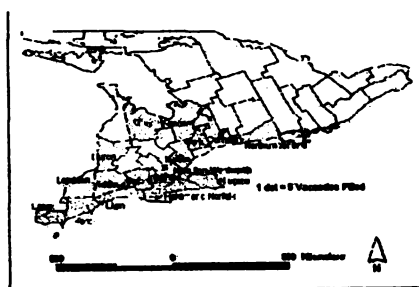
Research design

- Use of secondary documents
 - Literature review
 - Analysis of existing data
- Case study methodology
- Purposive sampling of stakeholders
- Observations
- Semi-structured interviews

Interviews conducted

Sample group	Number of informants
Administration	12
Community groups	20
Merchants and other residents	25
Employers	12
Mexican male workers	16
Mexican female workers	5
Jamaican male workers	14
Total	104

Distribution of workers by county



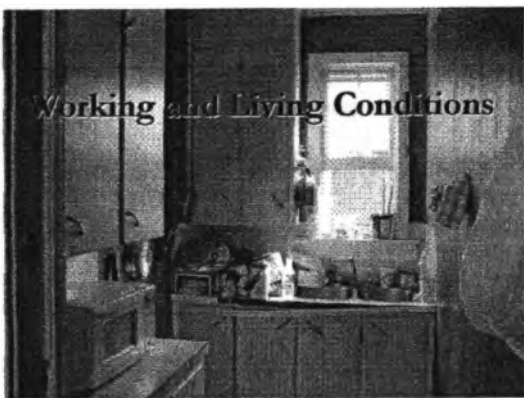
Elaboration on data from P.A.R.M.S. 2001

Research sites

- **Niagara Region, Ontario**
 - Greenhouse production, fruit, vineyards
 - Number of workers: 1,872 (2001)
 - St. Catharines, Virgil
- **Simcoe County, Ontario**
 - Greenhouse and field vegetables
 - Number of workers: 447 (2001)
 - Newmarket, Bradford

Findings

- **Working and living conditions**
- **Social relations practices between migrant agricultural workers and their employers**
- **Social relations practices between migrant agricultural workers and the residents of rural communities**



Living Conditions

- Vary significantly
- Central issues: size, furnishings, facilities
- Good living conditions foster worker initiative to maintain the dwelling
- Poor living conditions degrade workers' experience of Canada
- Existing legislation and enforcement is inadequate

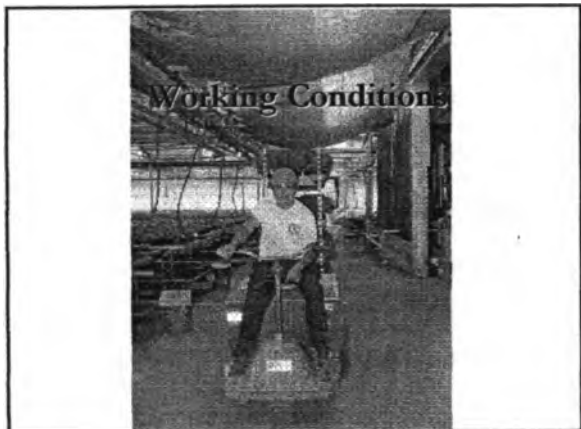
Recommendations

- Update provincial guidelines on accommodation
- Explore new mechanisms of enforcement
- Establish a tenant's agreement
- Commodity groups "codes of best practice"
- Minimize employers' ability to switch labour source countries

Recommendations

Best practice for housing:

- accommodates fewer people in smaller units
- reduces the number of people sharing a room
- supplies a stove and a refrigerator for 3-4 people
- avoids bunk beds
- includes a social area
- makes a telephone available



Working & Living Conditions

Working conditions

- Migrant workers face work-related health and safety risks
- Health concerns have potential of becoming worse because migrant workers often work while sick
- Voiced concerns do not always receive prompt medical attention
- Medical attention is rarely available in Spanish

Recommendations

- Inclusion of agricultural workers in the Occupational Health and Safety Act
- Compliance of employers with requests for medical attention
- Funding of mobile health programs for areas of migrant worker concentration
- Recruitment of Spanish-speaking health professionals
- Attention to women's health needs
- Examination and audit of existing health insurance (i.e. RBC)

Recommendations

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- Examination and audit of existing health insurance (i.e. RBC)

Working & Living Conditions

Hours of work

- Migrant agricultural workers coming to Canada intending to work 40 hours
- Excessively long hours, 7 days a week, pose significant strain on their physical and mental health
- Jamaica: 9.5 hours
- Mexico: 9.3 hours

"There are employers that are very strict, very exhausting, and they demand a determined yield from people that is very much above the norm. These people get to the point in which they exhaust the worker and the worker wants to go home. We're not talking about all the workers, right? But there are many workers that have to return [home] because they find the rhythm of work so difficult. We're talking about people that the entire season they are practically obliged to work 16, 18 hours a day"

-Mexican Worker

Recommendations

- Migrant agricultural workers should be assured a 40-hour work week at the minimum and a day's rest after six days of employment
- If employees are asked to waive their days of rest, they should receive another in no less than six consecutive days
- Employers should try to ensure days of rest fall on weekends

Wage rates

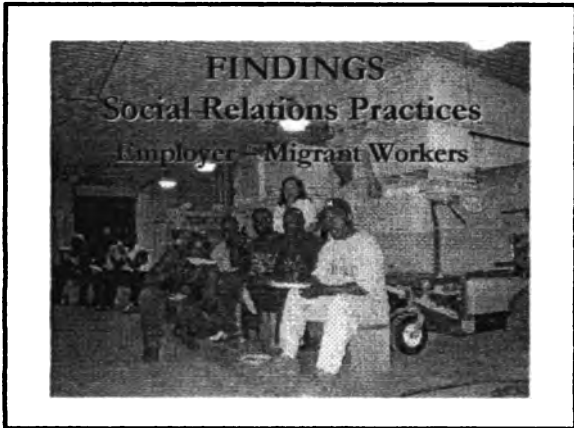
- Wages are low (3/4 of H2A wages)
- There is considerable support to revise wage rates upwards and for skill and seniority to be recognized
- Incidences of informal systems of rewards and higher wages confirm some employers can bear such increases
- Canadian workers doing the same work at times earn more, at times earn less

Deductions

- Deductions consume a large portion of wages
 - In 2001, the Canadian government collected...
 - \$9.5 million in income taxes**
 - \$3.4m in EI deductions**
 - \$6.0 million in CPP**
- ... from migrant workers earning \$7.25/hr
(Stevens Associates, 2003)

Recommendations

- Examine the wage rate methodology in the view of raising wages
- Explore mechanisms to recognize seniority and skill
- Inform workers of deductions
- Provide assistance with benefits
- Review contributions to EI premiums
- Review CPP benefits
- Review compulsory savings scheme



The relations that develop between migrant workers, their employers and the broader community are shaped by the characteristics of the CMSAWP that circumscribe the conditions under which migrant agricultural workers are admitted to work in Canada as well as legislation that limits their rights as agricultural workers

Interviewer: If you could change one thing about the Program, what would it be?

"I would have to say mobility of the worker. If workers were free to circulate, employers would be forced to offer sufficient hours of work and better housing conditions. Otherwise, their workers would leave to work with other employers who had work and good housing"

-Mexican worker

Social Relations

- Immigration restrictions
- Worker civil status upon recruitment
- Mechanisms of employment recruitment and retention
- Limited legal rights of farm workers
- Employer power to repatriate

Social Relations

- Research found wide range of employer/worker relationships
- Some growers hold appreciation parties for workers, visit them in their home countries
- Others have a poor relationship with their employees

Social Relations

In absence of firmer regulation and enforcement governing working and living conditions, the human experience of farm workers in Canada is largely dependent on the subject goodwill of the employer

Social Relations

Recommendations

- Address involuntary repatriation issue
- Guidelines for farm rules to employers
- Employer best practice
 - Avoids impeding workers' social activities
 - Avoids restricting worker mobility
 - Facilitates mobility on days of rest
 - Maintains employer-employee contact
 - Trains and monitors supervisors



Social Relations

Limits to social interaction

- Work long hours
- Physically demanding work
- Geographically isolated
- Restricted mobility
- Language barriers

Here in Canada you have no choice. [In] harvesting time, Sunday you got to work, Saturday, you got to work. It's okay, cause like right here, you can't even really serve two masters at the same time. 'Cause you're supposed to have a day set apart for yourself to worship. If the boss come around and say you got to work Saturday, you got to work Sunday, then you got to work. You don't have a set apart day here, you just have to cope with the system, 'til you reach back home

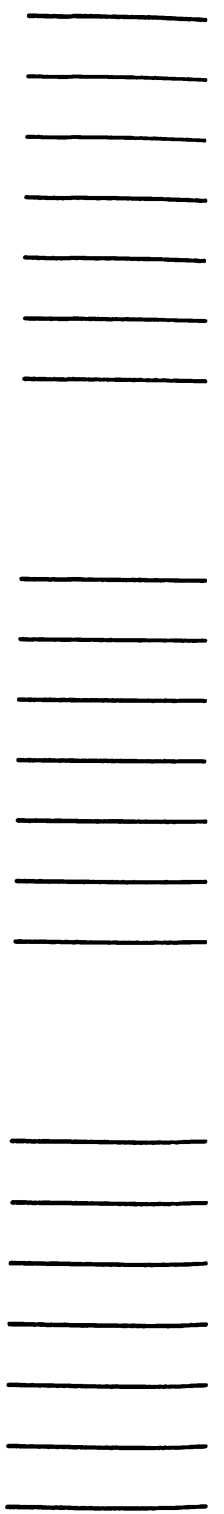
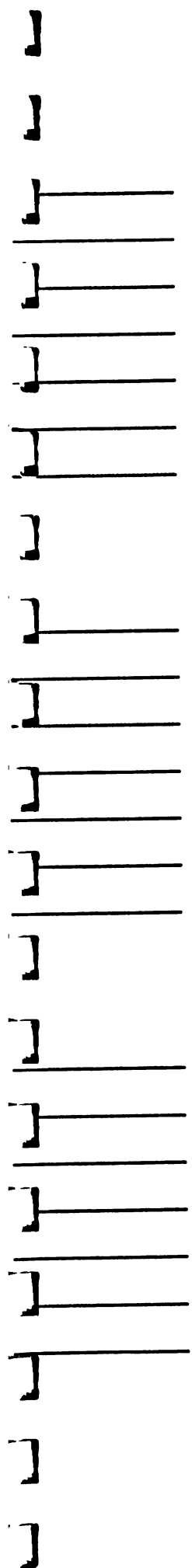
(Jamaican worker, Niagara).

Social Relations

Migrant agricultural workers:

- Face constraints in engaging in social activities
- Maintain mostly commercial relationships with the broader community
- Spent an estimated \$82million in rural Canada in 2001¹

¹ Stevens Associates, 2003



Social Relations

Groups

- Frontier College
- ENLACE Community Link
- UFCW & Global CareVan Project
- Justice 4 Migrant Workers
- Project El Sembrador
- Niagara Public Health Department
- Caribbean Workers Outreach Project
- Latin Immigrant Niagara Community Assoc.
- St. Michael's church
- Support Centre for Migrant Workers (3)
- South Essex Community Centre
- Community of Agricultural Foreign Workers and Friends of Exeter

Social Relations

Findings

- Groups:
 - Provide an alternative social space
 - Promote community integration
 - Improve access to services
 - Enhance worker mobility
 - Raise the profile of workers
 - Reach a fraction of migrant workers

Social Relations

Recommendations

Government funding should be immediately forthcoming to promote the social inclusion of migrant agricultural workers who spend up to 8 months of their lives, year after year, supporting Canadian agriculture

Social Relations

Recommendations

- Funding should target groups with experience working with the migrant population and who involve workers in the planning of their activities and resources
- A fund should be established to receive applications from groups working with migrant workers for social activities and service provision

Social Relations

Recommendations

- Creation of workshops and public forums to promote awareness between migrant and permanent communities and provide anti-racism education
- Recognition of economic and social impact of migrant agricultural workers
- Explore avenues to facilitate remittances and reduce rates

Social Relations

Recommendations

- Employers should support the work of groups working to improve communication between workers, employers, and the community

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RESEARCH OBJECTIVE

"To generate and provide research based information and recommendations that will be used to examine short term and longer term program development strategies to enhance the workers' participation in Caribbean Seasonal Agricultural Workers Program (CSAWP) in a manner that will empower them to increase contribution to rural economic growth, wealth creation and consequently poverty reduction in their rural home communities".

TARGET GROUPS

1. All persons between the ages of 18 and 60 years who were contracted in 2001 to work on the CSAWP and who successfully completed their contracts during the calendar year 2001.
2. The households of the 2001 CSAWP contractees.

SURVEY DESIGN

The survey design is shown diagrammatically in fig.1. It consists of the following:

1. A sample survey of the migrant workers
2. A sample survey of the migrant workers' households
3. A survey of the migrant workers areas of origin
4. Interviews with key personnel from the local Ministry of Labour
5. Review of literature from the Ministry of Labour, Statistical Institute of Jamaica (STATIN) and the Planning Institute of Jamaica (PIOJ).

**ANALYSIS OF THE SURVEY OF
MIGRANT WORKERS
DEMOGRAPHIC AND PERSONAL DATA**

- a). Age — Average age is 32.3 years.
Approximately 82% is below 45 years of age.
The population of workers is relatively young.
- b). Marital/Union Status
Approximately 76% of workers are in stable relationships.
This implies that they are either married or in common-law unions.
This statistic suggests that there is a high level of social stability. Given that there are acceptable levels of working and living conditions, the productivity of these workers should be of an acceptable standard.

- c). Education
Over 90% of the workers obtained at least a primary level of education.
This implies that they are functionally literate and therefore they are able to:
 - i). follow instructions clearly and accurately
 - ii). learn new skills readily
 - iii). read and comprehend easily
 - iv). think clearlyApproximately 59% have obtained a secondary level of education.
- d). Training
Many of the workers are multi-skilled. The percentage of workers who are skilled in farming, carpentry and motor mechanics is 29, 12 and 5 respectively.
Approximately 23% reportedly have no skill at all.
Expanding these non-farming skills (motor mechanics and carpentry especially) can be beneficial to farmers and workers alike.

**THE FARM WORKERS
PROGRAM — Selected Aspects**

- a). Source of Information about the Program
 - i). 37% of workers obtained information from the politician
 - ii). 34% obtained information from friends
 - iii). The remainder obtained information from farm workers, family members and other sources. Neither the print nor the electronic media was significant in disseminating information about CSAWP.
- b). Method of Selection — First Time Recruits
The percent of workers that was selected by political contact, application and other methods was 58, 31 and 11 respectively. There is no evidence of discrimination nor nepotism in the selection process, however the strong political influence in this process should be cause for concern.

c). Method of Selection — Subsequent Times

The selection of workers for the program after the first year is less likely to be influenced or corrupted by the political process. In 50% of cases, workers on their second and subsequent visits were requested by the Canadian growers.

d). Number of Sessions/Months Worked in 2001

- i). The average number of sessions worked in Canada in 2001 was 1.5 per worker.
- ii). The average number of months worked per worker over the same period is 3.4. The average number of months worked per session is therefore 2.3.

e). Reasons for Participation in the Program

The main reason for participating in the program is financial. This is the response of 83% of the workers.

f). Relevant Experiences — 1999-2001

The work related experiences of migrant workers during 1999-2001 period is shown below.

Table 1: Average Number of Months Employed in Canada and Jamaica 1999-2001

Year	Avg. No. of Months Employed in Canada	Avg. No. of Months Employed in Jamaica	Avg. No. of Months Unemployed in Jamaica
2001	3.4	7.1	1.5
2000	3.4	7.2	1.4
1999	3.6	7.4	1.0
ALL	3.5	7.2	1.3

There is evidence of a trend of increasing unemployment in Jamaica of migrant workers during the period 1999-2001. This is consistent with the rise in unemployment nationally, and a lack of economic growth (as measured by the G.D.P.) over the period under review.

The CSAWP is therefore very important to the rural economy of Jamaica, and indeed to the national economy.

g). Migrant Workers Reaction to the CSAWP

i). The areas of the program that workers reportedly like are:
 All Areas 28% of workers
 Harvesting 19% of workers
 Finance (wages) 14% of workers
 Cultural Experience 11% of workers

ii). The areas of the program that workers reportedly do not like are:
 Wages 16% of workers
 Climate/Weather 12% of workers
 Living Conditions 9% of workers

MIGRANT WORKERS ON-FARM EXPERIENCE IN CANADA

a). Housing Conditions

i). Type of Accommodation

The type of accommodation provided is shown in table 2.

Table 2: Percent Distribution of Migrant Workers by Type of Accommodation

Type of Accommodation	Percent of Total
Farm House	21.1
Trailer	17.1
Bank House	50.8
Trailer and Bank House	0.3
Farm House/Trailer/Bank House	0.3
Other	1.1
No Response	0.3
Total	100.0

The Bunk House is the most popular type, followed by Farm House and Trailer. On a scale of 1-5 where 1 is very poor and 5 is very good, the overall quality of accommodation is rated by the workers as 3.7 which is good.

The average rating of Farm House, Trailer and Bunk House is 3.9, 3.2 and 3.7 respectively.

The ratings however range as follows.

Type of Accommodation	Rating Range	Comment
Farm House	3.2 — 4.6	Neither poor nor Good - - Very Good
Trailer	2.1 — 4.3	Poor — Good
Bunk House	2.7 — 4.7	Neither Poor nor Good - - Very Good

Because of the range in quality of the accommodation, it is recommended that these housing units be inspected annually by qualified inspectors to ensure that a minimum quality of housing standard is maintained.

b). Average Number of Persons per Room or Crowding Index

The Crowding Index (average number of persons per room) is a useful measure of overcrowding. An acceptable Crowding Index should be about 2.5 or less.

The average Crowding Index was found to be 2.7. This is disaggregated as under.

Table 3: Average Number of Persons per Room by Type of Accommodation

Type of Accommodation	Crowding Index
Farm House	2.3
Trailer	2.0
Bunk House	3.3
All	2.7

Table 4: Average Number of Persons per Room by Size of Dwelling Unit

Size of Dwelling Unit (no. of Rooms)	Crowding Index
One	6.2
Two	3.0
Three	2.0
Four or more	1.7
ALL	2.7

The main findings are:

- i). There is evidence of overcrowding in Bunk Houses
- ii). The smaller housing units (one or two rooms) are generally overcrowded, having an average of three or more persons per room.
- iii). The larger housing units (3 rooms or more) report satisfactory levels of occupancy.

The job descriptions of the proposed housing inspectors should include investigation and reporting of incidences of overcrowding.

c). Facilities

Facilities in accommodation include potable water, bathing, washing, toilet, kitchen, kitchen utensils, furniture, electricity, stove, refrigerators, fans.

With the exception of furniture in trailers and bunk houses, facilities in general were at least as good as those to which the workers are accustomed at home in Jamaica.

Facilities should also be included in the job descriptions of the proposed housing inspectors.

WORKING CONDITIONS

- a). The average number of weeks worked on Tobacco farmers, Fruit and vegetable farms, the Nursery and Potato farms are 14.8, 14.2, 13.7 and 9.0 respectively.
- b). The average number of days worked per week is 6.7; and the average number of hours worked per day is 9.5.

Workers have very little time for non-work activities such as travelling, socializing, reading/studying and the like.

EXPERIENCES WITH USING AGRICULTURAL CHEMICALS AND/OR AGRICULTURAL MACHINERY

a. Agricultural Chemicals and or Agricultural Machinery

Approximately 85% of workers used agricultural chemicals or agricultural machinery in the course of their work. For the most part, workers used protective gear when handling agricultural chemicals and/or agricultural machinery.

b. Training

Training in the use of agricultural chemicals and/or machinery is not emphasized on this program. This is unfortunate. Not only would the workers become more productive, they would benefit from the transfer of appropriate agricultural technology. The multiplier effect of this technology transfer would be significant indeed.

c. Safety Concerns

Relatively few workers became ill or were injured while on the farm. In a minority of cases, the medical insurance was not sufficient to cover those who became ill. This medical insurance coverage should therefore be revisited.

EMPLOYERS ATTITUDE TOWARDS WORKERS

Overall, employers attitude towards workers has been rated by the workers as good. There is little or no evidence of discrimination on the grounds of colour, race, religion, gender, age or education.

WAGES

- a). The average hourly wage for migrant workers is C\$7.23. This compares favourably with the minimum wage for the province of Ontario which in 2001 was C\$6.85.
- b). There is very little variation in wages by type of farm, or by type of work performed.

Land preparation and Spraying on tobacco farms attract premium rates of pay however — C\$7.54 and C\$7.66 per hour respectively

FINANCE AND SAVINGS

- a). **Fixed Resolutions — Compulsory Savings Scheme (CSS)**
 Estimated Gross Earnings — C\$31.83 million
 Estimated Compulsory Savings — C\$7.04 million
 - i). The estimated gross earnings is 0.28% of GDP at current prices, which is insignificant at the national level.
 - ii). Approximately 79% of workers describe the CSS as an excellent concept. This program is also very helpful.
 - iii). The average time taken for workers to receive their compulsory savings on returning home is 2.4 months.
- b). **Estimated Gross Earnings, Expenditures and Deductions**

Table 5: Gross Earnings, Expenditures and Deductions — 2001

GROSS EARNINGS		100.0
1. Total Remitted	19.63	
2. Amt Taken home	19.37	
3. Amt spent in Canada	14.37	
4. Amt spent on gifts/loans taken home	15.32	
5. Total deductions	31.31	
B. TOTAL DEDUCTIONS		31.31
1. Canadian Employment Scheme	1.52	
2. Canadian Pension Plan	2.28	
3. Canadian Income Tax	1.78	
4. Employer Recovery of Workers Visa Fee	0.31	
5. Employer Recovery of Worker transportation Cost	2.91	
6. Compulsory Savings	22.34	
7. Other	0.27	

**Disaggregation of Total Remittance -
— (CS170.77 million)**

Table 6: Total Remittance by How it Was Spent

Total	Percent of Total Remittance
Invest in Main Income Earning Activity	4.2
Start New Business	0.4
Purchase Machinery, Tools and Equipment	0.1
Repair/Expand Existing House	1.9
Purchase Land for Farming	0.6
Purchase Land to Build New House	0.6
Pay off Debt	4.4
Pay Mortgage on Existing House	(X)
Make down-payment on New House	0.9
Send Children to School	25.0
Other	48.0
Total	100.00
(X) — negligible	

- i). A significant proportion of total remittances is invested in children's education.
- ii). There is no evidence that migrant workers have invested in their own educational development.
- iii). In view of the limited amount of money that is available for investment purposes, it is recommended that the services of a financial advisor and an education consultant be made available to the migrant workers after the completion of each session to advise them of the most appropriate investment that can be made especially in their own development.

**FARMING SKILLS AND
KNOWLEDGE ACQUIRED IN
CANADA**

a) An estimated 1534 person skills have been acquired, 1013 of which can be applied in Jamaica. This level of person-skills is rather small in relation to the number of migrant workers (5081) that were on the CSAWP in 2001.

FARM COMMUNITY SOCIAL RELATIONS

a). **Social Relations**

i). The highest level of social interaction takes place among workers from the same country i.e. Jamaicans with Jamaicans.

ii). Relatively little social interaction takes place with individuals from the community

b). **Reaction of Community to Migrant Workers**

i). Sixty seven percent of the migrant workers reported that the reaction of the community to their presence is favourable. Six percent reported unfavourable and racist reactions.

ii). The absence of social interaction between the workers and the community may therefore be due to differences in culture rather than to social and racial discrimination.

WORKERS OPINIONS ON THE ROLE OF THE JAMAICAN GOVERNMENT TO DEVELOP FARMING IN JAMAICA BY UTILIZING THE EXPERIENCES OF THE MIGRANT WORKERS

The only significant response from the migrant workers in relation to the role of the government in utilizing the experiences of the workers, is to mechanize most of the farms in Jamaica. This suggestion has much merit and should be pursued vigorously.

INFORMATION ON FARM WORK CONDITIONS IN CANADA

Approximately 83% of migrant workers indicated that they were informed about the farm work conditions in Canada before their departure.

This information was obtained from

a). Farm Work Program Recruiters

b). Pre-departure Farm Work Orientation program, and

c). Other workers who participated on the CSAWP before

**OF
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but can be implemented in

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utilized more efficiently in
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government organizations,
Psychology and Social
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for the affected families,

the children of affected

which are managed by the
e audited annually and the
local newspapers.

SUMMARY OF RECOMMENDATIONS

A brief summary of the recommendations classified by those that can be implemented in Jamaica, and those that can be implemented in Canada; is given below.

a). Recommendations that can be implemented in Jamaica

1. The print and electronic media should be utilized more efficiently in disseminating information on recruitment to the CSAWP.
2. It should be mandatory for all new recruits to the CSAWP to attend the orientation program that is organized by the Ministry of Labour.
New recruits should be subjected to psychological assessment in order to evaluate their abilities to honour agreements. This would reduce the incidence of persons going 'on leave without permission'.

3. A sociologist who is experienced in agriculture in Ontario should be recruited to conduct workshops with the new recruits on relevant areas of Canadian culture.
The information that is produced from these workshops should be documented and provided to new recruits each year.
4. The services of a consultant/advisor should be obtained to advise the migrant workers on investment options, including
 - i). investment in their own development
 - ii). investment in their children's development

5. Assistance should be obtained from the local social services organizations, service clubs, non-government organizations, and the Department of Sociology, Psychology and Social Work of the University of the West Indies to:
 - i). organize families of migrant workers into support groups so that they can give emotional support to one another;
 - ii). organize counselling sessions for the affected families, including peer counselling;
 - iii). provide monitoring services to the children of affected families.
6. The workers compulsory savings which are managed by the local Ministry of Labour should be audited annually and the audited accounts published in the local newspapers.

7. The time taken for reimbursing workers their savings should be reduced from an average of 2.4 months (coefficient of variation, (C.V) = 51%) to an average of 1 month (C.V. = 20%). This will require greater efficiency in the local office organization.

8. The Rural Agricultural Development Authority (RADA) should be more proactive in assisting the migrant workers to appreciate, assimilate and implement appropriate agricultural technologies which they acquire on Canadian farms. In this regard, the Canadian Overseas Assistance program through its voluntary retired professionals can play a significant role.

9. Mechanization of Farms in Jamaica (This is a recommendation from a significant percentage of migrant workers). The implementation of this recommendation involves at least 7 phases, including:

- i). the removal (or decrease) of all duties from imported tractors and ancillary equipment,
- ii). provision of low interest loans for the purchase of these machinery and equipment,
- iii). encouragement of farmers to take advantage of the generous loan arrangements,
- iv). provision of technical assistance for the use and maintenance of the equipment,
- v). provision of technical assistance for the selection of crops and livestock to produce and the type of husbandry practices to employ,
- vi). provision of marketing services and information,
- vii). monitoring of farmers progress or otherwise.

Recommendations that can be implemented in Canada

1. Since a pay increase is topical at this time, the following questions should be addressed at any wage negotiation:

- i). would an increase in pay improve productivity and job satisfaction?
- ii). would an increase in pay necessitate a reduction in the number of workers employed on Canadian farms?
- iii). what size pay increase would satisfy the workers?
- iv). what (if any) benefits would the workers forego in exchange for a pay increase?
- v). should an annual pay increase be indexed to movements in the Canadian cost of living?

2. Annual inspections of housing units should be conducted to ensure that
 - i). minimum standards of quality are maintained,
 - ii). a housing density of 2.5 persons per room or less is maintained
3. Workers should be given one day off per week for rest, relaxation, rejuvenation and related activities.
4. Workers should be paid for overtime work.
5. Workers should use protective gear when using agricultural chemicals or when operating agricultural machinery.
6. Workers should be given sick leave with pay on the advice of a medical practitioner.

7. Hard, consistent and good quality work should be rewarded in cash or kind, preferably with a *end of year bonus*.
8. The Canadian farmers should be sensitized to the fact that improved benefits, particularly in housing/accommodation, are directly related to increased productivity and eventually to increased earnings from farming.
9. The CSAWP medical/health insurance scheme should be redesigned, the main features of which should include:
 - i). adequacy of coverage based on past experience and inflation
 - ii). participation of farmers and workers
 - iii). affordability
 - iv). transportability of benefits and coverage
10. Every effort should be made by the Canadian farmers to train the migrant workers in new and appropriate farming techniques. This is likely to increase productivity and satisfaction among the workers, and also transfer agricultural technology from Canada to Jamaica.

11. The Canadian community as hosts, should initiate a movement to welcome the migrant workers and to promote a program of social, and cultural integration and education. Some of the activities that could be promoted include:
 - music and dance
 - food
 - dress
 - paintings and the fine arts in general
 - the performing arts
 - the cultural evolution
 - folklore
 - oral history

This recommendation could lead to a deeper understanding of one another's culture's and hence to a more satisfying relationship, greater racial tolerance, more informed and educated societies.

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The Canadian Seasonal Agricultural Workers Program (CSAWP)

Barbados, Trinidad & Tobago, OECS

Presentation of Research Findings

Professors Andrew Downes and Ms Cynthia Oller-Woodill

THE CARIBBEAN COMPONENT

CSAWP Research Project

Commencement of the CSAWP in the Caribbean

- Barbados, Trinidad & Tobago commenced participation in the program in 1967.
- Seven other islands in the OECS began participation in 1976, an eighth island was included in the program in 1982.
- Caribbean nationals are allowed to work in Canada under an agreement for the employment in Canada of Commonwealth Caribbean Seasonal Agricultural Workers.

CSAWP Research Project

CSAWP provides :

- Short-term employment earning opportunities for the Caribbean migrant workers.
- A source of income generation for their families.
- A main source of reasonably secure income for some of the migrant workers and their families.
- A small measure of contribution to the economy of their respective home countries.

CSAWP Research Project

• **The Nature of the Caribbean Labour Market**

CSMRP Research Project

Table 1 – Features of the Caribbean Labor Market

- High levels of unemployment, especially among the young (15-25) and female segments of the labor force.
- Growth of a service-oriented workforce and a decline in agricultural and industrial-oriented workers.
- Males are prominent in construction, production/skilled craftsmen, professional, technical.
- A general improvement in the educational attainment of those entering the labor force.
- Vacancies coexist with unemployment – labor market segmentation with little mobility across occupational categories.

CSMRP Research Project

Economic Environment

- **Growth in the majority of Caribbean islands remained very low or contracted during 2002 because of their close trade and investment linkages with the US.**

CSMRP Research Project

Economic Environment

Barbados

Following a period of sustained expansion in GDP averaging 2.9% annually since 1993, output growth in Barbados contracted by 2.8% in 2001, in contrast to 3% growth in 2000.

Tourism, a main contributor to the island's economic growth was affected by the downturn in the world economy, with the out-turn being exacerbated by 9/11.

CSMFP Research Project

Economic Environment

Trinidad & Tobago

The twin island state recorded its ninth consecutive year of economic growth in 2002. Increased output from the energy sector is expected to be the most significant contributor to economic growth. Now the world's largest exporter of ammonia, the government's vision is to transform it into a developed country by 2020.

CSMFP Research Project

Economic Environment

The OECS Islands

The economies of Dominica, Grenada, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines contracted and showed signs of reduced performance. This was caused by the adverse impact of the downturn in the US economy which began late in 2000.

CSMFP Research Project

Research Methodology

• Qualitative Information

Derived from the following sources :

- key personnel in the respective Ministries of Labour and the Canadian High Commission located in Trinidad.
- Interviews with the migrant workers and their households.

CSWFP Research Project

Research Methodology

• Quantitative Information

The two questionnaires were administered to a stratified proportionate random sample of 807 migrant workers and their households across a wide cross section of randomly selected districts/parishes in the seven Caribbean islands.

Response rates were :

- 91% - migrant workers ;
- 86% - migrant workers' households.

CSWFP Research Project

Major Findings (conclusions)

• Final Selection - Male Participation

	Barbados	T&T	OECS
1997	556	1106	352
1998	543	1298	360
1999	500	1483	405
2000	487	1573	405
2001	447	1597	426
2002	418	1481	413

CSWFP Research Project

Major Findings (conclusions)

• Final Selection - Female Participation

	Barbados	T&T	OECS
1997	17	2	0
1998	8	2	0
1999	25	0	0
2000	30	0	0
2001	30	0	2
2002	57	0	2

CBWMP Research Project

Major Findings (conclusions)

▪ Age & Civil Status :

Mainly young men between the ages of 25 to 40 years, (in their prime working years).

The majority of them were either married or in common-law relationships, with the exception of Grenada and St. Kitts & Nevis.

CBWMP Research Project

Major Findings (conclusions)

▪ Education :

In the case of the OECS countries, most of the migrant workers had only attained primary level education, while in Barbados and Trinidad & Tobago, the migrant workers had attained both primary and secondary levels of education.

CBWMP Research Project

Major Findings (conclusions)

Formal Trade Skill Acquired & Main Income Earning Activity :

	Barbados		Trinidad & Tobago	
Agriculture	10	11	-	20
Bakery	2	1	-	2
Construction	40	28	40	38
Electrical	5	4	10	8
Mechanical	5	12	28	12
Other	28	34	24	22

Other includes service oriented jobs which represent seasonal forms of employment categorized as informal types of employment (informal sector of the economy).

The seasonality of the jobs therefore gave them the flexibility (time) to participate in the CSAWP.

CSAWP Research Project

Major Findings (conclusions)

Formal Trade Skill Acquired & Main Income Earning Activity :

	Dominica		Grenada		St. Kitts/N		St. Lucia		St. Vincent	
Agriculture	-	48	8	21	7	32	13	39	25	43
Bakery	7	7	-	-	-	-	-	-	4	-
Construction	67	22	50	43	53	40	83	35	68	27
Electrical	2	3	-	-	7	-	-	-	-	-
Mechanical	7	4	-	-	7	-	-	1	-	2
Other	17	16	32	36	30	14	4	25	3	3

CSAWP Research Project

Major Findings (conclusions)

Reasons for participation :

Earning an income was the main reason for participation and hence the improvement of their standard of living. The CSAWP is therefore seen as another income earning activity.

CSAWP Research Project

Major Findings (conclusions)

Accommodation, Facilities and Conditions :

The migrant workers were primarily housed in bunk-houses, where the following facilities were made available to them. Pipe water, heating, bathing, washing, hot water, toilet, kitchen, kitchen utensils, tables, chairs and electricity.

However, there were complaints of some facilities being outdoors (washing & toilet), overcrowding in some bunk-houses, poor insulation in the living areas, and no toilet facility in the fields.

CBRSP Research Project

Major Findings (conclusions)

Chemicals/Pesticides Usage :

Some migrant workers used pesticides without the use of protective clothing or any method of training.

A number of them complained of being exposed to chemical particles while working in the field.

CBRSP Research Project

Major Findings (conclusions)

Injury/Sickness :

Migrant workers who became sick or injured while performing their farm tasks did not take time-off for fear of losing their wages.

CBRSP Research Project

Major Findings (conclusions)

- The majority of the migrant workers from the OECS responded favorably to the Compulsory Savings Scheme (CSS).
- There was a moderate response rate from the Barbados and Trinidad & Tobago migrant workers.

However, the major area of concern :
- lengthy delay in receiving the funds upon their return home (in some cases as long as four months).

CSMP Research Project

Major Findings (conclusions)

- The majority of migrant workers expressed that the Employment Insurance (EI) was not beneficial to them.
- Based on migrant workers' responses evidence of ambiguity w.r.t. the type of information that they receive about the EI. A number of misconceptions have therefore surfaced.

CSMP Research Project

Major Findings (conclusions)

Major Purchases

- The migrant workers' main purchases include clothing and household appliances for their return trip home.
- Carpentry and masonry tools ranked high amongst trade tools purchased, suggesting that many of the migrant workers would have returned to the construction trade after the farm season had ended.

CSMP Research Project

Major Findings (conclusions)

- Farming Skills Acquired
- A relatively small amount of migrant workers acquired farming skills beyond field work experience.
- Many expressed an interest in acquiring skills beyond what they had already acquired.

CBNSP Research Project

Major Findings (conclusions)

- Use of remitted earnings
- The areas that ranked high in terms of migrant worker responses included :
 - - clearing of old debts,
 - - building and repairing homes
 - - children's educational needs
- However, a small number mentioned investing in family owned ventures.

CBNSP Research Project

Use of Earnings



CBNSP Research Project

Use of Earnings



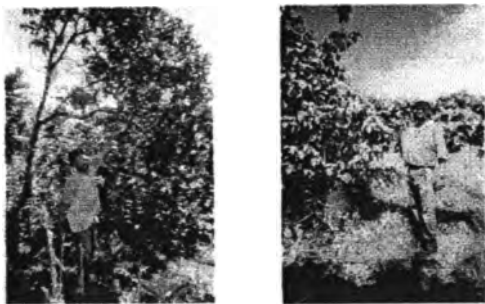
CSARIP Research Project

Use of Earnings



CSARIP Research Project

Use of Earnings



CSARIP Research Project

Use of Earnings



CB/IMP Research Project

Use of Earnings

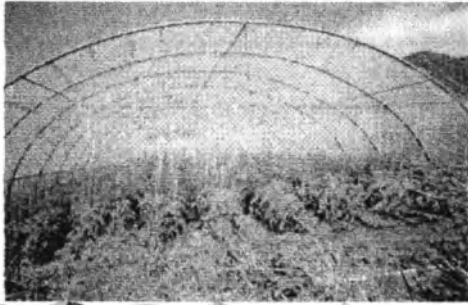


CB/IMP Research Project

Major Findings (conclusions)

- Access to facilities to encourage the productive use of workers' earnings varied. However, the problem area most cited was that of obtaining credit to finance either farming or non-farming enterprise.
- "Older" migrant workers who repeatedly participated on the program (in excess of 10 years), were able to acquire skills and resources which were effectively utilized to generate money (secondary income).

Technological Transfer of Skills



Major Findings (conclusions)

- On average, three children resided in the migrant workers' households.
- On average, four adults including the migrant worker resided in the households.

Remittances by migrant workers to their respective households were apportioned primarily to : (1) food (2) housing expenses (3) their children's educational needs.



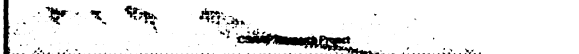
CMAWP's Importance

- Considered by households as important to the improvement of their standard of living.
- The migrant workers' incomes substantiated the household's overall income.
- There were no significant effects, with respect to the household's operations while the migrant worker was in Canada.



Recommendations

- Explore the possibility of increasing the number of females on the program.
- Separate the Pre-Departure Orientation Sessions according to the length of time that migrant workers have participated on the CMAWP : (1) new recruits
(2) repeat workers



Recommendations

- Spotlight more Canadian Farms, other than the Tobacco Farms.
- Implement the "worker reporting system".
- Increase the responsibility and delegate more duties to the Liaison office staff in Canada.



Recommendations

- **Labour Office Outreach Programs -**
Allow the recruitment officer (s) in each participating island to tour the Canadian farms where the migrant workers are usually employed.

CSAMP Research Project

A Study of The Program for Temporary Mexican Workers in

Canadian Agriculture

Main Results

November, 22nd 2003

Gustavo Verdugo and Marín Isabel Lozano
El Colegio de México

1

Mexico joined the Program in 1974

- Number of workers
 - The percentage of
named workers has
been between
- | | | |
|--------|--------|--------------|
| • 1974 | 283 | 47 % To 68 % |
| • 1986 | 1,097 | |
| • 1996 | 5,221 | |
| • 2001 | 10,529 | |
| • 2002 | 10,681 | |

Two hypotheses

2

Women in the Program

Women joined the Program for the
first time in 1989

Numbers have rose from 37 to 339
in 2002

WOMEN
PARTICIPATION
HAS BEEN
DEPENDENT ON
FARMER'S
DEMANDS

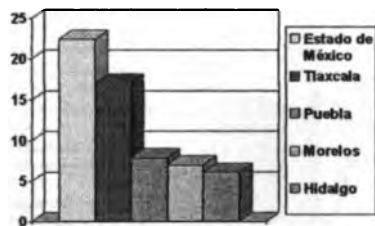
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Requirements to register into Program

- The general requirements for candidates to apply are: a) to have working experience in agriculture; b) to have attended school at least three years and 12 as a maximum; c) men must be between 22 and 45 years old and women between 23 and 40; d) men must be married or living in a common law marriage; and women, independently of their marital status, must have children as economic dependents. These requirements were determined with the aim of recruiting those workers who fulfill the profile required by the employers, but it is important that workers have strong ties to their communities in Mexico.

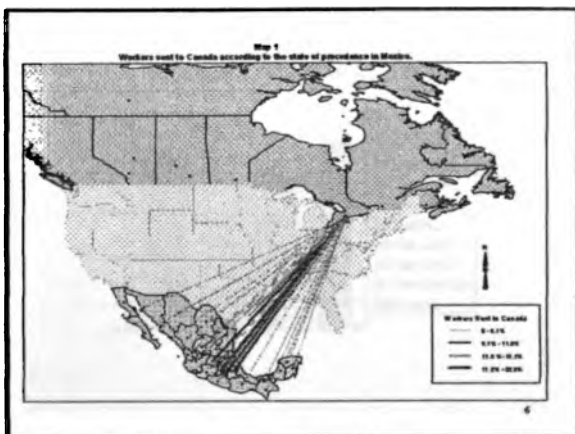
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STATES IN MEXICO THAT SEND MOST WORKERS

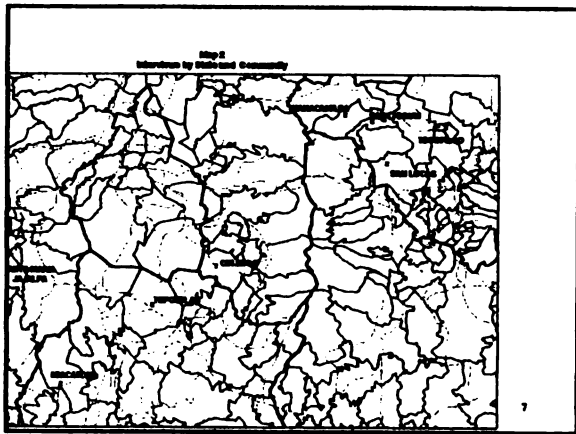


These States account for 70%

5



6



Notes on the Survey

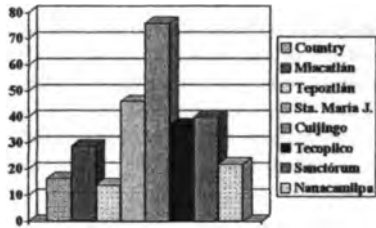
- A random sample was selected from a file of 23,000 registrations of workers
- States with high concentration of workers were selected
- From small communities in the rural sector
- Workers residing in relatively large urban areas were not included
- It is a sample with a profile of the worker similar to most of them

State	Number of Workers
State of Mexico	100
Morelos	100
Tlaxcala	150

Average Years of Schooling

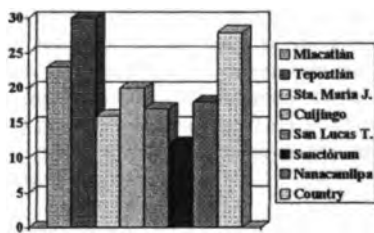
Group	Average Years of Schooling
Country	7.5
Miscatlán	7.5
Tepoztlán	9.0
Sta. Maria J.	6.5
Cujingo	6.5
San Lucas	6.5
Sanctorum	6.5
Nanacamilpa	6.5
Sample	7.5

Occupied Population in Primary Sector



10

Income earners above \$68 US dollars per week



11

Main changes in Agriculture

- GDP in Agriculture decreased from 9% in 1970 to less than 3% in 2000
- Between 1971 and 1976, public expenditures on the agriculture sector grew at an annual rate of 25%, and for the year 1978 they accounted for 11% of total public spending

12

Main Changes...

During those years as well, the surface of rain-fed land decreased by nearly 2% annually due to the desertion of land, especially in *minifundios*, and also the incorporation of irrigated land (which increased by 5%) and the increment in grazing land. Those changes severely affected the production status of basic grain crops.

13

Main Changes...

The major criterion of a new program with president Salinas was to differentiate producers according to their income and productive potential. To this end, the functions of different institutions in the rural financial sector were also redefined. In addition, the different producers came to be classified as follows: 1) producers from marginal zones; 2) producers with productive potential; and 3) producers who are devoted to commercial agriculture.

14

Some effects of these changes

In just 15 years an annual average of some 250,000 people have been going to reside in the United States, not to mention a volume of nearly 800,000 workers who come and go there every year.

15

Occupation of Workers while in Mexico

Family day-laborer	138	44.0
Family Peasant	91	29.0
Construction	34	11.0
Trade	11	3.5
Commerce and Services	35	12.0
Retiree	2	0.5
Total	314	100.0
No information	44	
Total	358	

16

How did things go in the last harvest?

The harvest was sufficient for family consumption (not to sell)	32	43%
There was not enough	43	57%

17

Access of Workers to landcrop

Private property	17	4.7
Ejido Farm Plot	24	6.7
Leased land	16	4.5
Other type of access	16	4.5
Lease to others	4	1.1
No access	281	78.5
Total	358	100.0

88% have rain fed lands
9% have a tractor

Average access is 2 hectares

18

Other work activities while in Mexico

23% perform a second activity

36% have worked in Mexico but outside of their communities for more than a month

On the average 2 members of their households have done so

How did the Workers know about the Program?

• From another worker, a friend, a neighbor	218	61.0 %
• From a relative	90	25.1 %
• From Program employee,		
• Radio, poster or "other"	48	13.3 %
• Total	356	

Decentralization is taking place but has had limitations
At present there are 139 SES in the country

Empty box for notes or additional information.

Length of stay in Canada

- Average is 4.9 months (2002)
- Less than 2 months 3.8%
- More than 6 months 43.0%

22

Principal Activity performed by Workers on Canadian Farms

- HARVESTING 77.0 %
- PLANTING 7.3 %
- GREENHOUSES 3.4 %
- PACKING 2.6 %

- SUB TOTAL 90.3 %

(including all repeated seasons)

Table 24

23

Classification of Workers by number of trips to Canada

From 1 to 4 trips	165	46.1
From 5 to 8	85	22.6
9 or more trips	112	31.3
Total	358	100

Mean age is 39
Two thirds are between 35 and 49 years old

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Continuity in the Program

- 61% of interviewed have been able to go every season after they were accepted
- 9% workers no longer go in Canada for several reasons

23

Regarding the aspects of the program they like best, 36.6% of the workers said "everything"; 28.2% replied that what they like best is that it provides them with a job; 7.5% referred to the earnings and the benefits as the biggest advantage of the program; for 5.9%, the personal and work experience that they get from participating in the program is important; 5% said that what is best in the program is the way it operates; and 4.2% were most pleased by the treatment the employer gives to the worker. However, eight workers (2.2% of the total) do not find any advantage in the program.

24

What workers like least about the Program

- 49% did not answer because there is nothing that dislikes them.
- 24% referred to problems in the way the program operates like the many trips to Mexico city (6 on the average), or the medical exam or because of organization deficiencies.
- 9% dislike working conditions, low wages
- 7% Referred to the poor attention at the offices and at the consulate
- 6% The social environment (isolation, being far...)
- 5% For bad treatments of employers

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Recommendations from workers

- 45%
- Made recommendations about the program's operations, the functioning of the office in Mexico and the consulate's, amongst others. Some aspects to which they referred are expediting and decentralizing the arrangements, improving service, and that the consulate should really defend the workers. The remainder of the replies referred to improvements in wages and in working conditions.

28

Do you feel that the Mexican Consulate...

- Represents workers as it should 89 24.9%
- Does not represent workers as it should 159 44.4%
- Worker does not know because has not required its services or does not have any reference 75 20.9%

29

Do you believe that workers like yourself could organize as a union, or in some way?

- Worker agrees 218 60.9
- Worker disagrees 76 21.2
- It depends 50 14.0
- Worker does not know 2 0.6
- Total 346 96.6
- Missing 12 3.4
- Total 358 100.0

30

Living Conditions

- Almost half of the workers are lodged by their employers in the old farm house; 30% live in bunks built by the employer specifically for them; 21% are lodged in trailers and three workers stayed in the farm garage during their last season in Canada.

31

Living Conditions 2

- The housing provided by the farmers usually has the necessary utilities. Of the total of workers, 99.2% indicated that the housing where they were lodged had electricity, 97% had water piped into the house, 97% had an inside bath and shower, 99% had hot water, 98% had a kitchen in the lodging itself, 98% also had tables and chairs, 95% had kitchen utensils and in a few cases the worker has had to buy them or they were deducted from their wages. Heating is the utility that is least common in the workers' housing; 11.5% of the workers did not have this utility. But this is relative because for employers that hire workers for the peak period of harvest, from May to September, it is not compulsory to provide heating in the workers' houses.

32

How lodging in Canada compares

- In general, a little less than half of the workers felt that the housing and the services provided to them by their employers in Canada are of better quality than what they have in their communities in Mexico. For 18% of those interviewed, their housing in Mexico is of better quality and for 27% of them, the quality of both lodgings is similar.

33

Learning in Canada 1

- On this point, 241 workers (67% of the total) indicated that they had learned something new about agricultural work during their stays in Canada, and 31.8% felt that they had not learned anything new. Of those who answered affirmatively, 66% said that they learned to manage a crop with which they were not familiar and 24% had learned to operate some type of agricultural equipment. However, only 26 workers (10% of those who gave positive answers) had attempted to apply this knowledge in Mexico; seven had tried out a different crop and ten had tried out a technique. The principal limiting factor for the workers to apply the agricultural knowledge acquired in Canada is the inaccessibility of lands for cultivation.

24

Learning in Canada 2

- 30% of those interviewed believe that some day they will be able to apply the knowledge and skills they acquired working in Canada. Regardless of whether they have acquired new skills, 40% of those interviewed (144 workers) stated that they want to learn something; 53 of them are interested in learning about a specific crop, 23 would like to learn to operate a piece of equipment, 22 are interested in learning more about greenhouses, 11 are interested in beekeeping, and 16 would like to know how to make the best mixtures of agrochemicals and learn to fumigate.

25

Learning in Canada 3

- Regarding the program's potential for the participants to acquire skills other than those used in agriculture, only 16.8% of the subjects felt that they had acquired another type of skill. In addition to agricultural work, the principal knowledge acquired is the language and, to a lesser degree, they referred to the personal development obtained from the experience of working in another country and mingling with their fellow workers.

26

Learning in Canada 4

- Regarding what workers would like to learn by participating in the program, 114 said that they wanted to learn English or French. Another skill they would like to acquire is house construction.
- Learning the language by just working is "for survival." During the fieldwork, the workers frequently made side comments to the questions regarding the language barrier. They expressed the anxiety of feeling uncertain of understanding the instructions about the work on the farm or of expressing themselves in their employer's language. They also stated that sometimes they were given documents in French or in English to read or sign, or that the notices, warnings, etc. that are found on the farms in most cases are not in Spanish. Likewise, in the comments and suggestions, they referred to some initiatives by groups of students who during the summer work as volunteers teaching English to the workers on the farms. Some felt that this was very useful and others regretted not having had time to attend the sessions. They also suggested that during their stay in Mexico, the workers could learn English or French.

37

Income in Canada

- According to the information obtained during the fieldwork (which records all seasons), the difference between gross and net earnings is 19.7%. The average income before taxes is \$9,100 CAD per season and the average net income \$7,308 CAD. Following the same analysis of the return report (which refers only to the 2002 season), deductions from wages would be around 12.7%: the average of workers' earnings before taxes was \$9,825, and the average net income was \$8,573 CAD.

38

Income in Canada as compared to Mexico's

- In comparison to the national minimum wage for 2002 in Mexico, workers would earn less than \$900 CAD for the average season. The following exercise helps to see that. The daily minimum wage for 2002 in Mexico was \$5.93 CAD (\$39.74 pesos divided by \$6.7). Considering a 6-day work week, for five months, which is the average period of the stay of the interviewed workers, their earnings in Mexico would be \$711.6 CAD. Considering a 7-day work week, for the same period of time, they will earn \$830 CAD per season. Even if they would have the opportunity to work 12 months per year, their income would only be \$2,065 CAD.

39

Working Conditions

How do you feel about the farm work in Canada in comparison with farm work in Mexico?

- Harder 86 24.0%
- Just as hard 119 33.3%
- Easier 148 41.3%
- Different 3 .8%
- No answer 2 .6%

358

The work pace is one of the principal reasons why they feel that the seasonal work they do in Canada is harder or easier. They mentioned also that the working days are long, the work probably too short and fast, and sometimes there are men. The work becomes routine and to women workers, the weather has to maintain an unreasonable position during the whole working day. Sometimes it is hard for the worker to work in extreme climate conditions, etc. Another difficulty they mentioned was not speaking the language of their employers or supervisors.

Perceptions about working conditions 1

- 20% of those interviewed felt that occasionally they had been asked to work too much: besides the accelerated pace of work, they refer to the long working days. Although workers get exhausted, for many of them the long working day is not a problem, since "that is what they are there for" and "the more they work, the more they earn." Only 26 workers had presented a complaint about this, either to the consulate or to the owner or supervisor, or to the Program Office. Others, although they disagreed, did not complain out of fear that some amount might be deducted from their wages or that they would be listed as a problem worker and not be requested for the next season. Only eight workers of those who expressed their complaints responded that some measures were taken to solve the problem although in general they were negative for the worker.

41

Perceptions about working conditions 2

- Workers consider they are making more compromises than employers. Workers are willing to work overtime if the farmer needs it; first because the agreement establishes it, but more important to them, because their job is temporary and they need to earn as much money as they can. On the contrary, the agreement does not obligate employers to offer at least eight hours work per day and, as was mentioned previously, this happens in some cases.

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Wage Deductions

- Most of those interviewed feel that the proportion of wage deductions is too high. The information that workers have about what is lawful in this respect is very vague; but they perceive that some deductions are unfair, and some others should not apply to foreign temporary workers since they or their families do not enjoy many of the benefits. One third of the subjects (118) did not answer this section because they did not know or were not clear about the amounts and items deducted from their wages. A large proportion gave an approximate amount for the gross deductions, without identifying the various items.

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Remittances to Home

- The workers send an average of \$4,835 dollars per season. The cost of sending the remittance is high; they pay an average of 23.25 dollars per remittance. On average, it costs each worker \$198 dollars to send money to Mexico each season (considering all the remittances they make).

44

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Worker Mistreatment

- Does not apply 266 74.4%
- The farm owner 59 16.5%
- Some relative 10 2.8%
- The manager 13 3.6%
- Another worker 9 2.5%
- Consulate 1 0.3%
- Sub total 92 25.6%

46

Impact of the Program in the well-being of families

- On the children's education
- when analyzing the findings according to workers' years of participation in the Program, very clear differences arise indicating the Program's influence on the children's level of schooling. Of the total number of children of workers belonging to Group C, 42.6% attended school for 10 years or more. That percentage is 28% for Group B, and only 15% for Group A.
- Average years of schooling

• Group A	Group B	Group C
• 8.7	9.9	10.5

47

Impact of the Program in the well-being of the families

- On the children's occupations
- Children's occupations
- In Agriculture

• Group A	Group B	Group C
• 34%	20%	18%

 - (13 professional out of 15)

48

Impact of the Program in the well-being of the families

- House ownership
- Group A Group B Group C
- 47% 70% 94%
- Houses with 5 rooms or more
- 28% 40% 67%
- With water piped, electricity and drainage
- 96% 94% 97%

49

Impact of the Program in the well-being of the families

- Ownership of car, truck or van
- Group A Group B Group C
- 5% 14% 24%

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**RECOMMENDATIONS
MAIN ONES**

**THE FUTURE OF THE
PROGRAM**

51

The Canadian and United States Migrant Agricultural Workers Programs:

Parallels and Divergence Between
Two North American Seasonal
Migrant Agricultural Labor Markets
With Respect to "Best Practices"

"Best Practices"

- Meet needs of employers and workers.
- Strike a fair balance.
- Have proven effective among growers.
- Are transferable to other settings.
- Occur in policy settings, regulatory activity, labor-management relations, employment practices, and off farm experiences.

History & Political Background

- | | |
|--|--|
| ■ Canada: | ■ United states: |
| ■ War & structural change...1966. | ■ War & structural change...1917-43. |
| ■ Early experience with Caribbean workers. | ■ Early experience with Caribbean & Mexican workers. |
| ■ Mexico program: 1974. | ■ BWI program outlasts Bracero program. |
| ■ Increasing reliance on Mexican workers. | ■ Shift to Mexico, 1988. |

Policies, Regulations, Employment Practices: Similarities

- Need to attempt to hire domestic labor.
- Have difficulty recruiting reliable labor under current conditions.
- Enforcement of contractual guarantees, inspections, etc. Highly variable & dependent on local authorities.
- Consular & liaison officers have limited power to address worker grievances.

Policies, Regulations, Employment Practices: Differences

- | | |
|--|---|
| ■ Canada: | ■ United states: |
| ■ Canada allow worker transfers. | ■ U.S. Figures wage rates with AEWL. |
| ■ Canadian recruitment relies on state, results in lower costs to workers & employers. | ■ U.S. Recruitment, privatized, results in additional costs to employers & workers. |
| ■ Areas in central Mexico represented. | ■ More areas in Mexico represented. |

Workers' Experiences: Similarities

- Most prefer the programs to working illegally.
- Less costly to work legally than illegally.
- Foreign workers face health and safety risks on the job (same as domestic workers).
- Social isolation is common.
- Paternal employee-employer relations common.
- Housing is highly variable.
- Faith-based groups advocate for workers.

Workers' Experiences: Differences

- **Canada:**
- Social isolation more likely (fewer co-ethnics).
- Wages & earnings lower.
- Some housing lacks indoor plumbing.
- **United states:**
- Foreign workers live near co-ethnics.
- Faith-based groups, legal aid attorneys & labor unions.
- No reports of no plumbing.

Employers' Experiences: Similarities & Differences

- Most are satisfied (self-selected, however).
- Most believe program too regulated.
- Some U.S. Growers use the program to get rid of workers during slow periods.
- Some U.S. Growers like the contractual nature of program.
- Many U.S. Employers would like to get rid of the private recruiters.

Best Practices I

- Work authorization preferable to illegal immigration & work (both).
- Worker transfers (Canada).
- ¾ work guarantee (U.S.)
- *Strengthening role of the state (Canada).*
- Elaborating worker spaces & experience (both).

Best Practices II

- Improving language and translation services (both).
- Development of personal ties between workers and employers (both).
- Providing transportation (U.S.).
- *State recruitment results in lower costs (Canada).*
- Wages figured publicly with AEW (U.S.).

Best Practices III

- Housing more standardized (U.S.).
- Increasing community interest in the welfare of workers (both).
- Increased interest in foreign workers by legal aid attorneys and labor unions (U.S.).

Areas for Improvement I

- Housing inspections too variable (both).
- Consular & liaison officials too weak (both).
- Disconnect between provincial labor law and international agreements (Canada).
- Labor law enforcement variable (both).
- Enforcement of regulations too dependent on local authorities (both).

Areas for Improvement II

- Some housing without indoor plumbing (Canada).
- Private recruiting results in undue costs & burdens to workers & employers (U.S.).
- Blacklisting of workers common by grower associations (U.S.).
- Discrimination persists.

Social Arguments for and against Guestworker Programs

- German labor minister: not importing workers, but people
- Nothing so permanent as a temporary worker (institutionalization)
- Following institutionalization, jobs no longer open to domestic workers.

Economic Reasons for and against Guestworker Programs


- Against: Create false conditions, enabling inefficient operations to remain in business or put off technological change.
- For: Enable less efficient operations to remain in business.
- For: Provide and secure jobs for nationals.
- For: Source of income & foreign exchange in sending countries.

Humanitarian Reasons for and against Guestworker Programs

- **For:** Alternative is a system that encourages debt peonage, dangers of illegal entry, high levels of exploitation, etc.
- **Against:** Empirical evidence suggests that, historically, system evolves to approximate debt peonage, etc.

Notes

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Notes

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