



Migrant Workers and Changing Work-place Regimes in Contemporary Agricultural Production in Canada

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Abstract. Contemporary processes of globalization have had significant implications for food systems around the world. The adoption of neo-liberal policies on a global scale, changing systems of governance in supply chains, and the development of new technologies have transformed how food is produced and consumed. Although the implications of these changes for the labour sustaining agri-food systems have received scant attention in the literature, research suggests they are profound. In this article, I seek to further our knowledge of how these processes are unfolding in a high income country context through a focus on Canada, examining in particular how changes to immigration policy have rendered work in Northern agri-food industries more precarious. In so doing, I seek to contribute to theoretical debates on the role of the state in regulating work-place regimes and managing capitalist accumulation in agriculture.

Introduction

For at least three decades, agri-food systems around the world have been undergoing significant changes. The adoption of neo-liberal policies on a global scale, changing systems of governance or regulatory regimes, growing concentration and integration within supply chains, and the development of new technologies are among the processes transforming the ways in which food is produced and consumed (McMichael, 1996; du Toit and Ewert, 2002; Busch, 2010; Carton de Grammont and Lara Flores, 2010). The implications of these changes for the workers and their households employed in the contemporary global food system is a topic that has received little

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scholarly attention (Carton de Grammont and Lara Flores, 2010). Yet the limited literature available indicates that the scale of processes underway holds profound implications for labour–capital relations in agriculture. Within some developing countries, the precipitous growth of non-traditional agricultural export production, integrated in buyer-driven supply chains dominated by corporate retail giants, has had significant impacts on paid farm labour. For example, exporters seeking to comply with quality-driven requirements and supermarket procurement systems have adopted new technologies and managerial strategies of organizing the work-place (Selwyn, 2007; Carton de Grammont and Lara Flores, 2010). The consequences for workers have included a trend towards flexible labour with reductions in regular farm employment, an extension of growing/harvesting seasons, a move away from on-farm employment, deepening gender and racial segmentation, and the intensification of work (du Toit and Ewert, 2002; Dolan, 2004; Kritzinger et al., 2004; Carton de Grammont and Lara Flores, 2010). These processes have fundamentally changed how workers experience their jobs and how and where they live. Productivity gains appear to have come at the cost of labour, with most studies pointing to deepening precariousness of farm work (Barrón and Rello, 2000; Barrientos et al., 2003; Dolan, 2004; Carton de Grammont and Lara Flores, 2010). Changes in the organization of work have also shifted internal migration and settlement patterns, with considerable consequences for farm workers' households (Dolan, 2004; Carton de Grammont and Lara Flores, 2010).

The implications of transformations in the global food system for waged work within high income countries – where agriculture maintains the livelihoods of significantly fewer people – also remain under-investigated, despite suggestions from existing studies that considerable change is underway. This literature, while dominated by research on one contingent of the work-force – international migrants – shows convincingly the importance of this labour force to capitalist accumulation in agriculture (Friedland et al., 1981; Martin, 1988; Mitchell, 1996). More recently, scholars have documented the dispersal of an ever-larger migrant work-force outside of traditional zones of labour-intensive agriculture and across a wider range of agri-food industries (Martin, 2002; Guthman, 2004; Griffith, 2006). The rising employment of international migrants has also been documented in other high-wage countries over the past decade; in Europe, migrant workers are becoming, or now constitute, the dominant work-force in labour-intensive agriculture (Kasimis et al., 2003; Frances et al., 2005; Rogaly, 2008; Labrianidis and Sykas, 2009; Rye and Andrzejewska, 2010). The implications for farm labour have included downward pressure on wages, the persistence of sub-standard working conditions, and new forms of labour discipline (Ruhs, 2006; Plewa, 2007; Rogaly, 2008; Labrianidis and Sykas, 2009; Rye and Andrzejewska, 2010).

This article focuses on Canada to contribute to our knowledge of contemporary labour–capital relations in high-income country agriculture and the role of migrants within the global food system. In particular, I investigate recent modifications to the country's temporary migration programs and show how these have rendered work in agri-food industries more precarious. Greater availability of migrant workers across industries and regions, the creation of a global labour pool of workers on temporary visas, and shortcomings in government regulation have all combined to create a much more competitive agricultural labour market, with adverse outcomes for the work-place regimes encountered by those employed at the bottom end of Canada's food system. While not discounting the rising importance of private regu-

lation in the global food system, the article underscores the continued role of state intervention in procuring reservoirs of labour and influencing labour market policy, thus challenging the persistent portrayal of a retreating state within some interpretations of contemporary processes of globalization.

Globalization, Work-place Regimes, and State Regulation

Michael Burawoy (1985) reminds us to conceptualize production as containing not only economic elements but political and ideological ones as well. His concept of work-place regimes encompasses the social organization of production – the labour process – and the political apparatuses that reproduce it through the regulation of struggles, or ‘production politics’ (1985, p. 122). The concept of work-place regimes thus considers the set of labour arrangements that comprise the productive process, the negotiations that shape them, and the range of actors involved (Burawoy, 1985; Rutherford, 2004; Rogaly, 2008). Particular attention is given to the role of state intervention in the labour market and the nature of labour relations (Burawoy, 1985; Rutherford, 2004). Complementarily, Selwyn (2012) provides a constructive analysis of Elger and Edward’s (1999) framework of the regulation of labour regimes involving states, employers, unions and workers in which the state is characterized as acting institutionally to structure the work process, the labour market, and the political representation of labour. The forms such regulation takes vary spatially and temporally, particularly as the result of changing relations between the actors involved and in relation to other processes, such as the global integration of markets. This echoes Burawoy’s (1985) insistence on the importance of the national context (among other scales) in influencing the character of workplace regimes. Moreover, Selwyn’s analysis does not see states as neutral arbiters of capital–labour relations or reactive to the needs of ‘capital’ or specific capitalists, but rather *managers* of the process of capitalist development. Thus while ‘organized capital and the state often collaborate to construct regimes of accumulation designed to weaken workers’ bargaining power’, work-place regimes are contested political terrain in which labour also tries to position itself advantageously (Selwyn, 2012).

This analysis of the state is important when considering immigration policy and agricultural production in the contemporary context. As Sharma (2006) argues, the portrayal of a retreating national state is alive and well within debates on the character of globalization. Such assumptions regarding the state have been adopted within the migration studies literature, where some scholars define globalization as ‘the multiple and varied social, economic, political, as well as cultural processes through which nation-states are traversed and weakened’ (Lem and Gardiner Barber, 2010, p. 1). Indeed, it is not uncommon in the agri-food literature for the retreat of the state to be identified as a globalizing process (Selwyn, 2009, p. 762). Recent theorizing within the political economy of food cautions against this. In Lawrence Busch’s analysis of how the neo-liberal project has been enacted in the agri-food sector (2010), he argues that ‘despite the rhetoric of deregulation, of a neoliberal “withering away of the state”, the state has actually grown in scope’ and provides evidence of how the state now regularly produces the legal and regulatory frameworks as well as bureaucratic structures that support and induce the creation of markets. Ironically, these have included new forms of governance such as tripartite standards regime that are accountable only to themselves and outside the purview of democratically elected legislatures. According to Pechlaner and Otero (2008), state promotion of policies

associated with neo-liberal globalism such as these should be conceptualized as a form of neo-regulation rather than deregulation in order to emphasize a modified, rather than diminished, state.

With relation to labour, Sharma argues that most states are increasingly regulating nationalist labour markets through immigration policy, particularly through the procurement of migrant workers that are unfree, more easily regulated, and cheaper (2006, p. 50). Immigration policy thus serves as a means to organize and restructure employment relationships by making weakened and cheapened forms of labour available and thereby infusing greater competition in national labour markets. In addition to implementing temporary migration policies, states may also enact restrictive borders and asylum policies to cheapen and weaken other groups such as refugees (Giles, 2010) and undocumented migrants (Heyman, 2010; Però, 2010) through an imposed, differential status. Immigration restrictions thus function not only to exclude people from impoverished nation states (Richmond, 1994) but to differentially include them (Sharma, 2006). Widening inequality between the North and the South in terms of income and human security has only amplified the relevance of immigration policy as a site of labour market regulation. As the incorporation of migrant labour in the high-income world rises and extends into new industry sectors, agriculture provides an illustrative, protracted history of state collaboration with employers to subjugate farm labour through discriminatory legislation and the supply of labour reservoirs that is over a century old. As Griffith (2006) has argued in the case of the United States, agricultural employers distinguish themselves as having successfully shaped immigration policy to meet their labour needs since at least the Second World War. Satzewich's (1991) critical history of farm labour in Canada makes a similar case.

In what follows I provide a detailed analysis of changes to Canada's temporary migration programs and their implications for work-place regimes in agriculture. This analysis draws on secondary documents as well as extensive primary research carried out within a program of research focused on the social relations of labour-intensive agriculture in Canada. It relies principally on in-depth interviews with a diverse set of stakeholder participants in Ontario and British Columbia conducted between 2002 and 2010, including 39 civil servants in Canada and migrant-sending countries, 39 employers and industry representatives, and 122 migrant workers.¹ The article is also informed by interviews with Canadian farm workers and members of outreach or advocacy organizations. The research sought to protect the anonymity of all participants, particularly migrants who were interviewed without their employers' knowledge, off farm premises, and in English or Spanish. All interviews were transcribed and imported into a qualitative data analysis software program that was used to organize the data for analysis. The article further relies on ethnographic insights from field research that inform (and often contradict) interview content and my participation in various multi-stakeholder forums on migrant labour issues.

Temporary Migration Programs and Canadian Agri-food Industries

Temporary migration programs are a contemporary piece of farm labour history in Canada, a history that can be characterized similar to descriptions of California agribusiness as 'a succession of labour reservoirs' composed of immigrant and racialized workers that either voluntarily leave – or are forced out – of agriculture

(Burawoy, 1976, p. 1064). Since Confederation in 1867, the Canadian state has had various levels of involvement in facilitating the supply of low-wage labour to farms. Early sources (1870–1930) included Chinese immigrants who were legally barred from working in more desirable occupations (Wong, 1988) and impoverished, often orphan British children who laboured as indentured servants in exchange for Canadian citizenship upon adulthood (Bagnell, 2001). During the Second World War, the Canadian state intervened directly to supply farmers with ethnic Japanese internees, German prisoners of war, and conscientious objectors. In the post-war period, war veterans and displaced persons were employed as contract agricultural labourers. When these sources were no longer available, growers turned to international migrants from the southern United States, the Caribbean, and Portugal, many of whom did not have legal status (Wong, 1988; Satzewich, 1991).

In the late 1960s, as a new framework for immigration policy was being adopted, the state institutionalized the employment of international migrants under the auspices of highly managed bilateral agreements known collectively as the Seasonal Agricultural Workers' Program (SAWP). Canada signed the first of these bilateral agreements with Jamaica (1966), followed by Trinidad and Tobago (1967), Barbados (1967), Mexico (1974) and members of the Organization of Eastern Caribbean States (OECS) (1976). From some 264 workers at the outset, the SAWP now moves some 25000 migrants from these countries into Canada each year and, following the completion of their six-weeks to eight-months contracts, returns an estimated 98% of them home (Table 1). This high degree of 'circularity' in policy-speak – or cyclical labour migration that does not result in permanent settlement – is a fundamental benchmark for which the 'success' of guest-worker programs is measured, earning the SAWP an international reputation as a model temporary migration program (Vertovec, 2007; Hennebray and Preibisch, 2010).

Governments and the private sector jointly administer this highly managed, bilateral guest-worker program. Canada's federal immigration ministry, Citizenship and Immigration Canada, approves and issues visas and work permits to migrants, while the labour ministry, Human Resources and Skill Development Canada, approves employer requests. Eligible employers must produce commodities deemed to be seasonal and prove that they have made attempts, unsuccessfully, to hire Canadian workers. The processing of approved requests and other operational aspects of the program is undertaken by two regional, private-sector organizations, Foreign Agricultural Resource Management Services (FARMS) based in Ontario and Fondation des Entreprises en Recrutement de la Main-d'œuvre Agricole Étrangère (FERME) based in Quebec, who assumed these functions during Canada's neo-liberal policy shift in 1987. Migrant-sending governments undertake an even larger share of the operational burden, including worker recruitment, selection and job matching. They also finance offices in Canada to mediate worker–employer relationships by providing 'consular support' (Mexico) or 'liaison service' (Caribbean), including satellite operations within areas of high migrant employment. Migrant-sending countries further participate in annual meetings with Canadian officials and industry representatives to negotiate wage rates, benefits, and other details of the bilateral memoranda of understanding (MOU), including standard employment contracts. This high level of government involvement – particularly in the realm of recruitment – distinguishes the SAWP among North American guest-worker arrangements (Griffith, 2003).

Table 1. Comparison of Canada's Temporary Migration Programs for Agriculture.

	SAWP	NOC C&D Pilot	Agriculture-Stream NOC C&D Pilot
Year implemented	1966	2002	2011
Confirmed positions in 2010	27 359	9,748 in agrifood industries	709
Work permit type	Employer specific	Employer specific	Employer specific
Work permit length	≤ 8 months	≤ 24 months	≤ 24 months
Forced rotation	Migrants must return home by 15 December, can return by 1 January	After accumulating 4 years of employment, migrants must return home for 4 years	After accumulating 4 years of employment, migrants must return home for 4 years
Employment contract	Standard contracts; Canada, sending country, employer and worker are parties	Employers write contracts according to guidelines; employer and worker are parties	Standard contract, employer and worker are parties
Program structure	Federal program resting on bilateral agreements signed between Canada and sending countries formalized in memoranda of understanding	Federal program that approves employers to hire workers from abroad	Federal program that approves employers to hire workers from abroad
Countries eligible	Mexico, Jamaica, Trinidad and Tobago, Barbados, and the Organization of Eastern Caribbean States (nine members)	Any country	Any country
Employers eligible	Fruits, vegetables (incl. canning and processing), green-houses, nurseries, apiary products, Christmas trees, flowers, pedigreed canola seed, sod, tobacco, bovine, dairy, duck, horse, mink, poultry, and sheep	Any approved employer requiring workers in occupations designated as low skilled	Fruits, vegetables (incl. canning and processing), green-houses, nurseries, apiary products, Christmas trees, flowers, pedigreed canola seed, sod, tobacco, bovine, dairy, duck, horse, mink, poultry, and sheep
Worker recruitment	Government responsibility: sending countries fill grower requests communicated by authorized private-sector organizations	Employer responsibility: employers contact workers independently (often through brokers)	Employer responsibility: employers contact workers independently (often through brokers)
Program costs employers can recover from wages	Portion of return airfare (except BC); rent for housing (BC only)		Rent for housing (\$30 per month)

Sources: Human Resources and Skills Development Canada, 2010, 2011a, 2011b, 2011c; Foreign Agricultural Resource Management Services, 2011.

As a program designed to facilitate temporary movement into seasonal agriculture, visas issued to SAWP migrants are valid for a maximum of eight months, from 1 January to 15 December, and entry rights are not extended to family members. Most workers have contracts that are less than six months long, but almost all leave the country when their contracts expire. The program involves forced rotation (Wong, 1984; Bolaria et al., 1992; Sharma, 2006); that is, for migrants to remain eligible for

future placements (and for Caribbean migrants to recoup a portion of their savings that are compulsorily deducted), they must return home at the end of their contracts. Additionally, migrant-sending countries and employers exert pressure on migrants to exit Canada upon completion or breach of their contracts (including as a result of injury or illness) to avoid visa overstays. Work permits are similarly restrictive; SAWP migrants are only legally able to work for a single, designated employer. Since workers are thus bonded or indentured, a number of scholars consider the SAWP a contemporary form of unfree labour relations (Wong, 1984; Satzewich, 1991; Bolaria et al., 1992; Basok, 2002; Sharma, 2006). The program also contains ancillary mechanisms of control. For example, the practice of nominative recruitment (whereby employers indicate by name the migrants they will rehire) exerts a powerful measure of labour discipline as migrant-sending countries may refuse subsequent employment to those who fail to be renamed (Basok, 2002; Binford, 2004). Some countries, such as Mexico, also determine migrants' subsequent participation on the basis of annual employer evaluations.

Furthermore, the disposability of migrants is inscribed in SAWP employment contracts that allow employers to dismiss and thus deport workers 'for non-compliance, refusal to work, or any other sufficient reason' with no formal right of appeal (Verma, 2007b; Human Resources and Social Development Canada, 2008). As most migrants are housed on their employer's property, loss of work is accompanied by loss of residence (Verma, 2007b). Although rates of forced return have remained low, the threat of deportation serves as an effective mechanism of coercion independent of its actual exercise (Preibisch, 2010). In addition, migrant-sending states' practice of 'pro-poor' recruitment, targeting land-poor farmers and/or farm workers with low education levels, delivers a labour force whose 'dual frame of reference' (Waldinger and Lichter, 2003) reflects heavily in their on-the-job performance and acceptance of substandard working and living conditions. In sum, while SAWP workers may share the same employment rights as domestic farm workers in principal, they cannot enforce them in the same way in practice (Verma, 2007a).

The SAWP has grown considerably, with approved employer requests reaching 27359 in 2010 (Human Resources and Skills Development Canada, 2011b). Although the program was initially subject to a cap, this was removed in 1987 when the government devolved the SAWP's operational elements to the private sector, leading to a doubling of the number of migrants in just two years (Alberta Federation of Labour, 2003). Precipitous growth continued through the 1990s and 2000s, contributing to an expansion in Canadian horticulture (Preibisch, 2007). Along with rising numbers of migrant workers has been a broadening of their employment across a greater range of agribusinesses² and places of employment. The SAWP now operates in every Canadian province but Newfoundland and Labrador. Particularly noteworthy was the SAWP's extension in 2004 to British Columbia, a province that within four years was hiring over 3,000 migrants. The SAWP's extension to British Columbia changed the regional distribution of migrant employment, reducing Ontario and Quebec's share of SAWP employment from 96% in 2003 to 79% by 2009 (Figure 1). Furthermore, while official discourse refers to temporary migrants as seasonal complements to the agricultural labour market, there is evidence that they play a more fundamental role. Their numbers have grown within the context of decreasing employment of domestic workers (Weston and Scarpa de Masellis, 2003) and employers see them as crucial to their business strategies (Basok, 2002; Preibisch, 2007). One study estimated that SAWP workers contributed 45% of total employment hours in the commodities

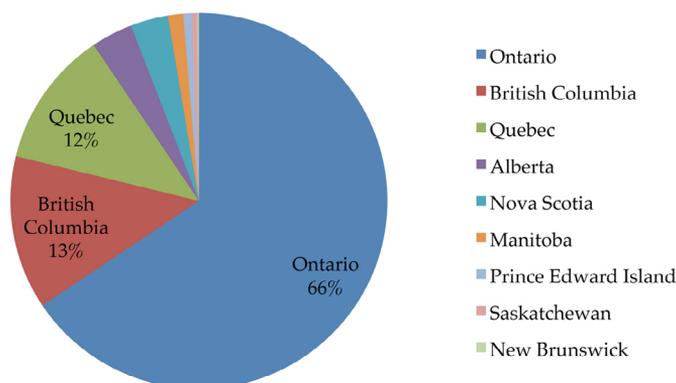


Figure 1. Proportion of approved positions for temporary visa workers under the SAWP by province, 2010.

Note: Proportions express positions that have received positive labor market opinions (LMOs) from HRS-DC, not the actual number of workers in Canada that year.

Source: Human Resources and Skills Development Canada 2011b.

in which they were employed in 2000, and predicted this to increase (Weston and Scarpa de Masellis, 2003). In contrast to the United States, agricultural enterprises in Canada do not have access to large reservoirs of undocumented migrants.

The most dramatic changes to Canada's agricultural labour markets have accompanied the launching in 2002 of a new, sector-wide initiative to allow employers to access international migrants in jobs designated as 'low skill', now known as the Pilot Project for Occupations Requiring Lower Levels of Formal Training (National Occupational Classification C and D), hereafter the NOC C&D Pilot. The initiative was a policy response to increasing employer demand for oil, gas, and construction workers during the expansion of Canada's economy in the early 2000s and reflected problems with federal immigration policy that resulted in a back-log in the processing of landed immigrant applications and, overall, a human capital model focused on educated workers in higher status occupations (Fudge and McPhail, 2009). The phenomenal growth of the initiative, whereby requests for migrants to fill low-skill occupations exceeded those for the highly skilled within just five years, signalled a shift in government policy towards greater use of temporary migration to resolve labour market needs at the lower end of the occupational spectrum (Hennebry and Preibisch, 2008; Fudge and McPhail, 2009; Standing Committee on Citizenship and Immigration, 2009). Indeed, the Canadian government gave the 'pilot' additional impetus in 2007 with measures to ease the hiring process and extend the length of temporary visas (Government of Canada, 2007). Although the NOC C&D Pilot is not specific to agriculture, this new guest-worker program has irrevocably changed work-place regimes in agriculture. In this section, I highlight the key features of the NOC C&D Pilot that distinguish it from the SAWP before turning to the implications for agriculture.

First, as a sector-wide temporary migration program, the NOC C&D Pilot is open to any employer seeking 'low skilled' workers. As such, its implementation extended employer access to international migrants beyond those involved in primary agriculture (see Table 1). Secondly, unlike the SAWP model of bilateral agreements

with select countries, the NOC C&D Pilot functions as a unilateral provision within immigration policy that allows approved employers to recruit migrants from anywhere in the world. Third, work permits are longer (up to 24 months) and not bound to specificities in the calendar year. Migrant tenure, however, is restricted. Whereas SAWP migrants face no restrictions on the number of years they can participate in the program, as of 2011, NOC C&D Pilot migrants who accumulate four years of employment are ineligible to work in Canada for a subsequent four years.

A final noteworthy feature that distinguishes the new initiative from the SAWP is the reduced role of government in program management and, consequently, greater scope for private sector involvement. Whereas the SAWP commits the Canadian government to work in co-operation with migrant-sending governments to manage the migration of agricultural workers according to a set of annually negotiated principles and to ensure migrants' equitable and fair treatment, the NOC C&D Pilot implies far less state commitment and responsibility. Fundamentally, the NOC C&D Pilot transfers the management of migrant labour from state to market institutions. Employment contracts, for example, are signed only between employers and migrants; unlike the SAWP, the Canadian government and migrant-sending countries are not parties. Moreover, recruitment has been removed from state purview. While sending countries may still position themselves as labour brokers, they do so within an open market. As I discuss in greater detail below, this shift occurred without the corresponding implementation of a regulatory framework to register and monitor the industry that the NOC C&D model, by its very structure, requires to operate.

Until 2011, eligible employers in any agri-food occupation could choose to hire migrants under the SAWP, the NOC C&D Pilot, or both. The Canadian government subsequently modified the access of employers seeking to hire farm workers under the NOC C&D Pilot in those commodities eligible for the SAWP, obliging them to follow new requirements tailored to the farm and food industry. Referred to as the New Agricultural Stream under the Pilot Project NOC C&D, the 2011 modifications seek to equalize certain aspects of the employment offer as well as the costs to the employer. First, employers hiring NOC C&D Pilot workers for SAWP-eligible commodities must pay SAWP-negotiated rates. In addition, employers must adopt a standard contract and enroll migrants in work-place compensation schemes in provinces where farm workers are excluded. These modifications thus harmonize aspects of the employment contract that could feasibly affect workers under the two programs employed in the same occupation, not to mention the same work-site. Moreover, the Agricultural Stream allows employers to charge rent to their NOC C&D employees. Because employers using the NOC C&D Pilot must finance migrants' return air fare – a portion of which is recoverable from workers under the SAWP – their costs were marginally higher than using the SAWP. Although the difference was offset by removing employers' obligation to provide accommodation (mandatory in the SAWP), many agricultural producers already had existing housing (particularly if they had previously hired SAWP workers) or were open to building it in order to access the benefits of an on-site work-force. According to a civil servant, it was precisely the higher cost of the NOC C&D Pilot and the ensuing employer complaints that instigated the tailoring of the program for agriculture.

Impact for Work-place Regimes

The crafting of temporary migration programs in the late 1960s and more recent policies to facilitate their expansion and shift their management to the private sector

have resulted in significant changes within the agricultural labour force and, correspondingly, in labour regimes. To begin, the greater availability of migrants beyond those commodities considered seasonal or primary agriculture has led to their rising employment within agriculture and agri-food occupations. In addition to the aforementioned growth of the SAWP, Table 2 depicts the number of confirmed positions for temporary migrants in agriculture under the NOC C&D Pilot that grew from 2,445 in 2005 to 10,697 in 2008, dropping slightly in 2009 (Human Resources and Skills Development Canada, 2011a).³ While numbers of migrants in both programs have not returned to the historic highs of 2008, there has been no decline in migrant numbers employed under the NOC C&D Pilot in SAWP-eligible commodities (Human Resources and Skills Development Canada, 2011a, 2011b).

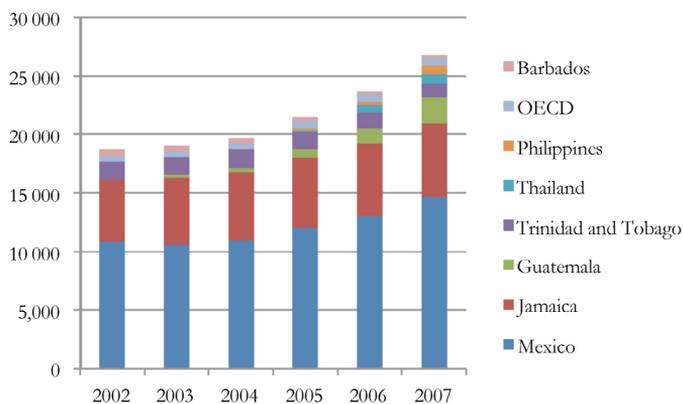
Perhaps even more striking than increases in migrant employment has been the rapid diversification of the non-citizen labour force in agriculture. Prior to the NOC C&D Pilot, almost all non-citizen farm labour was from one of 13 SAWP migrant-sending countries. In 2002, the first year of the Pilot, migrants from an astounding 52 different countries took up jobs in agriculture and food processing. By 2007, that number had grown to 75 (Citizenship and Immigration Canada, 2009a). The incorporation of workers with distinct ethnic and cultural backgrounds has thus rapidly altered the social relations of production. In addition, wholesale shifts in the dominant nationalities of migrants employed in agriculture have occurred. Figure 2 indicates the top 10 countries of origin for migrants issued work permits for employment

Table 2. Number of confirmed positions for temporary visa workers on labor market opinions in agriculture (non-SAWP), by occupation, 2005–2010.

Occupation	2005	2006	2007	2008	2009	2010
Farmers and Farm Managers	168	176	390	313	308	221
Agricultural and Related Service Contractors and Managers	14	12	11	*	10	*
Farm Supervisors and Specialized Livestock Workers	362	548	810	765	559	710
Nursery and Greenhouse Operators and Managers	25	23	22	14	*	16
Landscaping and Grounds Maintenance Contractors and Managers	*	*	*	15	*	*
Supervisors, Landscape and Horticulture	10	15	30	66	39	91
Aquaculture Operators and Managers	*	*	*	*	*	*
General Farm Workers	406	885	1,797	2,038	2,310	2,321
Nursery and Green-house Workers	167	382	651	993	772	1,002
Harvesting Labourers	858	1,667	1,918	3,114	4,393	3,719
Landscaping and Grounds Maintenance Labourers	*	93	567	1,110	604	583
Aquaculture and Marine Harvest Labourers	*	*	26	19	*	*
Labourers in Food, Beverage and Tobacco Processing	417	592	1,760	2,244	1,344	1,069
	2,445	4,400	7,988	10,697	10,359	9,748

Notes: Table shows the number of confirmed positions for migrants workers (temporary foreign worker) in agriculture (non-SAWP), by occupation, 2005–2010 (not actual entries) and excludes confirmed positions in support of arranged employment applications for permanent residence and international migrants who do not require labour market approval due to exemptions provided for by trade agreements. Cells containing fewer than 10 cases in a specific category have been suppressed and replaced with '*'.
Source: Human Resources and Skills Development Canada, 2011b.

Figure 2. Top 10 countries of origin for temporary visa workers in select agri-food occupations.

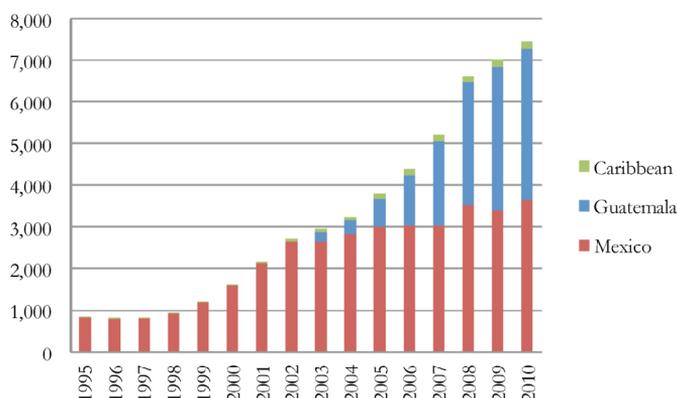


Note: Numbers reflect the country of last permanent residence reported by migrants who were issued employment authorizations from Canada to work in a select list of agri-food related occupations: general farm workers; harvesting labourers; nursery and green-house workers; food and beverage processing labourers; landscaping and grounds maintenance workers; process control and machine operators in food and beverage processing; industrial butchers and meat cutters, poultry preparers and related workers; fish plant workers; and food testers and graders. Numbers include extension and new work permits issued in Canada at CIC inland offices, CPC-Vegreville and ports of entries (airports, borders and marines). *Source:* Citizenship and Immigration Canada, 2009a.

in selected agri-food occupations over the period 2002 to 2007, and illustrates how migrants working in Canada's agri-food industries from countries formerly outside of the SAWP now rival those of SAWP bilateral partners. For example, Thailand and the Philippines emerge in fifth and sixth place among countries supplying farm and food industry workers, ahead of the long-time SAWP bilateral partners Barbados and the OECS. Most spectacular has been the incorporation of Guatemalan workers, a country that in five years was sending the largest number of migrants to Canada after Mexico and Jamaica. Almost all of this employment has taken place in Quebec where Guatemalans have replaced Mexicans as the preferred labour force. Figure 3 illustrates the number of migrants placed by FERME. From 2003, the first year of their employment in Quebec, to 2011, the number of Guatemalan migrants under the NOC C&D Pilot has increased 16 times to reach 3,654. Over the same period, the number of Mexicans and Caribbean workers employed remained stable.

There is also some suggestion that the gender balance of the migrant work-force in agriculture may also be shifting. Analysis of the total number of temporary migrant workers entering Canada across all occupational categories over the first five years of the NOC C&D Pilot shows growing feminization, with women's share increasing from 33% to 40.5% between 2002 and 2007 (Fudge and McPhail, 2009). Although data tracking actual entries of migrant workers into agriculture-related jobs under the NOC C&D Pilot by gender are incomplete, existing data indicate that similar processes may be occurring in agriculture. In 2008, migrant women's share of total entries in agriculture-related jobs under the SAWP and NOC C&D Pilot was 3.2% and 15.4%, respectively (Citizenship and Immigration Canada, 2009b, 2009c). These figures suggest new instances of labour replacement or substitution of groups of racialized and gendered workers.

Figure 3. Number of temporary visa workers employed in agriculture in Quebec and New Brunswick by sending country



Note: Figures reflect requests processed by the regional employers' association FERME for employers in Quebec and New Brunswick. Both provinces are grouped together for administrative reasons; numbers in New Brunswick are marginal.

Source: Fondation des Entreprises en Recrutement de la Main-d'œuvre Agricole Étrangère, 2011; personal communication, Fernando Borja.

Although the evidence of how groups of farm workers have left agriculture voluntarily or have been forced out as a result of the latest round of policy changes is only gradually emerging, such practices have fostered heightened competition between workers and weakened the bargaining power of labour. The threat and practice of labour replacement as a mechanism of control is not new. Examination of archival records (Satzewich, 2007) and contemporary employment practices in the SAWP (Preibisch and Binford, 2007; Preibisch and Encalada Grez, 2010) provide evidence that management uses the threat and practice of labour substitution to discipline both workers and migrant-sending governments. In terms of the latter, employers have used their power to choose the sending country of the migrants they hire in order to dampen the bargaining power of states participating in the SAWP, either through threats or 'country-surfing' (Preibisch and Binford, 2007). Indeed, a principal reason for Mexico's inclusion in the SAWP in 1974 was to provide employers with leverage to mitigate pressures from Caribbean governments to improve wages and working conditions (Satzewich, 2007). The broadening of the global labour pool to the entire world further entrenches this tool of labour discipline. Employers who have switched to workers under the NOC C&D Pilot are frank to note that access to a global labour pool limits any single group of workers or sending country from developing bargaining power (Preibisch, 2010). A grower in British Columbia, when explaining the desire to have access to multiple migrant-sending countries involved in the SAWP, stated: 'because then Mexico can't blackmail us, which they have been doing. We need to have a second or third group because Mexico, they don't have to budge on things because they know they're our only workforce besides domestics' (Interview, April 2007).

Competition is actively fostered between groups to coerce or challenge workers to increase productivity or acquiesce to employer demands. One advocate, comparing domestic and migrant workers claimed: 'they are threatened by each other. There is animosity and there is intimidation as well' (Interview, April 2007). The threat of la-

bour replacement can be communicated through practice, whereby workers observe or learn of instances of labour substitution of one group by another, a process that can occur gradually over several seasons or from one year to the next. Workers' expendability can also be communicated on the 'shop floor' through censure – when supervisors or employers threaten workers to meet yields or lose their jobs to another group – or praise, when a group of workers is compared positively to another, as illustrated in the following interview excerpt with a NOC C&D Pilot migrant: 'the first week we arrived, [the translator] said "I've been asked to congratulate you because the last year the employer had Chinese [workers] and they only produce two cans [of bait worms] a day and you are producing five"'. Similarly, employers and supervisors commend women workers on the ways they differ positively from men (Preibisch and Encalada Grez, 2010). In effect, widening employer ability to choose the nationality of their workers further entrenches divisive employment strategies whereby workers can be compared, contrasted, and placed in opposition with each other (Preibisch, 2010). These practices, together with their discursive justifications, communicate to workers what is required of them (Salzinger, 2003).

Employers' greater access to migrants has also introduced new groups of vulnerable workers into the agricultural labour force. Many of the new sending regions suffer from higher rates of marginalization and political unfreedoms than the SAWP bilateral countries. Rising recruitment from Guatemala is concerning in terms of how the threat of political repression within that country is shaping worker acquiescence in Canada. In addition, the shift towards greater private sector involvement in recruitment has introduced new sources of vulnerability. Since the introduction of a temporary migration program for low-skilled occupations, Canada has experienced a proliferation of private recruiters seeking to profit from reduced government involvement in temporary migration (Hennebry and Preibisch, 2008). As this has occurred within a weak regulatory environment, a range of abusive practices have also emerged, including charging extortionate fees to migrants (and at times employers) for job matching; collecting fees from migrants for non-existent jobs; misleading migrants regarding expected earnings or their prospects for achieving landed immigrant status; providing contracts that are poorly translated or inconsistent with the one held by the employer; and overcharging for transportation, housing, translation services, or obtaining an extension of their work permit (Standing Committee on Citizenship and Immigration, 2009). Thai migrant farm workers, for example, reported paying job-matching fees of \$11 000 to recruiters, a fee some financed through money borrowed against property at high interest rates.⁴ One interviewee claimed: 'I still have to pay back [the original fee] to the agent, \$473 per month for 24 months. My employer cannot help because I already signed [this agreement] in Thailand' (Interview, July 2008). In addition to paying job-matching fees, some migrant farm workers reported paying additional expenses to recruiters for training and its documentation to include in their visa applications. Abuses linked to recruitment have prompted a number of defrauded migrant farm workers to desert their designated employer in order to stay in Canada beyond their 24-month visa in order to recover the costs of their migration through unauthorized employment (Bajer, 2010; Chen, 2010; CBC News, 2011). There have also been cases of migrants applying for refugee status in order to remain in Canada and extend their work authorization (CBC News, 2011).

Exploitative employment practices have also motivated migrants to leave their specified employer or take up unauthorized work outside of their contract to supple-

ment their wages. A common problem is employer failure to provide the hours contractually guaranteed to migrants. At one work-site, Thai interviewees related that, while their employer did pay them minimum promised earnings when the weather reduced their hours, this was subsequently deducted from their pay-cheques when the weather improved. Previously, at the same company, the employer fired and deported a group of Mexican workers because their productivity was lower than he had expected. According to the migrants, the employer did not provide the probationary training period promised in their contracts that may have allowed them to meet productivity targets. As one worker related:

[The boss] started demanding greater yields and told us who among us were the worst in terms of production. He told us that if we didn't work out he'd send us back to Mexico, that we were incompetent. By the first pay period, he had sent back the [first group]' (Interview, August 2004).

Another four workers were also fired after they spoke out regarding poor working conditions: 'When he saw that we were in all of this [speaking to migrant advocates], he said that it would be best if the trouble-makers left and he decided to fire us. Two weeks previous, several co-workers had quit and he didn't fire anyone else after that, except for us' (Interview, August 2004).

Some NOC C&D Pilot workers have found themselves out of a job early into their contracts before they have recouped the costs of their migration. When Canada's largest mushroom producer faced bankruptcy just before Christmas in 2008, the company laid off 70 migrants without notice, arranged for their transportation home, and evicted them from company-provided housing. Two weeks later, an additional 50 workers were terminated (United Food and Commercial Workers of Canada, 2009a). Although the migrants had signed contracts for 12 months, many of them had only been working for a fraction of that time. As a result, some 30 laid-off workers remained in Canada to face their prospects as undocumented workers (Contenta and Monsebraaten, 2009). Moreover, there has been at least one case of sexual harassment that prompted some migrants to return home voluntarily and others to abandon their employer and remain in Canada without status. Indeed, there is rising evidence that Canada's undocumented work-force has grown as a result of problems with the NOC C&D Pilot (Alberta Federation of Labour, 2007; Hennebry and Preibisch, 2008; United Food and Commercial Workers of Canada, 2009a).

In agriculture, the non-status work-force includes largely Thai, Chinese, and Filipino migrants (Bajer, 2010; Chen, 2010). The vulnerability experienced by unauthorized agricultural workers in the United States has been amply documented (Findeis, 2002; Griffith, 2006; Holmes, 2007). Although this topic has received much less attention in Canada, researchers and migrant advocates suggest that non-status individuals face multiple vulnerabilities, including inadequate access to health and other services, limited recourse in the event of exploitation at work or in other arenas, and deportation (Goldring et al., 2007). Most recently, unauthorized migrants have been subject to considerable intimidation resulting from a series of high-profile, US-style immigration raids in areas of labour-intensive agricultural production (Hill, 2009; United Food and Commercial Workers of Canada, 2009b).

Cases of migrants deserting their designated employer have in turn generated new exploitative practices designed to control migrants' mobility. For example, migrants reported employers withholding their passports or threatening their jobs if they left employer-provided property. Among measures to compel migrants to com-

plete their contracts, Thai migrants claimed that they were asked to leave paperwork with their recruiter: 'I was also asked to deposit my land owner registered document at the agent's office as a guarantee not to run away. I can get it back when I complete work for two years' (Interview, July 2007). In addition, from 2003 until 2011, Guatemalan workers were obliged to pay a \$400 bond by International Organization for Migration (IOM) officials in Guatemala that was only refunded when they completed their contracts (United Food and Commercial Workers of Canada and Agriculture Workers Alliance, 2011; Valarezo, 2011). Arguably, the liberalization of immigration controls on the employment of migrants in lower occupational statuses has increased the instances and forms of unfree labour relations in Canada. These cases further illustrate how the state, private intermediaries and employers collude in the discipline of migrant labour.

The greater availability of migrant workers through the extension of the SAWP and the implementation of the NOC C&D Pilot has had other implications for labour arrangements in agriculture. Some firms formerly dependent on piece rates to achieve productivity targets for harvesting have substituted domestic workers with migrants on hourly wages, such as mushroom producers (Preibisch, 2010) and fruit farms (Otero and Preibisch, 2009). The fact that migrant labour on hourly rates has rendered unnecessary the use of piece rates – a strategy often implemented to increase labour control – underscores the degree to which migrants supplied under these programs represent a subjugated form of labour. In terms of mushroom harvesting, the shift away from piece rates and subsequent drop in wages led domestic harvesters to exit their jobs (Preibisch, 2010). This corroborates evidence across high-income countries that the availability of migrant labour has had a negative effect on wage levels and working conditions in the food system for both migrant and non-migrant workers (Castles, 2006; Rogaly, 2008; Rye and Andrzejewska, 2010).

The onset of the global financial crisis in 2008 has led to only slight decreases in the number of confirmed migrant worker positions for agriculture-related occupations. It is difficult to determine if this is the result of decreased employer appetite for migrants, a greater supply of domestic workers displaced from other economic sectors, or increased government restrictions on advertising requirements. The government did tighten advertising requirements in 2009, requiring employers to prove they attempted to recruit local workers or provide a rationale as to why Canadians could not be employed, and also replaced initiatives that exempted specific industries and regions from proving that local workers were unavailable in order to be eligible to hire internationally by a national requirement obliging all employers to advertise for 14 calendar days (Fudge and McPhail, 2009; Standing Committee on Citizenship and Immigration, 2009). The government has also responded to public pressure to put a regulatory framework in place to curb migrant exploitation, but the pace of policy development has been slow and led by the provinces, despite the fact that immigration is a federal responsibility. Indeed, Manitoba (a relatively small employer of migrants) implemented the first legislation to protect migrants in 2009 with the Worker Recruitment and Protection Act (WRAPA), legislation that enhances the regulation of employment placement agencies and creates new protections for migrants, particularly regarding recruitment (Sharma, 2010). Other provinces have since amended or introduced legislation regarding the right of recruiters to charge fees to workers.⁵ At the federal level, it was not until 2010 that the government introduced a scheme for employers to demonstrate compliance with the terms of their offers of employment to migrants, but this remains voluntary. That year the

government also instituted a two-year prohibition from hiring migrant workers for non-compliant employers and created an on-line black list of offenders (Citizenship and Immigration Canada, 2010). While these measures begin to address the abuses that have accompanied rising temporary labour migration to Canada, federal measures remain weak and their sluggish development contrasts markedly with the swift implementation of policies designed to facilitate employer demand for migrants.

Discussion and Conclusions

The implications for farm workers and labour–capital relations in agriculture as a result of the restructuring of the global food system have been under-researched in both ‘developing’ and ‘developed’ countries. Through this article, I have attempted to illuminate these processes in a high-income country context, arguing that capitalist accumulation in agriculture in Canada continues to benefit from the incorporation of new groups of migrants into the labour force, a process mediated by the state through managed migration schemes. While the state has shifted most recently some of the management (and costs) of its migrant system of labour to the private sector, I contend that this should be interpreted as a form of neo-regulation of the labour market adapted to contemporary economic and political exigencies rather than a withering of the state. Further, although recent versions of political economy by Sharma (2006) and others have been criticized as portraying the immigration bureaucracy as ‘simply a tool in the hands of the economically powerful’ (Satzewich 2007, p. 258), the analysis of work-place (Burawoy, 1985; Rogaly, 2008) or labour regimes (Selwyn, 2012) provides a nuanced political economy approach in which capitalist interests are not granted invincible power to determine labour market policy (in this case through formal immigration) but rather, viewed as one of several actors in the negotiation of production politics. Within current understandings of contemporary processes of globalization then, this approach cautions against perceptions of a diminished state in favour of characterizations that elucidate its modified role.

As has been shown here, state policy has played a key role in enhancing flexibility within the labour market for farm and food industry workers by increasing the availability of migrants, by granting access to the global labour market to a wider range of agribusinesses, and by broadening the global pool of labour reserves, including from countries with high levels of economic marginalization and political unfreedoms. These changes have held significant implications for labour regimes, including an astonishingly rapid diversification of the non-citizen labour force in agriculture, as well as wholesale shifts in the dominant nationalities of migrants employed in some regions. These changes have resulted in greater job insecurity from heightened competition between workers, as the threat and practice of labour replacement diminishes the ability of migrant-sending governments, migrants themselves, and all farm workers to influence their working conditions. Furthermore, failure to monitor and regulate increased labour migration at the lower end of the occupational spectrum has kindled the industry offering recruitment services and provided the scope for abusive recruitment and employment practices to emerge. These changes have positioned agriculture and food industry workers more precariously within the labour market and increased the instances and forms of unfree labour relations in Canada.

At the current juncture, the NOC C&D Pilot appears not to have supplanted the SAWP but rather increased the pool of employers hiring migrants within the food

system. However, while numbers of confirmed positions for agriculture-related jobs under both programs dropped in 2009, the NOC C&D Pilot continued to show increases in SAWP-eligible commodities, suggesting that the program's appeal is growing among agricultural employers. Although these programs are valued in part for their ability to precisely deliver and return migrants, providing growers with enviable control over seasonal labour supplies compared to guest-worker programs in the United States or the United Kingdom, ultimately, what the SAWP has over the NOC C& D Pilot is a 45-year track record in quietly providing migrant workers to industry. It is unlikely that Canada's powerful agricultural lobby will threaten their historical access to migrant workers by placing all their stakes on an initiative that may indeed be a *temporary* migration program. The industry is highly cognizant of the negotiable aspects of production politics – that access to migrant workers is subject to political negotiation and that ensuring circularity is part of this. While there has been little public outcry regarding growing numbers of undocumented workers permanently remaining in Canada as a result of failings in the NOC C&D Pilot, historically xenophobia has been a threat of the SAWP and other guest-worker programs. So too has public outrage over migrant exploitation, in the case of the Bracero program in the United States, and social exclusion, in the case of guest-workers in Europe (Plewa, 2007).

The spectre of public pressure is a fitting note on which to conclude this analysis of work-place or labour regimes. While I focused this article on the role of the state in constructing regimes of accumulation that weaken workers' bargaining power, critical to this discussion is an acknowledgement (the subject of a forthcoming paper) of how the processes taking place in the social relations of Canadian agriculture have been highly contested by other actors seeking to re-balance the politics of production. Within the labour movement, the United Food and Commercial Workers (UFCW) of Canada began a concerted campaign in 2002 targeting migrant farm workers that led to the creation of the Agriculture Workers Alliance in 2009 and the opening of 11 resource centres across the country between 2002 and 2011. Legal challenges have also figured highly in UFCW Canada's campaign, including cases against provincial governments, the Canadian federal government, and individual employers. While some of these have focused exclusively on labour issues more generally, such as the prohibition of farms unions in Ontario or farm workers' exclusion from health and safety legislation, others have taken up issues unique to migrants, such as migrants' contributions to social programs (e.g. federal employment insurance that they cannot access). In addition, UFCW Canada local unions have challenged employers before provincial labour relations boards for deporting migrants for unionizing activities or overcharging rent. Further, the union has been responsible for the first collective agreements involving temporary visa workers. Of particular note is how these negotiations have led to the realigning of principles of unionization to suit the demands of a migrant work-force, such as the option to choose overtime hours paid at regular rates, a position insisted upon by migrants who did not want to compromise their opportunities for additional hours and who are legally prevented from migrating with their families through the programs they participate in. Finally, of considerable significance is the success of UFCW Canada in negotiating contracts with meat-packing plants that require employers to hire only those migrant workers who qualify for provincial immigration programs (Provincial and Territorial Nominee Programs, PTNPs) and to process migrants' applications for permanent residency under such initiatives within six months. Through such

actions, the labour movement has been able to secure residency rights and a path to citizenship for migrants in programs designed precisely to avoid permanent immigration.

In addition to efforts by the formal labour movement, migrant workers have organized outside unions with the support of social justice organizations (Dignidad Obrera Agrícola Migrante, DOAM) and researchers (Asociación Civil Guatemaltecos Unidos por Nuestros Derechos, AGUND) (Encalada Grez, 2010; Valarezo, 2011). Collective efforts at increasing public awareness and increased networking across civil society in the defense of migrant worker rights and the problems of temporary migration has also changed the arena in which rising migrant employment plays out. Although a more detailed examination of how the labour and immigrant rights movements are influencing the politics of production is beyond the scope of this article, they indicate that while the incorporation of migrants is creating greater precariousness within Canada's agricultural labour markets, work-place regimes may also be changing in ways that benefit – and reflect – the presence and needs of an increasingly globally sourced proletariat.

Notes

1. Of the migrants interviewed, 108 participated in the Seasonal Agricultural Workers Program and 14 in the Pilot Project for Occupations Requiring Lower Levels of Formal Training.
2. Most recently, the list of eligible commodities under the SAWP grew to include animal production (bovine, dairy, duck, horse, mink, poultry, and sheep) as well as 'pedigreed canola seed' (Human Resources and Skills Development Canada, 2011d).
3. The data do not track entries and do not include those positions for migrants that do not require a work permit owing to exemptions provided for in the General Agreement on Trade in Services and the North American Free Trade Agreement. Further, the data do not reflect the overall stock of temporary migrants, as work permits are valid up to 24 months.
4. All amounts expressed in Canadian dollars.
5. These include British Columbia, Alberta, Saskatchewan, Ontario, and Prince Edward Island.

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