



Health, Dignity and Human Rights: How a National Food Policy can Strengthen Justice with Migrant Farm Workers in Canada

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Summary of the issue:

The viability of Canadian agriculture depends on a rapidly growing number of migrant farm workers whose rights and freedoms are severely curtailed.¹ Migrant farm workers from Mexico and Caribbean Commonwealth countries come to Canada on temporary contracts through the Seasonal Agricultural Worker Program (SAWP). Initiated in 1966, the SAWP is driven by employers' labour demands and is based on bilateral agreements between Canadian and sending-country governments. Since 2002, employers have also been permitted to hire migrant farm workers from any country via less regulated agricultural streams of the Temporary Foreign Worker Program. Because of racialized global inequality, migrant farm workers face pressure to accept wages, working and living conditions that many Canadian workers avoid.²

There is a considerable gap between the rights migrant farm workers have on paper and the rights they can exercise in practice.³ Systemic problems migrant farm workers have reported include substandard housing and transportation, prolonged familial separation, employer expectations of hyper-productivity, and barriers to health care. Numerous levels of government have failed to uphold migrant farm workers' rights. The crux of the issue, however, is that migrant farm workers' employment permits are tied to their employers, and that they are ultimately deportable.

Vital Stats:

- Migrant farm workers are employed in all ten Canadian provinces.
- The number of migrant farm workers hired through the SAWP and other agricultural streams of the Temporary Foreign Worker Program grew from approximately 35,000 in 2008 to approximately 53,000 in 2015.⁴
- Employers are permitted to select workers based on their gender and country of origin, which acts as a code for race/ethnicity. The vast majority of migrant farm workers are men (e.g. approx. 97% of SAWP participants in 2013 were men).⁵
- Rates of repatriation are low, and employers often nominate the same workers to return each year. However, the threat of job termination and losing future opportunities to work in Canada is prominent among workers.
 - 56% of surveyed migrant farm workers in Ontario expressed a fear of deportation and/or had received threats they would be deported.⁶
 - Between 2001-11, 787 migrant farm workers in Ontario were repatriated to their countries of origin due to medical reasons. Only 1.7% of those repatriations occurred due to workers' requests.⁷
- Workplace health and safety issues for migrant farm workers include inadequate sanitation and hygiene on some farms. In a BC study of migrant and immigrant farm workers, 14% of respondents reported a lack of access to workplace washrooms, and 23% reported a lack of on-site hand-washing facilities.⁸

Solutions: What needs to be done:

Researchers have identified a suite of policies to support health, labour rights and a political voice for migrant farm workers in Canada.^{9,10,11,12} Many of their recommendations are relevant to other low-wage migrant workers in Canada's food system, such as restaurant and fish-processing workers. Providing open work permits would allow migrant farm workers to more easily leave problematic workplaces. Migrant workers' wages are automatically deducted for social benefits such as EI, and they should have full coverage under those programs. Access to workers' compensation and health care is particularly important for workers who have become ill or injured on the job. Provincial governments can ensure livable wages, full protection under employment standards (including union legislation), proactive legislation to prevent extortion by private recruiters,¹³ and random spot-checks for workplaces and housing.

The fundamental issue underlying low-wage migrant workers' lack of access to rights is a precarious immigration status. As evidenced by research on hog-processing workers in Manitoba, a two-step 'pathway' to permanent residency can intensify the unequal power dynamic between migrant workers and employers.¹⁴ Instead, workers and advocates have called for permanent resident status on arrival for all migrant workers.

National Food Policy Action

1. Permanent resident status on arrival for all migrant workers
2. Equal access to all social benefits programs (including Employment Insurance)
3. Ending the unilateral repatriations of migrant workers, and implementing an appeals process before workers are repatriated
4. Livable wages and full access to protections under provincial employment standards
5. Supporting worker-owned agricultural cooperatives

Key Resources for Further Reading

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Endnotes

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