

Think Local, Recruit Global:

A Report on the Role of Temporary Migrant Workers in Canadian Food Production

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April 23, 2010

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Introduction

Labour in Canada's agricultural sector is increasingly being sourced through temporary foreign work programs, which recruit noncitizens to come to Canada on work permits tied to a given employer. While these programs, such as the Seasonal Agricultural Workers Program (SAWP) and the Temporary Foreign Worker Program (TFWP), purportedly fill temporary shortages of Canadian citizen labour, data show migrant workers are becoming "permanently temporary"; that is, their role is no longer a temporary solution to Canadian labour shortages, but is indeed becoming necessary for Canada's economic success in a globalizing economy¹. The SAWP and TFWP are profitable because of the precarious position their participants are placed in by program conditions, which engenders fear of speaking out or asserting their rights. The conditions which create this precarious and exploitable workforce will be elaborated upon in the following paper.

This project seeks to add to the sustainable sourcing criteria which McGill Food and Dining Services (MFDS) and McGill's Purchasing Services, in conjunction with the McGill Food Systems Project (MFSP), are currently revising. The goal of this revision process is to better encompass concerns for environmental, economic and social sustainability in the university's purchasing policy, beginning with the "call for tender" procedure for distributors wishing to supply the independent residence cafeterias run by MFDS. Particularly at a time when "sustainability" is often equated with "local", it is essential for a sustainable purchasing policy to address the issue of temporary migrant workers in Canadian agriculture. This paper will offer recommendations for criteria which, by demanding transparency and accountability, are designed to help mitigate the exploitative conditions that migrant workers are often placed in.

¹ Sharma, N. 2008. On Being Not Canadian: The Social Organization of "Migrant Workers" in Canada. *Canadian Review of Sociology/Revue canadienne de sociologie* 38 (4):415-439.

That said, it must be acknowledged that the entirety of the issue cannot possibly be addressed at this level. The changes that MFDS can make at this time are constrained by fundamental problems in the current food system. In order for the sustainable purchasing criteria to effectively aid the McGill administration in choosing the food supplier which best balances environmental, economic and social sustainability, administrators must have access to detailed information regarding the location and conditions of food production². The majority of this knowledge is specific to the producer of a given commodity; however the size of McGill's residence cafeteria's orders and the setup of the current food system necessitate that food be purchased through distributors who in turn purchase from producers³. But, at the current time, the major distributors in Québec have stated that they are not willing or able to trace a product received by a customer back to its original producer, except in the case of a recall for public health reasons⁴. This practical inability to trace foods back to their source consequently means that even if producers were evaluated, there would be no way for MFDS to ensure its food was coming from the producers determined to be the most sustainable. Additionally, the precariousness of migrant farm workers is largely attributable to the conditions of certain federal programs and provincial legislation, rather than discrepancies between producers that can be controlled for by consumer choice (i.e. by choosing to support one producer over another).

As a result of these constraints, the recommendations in this paper are intended to be seen as incremental changes toward the disavowal of a discriminatory and exploitative system of procuring agricultural labour through the SAWP and TFWP. It is imperative that

² For an example of the volume of data required to compare between producers, see *Rethinking Food Choices at McGill: Creating Sustainability Criteria for Poultry and Greenhouse Tomatoes*, a 2009 report by a student research group in ENVR 401 in collaboration with the MFSP. It can be found <http://mfsp.wordpress.com/reports/>.

³ See the MFSP's *Farm to Plate: Understanding the Institutional Supply Chain* for a more in depth look at this system, available at <http://mfsp.wordpress.com/reports/>.

⁴ Interview with François Savard, representative of Gordon Food Services, October 2009.

these criteria be reviewed and revised regularly, as the food system develops and as the university's capacity to encompass sustainable purchasing policies grows. I will begin this report by tracing the historical emergence of the SAWP and TFWP, followed by an exploration of how the conditions of these programs, combined with provincial legislation and jurisprudence⁵, create a precarious and exploitable noncitizen workforce with restricted rights and voices compared to their citizen counterparts. Finally, I will offer recommendations for criteria to be included in the coming "call for tender" procedure for suppliers to the MFDS independent cafeterias.

Context: Trends in Canadian Agriculture

Similar to global trends, in the past four decades, Canadian agriculture has been characterized by expansion and consolidation; the number of farms has been steadily declining, while average farm size has grown, as has corporate control of these farms (see Figure 1)⁶. These trends have been in part caused by trade liberalization policies wherein, in order to remain economically viable in a globalizing market, farms must grow larger and larger to gain cost benefits that accompany economies of scale⁷. One important consequence is a race to the bottom in terms of production costs, which has led to a growing demand for so called "low skilled" wage labour⁸. A reliable source of cheap labour is essential to encourage and maintain capital investment, but because agriculture is

⁵ While the SAWP and TFWP are federally administered, labour and workplace health and safety legislation is provincially regulated and thus, discussion pertaining to the latter will be focused on Québec.

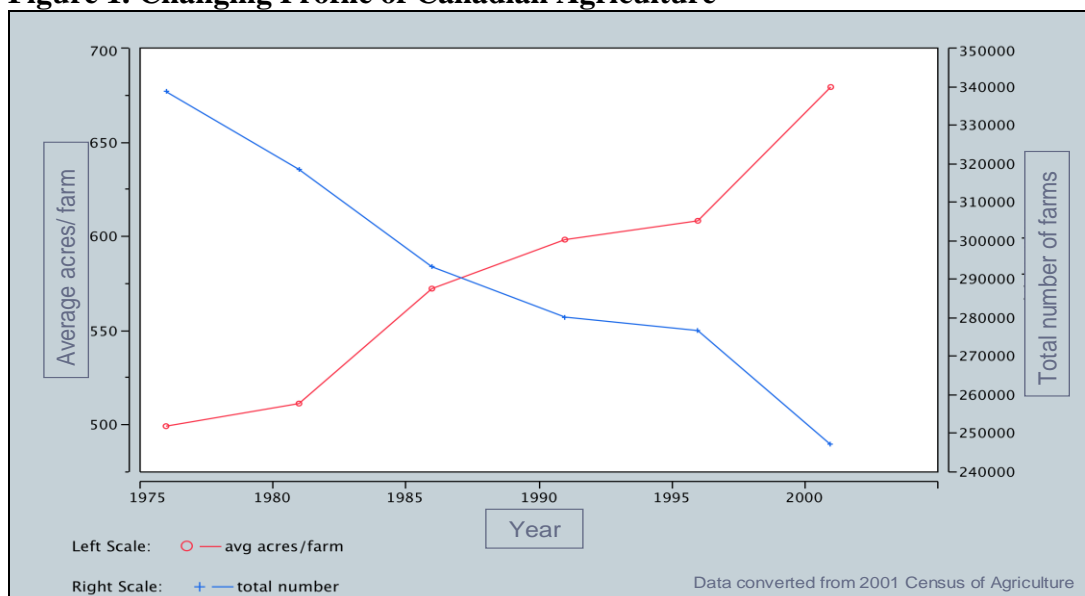
⁶ Preibisch, KL. 2007. Local produce, foreign labor: Labor mobility programs and global trade competitiveness in Canada. *Rural sociology* 72 (3):418-449; Statistics Canada. 2001. 2001 Census of Agriculture. Government of Canada. Ottawa.

⁷ Brem, M. 2006. Migrant Workers in Canada: A review of the Canadian Seasonal Agricultural Workers Program. edited by L. Ross. Ottawa: North South Institute; Preibisch 2007; Sharma, N. 2008. On Being Not Canadian: The Social Organization of "Migrant Workers" in Canada. *Canadian Review of Sociology/Revue canadienne de sociologie* 38 (4):415-439.

⁸ It is important to note that the "low skilled" worker category is based on the devaluation of manual work, and does not accurately reflect the importance of what these workers provide. Preibisch 2007.

among the most hazardous, strenuous and low paying sectors, and is often located in rural or remote areas, it is difficult to find employees⁹. It became more difficult with the development of provincial labour codes and workplace health and safety legislation, which improved working conditions for Canadians but in a few important respects, excluded agricultural workers from these new provisions¹⁰. For example, in Québec, farm workers' weekly minimum of one day of rest can be postponed, and they are not paid overtime¹¹. The comparative lack of legislative protection for agricultural workers is reflected in the declining percentage of children from farming families who pursue careers in agriculture, as they seek more secure, higher paying urban sources of employment¹². The aforementioned conditions combine to create a sector in which, as government and industry representatives frankly admit, most Canadians will not work¹³. The shortage of citizen labour led agricultural employers to lobby for a new source of employees.

Figure 1. Changing Profile of Canadian Agriculture



⁹ Sharma 2008.

¹⁰ Choudry, A, J Hanley, S Jordan, E Shragge, and M Stiegman. 2009. *Fight Back: Workplace Justice for Immigrants*. Winnipeg: Fernwood Publishing Co., Ltd.

¹¹ Gouvernement du Québec. 2001. *An Act Respecting Labour Standards*. edited by Commission des normes du travail. Québec.

¹² Statistics Canada 2001.

¹³ Sharma 2008.

Restricted Rights and Voices under the Seasonal Agricultural Workers Program

The federal government responded to farmers' demands in 1966 by creating the SAWP, a series of bilateral agreements between Canada and Jamaica and Barbados, which expanded to include all English speaking Caribbean countries¹⁴ in 1967 and Mexico in 1974. The program is jointly administered by Citizenship and Immigration Canada (CIC), Human Resources and Skills Development Canada (HRSDC), and the consulate of the sending country. Under SAWP, workers (largely men) are recruited to work temporary, "low skilled" contracts with specific employers that are granted by the CIC, if, in accordance with the Canadians First policy, a shortage of Canadian workers can be proven¹⁵.

While Canadian employers dictate the demand for workers and CIC determines who is eligible for work permits, the sending country is responsible for worker recruitment and all associated costs¹⁶. Sending countries compete with each other to provide the most reliable workers at the quickest response time, as the remittances sent back contribute significantly to these economies¹⁷. These same agents have the role of advocating for workers' rights but the two conflicting incentives limits the strength of advocacy for workers in the event of a complaint and in annual negotiations¹⁸. Unequal representation is one of many ways in which employers are granted power by this program. Employers also have full discretion:

¹⁴ This includes Trinidad and Tobago, Grenada, Antigua, Dominica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Monserrat.

¹⁵ Human Resources and Skills Development Canada. 2009. *Seasonal Agricultural Workers Program*. HRSDC Publication Services. [Accessed February 2010] Available from http://www.hrsdc.gc.ca/eng/workplaceskills/foreign_workers/ei_tfw/sawp_tfw.shtml.

¹⁶ Brem, M. 2006. *Migrant Workers in Canada: A review of the Canadian Seasonal Agricultural Workers Program*. edited by L. Ross. Ottawa: North South Institute.

¹⁷ Ibid; Choudry et al 2009.

¹⁸ Preibisch 2008; United Food and Commercial Workers of Canada (UFCW). 2007. *The Status of Migrant Farm Workers in Canada 2006-2007*. Toronto.

- as to which employees return to their farm: through the process know as “naming”, employers can request certain workers back by name, in some cases for up to 20 consecutive years¹⁹.
- to fire an employee for “any significant reason”, which have reportedly included falling ill, questioning wages, and refusing unsafe work²⁰. Since a worker’s permit is tied to a specific employer, to be fired is to lose one’s status in the country.

This differential power is particularly important for temporary migrant workers because the threat of deportation combined with the prospect of not being ‘named’ in the coming seasons engenders fear of speaking out or detesting sub-standard conditions²¹. But, as they are currently set up, the SAWP and TFWP rely on worker complaints to determine whether employers are abiding by the program rules or provincial labour standards; the Commission des normes du travail (CNT) and the Commission de la santé et de la sécurité du travail (CSST) will only perform workplace inspections upon receipt of a complaint²².

Unequal Representation for Employers and Employees

In 1987, true to trade and economic liberalization trends, the HRSDC relinquished administrative control of the SAWP to FARMS/FERME, a non-profit, member (i.e. employer) funded and driven company²³. Simultaneously, the cap on how many permits were granted was removed, and the number of SAWP workers increased 15 fold the next year (see Figure 2)²⁴. The move also increases employer representation in annual

¹⁹ Choudry et al 2009.

²⁰ Brem 2006, 13.

²¹ Choudry et al. 2009.

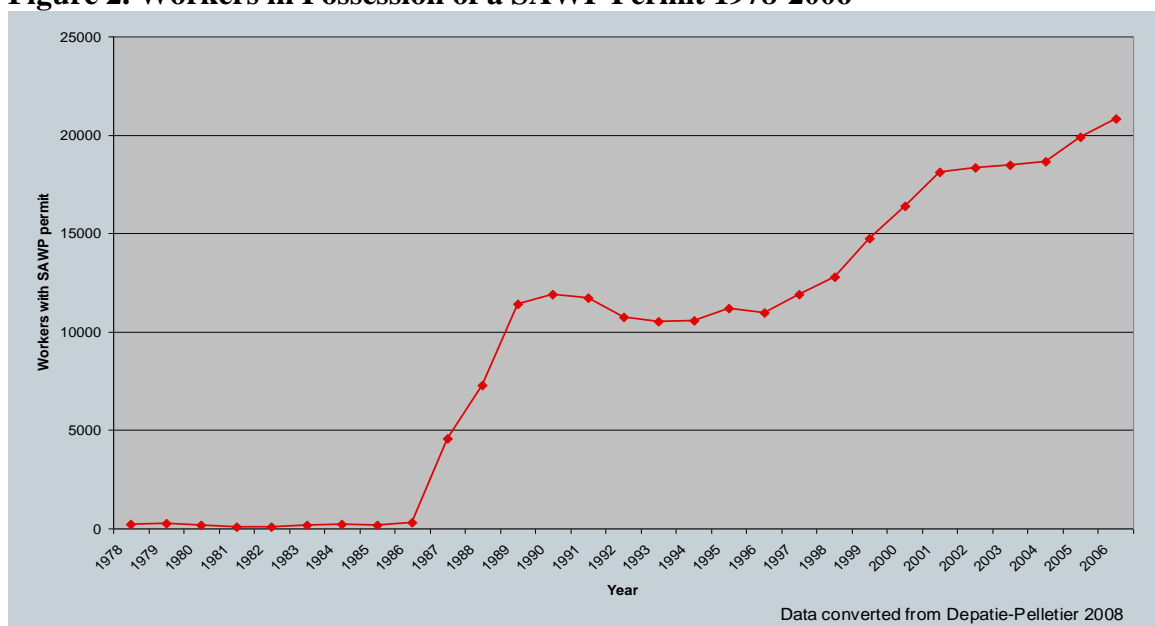
²² Personal interview with representatives of the CNT and the CSST, November, 2009.

²³ Foreign Agricultural Resource Management Services/ Fondation des Entreprises en Recrutement de Main-d’œuvre Agricoles Étrangère; Brem 2006 ; Preibisch 2008.

²⁴ Depatie-Pelletier, Eugenie. 2008. Under legal practices similar to slavery according to the UN Convention: Canada’s “non white” “temporary” foreign workers in “low-skilled” occupations. In *10th National Metropolis Conference*. Halifax.

negotiations, which is particularly unjust considering the inability of SAWP workers to bargain collectively. Collective bargaining rights allocated to the majority of Canadian citizens are denied to agricultural workers in Ontario and Alberta. In Québec, until April 2010, while not explicitly forbidden, Article 21 of The Québec Labour Code required that there were three ordinary and continuous employees- obviously a problem for those employed in seasonal or otherwise precarious work²⁵. In an April 16, 2010 decision, the Québec Labour Standards Board ruled that all workers, including seasonal and temporarily employed migrant workers, have the constitutional right to bargain collectively²⁶. We have yet to see how this decision will practically affect migrant workers participating in SAWP.

Figure 2. Workers in Possession of a SAWP Permit 1978-2006



²⁵ Gouvernement du Québec 2001; United Food and Commercial Workers of Canada. *UFCW Local 501 applies at another Québec farm* 2008 [Accessed March 2010]. Available from <http://www.ufcw.ca/Default.aspx?SectionId=af80f8cf-ddd2-4b12-9f41-641ea94d4fa4&LanguageId=1&ItemId=86d78d8b-1e4c-4a86-aca8-1711f97f3b09>.

²⁶ United Food and Commercial Workers Canada. *UFCW Canada union victory for Québec farm workers* 2010 [Accessed April 2010]. Available from <http://www.ufcw.ca/Default.aspx?SectionId=af80f8cf-ddd2-4b12-9f41-641ea94d4fa4&LanguageId=1&ItemId=e938e593-b5a9-4abc-82e9-10b598ef2a63>.

Increasing Precarity under the Temporary Foreign Worker Program

Despite the clear position of power that employers are already in, they continue to demand a more flexible, less regulated workforce. These demands were met in 2003 with the initiation of the TFWP, an expanded and deregulated program modeled on SAWP. The TFWP expands employment possibilities to new sectors and is organized outside of bilateral agreements, meaning that there are no annual negotiations with sending governments, and that workers can be recruited from anywhere in the world²⁷. This means that if one workforce begins to demand rights, employers can easily hire a completely different set of workers. As one worker observed, this effect can already be seen: “they see that Mexicans are showing their claws and want to defend their rights, so now they prefer Guatemalans because they are more silent”²⁸. The length of stay has been extended to up to two years, but participants, as in SAWP, remain unable to apply for permanent residence in Canada. In addition to the restrictive conditions of the SAWP, participants pay for their accommodation, and are not guaranteed a minimum work week or contract length (SAWP dictates a minimum of 240 hours over 6 weeks). Finally, both SAWP and the TFWP restrict participants’ rights in the following ways:

- While federal regulations state that temporary migrant workers must be paid the **prevailing wage rate** in their sector, studies have shown a tendency for temporary migrant workers to be underpaid compared to Canadian workers²⁹.

²⁷ Canada, Human Resources and Skills Development. *Temporary Foreign Worker Program 2010* [Accessed March 2010]. Available from http://www.rhdcc-hrsdc.gc.ca/eng/workplaceskills/foreign_workers/index.shtml.

²⁸ Choudry et al 2009, 69.

²⁹ Weston, Ann. 2007. *The Changing Economic Context for Canada's Seasonal Agricultural Workers Program*. North South Institute.

- That one's status is tied to a specific employer means that workers within this so called "**labour mobility** program" means that these workers do not have the mobility to freely sell their labour as Canadians do³⁰.
- Further limiting their mobility is the requirement that they **live on the property of their employers**, who have full discretion to impose safety, discipline and property rules³¹. See Box 1 for a case example illustrating the effects of this condition.
- It is practically impossible for SAWP employees to collect **Employment Insurance**, despite the fact that it is deducted off of their paycheques, because unemployment inevitably leads to deportation³³.
- Similarly, while all foreign workers in Canada in theory have the same right as citizens to **contest termination before the law**, deportation again means that this is impossible without returning to Canada with refugee status³⁴.
- While participants are covered under **provincial health insurance**, workers are often dependent on their employer both for sick leave and for transportation to a hospital or clinic. See Box 2 for a case example illustrating the effects of this condition.

Box 1. Fraisebec

In 2007, Fraisebec, one of the largest Québec strawberry producers, was exposed for having 60 Guatemalan workers employed under the TFWP and living on site who were forbidden from leaving the premises or from having visitors. ³¹

³⁰ Preibisch 2008.

³¹ Choudry et al 2009.

³² Ibid.

³³ Human Resources and Skills Development Canada 2009; UFCW 2007.

³⁴ Choudry et al 2009.

Box 2. Savoura Greenhouses

In a letter to the Guatemalan Consulate and Canadian and Quebec immigration authorities, a former TFWP participant describes his employment at Savoura Greenhouses: “Any conduct that can be interpreted as inadequate by the company foreman is used to threaten us with repatriation to our country. This happened to me. We do not get paid the wages owed to us, nor do we get a notice of end of contract, and the price of the plane ticket is deducted automatically from our pay. Additionally, our family members are prohibited from participating in the temporary workers’ program.” This worker alleges that he was dismissed for advocating that his fellow employee who had fallen ill after applying pesticides be taken to the hospital, and organizing a work stoppage after a week of the employers’ refusal to do so. He was deported back to Guatemala, but is one of the only workers to have returned to Canada as a refugee in order to file a complaint with the CNT. The case is still being investigated.

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While the case has not yet been investigated by a legal body, the worker’s story in Box 2 illustrates how the structural conditions of the SAWP and TFWP are not only in themselves exploitative, but leave participants vulnerable to exploitation and ill-treatment by employers. **What underlies all of these injustices is the threat of deportation and the fear and silence it engenders.**

Migrant Workers Becoming “Permanently Temporary”

As noted earlier, it is particularly important to examine the working conditions of SAWP and TFWP participants in the current context where the quest for “sustainable” food is often equated with increasing local consumption³⁶. My aim is not to disprove this connection, but to bring to light the fact that in Canada and Québec, local food is increasingly being produced by foreign labour. In the past decade, Canada has become a net exporter of six out of the eight crops where SAWP workers are hired (apples, tomatoes,

³⁵ Christoff, S. 2009. Migrant farmhand speaks out about abuse on Quebec tomato farm. *The Hour*; Santos, NRA. 2009. Letter to the Consulate of Guatemala in Montreal, Canadian and Quebec immigration authorities, temporary agricultural farm workers, all workers in Quebec and Canada and the public opinion. Montreal.

³⁶ Pollan, M. 2006. *The omnivore’s dilemma: a natural history of four meals*: Univ California Press; Weber, CL, and HS Matthews. 2008. Food-miles and the relative climate impacts of food choices in the United States. *Environ. Sci. Technol* 42 (10):3508-3513.

tobacco, cucumbers, peaches, cherries, ginseng, and greenhouse tomatoes)³⁷. This workforce is becoming “permanently temporary”, as the amount of workers participating in them is overtaking the number of citizens in some sectors. For example, the number of citizens employed in Ontario and Québec horticulture industry alone declined from 20,380 in 1983 to 14,778 in 2000, while the number of SAWP workers increased from 4,564 to 16,269 over the same period³⁸. In Canadian horticulture temporary migrant workers now represent 18% percent of the total workforce and 53% of the workforce in SAWP employing sectors³⁹. People destined to enter the workforce with permanent status have shifted from 57% in 1973 to 30% 20 years later, while the remaining 70% were workers entering with temporary status⁴⁰.

Where Canadian residents or citizens are employed, they are most often poor, recent immigrants- or people without status- and are often characterized as “unreliable” by their employers. For example, an article in Canadian Poultry Magazine states that a chicken catching company had previously “...had so much trouble finding catchers that we had to accept such unacceptable behaviour [as taking illicit drugs on the job]” but that “a major part of the solution came... when [we] started hiring guest workers from Guatemala... Workers from Québec know that they can be replaced”⁴¹. The differentiation between reliable and unreliable workers is often conflated with race, gender, ethnicity or nationality, but as Nandita Sharma argues in *On Being Not Canadian*, “what allows migrant workers to be used as a cheap and largely unprotected form of labour power are not any inherent qualities of the people so categorized but state regulations that render them powerless”⁴². It

³⁷ Preibisch 2008.

³⁸ Ibid.

³⁹ Brem 2006.

⁴⁰ Sharma 2008.

⁴¹ Dumont, A. 2010. A Tough Job: Farmers can help make it easier. *Canadian Poultry Magazine*.

⁴² Sharma 2008, 425.

is by facilitating this conflation that the SAWP and TFWP act to perpetuate racist stereotypes as well as to create severe disincentives for workers to be anything but reliable.

How the Discourse of Citizenship Legitimizes Exploitation

The common sense logic of citizenship legitimizes the differential rights created by the conditions of the SAWP and TFWP, by implying that the temporary noncitizen workforce is unquestionably not deserving of rights equal to citizens⁴³. For example, in a 1971 discussion in the House of Commons, when asked whether unemployed citizens rather than “offshore” workers could be encouraged to work in “low skilled” jobs by increasing social benefits, Prime Minister Pierre Trudeau replied: “No... the government will not commandeer the work force. The whole political philosophy of the government is based on freedom of choice for citizens to work where they want”⁴⁴. It is clear that freedom to choose where one wants to work is a right reserved for citizens but also, that such a statement is not openly acknowledged as contradictory, is evidence of how citizenship naturalizes the existence of two sets of rights. The importance of these workers to the Canadian economy is clearly at odds with their temporary, noncitizen status but it is precisely their non-citizen status which allows for the legitimization of differential rights that are essential to their economic value.

Breaching the Canadian Charter of Rights and Freedoms and the UN Convention on the Abolition of Slavery

The unequal rights just discussed are also in breach of a number of Canada’s statutes which in theory protect all people in Canada, citizens or otherwise. That SAWP and TFWP

⁴³ Sharma 2008.

⁴⁴ Ibid, 433.

workers' permits are tied to one employer goes against the right to liberty and security of the person and freedom of association in Canadian Charter of Rights and Freedoms⁴⁵. These rights restrictions stand in stark contrast to those afforded to so called "high skilled" workers or temporary workers coming from wealthy predominantly white countries⁴⁶. Both high skilled workers with a temporary work permit and low skilled workers from certain countries, the majority of which are in Europe or the British Commonwealth,⁴⁷ are allowed to seek permanent status in Canada and neither are restricted to one employer nor repatriated upon termination of employment⁴⁸. And, while these programs are purportedly beneficial for the economic empowerment and livelihoods of people in so called developing countries, they are in effect akin to slavery. As Eugenie Dépatie-Pelletier argues, the conditions set up by the SAWP and TFWP are in breach of the *UN Supplementary Convention of the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, which Canada ratified in 1957. According to this agreement, the "condition or status of a tenant who is by law, custom or agreement bound to live on land belonging to another person and to render some determinate service to such another person, whether for reward or not, and is not free to change his [sic] status" should be abolished at any cost⁴⁹. SAWP prohibits participants from seeking permanent status once in Canada, and both SAWP and TFWP workers are required to live on their employer's property⁵⁰.

⁴⁵ Dépatie-Pelletier, E. 2008. Under legal practices similar to slavery according to the UN Convention: Canada's "non white""temporary" foreign workers in "low-skilled" occupations. In *10th National Metropolis Conference*. Halifax.

⁴⁶ Dépatie-Pelletier 2008.

⁴⁷ These include Armenia, Australia, Austria, Belarus, Belgium, Czech Republic, Denmark, Finland, France, Germany, Italy, Ireland, Japan, Latvia, Netherland, New Zealand, Norway, Peru, Poland, Romania, Russia, Slovak Republic, South Africa, South Korea, Spain, U.K., U.S.A., Argentina, Brazile and Chile.

⁴⁸ Dépatie-Pelletier 2008.

⁴⁹ United Nations High Commissioner for Human Rights. 1957. *UN Supplementary Convention of the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*. Geneva.

⁵⁰ Dépatie-Pelletier 2008.

Conclusion

As we have seen, “what distinguishes the SAWP and TFWP is the workers’ extreme vulnerability and isolation that are structured into programs- a precarity created by, condoned and actively coordinated by the Canadian state”⁵¹. Such exploitative conditions are unacceptable, especially considering their active recruitment by the Canadian state as part of a strategy to remain economically competitive in a globalizing market. The recommendations that follow, attempt to provide MFDS with ways to mitigate these exploitative conditions through consumer choice.

Recommendations for Criteria

As I mentioned in the introduction, the volume and specificity of information that MFDS can receive is constrained by the food system which necessitates that commodities be procured from producers via distributors. As an initial step in the process of gaining full transparency, I am recommending that the applicant (distributor) provide the following information for itself, as well as its top three producers by volume. In the future, if contracts do not begin to be negotiated directly with producers, the number of producers that distributors provide information for should be increased.

The following criteria are differentially weighted, with the total possible scores listed next to each title. The total possible score is 100%.

1) Letters for the CNT and the CSST 30%

Similar a requirement of the most recent “call for tender” for food service providers for MFDS, I am recommending that applicants be required to include letters from both the CNT and the CSST detailing their history of employee complaints over the prior 5 years.

⁵¹ Choudry et al. 2009, 58.

This would include a listing of all cases investigated or pending along with the reason for the complaint. The aim of this criterion is to give the MFDS an awareness of repeated complaints of offences by a given employer.

2) Worker Breakdown **5%**

This criterion would have employers provide a breakdown of the types of employees hired (full-time, permanent, temporary SAWP or TFWP, day labourers, etc). Employers should not be penalized for hiring temporary workers but rewarded for hiring permanent employees. It should be noted that only employers in the same industry should be compared in this way (for example, an operation which runs year round, such as a slaughterhouse, should not be compared with a seasonal one, such as field lettuce production).

3) Fulfillment of SAWP or TFWP contract **15%**

This criterion asks employers to provide information on what proportion of their SAWP and TFWP employees did not fulfill their original contract in the prior 5 years (that is, employees who quit or were terminated before the scheduled end of their contract) along with explanations why this occurred. Additionally, information should be provided as to whether the employer or employee paid their return airfare. Employers with high proportions of employees staying the duration of their contracts should be rewarded.

4) Type of Wage **5%**

This criterion asks whether employees are paid an hourly wage or a rate per unit. Being paid a given rate per unit is a disincentive to follow recommended or required safety procedures and hourly wages should thus be prioritized.

5) Union Representation **15%**

This criterion requests that employers provide information on what type of union

their employees are represented by, if any. The greater the union protection of employees, the more privileged the employer should be by the criteria (i.e. does the union represent ALL employees, including temporary foreign workers?).

6) HRSDC Monitoring Initiative **5%**

HRSDC began their Monitoring Initiative for farms participating in SAWP in April 2009. Although the goals of the initiative are to determine the need for temporary migrant labour in Canada, rather than to inspect living and working conditions, the HRSDC can report suspected failure to adhere to relevant employment legislation to provincial authorities⁵². As such, agreement to participate in the initiative is rewarded in these criteria. These inspections will serve to verify working conditions for all on-farm employees, including TFW, workers without status, and workers who are Canadian residents and citizens.

7) Access to Information **12.5%**

This criterion requests that employers photograph the areas where the appropriate CNT and CSST documentation on health and safety and complaint procedures are posted in the workplace. This will provide MFDS with the level of access to information the employer facilitates.

8) Appropriate Protection **12.5%**

Similar to 8), this criterion asks employers to photograph the stations where protection appropriate to the job is kept (for example, masks and other protection for application of pesticides, or metal gloves for repetitive cutting in a slaughterhouse). This of course, is not necessarily an indicator of actual use of protection, merely that the required protection is available for use.

⁵² Human Resources and Skills Development Canada 2009.

Total Possible Score

100%

I further recommend that the MFSP and MFDS take a strong stance against the SAWP and TFWP as they are currently organized by further pursuing ways of mitigating the exploitative conditions inherent in these programs through consumer choice and through communicating their stance to the appropriate government bodies.

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