

# Justice for Migrant Farm Workers: Reflections on the Importance of Community Organising

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The globalised economy poses constant challenges to community labour organising. For instance, how do we organise migrant workers who can at any moment be repatriated to their home countries for being ‘troublemakers’? This has been one of the questions with which Justicia for Migrant Farm Workers (J4MW) has been tackling, a collective that I have been a part of since its founding in 2001. We consider ourselves allies of migrant farm workers who participate in the Seasonal Agricultural Workers Program (SAWP).

The SAWP was established by the Canadian government and Jamaica through a Memorandum of Understanding in 1966. Thereafter the program expanded, adding Mexico, Trinidad and Tobago, Barbados and the Organisation of the Eastern Caribbean States. The SAWP is indicative of Canada’s racialised economy and the lessons we still need to learn about organising marginalised workers.

J4MW got its start when over twenty Mexican farm workers were repatriated in retribution for organising a wild-cat strike in a Leamington, Ontario tomato greenhouse operation. In this article I reflect on the challenges of organising SAWP workers. Repatriation as a tool of coercion and control is one of the many deterrents in organising workers as a united front to improve their living and working conditions in Canada. Where are we as a movement and where do we need to go?

## THE SEASONAL AGRICULTURAL WORKERS PROGRAM

The SAWP allows employers access to “just in time” workers to work in a variety of agricultural jobs across Canada. Employers are given the choice of hiring men or women from participating countries. Workers earn an average of \$8.50 an hour for arduous farm work. Wages are low for the type of work and hardships workers endure but they are significant in the context of economically devastated rural communities in Mexico and the Caribbean. The economic depression in these communities is mostly the result of the tariff-free influx of cheap foodstuffs from the United States and Canada.

Labour contracts vary in length with some totaling eight months. Seasonal housing is paid for by employers. Workers pay income tax and deductions for the Canada Pension Plan, Employment Insurance, and Workers’ Compensation. However, these deductions do not ensure migrant workers full access to these programmes. Workers are entitled to basic health coverage in participating provinces (Ontario, Quebec, Manitoba, Alberta, PEI, New Brunswick, Nova Scotia). This year British Columbia has excluded migrant workers from its Medical Services Plan, which violates the provisions of the Canadian Health Act. The B.C. chap-

ter of J4MW has since been actively organising against this arbitrary move.

Workers confront numerous problems in their life and work in Canada. One of the most pressing issues is that migrant farm workers are forced to perform the worst and most dangerous types of tasks. They cannot object to handling pesticides even when no protective gear is provided, operating dangerous machinery or performing back-breaking work.

## WORKERS’ HEALTH & SAFETY

In Ontario, farm workers are excluded from the Occupational Health and Safety Act (OHSA) and the Employment Standards Act. Last year the provincial government announced it would incorporate farm workers in the OHSA. But in March 2006 the government reversed its position by producing voluntary guidelines that are not legally binding. Therefore, workers do not have the right to refuse unsafe work. Complaining about the job can cost the worker his or her contract and being sent home with an unfavourable evaluation by the employer.

Migrant farm workers have no protection if they become sick or exhausted. If workers are seriously injured it means that they are in violation of their labour contract, which granted them entry to the country. For instance, in September 2004 J4MW fought against the repatriation of Carlton Morgan, who had worked for the same employer in Chatham for over twenty years. As soon as his back went out his employer ordered him to return to Jamaica. The liaison officer insisted that Morgan had to leave because his injury prevented him from completing his contract. Others such as Hermelindo Guterrez have been forced to apply for refugee status on humanitarian grounds in order that he can remain in the country to undergo treatment that would be impossible for him to afford back home. In most cases, workers will be sent home even though their illness or injury is directly a result of their job in Canada.

Migrant workers’ health and safety provisions are extremely variable in Canada. In general workers receive substandard medical attention due to language barriers, mobility restrictions and the current shortage of doctors in rural Ontario. Every year there are numerous deaths and serious injuries as a result of industrial and bicycle accidents. Ned Peart was crushed while loading tobacco kilns in a farm near Brantford, Ontario in 2004. This past summer J4MW held vigils for Jamaican workers, William Bell and Desmond McNeil, who were killed in Delhi, Ontario when a vehicle struck them while they were riding their bicycles. The reliance on bicycles for transportation is another glimpse of the vulnerability of migrant farm workers. →

Housing is another major concern. Some employers cut costs by cramming workers in substandard housing such as deteriorating trailers. Houses are not properly maintained and some do not include washers and dryers stipulated by SAWP housing guidelines. Many of the employers dismiss complaints on the basis that any housing is always better than what they have back home in the “Third World.” Compounding all these issues is the very real pain of separation from their families and communities. Migrant workers experience racism, isolation and depression in predominantly white host communities in rural Canada.

### LEGAL RESTRICTIONS ON ORGANIZING

Migrant farm workers are currently barred from joining unions. When problems arise they are forced to turn to their respective consular representatives. However, consular officials are more likely to protect contracts with employers rather than advocating on behalf of their compatriots. The Supreme Court of Canada decision in *Dunmore vs. Ontario* granted migrant workers the right to join associations but not the freedom to engage in formal negotiations with employers. For J4MW this means workers can be part of our collective but we cannot accompany and advocate on behalf of workers in meetings with consulate officials and employers. Therefore, the right to associate has little real meaning for migrant farm workers.

More importantly, many workers are afraid to take action and become involved in organising. Before they depart for Canada workers are ‘prepared’ for work in Canada with constant warnings to shun organising efforts. In an informational pamphlet produced by the Mexican Secretariat of Labour it explicitly states that no one is to associate with any group or persons in Canada who are not affiliated with the Mexican consulate. The Caribbean countries produce similar warnings in the literature and workshops they offer workers.

Workers’ private life is also a target of control and supervision as evidenced by comments made by the Barbadian Minister of Labour in February 2005 who claimed workers were engaging in “irresponsible sexual behaviour.” Basically migrant workers are recruited to Canada solely to work. They are not to live as human beings who can tire from work and engage in intimate relationships. Their sole function is to feed the growing agricultural industry in Canada as expendable and controlled labour force.

Dire economic realities at home force many workers into silence and acquiescence. Most come from rural communities that have been devastated by structural adjustment and free trade policies. Ironically, yearly displacement through labour migration allows them to stay connected to their land and way of life in the countryside. In the case of migrant women, who have to be single mothers to participate, the program has become their sole lifeline. Without it they would have had to permanently abandon their rural communities to search for work in the urban sector, the United States or free trade zones.

### CHALLENGES FOR ORGANISING: THE ACTIVITIES OF J4MW

J4MW’s mandate is to organise migrant farm workers as a united front with minimal risk of repatriation. This means secur-



ing strength in numbers and counting on broad community support and applying pressure through media coverage of workers’ conditions. In cases where workers are determined to stand together there are almost always a few that retreat at the last minute out of fear or loyalty to employers. The approval of employers is important for workers to be able to return to the same farm, saving the stress and further dislocation of being sent to an uncertain location with uncertain conditions. Workers that work according to employers’

expectations are “named” back and can count on a few more benefits than those that are “unnamed” and on a farm for the first time. Also, since workers cannot apply for permanent residency, as is the case with the Live-in Caregivers Programme, some try to convince employers to sponsor them, which often means acting against their own compatriots.

Employers manipulate these divisions to extract more labour from workers. Although workers may share the same nationality, gender, working and living quarters, antagonisms do develop. It is common practice for employers to divide the labour force according to race, gender and nationality in order to pin workers against each other. These tactics have served to fuel resentment among Mexican and Caribbean workers. Compounding these divisions is a misunderstanding that Caribbean workers count on better treatment because of their ability to communicate in English. But Caribbean workers are equally isolated and have no additional protection from arbitrary firing. In many cases Caribbean workers are even more controlled by strict curfews and farm rules to restrict their mobility and prevent them from staying in Canada without status. Therefore J4MW is committed to creating spaces for dialogue among Caribbean and Mexican workers to counter these divide and conquer tactics.

Another important part of J4MW’s work is to fight against structural conditions that produce this type of “unfree labour.” This entails organising within Mexico and the Caribbean and gaining a better understanding of workers’ specific cultural and historical locations. Some workers have histories of labour militancy and most associate unions as being conservative and government-controlled. Others have worked as undocumented migrants in the United States and are familiar with radical farm worker organisations. However our context in Canada is much different. The SAWP is significantly smaller than the previous Bracero guest worker program and the current H2A programs operating in some

states. Therefore, social movement unionism is crucial for improving the conditions of migrant farm workers.

### THE CANADIAN LABOUR MOVEMENT & MIGRANT FARM WORKERS

The labour movement in Canada has responded to the situation of migrant farm workers. J4MW strongly supports the right of migrant workers to join a union. In B.C., J4MW counts on the support of several provincial unions as well as the BC Federation of Labour. Canada-wide, the UFCW is at the forefront of the labour movement's response to the plight of migrant farm workers. The UFCW operates a number of support centres in Ontario and Québec and has launched court challenges on behalf of migrant farm workers. It was recently granted the right to represent migrant farm workers in a constitutional challenge to exempt workers from mandatory EI deductions. The UFCW believes that Canada is unfairly profiting from migrant farm workers by making deductions to benefits they cannot claim. Although J4MW and the UFCW have common goals and have worked together our tactics and approaches have significant differences.

The challenge to EI deductions is one example of our differences. Consuelo Rubio of the Centre for Spanish Speaking Peoples in Toronto discovered a few years ago that workers are indeed entitled to parental leave benefits under the EI scheme. Since then community groups and UFCW migrant support centres have assisted workers to access these benefits. Applicants have been able to receive financial support that has significantly helped their young families. Instead of fighting for full eligibility of EI as a form of universality and reciprocity for Canada's complicity in economic policies that displace migrant workers in the first place, migrants may now become further excluded from entitlements other Canadian workers and residents can access.

### THE LABOUR MOVEMENT, WORKERS OF COLOUR & DEMOCRATIC ORGANISING

These types of strategies raise a bevy of questions. Who really represents migrant workers? Can a Canadian – predominantly white and hierarchical – union serve the interests of migrant farm workers? Should a new union be formed by migrant workers to better reflect their diverse backgrounds and experiences? Would it be a union that is based in their home countries or can this union be more transnational in scope while bound to the SAWP? Also, what is the role of the broader community and community

organisers in the labour movement?

Most members of J4MW are young organisers of colour who have not found a place or have been expelled from the labour movement due to radical politics. We have been basically told this is how it is going to be and this is how it is going to be done. The labour movement still too often approaches workers of colour as a static and homogenous group without an analysis of power and systems of oppression that structure their lives. When we have raised our concerns or offered our knowledge and experiences we have often been silenced for the official line. While the labour movement in Canada seeks to make inroads with unorganised communities of colour it has yet to create meaningful spaces for dialogue and decision-making among community groups that work with racialised communities at the grass roots.

J4MW was founded partly to counter hierarchical organising tactics that are still very much a part of the labour movement in Canada today. J4MW offers us a space to develop our community organising skills and to link our own personal class, gender and

race struggles with that of Mexican and Caribbean migrant farm workers. J4MW does not speak for or represent migrant farm workers. Migrant farm workers have agency and voices of their own. We attempt to work from workers' perspectives. This is one of the main reasons we have not called for the boycott of the SAWP. Some of us have lived with migrant workers and their families and understand the importance of the SAWP for the



livelihood of thousands of families.

J4MW is a relatively small collective of volunteers with limited resources and ambitious dreams. We seek to build a transnational movement with and in support of migrant farm workers in Canada. Migrating to Canada for many reasons ourselves, we all envision a world where people are not displaced and forced to sell their labour in forms of modern slavery in order to survive. This implies that peoples of the Global South are not deprived from subsistence in their communities by advocating for radical change that humanises the economy. The future of this struggle lies with a strong social movement unionism where labour is democratised with the voices of migrant farm workers, who are among the most marginalised workers in Canada today. **R**

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