



# Sub-national Units And Agricultural Workers Programs In Canada

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## INTRODUCTION

The Seasonal Agricultural Workers Program (SAWP) has been a model of bilateral cooperation between Mexico and Canada since 1974. Its constant assessments make it possible to guarantee better working conditions for migrant workers and an orderly, legal, safe flow of temporary migration. This article contributes to the debate about this program by looking at sub-national units, local actors, and working conditions within this bilateral dynamic.<sup>1</sup>

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ORIGINS AND DYNAMICS OF THE SEASONAL  
AGRICULTURAL WORKERS PROGRAM (SAWP)

While the program attempts to take advantage of the supply and demand for immigrant labor and in specific conditions it has served as a limited incentive for rural Mexican communities due to the constant increase in remittances, workers' working conditions are increasingly deregulated. This has left them vulnerable since the enforcement of the Low Skilled Workers Program (LSWP) in 2002.

In a country like Mexico, international migration has an increasingly complex, dynamic relationship with local development processes in both places of origin and destinations. In some regions of Mexico, governmental migratory strategies, carried out in conjunction with nationals organized in associations, fraternities, or clubs, are part of geopolitical strategies. These expand bilateral relations not only due to proximity or migratory tradition, such as in the case of the U.S., but also due to programs set up by countries and regions that report benefits to municipalities or provinces, such as in the case of Mexican workers in Canada. In contrast with the United States' 1942-1964 Bracero Program, Canada's, signed in 1974 through a Memorandum of Understanding, brought Mexico into the Seasonal Agricultural Workers Program (SAWP).

At the end of the 1990s, the Canadian government established a similar program to its Mexican one with Jamaica, Barbados, and Trinidad and Tobago, countries with a language affinity and whose work forces make up the majority of all Canadian temporary agricultural workers.

Since 2010, more than 10 000 Mexicans go every year to Canada under the SAWP to work on farms through bilateral agreements set up and regulated not only by the two countries' federal governments, but also by their sub-national governments. In 2015, Mexico's Ministry of Labor and Social Services' National Job Service facilitated the participation of 21 499 Mexican workers. Their main destinations were the provinces of Ontario, British Columbia, Quebec, and Alberta; they mainly came from the State of Mexico, Tlaxcala, Veracruz, and Puebla.<sup>2</sup> One outstanding sub-national agreement is the one between the state of Jalisco and the province of Alberta.

SAWP's consolidation is not only due to demand for labor, but also because of the crisis in the Mexican countryside. While the program is considered a model for successful international labor mobility that responds effectively to the demand for farm labor in Canada, I believe that it creates

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fewer conflicts in meeting Canadian employers' needs thanks to its flexibility. Some situate that flexibility in the fact that it uses rural labor and that, by gradually reducing Canadian government intervention in the process, it makes it possible for Canadian businesspersons to obtain higher profit margins.

This sub-national dynamic involves the supply and demand of labor, which can have positive results since the migrants activate their places of origin to differing degrees by sending remittances home. The 21 499 Mexican agricultural laborers placed in Canada in 2015 alone declared having sent home Can\$225 052 091 in remittances.<sup>3</sup> This seasonal program shows that interaction has generated joint policies between governments and businesses. Although Canada's programs may not be as developed and coordinated as the U.S. case with the 3 x 1 programs, they are very dynamic and are based on criteria and principles that stem from the federal, municipal, or provincial level and generate sub-national effects.

This allows us to situate sub-national units among migratory issues as decisive scenarios for migratory and labor policies, as well as other elements that indirectly influence topics such as human rights and transit policies.

One key element for the continuity and consolidation of SAWP within the framework of sub-national units is that they center on institutional agreements. Through them, they manage and administer the flows of labor mobility based on an intergovernmental model, managed government to government, involving national and sub-national authorities of both countries, as well as the coordination with Canadian employers.

Undoubtedly, the Canadian business community has the specific weight that lends the program its operational efficacy. Canadian employers must supply housing for migrant workers in accordance with provincial standards, as well as food, air fare, and medical coverage. However, Ofelia Beceril, on the one hand, and Leigh Binford, Guillermo Carrasco, and Socorro Arana, on the other, showed that the employers recover a significant portion of that up-front payment through deductions to weekly paychecks to migrant workers.<sup>4</sup> This shows the need to create the administrative procedures as part of public policies of national and sub-national governments in

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the face of possible violations of the work contracts of program participants.

#### A DESCRIPTION OF WORKING LIFE

Undoubtedly, in the Canadian case, workers programs must be consolidated through continual assessments, pointing out the factors that can interfere with their operation. Given the exponential hike in regulated migration and the fact that programs linking sub-national units are being formalized guaranteeing the safety of migrant workers, this is even more necessary. This is the case of Tlaxcala, where these units become important because they offer labor and, in conjunction with the government bureaucracy and business agreements, they create synergies that can become incentives for the locale, but at the cost of migrants' working conditions.

The publications of Binford, Carrasco, and Arana, and of Becerril show how Mexican workers, mainly from states in Central Mexico like Tlaxcala and Puebla, are living in what amount to precarious conditions. They are paid only a few pennies over minimum wage; they receive no overtime pay or bonuses for seniority—recent arrivals earn the same wage as those who have been there longer; and therefore, the only way workers can increase their weekly wage is to increase the number of hours worked.<sup>5</sup>

More than one-third of the workers interviewed said that they had no days off, which is a violation of the contractual regulations of the program itself. Ofelia Becerril's study observes the workers in Leamington, Ontario, known as Canada's "tomato capital," and argues that transnational agricultural work by Mexicans in Canada ratifies the restructuring of production processes and new forms of organizing the workplace. She shows how patterns in the organization of work (the assignation of posts, tasks, working hours, and opportunities) are based on a strict sexual and ethnic division of labor, which is discriminatory and creates labor segmentation and segregation.<sup>6</sup>

Despite the fact that Mexico's Ministry of Labor stipulates that migrant workers have a certain level of skill, ongoing train-

ing, and experience in crops, in some cases, such as that of strawberry workers in Quebec, Canadian employers do not recognize their skill level or pay them accordingly.

This reinforces what Jonathan Molinet has stated to the effect that in sub-national units, in this case in destinations, asymmetries exist between workers and employers, showing different levels of control or management that should be formally presented through government administrations in the place of origin.<sup>7</sup>

#### THE DEREGULATION OF MIGRANT LABOR

In the first half of 2002, the Low Skilled Workers Program (LSWP) was put in place to complement SAWP. The new program created more flexibility based on the migrant's place of origin, determining the skills the worker might have. A characteristic of this program is the absence of any direct participation by the Canadian government in the agreements between employer and worker, making the latter vulnerable in terms of working conditions. The program's main objectives are to recruit workers from any country, emphasizing underdeveloped nations, to carry out low-skilled jobs and create unmediated alternatives for hiring in different niches of agriculture.

Migrant workers hired under this program work for highly-monitored stays of one to two years. There is little supervision or regulation of their working conditions, in contrast with the SAWP, where consular structures dedicated to supervising them intervene. Employers, for their part, receive no Canadian governmental assistance in dealing with local public or private institutions in the case of labor disputes or early repatriation with the help of consulates. That is, despite shoring up the supposed dynamic of sub-national units in places of both origin and destination, no legal structure or institution exists to regulate or serve as intermediary in conflict resolution between workers and employers.<sup>8</sup>

The workers' vulnerability requires that both governments intervene together. If this worker program is to truly be considered under the law in the sub-national unit, the different levels of government must intervene to negotiate and politically administer it. And, if we really want to talk about sub-national units, they must consider public policies carried out by specific locations.

The LSWP does not necessarily include day-workers. We see here that labor relations are individualized between companies and their workers, leaving to one side any space for

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negotiation and agreements among workers. Companies can decide what their needs are in terms of forms of work; this has important effects on relations between skilled and non-skilled labor, in which, for example, the unequal wages are made more unequal, with the disadvantage for workers without certified skills.<sup>9</sup>

What we see here is a lack of job security that, given their lack of union representation, undoubtedly minimizes workers' participation not only within the system of production, mainly in the distribution of work, but also in terms of their wage demands.

Strategies of labor flexibility come together in this form of regulating migration through practices akin to sub-contracting, and, as is already the case in some cases of U.S. H2B visas, inter-entrepreneurial relations are created in which workers join production with only minimal conditions of labor co-responsibility. That is, a triangular relationship is created that exempts companies from all legal responsibility *vis-à-vis* the migrant worker. This has sparked a huge number of advisories of violations of working conditions. Therefore, it twists the strategies of the programs and leads to the need to demand public policies managed internationally by sub-national governmental actors that would institutionalize them and at the same time provide social, economic, and political synergy. The idea, then, is to try to take advantage of opportunities abroad and that labor markets in Canada be instruments for local development.<sup>10</sup>

That is, we can see an injustice being committed with regard to workers' insertion into the labor market in Canada since a discrepancy exists between the policy and the practice of workers' labor rights. This is due to the restrictive character of work permits since the demands for getting a job and hiring practices can limit labor rights as protectionist measures. And, in this relationship of sub-national units, the bio-politics of destinations take advantage of the labor, but leave to one side the other dimensions of migrant workers' lives.<sup>11</sup> Despite the fact that in its 2007 Statement of Objectives, the Labour Mobility Working Group stipulated it would improve temporary workers programs and guarantee the pro-

tection of labor rights, it has not emphasized these issues and has only reinforced the schemes for new job opportunities.<sup>12</sup>

## IN CONCLUSION

Temporary migrant worker programs must go beyond the training of human capital and the creation of conditions to guarantee migrants' decent working conditions. They must produce an effect that makes both the places of origin and destination more dynamic. Therefore, it is necessary to ensure their operation from the point of view of the sub-national units where the coordinated regulation of the different levels of government makes possible the operation in a location and guarantees labor risks are minimized. Factors such as migratory patterns, forms of insertion, and the spatial distribution of the population are being restructured given that the central governments and sub-national units gradually stop regulating these labor relations. It is necessary to generate sustainable ways of living and working with working and hiring conditions that strengthen migrants and their communities of origin, establishing a synergy in regional development and ensuring that the benefits are reciprocal. ■■

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## NOTES

<sup>1</sup> I will use the term "sub-national units" to mean instrumental units based on the decentralization of governments that leads to processes of social and political integration in sub-national entities that implement bilateral practices. See Jacqueline Behrend, "Política subnacional y democracia," *Revista SAAP* vol. 5, no. 2, 2011.

<sup>2</sup> See [http://www.canadainternational.gc.ca/mexico-mexique/eyes\\_abroad\\_coupdoeil/MXICO2015SAWP.aspx?lang=eng](http://www.canadainternational.gc.ca/mexico-mexique/eyes_abroad_coupdoeil/MXICO2015SAWP.aspx?lang=eng), accessed October 10, 2016; and "Programa de Trabajadores Agrícolas México-Canadá 2016 rebasa su objetivo: STPS," <http://www.noticiasmvs.com/#!/noticias/programa-de-trabajadores-agricolas-mexico-canada-2016-rebasa-su-objetivo-stps-855>, accessed October 10, 2016.

<sup>3</sup> See <https://www.gob.mx/stps/prensa/inicia-stps-envio-de-trabajadores-agricolas-a-canada>, accessed January 10, 2017. For more statistical data about workers in Canada, see *The Mapping Migration from the Americas Project*, <http://www.mappingmigration.com/homeenglish.html>.

<sup>4</sup> Ofelia Beceril Quintana, "Relación de género, trabajo transnacional y migración temporal: trabajadores y trabajadoras agrícolas mexicanos en Canadá," paper presented at the first international colloquium "Migración y desarrollo. Transnacionalismo y nuevas perspectivas de integración," in Mexico in 2003, [http://meme.phpwebhosting.com/~migracion/ponencias/20\\_3.pdf](http://meme.phpwebhosting.com/~migracion/ponencias/20_3.pdf), accessed October 4, 2016; and Leigh Binford, Guillermo Carrasco Rivas, and Socorro Arana Hernández, *Rumbo a Canadá: la migración canadiense de trabajadores agrícolas tlaxcaltecos* (Mexico City: Taller abierto, 2004).

<sup>5</sup> Binford, Carrasco, and Arana, op. cit.

- <sup>6</sup> Becerril, op. cit.
- <sup>7</sup> Jonathan Molinet, "Las unidades subnacionales y las políticas conjuntas en la agenda bilateral migración, medio ambiente, burocracia," <http://lasa.international.pitt.edu/LASA98/Molinet.pdf>.
- <sup>8</sup> Luis M. Muñoz Carrillo, "Programa de Trabajadores Agrícolas Temporales México-Canadá: costos y beneficios," George Washington University, 2011, [http://www.gwu.edu/~ibi/minerva/Spring2011/Luis\\_Munoz\\_Spanish\\_version.pdf](http://www.gwu.edu/~ibi/minerva/Spring2011/Luis_Munoz_Spanish_version.pdf).
- <sup>9</sup> Francisco Zapata, "El trabajo en la vieja y en la nueva economía," in Enrique de la Garza Toledo, Jean-Marie Harribey, and Julio César Neffa, comps., *El futuro del trabajo. El trabajo del futuro* (Buenos Aires: CLACSO, 2001).
- <sup>10</sup> Mariana Calvento, "La inserción Internacional de los actores subnacionales: análisis de un proceso contemporáneo," *Interações* vol. 15, no. 2 (July-December 2014).
- <sup>11</sup> Camelia Tigau, "Migrantes buenos y malos; biopolíticas de selección de trabajadores extranjeros en América del Norte," in Bernardo Bolaños Guerra, *Biopolítica y migración. El eslabón perdido de la globalización* (Mexico City: UAM, 2015).
- <sup>12</sup> This group is coordinated by Mexico and Canada's federal governments. The participants are Mexico's Ministry of Labor and the Foreign Relations Ministry; and Canada's Ministry of Citizenship and Immigration and Human Resources and Skills Development Canada. Its function is to encourage the flow of temporary workers in an orderly, legal, safe manner.