

## Chapter 2

# Strengthening the Backbone: Local Food, Foreign Labour and Social Justice

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**Abstract** Increasingly social-justice oriented food movements have been paying attention to a long-neglected and largely invisible aspect of “local” food production—the lives and wellbeing of the “imported” workers who make labour intensive agriculture possible, and profitable, for many operations. Indeed, many farmers acknowledge that migrant workers are the backbone behind their industry. This chapter explores the contemporary use of migrant workers in agriculture and the social and community movements aimed at improving their conditions, rights and health. The chapter first outlines the use of migrant workers globally, with a focus on Europe and the United States, including an examination of both guest worker and visa programs as well as undocumented work. It then delves into the case study of Mexican and Caribbean workers in Southwestern Ontario agriculture. Drawing on over a decade of ethnographic and interview-based research, it highlights some of the key issues (both positive and negative) facing this population—including economic and livelihood gains, living and working conditions, family separation, health, rights, and social integration—highlighting recent controversies and struggles, as well as the social and rights-based movements that have arisen to address these challenges. The use of migrant workers in Canada is only growing amid a climate of intense competition in which flexible and reliable migrant agricultural labour has become ubiquitous in the global agri-food system. Rather than pitting farmers/employers, workers and social justice advocates as serving oppositional purposes, the chapter argues that improving workers’ health and rights can benefit not only migrant labourers, but also strengthen the integrity of a food system that has become dependent on their use.

**Keywords** Migrant agricultural workers • Social justice • Local food systems • Human rights • Health

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## Mr. Ellis, Jamaica

*There are many sugar cane fields on the drive through Clarendon, the Jamaican district which sees the highest number of migrant farmworkers depart for Canada each year. Smoke from the cane factories rises in the distance. The stark beauty of the plantations, bordered by palm trees blowing in the island breeze, obscures all of the back-breaking work done by Jamaicans, both in Jamaica and abroad.*

*At one stop on our journey, we meet an elderly man, Mr. Ellis; his grey hair and wrinkled face reveal a long and varied life. When asked if he ever worked abroad, Mr. Ellis responds as though I had posed a most obvious question. Yes, of course, he had migrated all over the place—in Canada with the “farmworker program,” the United States, England, and several other Caribbean islands. How was it, I ask? “Can’t support a family living in Jamaica.... A man’s gotta do what a man’s gotta do” he replies nonchalantly.*

*Mr. Ellis was one of the first workers to go to Canada after the Seasonal Agricultural Workers Program initiated in 1966, but this was just the first stop on his migration journey. “After Canada I went to the U.S. for 28 years and England and other islands. I worked in farming and construction ... but Canada was the hardest. The people was nice, but the work was hard.... All my fingers would bleed after peeling and canning ... .” He groans and gestures with his body, bending over holding an old, battered back for added emphasis, “My back would hurt so hard at the end of the day, I couldn’t even sit down. But a man’s gotta do what a man’s gotta do,” he repeats.*

*After all of his travels, piecing together a living across multiple continents, Mr. Ellis returned to Jamaica because “it will always be home.” Looking around across the lush countryside I could understand why so many workers speak of an endless ache for their sun-kissed homeland. This is home—everywhere else is somewhere else. (Adapted from field notes, McLaughlin 2009)<sup>1</sup>*

The farmers in Canada, the United States, and England who employed Mr. Ellis have more in common with him and the other migrant farmers they hire than one might expect. Each group is attempting to support their families through engaging in agriculture, an industry upon which the world both depends and under-values, amid economic and social circumstances largely beyond their control. Similar stories could be told of the Moroccan farmers in France, Ecuadorian workers in Spain, Romanians in England, or Pacific Islanders in Australia and New Zealand. Grossly inequitable and unjust global economic systems, stemming from centuries of “structural violence” rooted in slave, colonial, and post-colonial systems, render some countries to experience continuing disadvantages in a vastly uneven playing field (Farmer 2005).

The modern day inhabitants of such disadvantaged regions are leaving their families and communities to do the low paid, difficult and sometimes dangerous

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<sup>1</sup>All field notes and quotes are adapted from research for my doctoral thesis (McLaughlin 2009). Workers’ names are pseudonyms.

jobs that citizens of higher income countries typically turn down. Facing intense and increasingly consolidated globalized competition, farmers in higher income regions appreciate—some say even require—the flexibility, dependability and lower wage expectations of the migrants. By many accounts, it is a win-win situation, in which both employers and farmworkers advance their interests, and by keeping labour costs to a minimum, we can all enjoy more affordable food. Yet a growing chorus of labour and social justice groups asserts that such labour migration is inherently exploitative and has called for major changes to advance workers' rights. Many also wonder about the paradox and sustainability of a local food system that relies on imported labour.

Although migrant farmworkers have been coming to Canada for over half a century, only recently has the public, and the local food movement in particular, become aware of and demonstrated concern over the issues facing them. Spawned by academic investigations, media reports, documentary films such as Min Sook Lee's *El Contrato* (2003) and *Migrant Dreams* (2016) and labour and community movements, many are now not only aware of the presence of these workers, but are also fighting to improve their conditions. Although few dispute the economic advantages to workers, farm employers and the public, concerns arise over poor and variable living and working conditions, health risks and consequences, problematic access to labour rights and protections, a lack of social and political integration, and other issues. Often, these issues play out in the media, in social rights groups and public discourse with an employer versus worker rights narrative. The implicit assumptions are that: (a) employers are to blame for these problems; and that (b) for workers' interests to be advanced employers' interests must necessarily suffer.

One of the aims of the present volume is to analyze the interlinkages among various aspects and actors within the food system. In this case study, both employers and hired workers on farms are embedded in neoliberal forces beyond their control, yet their shared fortunes are inextricably linked—neither can thrive without the other. As part of this collection on nourishing communities, and in the spirit of achieving healthy, sustainable food systems for all involved in food production and consumption, I would like to propose a vision which strives to harmonize workers' and employers' interests to the collective benefit of both.

It is undoubtedly true that in some cases employers feel threatened by the advance of workers' rights, and it is also true that employers sometimes abuse workers. However, a closer examination of some of the controversial issues at play reveals that the most imperative factor impeding workers' rights is not individual employers, but rather the nature and policy of the migration system itself, which is employer-influenced but ultimately determined by government. I further argue that improving workers' conditions would benefit not only workers, but could also positively impact the farmers who employ them. In fact, not only is advancing workers' rights a moral imperative, but it can also support farms' productivity and public image, and in turn enhance their business models and success.

To support this argument, I situate the issues facing migrant workers in global context, as part of interrelated food systems in both countries of origin and of employment; explain the Canadian agricultural migration system; provide an

overview of the main controversies surrounding and movements supporting migrant workers in Canada; and outline how improving their rights can be seen as a win-win for both workers and their employers. As I describe the main issues of contention, I suggest practices and/or policies that would support workers' rights and need not be incompatible with, or threatening to, employers' interests. Findings and observations are based on over a decade of ethnographic research, including participant observation (living alongside workers in Canada, Mexico and Jamaica); interviews with hundreds of workers, and dozens of employers, government and civil society groups; surveys in various projects with over 800 workers; focus groups; and archival investigations.

## **Migrant Farmworkers in Global Context**

The last half century can be categorized as “the age of migration,” one that has caused a “fundamental transformation” of the international political, economic and social order (Castles and Miller 2003: x-2). Temporary labour migration via guestworker schemes has been a major source of economic development in North America, Europe, Australia and New Zealand, as well as the Middle East oil states and “Asian tiger” economies (Castles 2006). Migrant farmworkers are employed through a variety of formal and informal programs and work arrangements that reflect the social, economic and political dynamics of the various states in which they are employed.

In Western Europe, guestworker programs employing workers from the Mediterranean basin were prevalent between 1945 and 1973. Facing criticisms, including that these programs were inherently exploitative, they were largely phased out in the 1970s (Castles 1986, 2006; Castles and Miller 2003). In recent years, Europe experienced sharply declining fertility rates and the increasing labour shortages in low-paid service sectors within a context of neoliberalism and a post-Fordist “flexible” global economy. This led European governments to rethink their former positions and once again increase their reliance on guestworker programs (Castles 2006). This “new generation” of programs is arguably “more restrictive than their predecessors,” with the aim of managing flexible labour while restricting permanent settlement, especially in jobs viewed as “low-skilled,” including agricultural work (Hennebry and Preibisch 2010). Most high-income countries now have arrangements for the employment of temporary workers in agriculture. Today traditional migrant-receiving countries, such as Germany and the United States, are being joined by traditional migrant-sending countries, such as Italy and Greece, in the employment of temporary agricultural workers (Ibid). Temporary, or cyclical labour migration in agriculture, has truly become a global phenomenon; only the articulations (i.e. legal frameworks, participant countries) vary from place to place.

The United States has relied primarily on a substantial population of undocumented, or irregular migrants, most of whom come via the increasingly securitized and precarious southern Mexican border, often risking and sometimes losing their lives in the process. A smaller number of workers enter the United States with temporary legal status through the H2 visa program, implemented in 1952, now known as the H2-A—signifying the name of the visa which allows temporary workers in agriculture and which continues to bring in thousands of Mexican and Caribbean agricultural workers (Rothenberg 2000: 40). Still, these visas make up only a fraction of the migrant workforce, employing about 30000 of the over three million, or just 1%, of the migrant and seasonal agricultural workers annually working in the United States (NCFH 2012). Of these three million workers, 72% are foreign born, with 68% coming from Mexico and 3% from Central American countries. This population is comprised of 78% males and 22% females (Ibid). The United States has long been debating major immigration reform, which could bring about significant changes to both undocumented workers (e.g. a proposed pathway to citizenship) and guestworker programs. These debates are ongoing, with both employer and government representatives calling for a more comprehensive guestworker program as a means to address the labour and immigration crisis in that country, and with Canada sometimes referred to as a model to emulate (Hennebry and Preibisch 2010).

## **Migrant Agricultural Work in Canada**

In Canada legally employed temporary contract workers are the predominant source of migrant labourers in the agricultural industry. Migrant workers arrive through various streams of Canada's Temporary Foreign Worker Program (TFWP). The Seasonal Agricultural Workers Program (SAWP), which employs workers from Mexican and various Caribbean countries for up to 8 months each year, is the longest-standing and largest of these. In place since 1966, the SAWP has continually expanded, now occupying approximately 40,000 of the over 50,000 migrant agricultural worker positions across the country (ESDC 2016). The other temporary foreign workers are employed through more recent streams of the TFWP, introduced in various incarnations since 2002, including a dedicated agricultural stream. These streams allow employers more flexibility with respect to country of origin (any), operation/crop type and contract length (up to 2 years) and do not benefit from the same government involvement/oversight as in the SAWP. This chapter will focus on issues primarily researched within the SAWP, although most of the concerns would be shared with, if not magnified for, workers in other streams of the TFWP, for whom even fewer standards and protections are in place. Although the SAWP has been widely touted, both within Canada and internationally, as a "model migration program," a growing number of criticisms have been levied against it. Some of the primary areas of controversy are summarized below.

## ***How the SAWP Disempowers Workers***

*“My first farm ... that was a much better place. After a hard day of work we had a nice place to lay your head. It was two men to a room and a real house; we had bathrooms and laundry. It made a big difference to my happiness, going up that first time. At the second farm, things are much worse, the living quarters were no place for humans. Real inhumane. There wasn’t even a window in the bathroom. So there was always a bad odor, not meant for humans. There was a bunkhouse and one bedroom for eight people. Once you’re not comfortable, it’s hard to be happy, and it’s hard to work.” – Donovan, Jamaican worker*

*“Right now we’re not allowed to go anywhere, no sales person, no visitors, no family – he (the boss) talked with some other farmers, and they’re not letting anyone on his farm so he will know who’s coming and who goes ... . It’s like a prison.” – Alex, Jamaican worker*

*“(Our employer) goes to the airport to meet us and always greets us with a hug and a handshake and asks us how our families are. He’s come to visit us in Kingston three times, including on his honeymoon ... . He’s one of the best.” – Alfred, Jamaican worker*

These quotes, representing common sentiments across the spectrum of hundreds of workers I’ve interviewed, demonstrate the extreme variability of employment relationships in the SAWP. Some farms employ just one worker and have for decades; others employ hundreds, shifting national workforces from year to year en masse. Consequently, the experiences vary from those who develop “family-like” bonds with off-season visits, to those who never meet the people they employ. This is the main concern with the SAWP—not that all workplaces and accommodations are poor—but rather that the variation is too great, and there is a lack of safe recourse when workers feel their conditions are substandard, unsafe, or abusive.

Indeed, living and working conditions are as varied for workers as are the people who employ them. As in any industry, employers in agriculture exhibit a spectrum of behaviours and management styles, with some neglecting or even abusing their workers, and others going far beyond minimal expectations to provide workers with comfortable, friendly and dignified conditions. What is problematic about the SAWP is the unique and all-encompassing power relationship that exists between workers and employers. First, employers are responsible not only for providing safe and secure working conditions, but also for workers’ accommodations. Arriving in a foreign country, often with no means of transportation or independent communication with local residents, many workers find that their employers are their only link to community, social and medical services. Amid this totalizing relationship, employer-specific work contracts bind workers to their employers, and employers have arbitrary rights to fire and thereby trigger the repatriation of workers, with no appeals or monitoring process, and also exert influence over future years’ employment through a “naming” system. The result is an inevitable dynamic in which, even with the best of employers and circumstances, workers feel they must depend on, and therefore work to appease, their employers. Employers also feel a sense of added responsibility to monitor and provide for the workers, and paternalistic relationships often result. Workers have very little say over their conditions

and very limited empowerment to challenge conditions without the fear of consequence. Every issue to be explored below is coloured by this dynamic of skewed power relations embedded within the SAWP.

### *Living Conditions*

Research has uncovered unsafe, uncomfortable and inhumane housing conditions on some farms, while on others workers are housed in accommodations that are secure and hospitable (e.g. Preibisch 2003; Hennebry 2006; Hennebry et al. 2012; Verduzco and Lozano 2003). Some workers are housed in unheated trailers with outhouses and no phone, while others are placed in homes equipped with satellite television and internet connections. Although the employer-provided living quarters are supposed to be assessed by public health inspectors before the workers arrive, housing guidelines are minimal and inspections do not continue throughout the growing season. As employers are typically also the workers' landlords, many workers fear making complaints about their accommodations. Furthermore, employers can exercise a great deal of control over workers' lives, including instituting curfews or restrictions on visitors or entering workers' homes without notice (McLaughlin 2009; Preibisch 2003).

A survey of nearly 600 migrant farmworkers in Ontario found a number of specific shortcomings with respect to housing. These included: inadequate facilities for food preparation and consumption; crowded and poorly ventilated sleeping areas; and a general lack of comfort, privacy, and necessary amenities such as adequate laundry facilities. A number had poor sanitation, insufficient access to clean drinking water, inadequate hand-washing and bathing facilities, and close proximity to pesticide storage areas. Housing tended to be overcrowded and lacked privacy. Nearly 150 migrants interviewed agreed with the statement that "my residence is hazardous to my health" (Hennebry et al. 2012). Similar areas of concern were reported in a study of 100 Mexican and other agricultural workers in British Columbia, in which 37% of workers felt that their housing damages their health; 21% reported not having adequate means to refrigerate their food; and 25% stated they had insufficient cooking elements. Over 25% reported not having window screens to allow ventilation in the summer and 14% did not have a heater for the cold (Otero and Preibisch 2009).

Simple solutions could help to address these problems without leading to undue hardship to employers. Creating stricter regulations, developed in consultation with workers and their advocates, and enforcing them with random visits throughout the growing season, would not impact the employers who are already providing healthy, safe and dignified accommodations, and would advance the reputation of the program as a whole. Inexpensive additions often make a big difference to workers. For example, it may not be possible for an employer of one worker to rent an entire home, but perhaps they could provide the worker with heating and cooling systems to make a trailer more comfortable. In many cases, workers I interviewed simply wanted a fan and window

screen to help them cool off during hot summer nights. Alternatively, rather than housing a worker in a poorly equipped trailer just so that he or she is on site, the employer could rent a room for the worker in a home with other migrants in the community. The key is for workers to be consulted regarding their living environments, and not feel threatened in asking for improvements for a basic level of health, comfort and security.

### ***Working Conditions***

Agricultural work is difficult, tedious and precarious (see Tucker 2006) and ranked as the most dangerous after mining and construction in Canada (Basok 2002: 60). The work is also highly variable—involving intense peaks of continual work and slower periods of relative inactivity. Within this context, SAWP workers are employed in a number of capacities in every stage of operations. Despite being classified as a “low skilled” labour force, some of the tasks assigned require high levels of experience, skill, and productivity. Duties depend on the crop and time of year, and may include such tasks as preparing soil; mixing and applying chemicals; planting, transplanting, irrigating, cultivating, weeding, pruning, and harvesting crops; driving and maintaining farm machinery; sorting, packing and packaging. Many tasks involve repetitive bending, lifting and stretching, requiring the worker to be in an awkward position for long periods of time. Migrants may work in greenhouses, fields, orchards, nurseries or processing and packing plants, or between various locations.

Although workers may be accustomed to difficult physical labour (most practice agricultural work at home), many report that the work is “more difficult” in Canada. The main reason for this is not necessarily the nature of the work in itself, but the lack of control they have over their working conditions (including hours and rest periods) and the fact that as foreigners, they feel they are given the most difficult or demanding tasks. As Manuel explains: “The work (in Canada) is more difficult because we use our physical force, here (in Mexico) if I want to work quickly, I work quickly, if I want to rest, I rest. Here it is calmer.” Some workers say they can’t even control when they use the bathroom. Martha observes: “We can’t go to bathroom or get water (when working). Sometimes it’s very hot and we have to have a little water. Even if we have diarrhea we can’t go, we have to wait until the break.”

The SAWP Agreement stipulates that workers should work a minimum of 240 h in 6 weeks to a maximum of 8 months. Although guaranteed minimum wage, agricultural workers on a whole are excluded from certain provisions of the Ontario Employment Standards Act regarding their hours of work, daily as well as weekly and bi-weekly rest periods, statutory holidays, and overtime (see McLaughlin et al.



2014; OMOL 2008; Verma 2003). Vacation pay is also denied to farmworkers.<sup>2</sup> The SAWP agreements do contain some basic guidelines regarding hours of work, stating that workers should be entitled to one day of rest following six consecutive days of work and that their working day may be up to 12 h, depending on the needs of the farm. However, the contracts also state that “where the urgency to finish farm work cannot be delayed,” the employer may “request the worker’s consent” to postpone periods of rest until a later date (ESDC 2017). Given their structural vulnerability (McLaughlin 2009), most workers feel compelled to work whatever amount of time or consecutive days are asked of them, a common finding of analysts studying the program (e.g. Basok 2002; Fairey et al. 2008). In peak work times especially, these “days of rest” may in fact be postponed until their return home, when their contracts have ended. In reality, workers’ hours are determined by their employers, and fluctuate greatly throughout the season depending on weather, sector and timing. A number of researchers have found that workers work about 63–65 h a week, with some busy weeks totaling upwards of 80–90 h (Binford 2002; Fairey et al. 2008; Hennebry et al. 2012; Russel 2003).

Sam, a farm employer argues that, “They (migrant workers) want to work as many hours as possible—each hour worked means more money to send to their families.” This is a common sentiment or justification among employers for requesting extended workdays and it is not totally unfounded; most workers report they would rather work too many than too few hours as their priority in Canada is to send money home (see Wells et al. 2014). Among even the most ambitious workers, however, there is the sense that there is an upper limit after which they would rather not keep working, but they feel they have no control over determining their hours. The key point here is that despite the provisions of the employment agreement, workers feel that they have very little say over the hours assigned. To address such issues, the SAWP agreement could change to allow workers to request modified working conditions or a day off to rest when needed, without fearing they will risk future employment opportunities.

## *Health*

The consequence of poor and difficult living and working conditions is a wide variety of health risks and issues. Many of the health risks mentioned above (e.g. long strenuous work days, with few rest periods; exposure to chemicals, sunlight, heat; inadequate sanitation facilities; long periods of bending and lifting) have been uncovered as common in recent studies in Canada (e.g. Hennebry et al. 2012; McLaughlin 2009; McLaughlin et al. 2014; Otero and Preibisch 2009). Various

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<sup>2</sup>Workers classified as “harvesters” who have worked more than 13 consecutive weeks may be eligible for vacation pay, but Verma (2003) reports they are often denied these payments since their work may not always be classified as harvesting.

studies have found health and safety training, as well as the provision and use of personal protective equipment, to be inconsistent and insufficient for migrant farmworkers (Basok 2002; Hennebry et al. 2012; McLaughlin et al. 2014; Russell 2003; Preibisch 2003; Verduzco and Lozano 2003). In particular, two recent studies of 600 and 100 Ontario migrant farmworkers respectively found extensive exposure to occupational hazards, with a majority of workers reporting minimal knowledge of the occupational risks in their work, and health and safety-related information or training (Hennebry et al. 2012; McLaughlin et al. 2014). A British Columbia-based study similarly found that 74% of the 100 Mexican workers surveyed had received no health or safety training (Otero and Preibisch 2009).

Illness and injury rates among temporary agricultural workers in Canada appear to be both high and underreported (Hennebry et al. 2012; McLaughlin et al. 2014). Studies of Mexican workers (Binford et al. 2004) and Jamaican workers (Russell 2003: 82) found illness/injury rates of around 25% of migrant farmworkers. Some 32% of workers in the Jamaican study reported a long-term illness as a result of illness/injury experienced while in Canada (Russell 2003).<sup>3</sup> In addition, many migrant workers suffer from mental health issues such as depression, anxiety and *nervios*<sup>4</sup> (McLaughlin 2009; Mysyk et al. 2008). Living and working away from their communities without adequate support, they are also susceptible to sexually transmitted infections, unwanted pregnancies and other sexual and reproductive health concerns (McLaughlin 2009; Narushima et al. 2016).

Many workers experience barriers to accessing health care, such as long hours of work and limited clinic hours, lack of transportation and translation services, and concerns over privacy and confidentiality when employers or supervisors act as intermediaries (see: Hennebry et al. 2016; Pysklywec et al. 2011). In recent years pilot health projects, including the Migrant Worker Health Project (which includes an information web site for health care providers and the general public at <http://www.migrantworkerhealth.ca>) have attempted to address and overcome these barriers. Since 2006, the Occupational Health Clinics for Ontario Workers has been holding clinics targeted at migrant workers in various regions of Ontario. In 2014 two Community Health Centres received pilot funding from the Hamilton Niagara Haldimand Brant Local Health Integration Network to run specialized migrant health clinics and programming in Niagara on the Lake, Simcoe and Delhi, Ontario (see McLaughlin and Tew forthcoming).

These initiatives have successfully overcome many of the access barriers by providing services at times and locations accessible to workers and with interpreters and other supports on site (for example, at central locations on Friday evenings or Sunday afternoons when workers are most likely to be off). They have also provided health promotion and education events. The projects benefit not only workers but also their employers. First, as the clinics allow workers to access services

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<sup>3</sup>Parts of this section were adapted from McLaughlin et al. (2014).

<sup>4</sup>*Nervios*, or “attack of nerves” is a cultural-bound syndrome common among the Latin American community with symptoms similar to anxiety.

independently, without requiring the mediation and time of employers, and provide services outside of normal work hours, they are highly convenient to both groups. Second, these services can help to ensure that migrant workers have their health needs met, and promote preventative health measures. Ensuring optimal health benefits workers for obvious reasons, but it also benefits employers by facilitating healthy, fit and productive workforces. In this way, again, the interests of workers and employers can be aligned.

### ***Labour Rights and Community Involvement***

Scholars and critics have noted numerous labour rights issues affecting migrant workers (Faraday 2012; UFCW 2011), such as the Employment Standards Act exclusions outlined earlier (McLaughlin et al. 2014). The most contentious and perhaps the most important labour rights issue, however, is the current restriction on agricultural workers' right to bargain collectively. Migrant farmworkers, like all agricultural workers in Ontario, are *excluded* from the Labour Relations Act (LRA), which provides workers with the right to a union<sup>5</sup>. After a long-fought legal battle, led by the United Food and Commercial Workers Union and other interested parties, in 2012 the Supreme Court of Canada ruled that agricultural workers could continue to be excluded from the Act. In its place, agricultural workers are covered under the Agricultural Employees' Protection Act (AEPA), introduced in 2002. Although the AEPA extends some basic rights, including the right to join an employee association, without the right to bargain collectively, critics argue that the AEPA is largely meaningless, and fails to provide workers with the protections they need to effectively advocate for their rights (see Faraday et al. 2012; Raphael 2013). The International Labour Organization ruled that this exclusion constitutes a violation of human rights of agricultural workers (UFCW 2012).

In debates over labour legislation in the Ontario Assembly, legislators who voted in favour of the AEPA argued that migrant workers are well treated by most employers, and that the employee-employer relationship should not be "tampered with or jeopardized," as would be implied if workers had recourse under the Labour Relations Act. In fact one Member of the Provincial Parliament stated that, "*I say 99% of those individuals who rely on offshore labour treat their employees well*" (as quoted in Raphael 2013). Such rationales, which were based on anecdotal consults with employers rather than systematic research with workers, served to justify their exclusion from this labour right to which almost all other Ontario workers are entitled. If it is indeed the case that 99% of workers are treated well, employers should have little to lose from enshrining those protections in legislation.

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<sup>5</sup>In May 2017 the Changing Workplaces Review (see: <https://www.labour.gov.on.ca/english/about/workplace/>) recommended to the Ontario government that agricultural workers gain inclusion under the Labour Relations Act, creating new optimism that their current exclusion may be lifted. It was not known at the time of writing of the Ontario government will adopt this recommendation.

Many employers nonetheless fear that allowing workers to join unions could jeopardize the financial viability of their operations. However, it would not be in the workers' or the union's interest to put employers out of operation and make workforces—and unions representing them—redundant. In the case of the twelve farms organized by the United Food and Commercial Workers (UFCW) in British Columbia and Quebec, where unionizing is legal, affected jobs have remained either steady or have risen, suggesting that these unionization efforts have not negatively impacted jobs or competitiveness (Stan Raper, UFCW Canada Organizer, email communication 2015). Rather than focusing on increased wages, these contracts have emphasized providing workers with increased job stability and improved grievance procedures (e.g. seniority/recall rights, negotiated rent, a formal grievance procedure, and the provision of Spanish-speaking union representatives) (Ibid). These are all areas that improve conditions for workers without causing major financial burdens for employers.

Despite not having the legal ability to unionize agricultural workers in Ontario, the UFCW and its affiliate association, the Agricultural Workers Alliance (AWA), have provided support and advocacy for thousands of workers each year. Their support centre staff perform a plethora of services, from assisting workers with benefit claims and facilitating medical appointments, to hosting social and cultural events. Yet many employers are suspicious of these AWA support centres, located in four agricultural “hot spot” regions in Ontario,<sup>6</sup> and some even threaten their workers not to associate with them.

Often this sense of mistrust spills over into other community groups, whether they be advocates, service-providers (e.g. health, language education), church-based or otherwise. Over the past decade, dozens of community-based initiatives have emerged to support and engage workers, including not only labour rights groups, but also initiatives targeting language and social services, legal supports, church and religious-based programs, etc. (see Hennebry 2012). These groups have made tremendous inroads in providing workers with a measure of social inclusion and facilitated access to many services that were otherwise out of reach without employer assistance. Despite these gains, many employers remain skeptical of any external support systems. In some cases employers forbid workers from receiving visitors, restrict their activities during their free time, or actively discourage them from interacting with any such groups. This general sense of unease and distrust of migrant support groups, and some employers' attempts to keep workers from interacting with “outsiders”, has deep impacts on workers, whose social exclusion is already a major issue, and further compromises their community connectedness, access to services and social support (McLaughlin 2009; Preibisch 2003).

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<sup>6</sup>These include: Virgil, Simcoe, Bradford and Leamington.

This disconnect not only places workers in an uncomfortable “middle” position, but has also caused an unnecessary breakdown of community support that could truly benefit workers and employers. Many employers I interviewed discussed the “burden” of being the primary person upon whom migrant workers rely to access services in the community. For example, they may have to miss an entire day of work if they offer to take a worker to investigate a medical complaint and end up waiting in an emergency room. By increasing partnerships with local groups with a genuine interest in helping workers, who are often willing to transport, translate for and otherwise support workers, employers could receive some of this much needed assistance and lessen the load on their own demands, while at the same time fostering a sense of good will between workers, community members and employers. Some employers realize this, and have even transported or accompanied their workers to community clinics, cultural and rights-based events. Too many, however, remain skeptical and create barriers, either real or perceived, between workers and these much needed services.

## **Advancing Workers’ Rights Is the True Win-Win Scenario**

Over the decade of my involvement in migrant workers’ issues, I have repeatedly been frustrated by failed attempts to engage employers in productive dialogue about migrants’ rights. Although some employers have demonstrated genuine compassion for their workers, most have remained hesitant to engage in debates about how to advance their rights, seeing such dialogue inherently threatening to their interests. Employers have raised two main concerns. The first is that employers are weary of scrutiny that could result in negative publicity for their industry in general, or their particular business. The second concern is that they fear improving workers’ rights may hurt their economic interests. This, they assert, could happen in multiple ways. For example, instituting better housing conditions could mean farmers must pay for upgrades; allowing workers to unionize could result in paying increased wages; intensifying health and safety inspections could result in higher costs and compromise productivity; increasing migrants’ access to benefits could result in raised premiums; permitting workers time to socialize and develop connections in their communities could compromise their absolute availability and productivity on the job, one of their distinct labour advantages upon which they rely to remain competitive.

In a tough economic climate, in which employers around the world rely on similar low-cost and highly controlled labour arrangements, many employers fear that they cannot accommodate additional costs and regulations and remain competitive. For smaller family farms that are already at risk of closure, such concerns are particularly serious. For larger farms making sizable profits, these concerns may be less acute, although they still wish to maximize profits and minimize inputs, as is the case of any business.

While the economic concerns of employers, many of whom are facing high levels of stress and economic competition, should be taken seriously, I have two main arguments against those who refuse to engage in the debate on workers' rights. First, I believe advancing workers' rights and paying attention to their needs and wellbeing need not add significant costs to employers, and could in some cases even benefit them. For example, providing fans and window screens would be inexpensive and would increase workers' comfort, thus potentially boosting their productivity. Likewise, linking with community partners to support workers could lessen pressure on employers while increasing workers' level of contentment. When both workers and employers are happy with a labour arrangement, this can result in longer-term relationships, allowing workers to hone specific skills that they can apply over time, lessening training costs associated with high turnover rates. Second, I have seen too many cases of workers who have endured difficult conditions, with dire consequences to their health and wellbeing, to believe that the status quo is acceptable. Simply put, the prevailing system fails to ensure the protection of the most vulnerable workers. The power imbalance between workers and employers is so skewed that even in the best of employment relationships, workers normally do not feel empowered to raise concerns over difficult issues. The fundamental rules governing the SAWP, rather than individual employer-employee relationships are at the root of these difficulties, which emerge consistently in the research (e.g. Basok 2002; Binford 2013; Hennebry 2006; McLaughlin 2009).

Given these challenges, I have attempted to propose a different vision, arguing that advancing workers' rights need not be at the cost of employers' sustainability. Although there are certainly things that individual employers can do to improve conditions (e.g. providing a fan or internet connection; allowing workers a day off when needed), the fundamental changes to protect workers' rights must come at the federal and provincial levels. A more just and equitable system, in which workers are empowered to safely raise concerns when needed, is required.

How can such changes benefit employers? Consumers, particularly those who pay attention to the origins of their food (as is in the case in local, sustainable and ethical food movements, as described in this volume), will likely be more inclined to support operations and systems open to scrutiny and found to provide workers with humane and just conditions. If Canada can be recognized as a leader in labour rights, this can benefit the agricultural industry as a whole and increase the competitiveness of its products. Further, workers who lead a more balanced life with fair wages and benefits, adequate rest periods, health and safety safeguards, community connections, a comfortable living and sleeping environment and access to good healthcare, will likely make happier, healthier, more loyal and ultimately more productive and stable workforces (see Akerlof and Yellen 1990; Luce 2014). Workers facing fewer risks and assaults to their health and safety can be more productive, and are less likely to miss work time due to illness and disability (Burton et al. 1999). No one wants to see employers put out of business, especially not the workers whose livelihoods depend on their success. Without a doubt, the fortunes of farmers and farmworkers are inextricably linked. For most workers, higher wages are always appreciated, but according to the participants in my

research, a stable, comfortable and respectful place of employment are most important. Most of the proposed changes would not warrant significant cost increases for employers, but could produce social and health benefits for entire workplaces. Employers who are treating workers well have nothing to fear from increased scrutiny in place to ensure that workers who may in a less harmonious relationship are protected.

I have proposed various examples of practices and policy changes. Many more policy changes have been discussed and are worth considering along a similar vein (see Faraday 2012; Hennebry and McLaughlin 2011; McLaughlin and Hennebry 2010; UFCW 2011). Individual employers can make many small and inexpensive changes to improve conditions for workers that need not threaten the viability of their operations. Some of these changes (e.g. connecting workers with existing health clinics and support services) may even save employers time and money.

Highlighting good practices through employer labelling (e.g. a labour rights-specific labeling system) enables exemplary employers to be rewarded with consumer confidence and preference. In some jurisdictions, such as Quebec and the United States, union-produced produce is labelled and promoted as a labour-friendly food choice. As awareness and concern around food system and labour issues become mainstream, many “foodies” are willing to pay a premium for products produced with labour conditions open to higher levels of scrutiny, regulation and certification, as the Fair Trade, and organic movements have shown. Many times when I have given talks on migrant workers, audience members ask me which farms they should support. I happily endorse the operations whose workers I have interviewed, and who I know are treated well. Consumers want to know more about their food’s origins. Such endorsements should be formalized and participating employers should be rewarded with increased patronage. Governments too are starting to invest more in sustainable regional food systems, as evidenced by Ontario’s 2013 Local Food Act. Improving the conditions for migrant workers would align better with social dimensions of sustainability and thus alleviate some of the concerns related to the paradox of local food relying on migrant labour.

The most fundamental and necessary change, however, is to empower workers to challenge negative conditions when they do occur, by changing the SAWP contract (e.g. revising provisions around employer-specific work permits, unilateral repatriation clause, restricting immigration rights, etc.). By rebalancing the power relationship within the SAWP system, the entire industry, which repeatedly faces criticism of worker exploitation, can benefit from ensuring that cases of abuse are minimized and when they do occur, are dealt with fairly and promptly. In short, it is in everyone’s interest to ensure a local food system that is truly sustainable, supportive, healthy, and built on foundations of compassion and justice for farmers and workers alike. Rather than shying away from these debates—or dismissing them as inherently adversarial—workers, employers, advocates, and governments should come to the table and devise solutions that achieve these ends.

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