

Workers for all seasons

The Diplomat July/ August 2006

*Can Pacific Islanders fill seasonal jobs in Australia? Canada has had such a scheme for 40 years.*

Peter Mares

Renewed unrest in Solomon Islands and East Timor has prompted debate about the ways in which access to the Australian labour market might help bring social stability to small island states. Australia has jobs with no workers - particularly in the rural sector - while the Pacific Island nations and East Timor have workers with no jobs. Such neat symmetry is appealing and temporary labour schemes may indeed be one strand of a solution to the complex development challenges faced by Australia's smaller neighbours.

However the devil of any scheme will be in the detail, as Canada's long experience with a seasonal agricultural workers program (CSWAP) makes clear.

The Canadian scheme began in rural Ontario, which has a long history of labour shortages. During World War II, gaps in the agricultural labour market were filled with the conscripted labour of German prisoners of war, interned Japanese-Canadians and conscientious objectors. After 1945 Canada turned to Polish military veterans and refugees who were admitted to Canada on the condition that they worked on farms for an initial period of one or two years. Concerted efforts were also made to mobilise domestic labour, from the unemployed to Indigenous Canadians, and even patients from psychiatric hospitals.

Caribbean governments had been lobbying Ottawa for access to the Canadian labour market from as early as 1947, much as Pacific Island governments are lobbying Canberra today.

Art Smith, CEO of the Ontario Fruit and Vegetable Growers Association, says a scheme finally got off the ground after his late father, himself a fruit-grower, took a vacation in Jamaica.

'I remember as a kid him coming home and talking about all these people standing there with nothing to do and ... we had all sorts of opportunities and not the people to fill the jobs. They had the people without the jobs, so it was a marriage made in heaven.'

### **Early days**

In 1966 an initial group of 264 farm workers came from Jamaica to assist with the harvest in Southwest Ontario.

The scheme soon expanded from Jamaica to include other island nations in the Caribbean and in 1974 Canada signed a seasonal labour agreement with Mexico. Now the number of migrants coming to Canada each year are approaching 20,000. While most workers still go to Ontario, the scheme is growing in provinces such as British

Columbia, Manitoba and Alberta.

Over time the foreign labour program has become a core feature of Canada's rural economy. 'If we did not have that program ... there would be no horticulture industry in Canada' Smith maintains.

In theory farmers need approval from government employment centres before they can employ offshore labour to certify that no Canadian workers are available to fill the jobs. In practice this requirement is perfunctory. Employers must pay an administration fee of CND\$35 per foreign worker and put up the cost of workers' travel to and from Canada (though around 40% of the fare can be re-couped as deductions from workers' wages).

Employers provide the migrant workers with free housing and must guarantee a minimum of 240 hours work over six weeks at or above prevailing minimum wage rates (CND\$8 per hour for fruit picking in 2005). Employers must also take out worker's compensation to cover industrial accidents.

Workers enjoy the same tax-free threshold as Canadian residents (\$15,000 per annum for a married worker) and contribute to mandated insurance and pension schemes. They are covered by the universal health care system (except in British Columbia), contribute to a pension fund and pay employment insurance, but cannot claim unemployment benefits.

On average seasonal agricultural workers come to Canada for four months, though some stay the maximum eight months allowable under the scheme. Hours are long (11-12 hour days for a six-day week are not uncommon) and there is no provision for overtime pay or penalty rates.

### **Benefits of the Canadian Scheme**

Ottawa's North South Institute has done a major study that shows CSAWP has benefits at a number of levels.

For Canadian growers and Canadian rural communities CSAWP increases labour reliability at times of peak demand, enabling growers to plan production increases with greater confidence.

Growers build up a skilled labour force, with the same workers returning each year, thus improving productivity and quality and reducing industrial accidents and crop spoilage.

The seasonal employment of foreign workers maintains and expands employment in higher skilled jobs, through the expansion of associated rural industries such as transport services, construction and food processing.

Local spending by migrant workers also provides an economic boost to Canadian country towns and helps to sustain local businesses and services. Employer groups estimates that 15,000 offshore seasonal workers coming to Ontario each year generate 84,000 direct jobs and 63,000 indirect jobs within the province.

For migrant workers, CSAWP provides an opportunity to earn wages far in excess of what is offered at home, without the smugglers' fees or risky journeys required to enter North America illegally.

Workers return home each year and use their savings and remittances to improve housing, nutrition, clothing and health care for their families. The children of migrant labourers are likely to stay longer in school.

According to the North-South study Jamaican workers spend up to 35 percent of remittances on children's education and there is a positive correlation between the number of years workers are employed in CSAWP and their children's school leaving age.

The advantage for governments in Mexico and the Caribbean is that recruitment for CSWAP can be targeted at impoverished regions, the unemployed and the landless, thus ensuring greater equity and spreading the developmental benefits of the scheme to priority areas.

For the Canadian government, CSWAP provides legitimate labour to jobs that would probably otherwise be filled by illegal workers. According to a government official, CSAWP has 'more or less eradicated the employment of undocumented workers in agriculture' in Canada.

### **Overstaying**

When such schemes are discussed for Pacific Island workers in Australia, a persistent concern is that the workers will fail to go home when the harvest is over. This has not proved a problem in Canada.

Of the 15,123 workers who entered Ontario under CSAWP in 2004, only 221 (or less than 1.5%) were listed as being AWOL (absent from their jobs without leave) and all had left Canada by the end of the year. Initially, the low overstay rate was engineered through recruitment criteria that were skewed to select those seasonal workers deemed most likely to return to their homeland - married male workers with dependent children. Recently however, the scheme has also been opened up to women and single men.

Most analysts agree that it is the circularity of the scheme (with workers anticipating a return to work in Canada the following year) that explains the low overstay rates: workers can maintain contact with their family without giving up their capacity to earn a Canadian wage. Tanya Basok, author of a book on CSWAP called *Tortillas and Tomatoes*, says circularity offers the workers a degree of security that reduces the incentive to disappear into the community.

### **Problems**

Despite a reputation as a model of best practice, the Canadian scheme has many problems. The United Food and Commercial Workers (UFCW) union in Canada

describes CSAWP as ‘Canada’s shameful little secret’ and one researcher refers to it as ‘a revolving door of exploitation’.

Last October 32 Mexican blueberry harvesters walked off a farm in British Columbia. They had lived in unheated construction trailers and cooked on outside propane stoves for three months, with 44 pickers sharing a single washing machine and no clothes dryer. They had put up with these conditions while earning C\$8.30 per hour picking blueberries, but when the summer ended the workers were moved on to picking mandarins at piece rates. They claim they were earning just C\$24 for a 10-hour day.

In Ontario, where most migrants are employed, agricultural workers are effectively prevented from organising in trade unions and are not covered by effective workplace health and safety legislation.

A distinctive feature of the Canadian scheme is that it operates under an umbrella of bilateral (government to government) agreements, which provide a formal mechanism for workers to raise grievances through their diplomatic mission.

However the consular liaison officers appointed to look out for the workers suffer from a conflict of interest: maintaining good relations with Canada and the smooth operation of the scheme versus taking up the fight on behalf of individual workers.

As one former contract worker from Mexico puts it, a complaint to a consular official ‘enters in one ear and goes out the other’. Union organiser Stan Raper says that it is simpler for consular officials to replace workers who raise concerns in the workplace than to address the root cause of their complaints.

A structural feature of the program is that workers are essentially bonded to a particular employer for the duration of their stay in Canada. Employers have the power to send migrant workers home before their contracts expire, on the basis of ‘non-compliance, refusal to work, *or any other sufficient reason*’.

Workers can be trapped in exploitative or abusive situations with very little power to refuse unreasonable demands such as working excessive hours or in unsafe conditions. Nandita Sharma from York University says workers are ‘indentured’ and forced to accept conditions that would be ‘unacceptable to those with the legal rights to be “free” in Canada’.

Tanya Basok argues that it is this lack of rights, rather than a willingness to accept low wages, that makes migrant workers particularly attractive to employers. Canadians ‘are not willing to be chained to the job’ whereas temporary migrants, removed from their social and familial context, do not have ‘family obligations, church commitments, friendship ties and personal needs that require them to take time off work’.

Another problematic aspect is the provision of on farm accommodation. Mark Parent, Director of Occupational Health Clinics for Ontario Workers, describes workers living in a dark cement basement with no electric lighting and running water supplied from an outdoor hose.

The trade union UFCW Canada says workers have been housed in accommodation 'directly attached to or located directly over greenhouses' which contain chemicals, fertilizers, herbicides, and industrial equipment.

A less obvious problem with on-site accommodation is that it gives employers a high degree of control over farm workers' lives both on and off the job. While farmers have no legal power to restrict workers' movements out of work hours, University of Guelph researcher Kerry Preibisch notes that 'some employers prohibited workers from leaving the property'.

For three and a half decades, Canada's seasonal agricultural workers program operated with almost no public scrutiny. Today unions are involved in legal and political action to protect and extend the rights of temporary workers; church groups and community organisations are reaching out to the foreign workers living in their towns with language classes and cultural events; and the media has exposed cases of abuse, unsafe workplaces and inadequate housing.

As a result, pressure is growing to improve the scheme and give the workers themselves more say in its operation. If Australia is to go down the path of seasonal labour schemes for the Pacific, then we should learn the lessons of the Canadian experience and design a scheme that protects the rights and dignity of migrant workers by upholding their right to organise and voice their grievances.

A seasonal labour scheme to pick fruit or fill other jobs in rural Australia is not a panacea for Pacific Island nations or East Timor. On its own, such a scheme will not end unemployment, guarantee social stability or transform the economic development prospects of small island states. Nevertheless such a scheme does have the potential to make a material difference to the well-being of significant numbers of workers, their families and home communities – especially those living in rural areas and outer islands. It has the potential to significantly ease the seasonal labour shortages that hold back Australia's horticultural industries and would be welcomed by neighbouring countries as a significant gesture of goodwill from Canberra. We can learn from Canada's experience and at least give seasonal labour schemes a test run.

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