

# Does Citizenship Status Matter in Canadian Agriculture? Workplace Health and Safety for Migrant and Immigrant Laborers\*

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**ABSTRACT** This article explores how precarious legal status circumscribes differential inclusion in the agricultural labor market and affects workers' lives through a comparative study of workplace health and safety among temporary migrant guest workers and immigrants in Canada. Original, multimethod research with South Asian immigrant and Mexican migrant farmworkers examines employment practices, working conditions, and health-care access. We find that both groups engage in precarious work, with consequences for their health and safety, including immigrant workers with citizenship. Nevertheless, migrant guest workers are subject to more coercive forms of labor discipline and a narrower range of social protection than immigrants. We argue that while formal citizenship can mitigate some dimensions of precariousness for farmworkers racialized as non-white, achieving a more just, safer food system will require broader policies to improve employer compliance and address legislative shortcomings that only weakly protect agricultural labor.

## Introduction

Like most advanced capitalist countries in the “global age of migration” (Castles and Miller 2009), Canada has dramatically increased its non-citizen, migrant population since the 1970s. In 2011, Canada welcomed a historically high number of migrants on temporary employment

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authorization, marking a significant policy shift for a nation with “an unusually strong immigration tradition” (Cornelius, Martin, and Hollifield 1994:119). Unlike the United States, where unauthorized immigrants add some 8.3 million workers to the labor force (Passel and Cohn 2009), or the European Union, where the common labor market resulted in significant movement from eastern to western member states following the 2004 enlargement (Holland 2012), Canada’s large increases in labor migration have occurred largely through the country’s suite of temporary migration programs. The latest rise in temporary migration has been most pronounced in the West, where temporary worker entries began outpacing those of permanent residents by 2007 in Alberta and 2008 in British Columbia (Citizenship and Immigration Canada 2012). Rising numbers of temporary workers have been opposed by anti-immigrant campaigners (Centre for Immigration Reform 2013; Immigration Watch Canada 2012) and the general public (Tomlinson 2013), but most forcefully by a growing social movement that identifies a range of exploitative practices emerging from the citizenship and immigration restrictions placed on migrants excluded from the rights and entitlements granted to citizens and permanent residents (Alberta Federation of Labour 2009; Justicia for Migrant Workers 2013; Migrant Workers Alliance for Change 2013; United Food and Commercial Workers of Canada and Agriculture Workers Alliance 2011). At the heart of this movement is the demand to grant migrant workers permanent resident status on arrival, that is, a removal of conditions on their right to remain.

The problems identified with temporary migration programs find support in the academic literature. Although policymakers laud the benefits of managed migration schemes (see Hennebry and Preibisch 2010), scholars have pointed to their overly exploitative nature (Bakan and Stasiulis 2003; Binford 2009; Griffith 2006; Mannon et al. 2012). Canada’s Temporary Foreign Worker Program, an umbrella program encompassing numerous initiatives, has been criticized for creating a system of legislated inequality (Lenard and Straehle 2012) and even global apartheid (Sharma 2006; Walia 2010). Critics allege that temporary migrants should be theorized as unfree participants in the national labor market (Bakan and Stasiulis 2003; Basok 2002; Satzewich 1991; Sharma 1995). The principal basis of migrants’ unfreedom is their categorization as “foreign workers,” a move that allows the state to legally deny them the rights and entitlements associated with citizenship and to impose restrictions on their labor mobility, such as closed permits or requirements to live in or on their employer’s property (Bakan and Stasiulis 2012; Sharma 2006). For migrant workers in low-skilled

occupations, these restrictions are compounded by poor working conditions and substandard wages (Piper 2008). Migrant employment tends to reinforce these jobs as low-paid, difficult, and dangerous (Saucedo 2006; Waldinger and Lichter 2003). It has also allowed employers to exercise labor arrangements that would be difficult to implement with an all-citizen labor force (Rogaly 2008). Since citizens also work in these occupations, researchers have thus cautioned against associating extreme forms of labor exploitation exclusively with migrant status (Goldring and Landolt 2012; Scott, Craig, and Geddes 2012). Indeed, the employment of migrants may entrench precarious labor regimes within an industry, holding consequences for all workers, including those with formal citizenship or landed immigrant status, who may find it difficult to exit these jobs no matter how undesirable they become.

In this article, we address the extent to which citizenship status makes a difference in agricultural labor market insertion. Specifically, we explore the comparative consequences in health and safety for two groups of farmworkers in Canada: migrants from Mexico under the Seasonal Agricultural Workers Program (SAWP) and immigrants from India holding Canadian citizenship or permanent residency. "Migrant" here refers to foreigners on temporary employment authorization, unless specified otherwise, and "immigrant" refers to foreign-born naturalized citizens or permanent residents (landed immigrants). Unauthorized migrants compose a marginal segment of the agricultural labor force so were not included (Basok and Rivas 2012). We conducted field research in British Columbia, Canada's westernmost province and fourth-largest agriculture and food processing labor market, which only began hiring Mexican migrants in 2004. Since British Columbia's agricultural employers had been prevented from using the SAWP before this date due to provincial government attempts to protect the domestic labor market that, until then, was almost exclusively composed of South Asian immigrants, this case study allowed us to study migrant incorporation at the outset. Although there are other immigrant and Canadian-born farmworkers employed in agriculture, including whites, our study comprises the bulk of the workforce.

The research took place between 2007 and 2009 and included face-to-face questionnaires with 200 farmworkers (100 Mexican migrants, 100 South Asian immigrants), 53 in-depth interviews with stakeholders (farmworkers, growers, industry representatives, Canadian and Mexican civil servants, and advocacy groups), and a detailed review of secondary data. Survey participants were chosen intentionally to meet the criteria for inclusion in the study. Since no list of the total farmworker population exists, precluding random sampling, we recruited participants from

the three valleys that together account for nearly three quarters of British Columbia's horticultural farms. We contacted Mexican participants at churches, supermarkets, or migrant support centers and South Asian farmworkers through service providers. Our research team conducted interviews and questionnaires in Spanish, Punjabi, or English, fostering rapport through shared language, skills of empathetic listening, and a conversational approach. We anonymized survey respondents and treated all data confidentially. We used N-Vivo and SPSS to manage our data and aid analysis.

We first chart changes in temporary migration in Canada with respect to agriculture and food industries. Second, we situate agricultural employment as precarious work, explore the nascent Canadian literature on migrant health, and position our research within the literature on precarious legal status. We then turn to our field results on workplace health and safety, where we explore a range of findings regarding coercive labor practices, working hours, and labor intensity; workplaces, transportation, and housing; training and language barriers; and access to health care.

### **Canadian Immigration Policy and Agrifood Labor Markets**

Since the mid-1970s, a significant shift in migration to Canada has been the relative decline in numbers of new permanent residents alongside rising numbers of migrants on temporary employment authorization, in other words, from a flow of people to a flow of labor power (Arat-Koc 2009; Sharma 2012). This trend has become pronounced in recent years: since 2000, temporary migrant entries have more than tripled to reach a high of 300,211 in 2011 as a result of policies to expand the authorized use of migrants in jobs designated as low-skilled (Citizenship and Immigration Canada 2012:59). Prior to 2002, agriculture and domestic work were the only occupations classified as low-skilled that had formalized temporary migration programs designed to admit migrant workers. Migrant farmworkers entered Canada through the SAWP, a postwar, sector-specific guest worker program that began in 1966 with a bilateral agreement between Canada and Jamaica and subsequently expanded to include 11 Caribbean countries and Mexico. Owing to its seasonal policy intent and sectoral focus, the SAWP runs from January 1 to December 15, issues work permits for a maximum of eight months, and is available only to producers of specific commodities considered on-farm, primary agriculture. In 2002, the government launched the Stream for Low-Skilled Occupations, a unilateral immigration initiative that allowed approved employers from any sector to recruit migrant workers into jobs

categorized as low-skilled. This initiative simultaneously enabled a broader range of agrifood industries access to temporary migrants and, since it was not bound by bilateral agreements, permitted migrants from a broader range of countries access to the Canadian labor market. Further policy adjustments meant that, by 2012, agrifood employers could hire temporary migrants under four different initiatives, all of which were experiencing growth.

Canadian agricultural production has a long history of immigrant and migrant employment that began before (and has consolidated alongside) formalized temporary migration programs. In British Columbia, Lanthier and Wong (2002) document the labor incorporation and exodus between 1880 and 1960 of racialized immigrants and migrants, including Pacific Northwest indigenous, Chinese, Japanese, Doukhobor, and Portuguese farmworkers. In the 1960s, the removal of racist criteria favoring white settlement from Canada's immigration policy led to increased immigration from the Indian subcontinent that again altered the social composition of the province's agricultural workforce. By 2003, some 98 percent of British Columbia's 6,000 farmworkers were South Asian immigrants with limited or no English proficiency (BC Public Service Agency 2003). Most were newcomers; Runsten et al. (2000) found that two-thirds of workers employed by farm labor contractors (FLCs) had entered Canada less than three years before. This workforce is, and has consistently been, predominantly female (Fahey et al. 2008; Sharma 2012), reflecting in part the workers' migration trajectory as family class immigrants, a category that allows Canadian citizens or permanent residents to sponsor the immigration of parents and children. Among family class immigrants, women outnumber men three to two (Citizenship and Immigration Canada 2008:148).

The social composition of British Columbia's labor force started to shift again in 2004 when the provincial government allowed growers to access the federal SAWP. In the ensuing five years, migrant employment skyrocketed. While just 47 Mexican workers arrived in 2004, by 2008 they numbered almost 3,000. Since the contracted farmworker population composed predominantly of South Asian immigrants remained more or less stable in that period, this means that in five years Mexican migrants came to represent half of British Columbia's seasonal agricultural labor force. In 2011, most Mexican migrants were employed in fruit or vegetable production and some 96 percent were male (Moral del Arbona 2011). By 2011, British Columbia accounted for 14 percent of all approved SAWP positions countrywide, just under 4,000 jobs (Employment and Social Development Canada 2013).

### **Agricultural Labor Markets and Precarious Employment**

Agrifood employment is located at the bottom of Canada's occupational hierarchy, with most jobs in the sector exhibiting indicators of precarious work as outlined by Luin Goldring and Patricia Landolt (2012), who build on previous sociological scholarship (Rodgers and Rodgers 1989; Vosko 2006). First, farm labor tends not to involve contracts.<sup>1</sup> Across Canada, but particularly in British Columbia, FLCs provide the bulk of seasonal labor. Second, work schedules on many farms involve significant seasonal variation and hours that are inconsistent, demanding, and unconventional (Lanthier and Wong 2002; Sergeant and Tucker 2009). Third, wage structures vary between hourly wages and piecework, with few salaried full-time positions. A 2008 study found that British Columbia's immigrant farmworkers lacked secure income and were often paid piece rates and below the minimum wage (Fairey et al. 2008). Fourth, benefits are scarce or nonexistent; in British Columbia, farmworkers lack overtime pay and other benefits enjoyed outside the industry such as paid statutory holidays, paid rest periods, and annual vacation (Fairey et al. 2008). Fifth, farmworkers' place of work can also shift between multiple sites, particularly for those contracted by FLCs. Finally, few farmworkers are unionized and in some provinces (which in Canada have jurisdiction over labor standards and health) it is illegal for them to do so (Tucker 2012). Like the United States and other high-income countries (Getz, Brown, and Shreck 2008; Luna 1998), Canada has excluded farmworkers from laws that set standards for working conditions and protect most workers historically (Tucker 2012).

Agriculture is not only one of Canada's most precarious job sectors, it is also one of the most dangerous (Pickett et al. 1999; Sharpe and Hardt 2006). Workers' compensation figures depict a hazardous occupation in which workers take longer to recover from injuries sustained at work and have a higher serious injury rate than the all-industry average (WorkSafeBC 2012). Research on farmworker health, however, remained limited prior to 2000 (Bolaria, Basran, and Hay 1988; Bolaria, Hay, and Basran 1992), when rising migrant employment sparked new scholarly interest (Duarte and Sánchez 2008; Hennebry, Preibisch and McLaughlin 2010; McLaughlin 2009; Otero and Preibisch 2010; Pysklywec et al. 2011; Tucker 2006). To date, the literature has focused on migrants in eastern Canada, and comparative study of immigrant and migrant farmworkers is scarce, although two studies have examined both groups' vulnerability with respect to the law (Tucker 2012) and employment standards (Fairey et al. 2008).

<sup>1</sup> In the case of migrant guest workers, however, employers must create a contract.

This emerging research identifies the principal occupational risks for farmworkers as exposure to agrochemicals, plants, soil, insects, sun, and climatic extremes; hazards posed by machines, vehicles, and confined spaces; and repetitive and stressful ergonomic positions (Hennebry et al. 2010; McLaughlin 2009). Repetitive motion and accidents constitute some of the principal occupational exposures in agriculture that can present acute problems and long-term disabilities (Hennebry 2008). Some farmworkers perform tasks that involve constantly breathing in particles or work in poorly ventilated, enclosed spaces; in 2008, three workers at a British Columbia mushroom farm were killed and another two left with severe brain damage after being overcome by toxic gas in a composting shed (*CBC News* 2012).

In addition, unsafe transportation constitutes a significant occupational health hazard, particularly for farmworkers hired by contractors who are known to use unsafe vehicles and careless, tired, untrained, or unlicensed drivers (Fairey et al. 2008). A coroner's report into a major traffic accident in 2007 that resulted in the deaths of three greenhouse workers found that the 15-passenger van had faulty brakes and poor tires, was overloaded, and was equipped with only two seatbelts (*CBC News* 2009). In a second major accident in 2012 that killed ten farmworkers (nine of them Peruvian migrants) and the driver of the oncoming vehicle, police found that the driver transporting the farmworkers was not properly licensed (Ontario Provincial Police 2012). Poor living conditions constitute a further principal health risk. Rural housing is often low quality, underserved, and overcrowded. In addition, chemical overspraying or drift poses hazards for those who live on, or adjacent to, their worksites (Arcury et al. 2005; Quandt et al. 2006). Poor hygiene and sanitary conditions at the workplace and in farmworker housing have also been identified as key hazards, including compromised access to adequate drinking water and hand-washing, toilet, and laundry facilities (Hennebry et al. 2010).

These risks have given rise to a range of work-related health concerns among immigrant and migrant farmworkers ranging from chemical exposure to infectious disease to chronic back and joint pain and musculoskeletal injuries to heat stress and mental health issues (Hennebry et al. 2010; McLaughlin 2009; Mysyk, England, and Gallegos 2008). Migrant farmworkers, however, face substantial barriers to addressing these health concerns, including limited information regarding health services and resources as well as legal protection and health insurance coverage (McLaughlin 2009; Preibisch and Hennebry 2011). Language barriers further compromise access to and quality of treatment. Moreover, both immigrant and migrant farmworkers lack secure income and

thus may be unwilling to forfeit wages by taking time off from work (Downes and Odle-Worrell 2003; Fairey et al. 2008; Preibisch and Hennebry 2011). Farmworkers also tend to refrain from using health services and fail to report work-related illnesses or injuries to their employers in order to protect their employment or immigration status (Fairey et al. 2008; Hennebry et al. 2010; Sergeant and Tucker 2009). In addition, immigrant and migrant farmworkers' social and geographical isolation acts as a barrier to health care, particularly when some employers resist their requests for medical treatment (Verduzco and Lozano 2003). Undeniably, wage labor in agriculture is not only highly precarious but carries significant health and safety risks for workers, particularly those with less-than-full citizenship status. Because migrant workers are separated from their families and communities while in Canada, they have an incentive to work as much as possible. This fact plays well into employers' own incentives to extort as much labor from as few workers as possible, as observed by Marx in *Capital*: "It is the absolute interest of every capitalist to extort a given quantity of labour out of a smaller rather than a greater number of workers, if the cost is about the same" (Marx 1977:788).

In seeking to understand the connections between how citizenship shapes labor market outcomes and the enjoyment of rights, including workplace health and safety and health care, we find Goldring and Landolt's concept of precarious legal status useful (Goldring and Landolt 2011). Precarious status identifies individuals or groups to whom the following applies: "the absence of permanent residence authorization; lack of permanent work authorization; depending on a third party for residence or employment rights; restricted or no access to public services and protections available to permanent residents (e.g. healthcare, education, unionization, workplace rights); and deportability" (328). The concept of precarious status goes beyond dichotomous categorizations of migratory legal status (e.g., irregular-regular, undocumented-documented) and recognizes the overlap or fuzziness between such categories and the membership norms, rights, regulations, public benefits, and so forth associated with each (Goldring 2010). Further, this approach emphasizes how precarious status and work intersect, particularly as international and national immigration management fashions multiple forms of legality and illegality that feed into employer strategies of flexibility (Anderson 2010; Goldring and Landolt 2011; Sharma 2006). As Bridget Anderson (2010) has argued, immigration controls work with and against migratory processes to construct workers with particular types of employment relations, many of which are particularly suited to precarious work. There is ample evidence that



unauthorized status is associated with negative employment outcomes (Anderson 2010; Goldring and Landolt 2012) and that this status allows employers to restructure employment conditions so as to increase labor flexibility (Bloomekatz 2007; Saucedo 2006). Yet relatively little is known about how other forms of precarious legal status—including its authorized forms—intersect with precarious work. Study in this area acknowledges that while migrants who use legalized pathways to enter “foreign” labor markets are able to cross borders designed to keep others out, they are also subject to a multiplicity of conditions on their entry that circumscribe their “differential inclusion” in the labor market and society (Fudge 2013; Macklin 2010; Sharma 2006). As Macklin (2010:332) writes, immigration law serves to structure “the vulnerability of those who do enter by assigning them to varying categories of precariousness, ranging from illegality through permanent temporariness, transitional temporariness, and permanent residence to citizenship.” Furthermore, while some labor migrants transition to full citizenship status, one’s initial legal status and the time spent in that status—the migrant’s trajectory—has a lasting impact on the quality of jobs she or he will get (Goldring and Landolt 2011). Goldring and Landolt’s research shows that the transition to secure legal status does not always result in improved labor market outcomes, a finding that indicates both how labor markets are becoming stratified according to migratory status and how precarious work can “become a ‘sticky’ web for people with precarious status” (2011:336). In these debates, our study sought to examine how differences in citizenship status affected workplace health and safety for Mexican temporary migrants and South Asian immigrant farmworkers. Examining this question in a labor market that only recently began admitting temporary migrants allowed us to explore labor regimes transitioning with the arrival of a new group of racialized workers with precarious status. We turn now to our empirical findings regarding the differential inclusion into the labor market and the comparative consequences for workplace health and safety, focusing first on the social locations of each group of workers.

### **Farmworker Health and Safety in British Columbia**

Across high-income countries, immigrant and migrant farmworkers carry out many of the same tasks, often on the same kinds of farms, but with contrasting relationships to (and positions within) multiple and overlapping social relations of power (gender, race or ethnicity, age, sexuality, rural or (sub)urban location, state citizenship, class). Such differences have consequences for the structural realities of their lives

and their ability to exercise their rights. For migrant guest workers, precarious legal status stems primarily from time-limited, employer-specific work permits that highly constrain their labor mobility and, consequently, dampen their bargaining power. Crucially, employers can deport workers or give them a negative evaluation at the end of the season, thus jeopardizing future job placements. Thus, the lack of a dismissal review process in their contracts or the right to be rehired each year before new workers, along with sending-country practices of labor control (e.g., worker evaluations or compulsory savings schemes), constitutes migrants as a highly disciplined, vulnerable workforce. Other coercive features of temporary migration programs include forced rotation, obliging migrants to return home at the end of their contracts as a precondition for subsequent employment. Migrant farmworkers in Canada are offered no route to permanent residency and policies are in place to discourage or prohibit them from bringing their dependents, a factor that shapes their willingness to accept longer, antisocial hours (Basok 2002; Preibisch and Binford 2007). This disciplinary tactic is reinforced by recruitment policies that privilege married applicants with dependents. Furthermore, temporary migrants reside on property owned or rented by their employer, living arrangements known to foster personal labor relations and extend employers' control beyond the sphere of work (Wall 1992). The architecture and operation of Canada's guest worker programs ensure that while temporary migrants share many of the same rights as domestic workers, they face challenges to exercising them.

While immigrant farmworkers enjoy permanent residency or full citizenship, the nature of their immigration trajectories also positions them precariously in the labor market. They fall within the definition of precarious status because their categorization as family class immigrants subordinates them to the person who sponsors their entry into Canada—often a son, son-in-law, or husband (Oxman-Martinez et al. 2005). Sponsors agree to financially support their dependents for 10 years (even if the sponsored immigrant becomes a Canadian citizen in that period), including repaying any social assistance they may incur (Ontario Ministry of Community and Social Services 2013). Family class immigrants constitute a more vulnerable segment of the workforce if they feel compelled to repay their families for bringing them to Canada and supporting them, at times remaining in employment despite poor working conditions, ill health, or old age (Fairey et al. 2008; Oxman-Martinez et al. 2005).

Furthermore, while immigrants in this category have the right to move freely in the labor market, their mobility is hindered by language

ability, age, suburban location, and often their gendered responsibilities for social reproduction. Because of this limitation, family class immigrants come to depend heavily on the farm labor contracting system for employment, an institution notorious for its exploitative labor practices (Bush and Canadian Farmworkers Union 1995; Moore 2004). FLCs act as intermediaries between workers and growers, supplying laborers, arranging wages, and providing transportation, thus linking a predominantly suburban-sited, immobile group to the agricultural labor market.<sup>2</sup> FLCs are these workers' formal employer, rather than farm owners or operators. Strong kinship ties, with origins in the Punjab region of India, further shape workers' loyalty to contractors, even when these relationships are abusive (Bush and Canadian Farmworkers Union 1995). Growers continue to rely on FLCs, despite their history of flaunting employment standards and violating safety regulations (Fairey et al. 2008; Moore 2004). Moore (2004) reports that 69 percent of FLCs involved in site visits by provincial authorities in 2003 were in contravention of "core issues" including entitlements to payment of wages and adhering to the minimum wage and had fraudulent payroll records. Overall, labor contracting has multiple implications for the employment relationship, including the potential to discourage growers from training contract workers and, consequently, increase the risk of accidents (Guadalupe 2003). The manifestations of the power imbalance between farmworkers and their contractors have been well-documented in the U.S. literature, including wage theft, debt peonage, physical and verbal abuse, unjust firing, and blacklisting (Benson 2008; Linder 1990; Vaupel and Martin 1986). Both groups, racialized as nonwhite workers from the "Third World," enter a labor market hierarchically organized by race and gender and confront challenges to their social inclusion in predominantly white rural communities.

The social contours of our survey participants corroborated existing descriptions of the workforce. On average, South Asian immigrant farmworkers were older, married women who came from India as family class immigrants and now held Canadian citizenship (65 percent) or permanent residence (35 percent). Most had very little formal education: more than a fifth lacked primary school education. Conversely, Mexican migrants were most often young, married men and had completed junior high school or higher. The majority were from the most populous (and poorest) central and southern states of Mexico and more than half spoke an indigenous language, a strong indicator of

<sup>2</sup> Immigrant farmworkers belong to households located predominantly outside rural areas, owing to the greater concentration of co-ethnic persons, cultural and religious infrastructure, and employment opportunities in cities.

indigeneity. While South Asian survey participants included mixed numbers of newcomers and longer-settled immigrants, the majority of Mexican migrants (84 percent) had just begun their labor trajectories in Canada, and over three quarters had only worked in British Columbia. Below we outline our comparative results on workplace health and safety.

### **Coercive Labor Practices, Working Hours, and Labor Intensity**

Our research found a labor regime in agriculture characterized by coercive employment practices occurring in a weak regulatory environment, with serious consequences for workplace health and safety, even for those who had achieved formal citizenship. To begin, a principal finding was that farmworkers' fear of losing hours or jeopardizing their current or future employment led both groups to accept work or transportation they perceived as unsafe, to work long hours, to work while ill or injured, and, in the case of migrants, to acquiesce to poor housing. A common perception among Mexican migrants was that questioning their employers, let alone refusing work or long hours, would risk their current and long-term employment in the SAWP through a negative evaluation, failure to be recalled, or premature dismissal or deportation. The following remarks by a Mexican migrant illustrate migrants' reticence to raise concerns: "the tractors don't have signal lights and the brakes are failing. Sometimes you have to drive on the highway when you're going from one field to another, and this worries me. But if [my employer] says the signal lights or brakes are working, I'm not going to contradict him." South Asian immigrants similarly feared that speaking out could result in losing both income and their jobs. As one former farmworker turned advocate explained, "today if I speak something against the contractor, the next day I'm not going to be picked up. He'll say, 'Fine, stay at home. You'll come to know.'"

Fear of losing hours or jeopardizing future employment led both immigrants (79 percent) and migrants (69 percent) to work when ill or injured or avoid reporting health concerns. Our interviews included statements such as these from two Mexican migrants: "We tolerate the pain and don't say anything"; "there are people who have injured themselves horribly, and even so they keep working." In addition to short-term economic motivations such as losing hours for working while ill or injured was a general fear of employer reprisals. When respondents were asked to agree or disagree with the statement, "On my farm there are coworkers who work when they are ill because they are afraid to tell the boss," 48 percent of Mexican migrants responded affirmatively, as did

44 percent of South Asian immigrants. The following statements illustrate this view: “You don’t want to stop working because you think maybe they [employers] won’t ask for me [next year] if they see me complain and because I’m hurt” (Mexican migrant); “I’m still in pain, but I’ve decided not to say anything because I’m ashamed [and] afraid the boss will send me back to Mexico” (Mexican migrant); “I have felt sick a few times at work, but I was afraid that the owner may get angry at me if I asked for a holiday” (South Asian immigrant). Farmworker advocates said that a common employer response to illness or injury among migrants was firing the individual and arranging his or her deportation. This practice has been widely documented in eastern Canada (Basok 2002; Henneby 2006; McLaughlin 2009; United Food and Commercial Workers Canada 2005).

Fear was also fostered through degrading treatment. Study participants reported receiving verbal aggression (yelling, insults, racist remarks) and even physical violence. When asked to rate activities they carried out on the job in terms of the perceived risk to their health and safety on a scale of 1 to 10 where 1 indicated very low risk and 10 indicated very high risk (hereafter the “risk scale”), 44 percent of the Mexican migrants and 22 percent of South Asian immigrants rated “working with an aggressive boss or supervisor” as high-risk ( $\geq 7$ ). Thus while both groups perceived aggressive management as a risk, it was of considerably greater concern to Mexican migrants.

Fear of jeopardizing their employment is also inducing both groups to acquiesce to long shifts. Mexican migrants, however, worked significantly longer shifts than their South Asian counterparts. Our survey found that during high production, Mexican migrants worked an average of 12 hours on weekdays and 8 hours on Saturday and Sunday, while South Asian respondents averaged 9 hours on weekdays and 5 hours Saturday and Sunday. The trend for Mexican migrants to work longer hours held up in low production periods when they reported an average of 9 hours on weekdays and 5 on Saturday and Sunday, while South Asians worked an average of 6 Monday to Friday, 3 on Saturday, and 2.5 on Sunday. Thus even low production periods involved a 55-hour work week for Mexicans, substantially higher than the 30.5-hour work week for South Asians. While both groups perceived long hours as risky, this was more of a concern for South Asian immigrants who are, on average, older than Mexican migrants. Forty-three percent of South Asian respondents rated “working long hours” as a high-risk activity, compared to 28 percent of Mexicans. As one South Asian immigrant said, “The hours worked [are] a risk. During the rush season, I’d work 11- to 12-hour shifts for two straight weeks. My body would be sore, but

I knew I'd have to get up and gut it out." Some individuals in both groups work even extraordinarily longer hours: up to 20 in a continuous shift. Mexican migrants reported working for two weeks straight before having a day off. Although these workers are motivated to work as many hours as possible during their work permits, they can jeopardize their employment if they refuse to.

Amendments in 2001 to British Columbia's Employment Standards Act, which governs minimum wage, hours of work, and holiday pay, have likely exacerbated the already long shifts that characterize seasonal farm work. Farmworkers lost their entitlement to overtime pay and had to work longer to compensate for wages they lost through other mechanisms, such as cuts to the minimum piece-rate wage. In 2008, a study calculated that Canadian farmworkers on piece rates were earning just over \$5.00 per hour (Fairey et al. 2008) at the time that Mexican migrants were making \$8.90 per hour. The self-disciplining character of piece rates operates in a distinct institutionalized context of social protection whereby eligibility for employment insurance in the off-season (an entitlement denied to migrant workers) requires recent labor market entrants to accumulate a minimum of 910 hours the first season and a minimum of 700 hours in following years (Fairey et al. 2008). Because employment opportunities in agriculture diminish substantially in the winter, Canadian workers often rely heavily on employment insurance payments to complement their income (Fairey et al. 2008). Immigrant farmworkers may thus acquiesce to prolonged work hours, consequently placing themselves at an increased risk of workplace injuries and accidents, or work while ill or injured. Guest workers are protected from this form of wage theft since their employers are contractually obliged to pay them annually negotiated hourly rates. Employers were implementing productivity targets for migrants, however, that similarly intensified production, at times involving bonus payments. Mexican migrants, residing permanently in a country with a much lower human development ranking (11) than Canada's (61) (United Nations Development Programme 2013) and separated from their families, also accept long hours in order to maximize their earnings during their temporary employment, retain the approval of their employers, and protect their Canadian jobs.

In agriculture, the occupational health hazards of fatigue (Lilley et al. 2002) occur in workplaces that involve physically demanding tasks carried out at an intense pace (Basok and Rivas 2012). Study participants perceived that unreasonable productivity targets, piece-rate wage systems, and pressure from management intensified the production process to an extent that was increasing their risk of workplace injury. As

one Mexican migrant recounted: "Since we use very sharp knives and they ask us to cut very quickly, there's always a risk. They ask us to cut 13 boxes of [green peppers] per hour per person, so you have to work very fast, and I've cut myself twice." To further illustrate, a South Asian immigrant argued that "To make work safer, I feel that we should receive three breaks per day and not get pushed so hard by our contractor to work faster." Employers were also using ethnic or national competition as a disciplinary tactic to increase productivity or gain acquiescence and were intimidating South Asian farmworkers with their potential replacement by Mexican migrants and vice versa. With the spectacular growth of the SAWP, these threats need little reinforcement among South Asians. However, labor replacement also constitutes a threat for Mexican migrants. The year after a group of Mexicans became the first migrant agricultural workers to unionize in British Columbia, their employer rehired only a dozen migrants of the original 38 and complemented the workforce with 28 Canadians (Sandborn 2009).

### **Workplaces, Transportation, and Housing**

Immigrant and migrant farmworkers also worked in environments they perceived to be unsafe. Respondents described poorly maintained equipment and worksites that presented hazards such as falling from heights, cuts from dull knives, or injury from machinery. Inadequate hygiene and sanitation on some farms also poses health and safety risks. Fourteen percent of our respondents reported lacking access to bathrooms. Interviewees reported withholding urine and stool for extended periods, being reprimanded for using toilets outside scheduled breaks, and the indignities of lacking bathroom facilities in a mixed-gender workplace. One Mexican migrant said, "If I feel like going to the bathroom, I go, but my coworkers say they wouldn't do it because they fear they'll be fired." Thirty-one percent of respondents rated the risk of working without access to a bathroom as a high-risk activity. Twenty-three percent also reported lacking hand-washing facilities at their worksites, amplifying their risk of exposure to infectious diseases and chemicals. Interviewees reported being unable to wash their hands before eating after using the toilet, handling chemicals, or working with soil. One Mexican interviewee related, "Sometimes we cannot wash our hands as we'd like to and this causes stomach ailments. Many of us have fallen ill. It's what we get the most." Finally, more than a third of migrants and a quarter of immigrant farmworkers indicated lack of drinking water as a high risk.

Transportation also presents a risk to both groups. For immigrant workers dependent on the FLC system, unsafe transportation may

constitute their most serious occupational hazard (Bush and Canadian Farmworkers Union 1995). One South Asian participant explained why she drove to work: “It was common knowledge in the field that contractors did not offer their workers adequate seat belts, the van was overloaded, and it was being driven too fast.” Among survey respondents transported to their worksites, an astounding 27 percent reported an insufficient number of seat belts. Further, 24 percent of our South Asian immigrant respondents disagreed with the phrase “I felt safe when being transported from my home to my workplace.” Respondents reporting insufficient number of seat belts were more likely to be traveling in vans or buses driven by a FLC and to work on larger farms. While Mexican migrants tend to live on farm premises, they are exposed to transportation hazards traveling between worksites, often sitting or standing in trailers, wagons, or tractors, some of which are not roadworthy. Both groups also face risks when working in remote areas, since some employers fail to provide a vehicle or cell phone for emergencies. One interviewee reported carrying an injured coworker 30 minutes before reaching a telephone.

Housing was also a specific concern for migrant workers. Thirty-seven percent of Mexican survey respondents disagreed that “the state of my housing does not present any risk to my health” and reported shortcomings in facilities such as inadequate sanitation, with some dwellings lacking indoor plumbing and potable water (see Table 1). Farmworker and advocate interviewees emphasized concerns of overcrowding, as well as insufficient facilities: “People are living nine, ten, eleven to a house with access to one bathroom; without even a stove but three or four electric hotplates for nine people,” said one advocate. “No washer, no

**Table 1. Survey Results of Availability of Housing Facilities for Mexican Migrants.**

	% Yes	% No
Drinking water within the dwelling	97	3
Functioning toilets inside the dwelling	93	7
Portable toilets outside the dwelling	71	29
Running water inside the dwelling	96	4
Kitchen separated from the toilet	88	12
Stove separated from sleeping area	72	28
Sufficient refrigerator space for all occupants	79	21
Sufficient cooking elements for all occupants	75	25
Washing machine	81	19
Tumble dryer	75	25
Heating in cold weather	86	14
Windows with insect screens	75	25



dryer. There are houses that . . . are not even adequate for human abode.” Despite SAWP guidelines indicating that a laundry facility should be provided for every 15 occupants, 19 percent of migrants had no washing machine and 25 percent had no tumble dryer, a significant concern considering the importance of washing clothes to mitigate pesticide exposure. Further, inadequate refrigeration space is troubling, given that migrants’ access to supermarkets is generally limited to one day per week. The risks of gastrointestinal problems are exacerbated by insufficient cooking elements that impede migrants’ ability to heat meals adequately, if at all. The existence of poor housing conditions indicates both inconsistent employer compliance with the SAWP agreement and regulatory deficiencies in monitoring and enforcement.

### **Training and Language Barriers**

A further principal finding was that most farmworkers—74 percent of Mexican migrants and 70 percent of South Asian immigrants—did not receive health and safety training for their jobs at their principal worksite. One South Asian woman, age 30, who became a farmworker in Canada at age 9, asserted, “Throughout my agricultural career, I haven’t received much training from my different bosses. In agriculture you learn from your coworkers and through experience. Your boss or supervisor doesn’t have the time to train you properly and doesn’t want to [pay] to have someone else train you.” Even when workers did receive some occupational health and safety training, our research did not find a significant association between training and a decreased likelihood of occupational injury: workers were just as likely to get injured whether they received training or not. This could indicate that training is inadequate, corroborating our qualitative findings. Moreover, that training did not affect the likelihood of injury could also indicate that a trained person who returns to a hazard-filled environment is still exposed to the potential for injury because the structural factors that lead people to work unsafely or accept unsafe work remain unaddressed. Training in workplace health and safety is essential for all workers, but it may be even more important for immigrants and migrants whose non-Canadian work experience likely took place under different conditions and regulatory environments.

In addition to insufficient training, farmworkers confronted language barriers in their jobs that held consequences for workplace health and safety. Our study found that workers whose self-assessed English proficiency is poor or very poor were more likely to have sustained a work-related injury. Among South Asian immigrants, we found a strong relationship between language skills and work-related injuries; 75 percent of South Asian workers who reported work-related injuries rated

their English proficiency as poor or very poor. Using Cramér's V, a measure of the strength of association between two nominal values, indicates that having sustained a work-related injury and self-assessed poor or very poor English skills was 0.346 ( $p \leq .05$ ), suggesting a strong relationship. Although the survey did not find statistically significant results for Mexican migrants, it is noteworthy that 82 percent of those who reported a work-related injury also reported poor or very poor English skills. Mexican migrants perceived language barriers as a greater risk than South Asian immigrants, some of whom speak English or whose FLC, supervisor, or employer speaks Punjabi. When asked whether they agree with the phrase "I think that not knowing the language of my supervisor increased my risks," 82 percent of Mexican migrants and 49 percent of South Asian immigrants agreed, indicating different but widespread language barriers. In fact, when asked to rate "Working without knowing the language of the supervisors or employer" on the risk scale, the median risk assessment of Mexican migrants was 6, while that of South Asian immigrants was 2.

### **Access to Health Care**

Language barriers also constitute one of multiple barriers to health care identified in this study, particularly for Mexican migrant workers. This barrier is compounded by geographical isolation and poor rural transportation, as most migrants live on farms in rural, sometimes remote areas. Long, antisocial work shifts further hamper their access to health care. Moreover, migrants are not eligible for provincial public health care until they have resided in British Columbia for three months; they also depend on their employers to register them. In our study, only 8 of 100 migrants surveyed had been enrolled in public health care. Although migrant workers have private insurance for the intervening period, its coverage is limited: at the time of the study, some clinics and hospitals were not recognizing it and, consequently, either refused to treat migrants or required a prepayment, something migrants were unwilling or unable to finance. For South Asian immigrants, the three-month qualifying period for public health care also applies to newcomers, thus increasing their dependency on their sponsors.

In addition to insurance-related problems, access to health care was impeded by employers and supervisors who did not respond immediately or at all to farmworkers' concerns: "The delay it takes—it's as if they don't believe us immediately," a Mexican migrant said. "One of my coworkers has been waiting a month, and they [Mexican Consulate employees] told him that they're going to come visit him today to see if they take him to the doctor. They'll probably send him [back] to

Mexico.” Immigrant farmworkers also asserted that FLCs denied requests for medical care on the job. A South Asian immigrant said:

If we have an accident at work, we'll be left to take care of ourselves. Another problem with the contractor is that they don't pay attention to anyone who gets hurt. They will never offer to take someone to the hospital if they get injured or are feeling ill. They may offer the person a ride home, but more often they'll tell you to wait in the lunchroom until the day is over.

When respondents were asked to express their level of agreement with the statement “My boss does what is necessary to guarantee the health and safety of his workers,” 42 percent of Mexican migrant farmworkers disagreed. Similarly, when South Asian farmworkers were asked to indicate their level of agreement with the statement “The owner of the farm cared about the health and safety of his workers,” 29 percent disagreed.<sup>3</sup> Employers' failure to respond to farmworkers' requests for medical care may generate feelings of despair, hopelessness, and having been discriminated against—factors identified by researchers as stressors for higher rates of mental distress and psychiatric difficulties among migrants (Arcury and Quandt 2007; Lee 2008; Magaña and Hovey 2003). Such failure is also a violation of provincial occupational health and safety legislation and the current SAWP agreement.

### **Discussion and Conclusions**

Throughout high-income countries, noncitizen migrants are a growing component of the labor market supporting food systems. In Canada, temporary migration programs have served as a principal policy instrument to expand noncitizen migrant employment in food and agricultural industries, most dramatically since 2002. This shift, along with other changes to immigration policy, has resulted in greater variation in the Canadian workforce in terms of status categories and their associated entitlements. Our research on workplace health and safety provides insights into the intersection between precarious work and precarious legal status through a novel and empirically rich comparison of migrant and immigrant farmworkers. As we have demonstrated, migrants on tied work permits are subject to highly coercive forms of labor discipline that rest principally on their deportability. The fear of losing the opportunity to obtain Canadian wages, fostered as a result of their precarious legal

<sup>3</sup> The wording of this phrase was slightly different in order to convey a similar meaning in Punjabi.

status as highly deportable, temporary labor market entrants, compels them to acquiesce to working conditions and housing that many perceive as unsafe or damaging to their health, to accept exceptionally long hours, or to work while ill or injured. Family class immigrants experience precarious legal status in other ways. These older, predominantly female workers, living in (sub)urban centers, face challenges to their economic integration into the wider workforce. They thus rely on the FLC system to link them to the agricultural labor market, where they face a remuneration system that induces them to accept undesirable working conditions if they are to qualify for social protection during the low season. They face specific risks linked to the FLC system, including that the contractor rather than the farm owner is their formal employer, a factor that may affect the amount and quality of the health and safety training they receive. Studies that focus on one group of workers with precarious legal status—landed immigrants, undocumented migrants, or authorized guest workers—may fail to perceive how people occupying a diverse range of social locations are differentially incorporated into the same labor markets to the benefit of capitalist accumulation. As we have shown in our comparison of two legalized groups of immigrant and migrant workers, precarious migratory status shapes labor regimes in distinct, complex, and paradoxical respects.

Both groups of these racialized workers of precarious status travail in an occupation long characterized by exploitative employment conditions, weak labor standards, insufficient monitoring of compliance, and lax enforcement of the law. One of the principal contributions of our study is a snapshot of the wretched labor regimes that characterize contemporary food and agricultural production in a postindustrial economy. Farmworkers continue to face a number of indignities at work, such as verbal and physical aggression, including racially based aggression; exacting productivity standards that have intensified the work process; and dangerous environments for which they have received little health and safety training and in which they often do not understand the language of the “shop floor.” Among risks to their bodily integrity are unsafe transportation to their jobs and unsanitary, underequipped, and overcrowded housing. Migrant farmworkers in particular work incredibly long shifts, averaging an astonishing 76 hours per week without a day of rest in periods of high production.

Immigrants with partial or full formal citizenship, however, have greater opportunities to escape agriculture’s brutal labor regime. Entitled to labor mobility and state-funded language classes, they can potentially improve their labor market attachment and find work outside the sector. At the very least (although unlikely) they can also withdraw

from the labor market to rely on their family members physically located in Canada and, for those landed for more than ten years, gain access to the (diminished) social protection offered by the state (e.g., welfare). Being supplementary rather than primary economic providers for their households is one factor that may allow them greater latitude to work fewer hours than guest workers in what is a physically exacting job. Finally, for those immigrants who cannot leave agriculture or “choose” to remain in the sector, formal citizenship rights afford them greater ability to pursue claims against their employers, notwithstanding the barriers we identified in the FLC system. Indeed, that temporary migrants return to their home countries, either as a result of forced rotation or deportation, acts as a constraint on migrants’ ability to exercise their rights. Although unions and community groups have been pursuing migrant rights through the courts and provincial labor boards aggressively since the mid-2000s, fundamental features of guest worker programs such as deportability and forced rotation hamper these efforts.

While formal citizenship rights thus mitigate some vulnerabilities, the activist call for “status on arrival” would defeat the purpose of guest worker programs from the perspective of employers and government. The popularity of such programs lies in their efficacy in allowing the state and employers to implement flexible labor regimes around migrants’ unfreedom, including in worksites where farmworkers with multiple kinds of citizenship status are employed. As our research corroborates, the employment of migrants—whether provisional or consistent—changes agricultural labor regimes substantially (Rogaly 2008; Rye and Andrzejewska 2010). Competition between workers of mixed citizenship status, along with other disciplinary strategies, creates new standards for productivity and acquiescence that employers come to expect. In this regard, our research emphasizes both the multifaceted composition of the labor force serving agriculture and its mutually reinforcing benefits for production. Further, our findings corroborate scholarship on migrant incorporation in other high-income-country food systems that indicate that the expansion of migrant employment further entrenches farmwork as a precarious and often dangerous job for all workers (Rogaly 2008; Rye and Andrzejewska 2010). Formal citizenship status is thus not enough to address the dangers of precarious work in agriculture. As Goldring and Landolt (2011) have argued, shifting from precarious legal status into secure status (in this case, sponsored family members who become citizens) does not ensure movement out of precarious work.

This finding underscores the need for two equally ambitious policy changes to address labor injustices in Canada’s food and agricultural

system, for which we have provided detailed policy recommendations elsewhere (Otero and Preibisch 2010). We summarize them here. First, Canada should adopt a national strategy to commit provincial governments and other stakeholders to address serious shortcomings in the legislation protecting agricultural labor, strengthen monitoring and enforcement, and find new solutions to improving employer compliance. Second, since formal citizenship can mitigate an important dimension of vulnerability, we argue for a restructured immigration system that would accept applications for permanent residency from a broader range of skill sets, including manually skilled agricultural workers. Such a reform would better reflect the country's labor needs and obviate the need for temporary migration programs. At the very least, migrants should be offered untied, sectoral work permits to enable their mobility within the agricultural labor market, thus removing the principal source of their unfreedom.

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