

**Working Conditions in British Columbia's Horticulture Industry:
Contrasting Mexican and Indo-Canadian Workers**

(Rough Draft)

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Abstract

The horticulture industry in British Columbia has long depended on the work of immigrant Indo-Canadians. In 2004 however, the province joined the federal Seasonal Agricultural Workers Program, which brings workers from Mexico and the Caribbean to Canada on a temporary basis, for a maximum of 8 months per year. This paper will present some initial findings on how citizenship status and linguistic and cultural differences may contribute to farm workers' experiences of occupational health and safety on BC farms.

The incorporation of foreign workers into the horticultural labour force, in addition to revisions of provincial employment standards and workplace health and safety legislation, poses new and important questions regarding worker health and safety on British Columbia's farms. This research seeks to examine how the layers of citizenship status and ethnicity impact worker health and safety in an industry already ranked the most dangerous and precarious after mining and construction at the federal level (Basok, 2002). The entry of British Columbia into Canada's Seasonal Agricultural Workers Program (SAWP) in 2004 can be seen as another step in restructuring BC's agricultural workforce, in favour of greater "labour flexibility". The temporary workforce provides the agricultural industry with flexibility not simply in the sense that these workers are available to fill short-term labour contracts. This workforce is more flexible in the sense that the status as foreign "migrant" workers has negative implications on these workers' ability to refuse overtime, to refuse unsafe work, or to refuse types of work outside of

their job descriptions, and other requests which demand increased work productivity while potentially threatening the workers' health and safety.

Worker health and safety is already of concern in the agricultural industry. The British Columbia Workers Compensation Board (WCB)/ Farm and Ranch Safety and Health Association (FARSHA) document on using the Occupational Health and Safety (OHS) regulations in agriculture notes that the agricultural industry's "compensation statistics have shown a substantial claims and fatalities picture" (WorkSafe BC, 2005: 2). Because of this, agriculture has high rates of lost-time due to injuries as compared to other high-risk sectors such as forestry, mining and construction (Hartling et al., 2000). Those working in the sector are at greater risk of death than those in other sectors; in 1996, farmer and farm worker deaths represented 13 percent of all occupational fatalities in Canada (HRDC, 1996). Further, research from both high and low-income countries around the globe shows that working in agriculture can have detrimental long-term effects on health, particularly those resulting from exposure to pesticides (Figa-Talamanca, 1993; Mills, 2003; Varona, 2003). In the province of British Columbia, farming is the industry with the fifth highest average death rate over a ten-year average (Worksafe BC, 1999). While injury and fatalities have declined in the 1998-2001 period, farming remains a high-risk industry (Worksafe BC, 2003).

This paper draws on the body of literature on SAWP workers across Canada, sources on the agricultural industry and resident agricultural workers in Canada, and some very informal conversations with SAWP workers in British Columbia. Through a number of visits to workers from 4 farms in BC's greater Vancouver area, some initial observations are presented in this paper with the intent of further examining issues raised by workers. Furthermore, a number of cases made public in news media in British Columbia in recent months raise concerns over the health and safety of SAWP workers in BC, and echo concerns made public decades ago by the Canadian Farm workers Union who organized permanent resident Indo-Canadian farm workers during the 1970's and 1980's.

More formal interviews will be conducted from March 2007 through August 2007 to formulate a more detailed portrait of worker health and safety in BC agriculture and the impacts of citizenship and ethnicity. This research will be partially conducted

through a grant funded by WorkSafe BC to provide information and analysis leading to some concrete policy solutions or alternatives for health and safety on the farms. The research will entail conducting numerous interviews within both the Mexican temporary farm worker population and the permanent resident Indo-Canadian farm worker population. The research will be conducted in different phases, and will involve more formal interviews along each phase to better examine the intersection of citizenship status and ethnicity through issues of worker health and safety. We will also conduct interviews with key informants, including government officials involved in overseeing the SAWP, officials involved in agricultural health and safety monitoring in British Columbia, Mexican consular officials, growers and other farm industry stakeholders, and with community members linked to the farm worker population.

The SAWP has expanded significantly since its inception nearly four decades ago. The number of workers has increased from 264 in 1966 to over 19,000 in 2004; the scope of farming operations receiving foreign workers has broadened to include a wide range of agro-food operations; and the program now operates in nine of Canada's 12 provinces or territories. British Columbia is the most recent province to be approved to receive foreign workers. In 2004, close to 50 Spanish-speaking workers from Mexico found employment in BC's berry farms and greenhouses, around 690 workers participated in the SAWP during 2005, and the number of workers in the program in BC this year is at 1,200 with the season not yet over. Workers interviewed as part of the initial research on this project had individual contracts with start dates ranging from January through June and with end dates from August to December, and some workers mentioned their farms' plans to hire other workers before the season ends in mid-December. The minimum contract given to SAWP workers must guarantee 240 hours of work in 6 weeks or less, although the Mexican SAWP workers stay in Canada an average of 21 weeks with many employed up to 8 months (FARMS report 2002, cited in Preibisch 2004, Verma 2000, Weston 2000).

De-regulation of Worker Health and Safety Standards and Labour Laws in Canadian Agriculture

On the side of federal and provincial legislation, agricultural workers are among the least protected in Canada- despite the potential exposure of agricultural workers to dangerous working conditions and health risks. The health and safety standards that apply to agricultural workers vary markedly across the provinces. In Alberta, for example, farming operations are exempt from the Occupational Health and Safety Act (WCB Resolution, 2005). In January of 2007, the Occupational Health and Safety Act will be applied to farming operations in Prince Edward Island; meanwhile, PEI has created a Farm Safety Code of Practice to prepare farm employers to meet the upcoming requirements (WCB PEI, 2006). Agricultural workers were also excluded from this legislation in the province of Ontario until June 2005, when a legal challenge forced revisions to the Act. In both Alberta and Ontario, it is illegal for agricultural workers to join unions. In several provinces, not all types of agricultural work are covered under the provincial workplace safety and insurance legislation. Further, in a number of provinces including British Columbia, agricultural workers are not entitled to overtime pay, statutory holidays, or minimum wage guarantees.

The history of occupational health and safety legislation in British Columbia is as follows: in 1983, WCB compensation became mandatory in agriculture although British Columbia farms were still operating under health and safety “guidelines”, rather than “regulations” (Worksafe BC, 2005). 10 years later, in 1993, specific requirements regarding health and safety in agriculture were established and applied through the Industrial Health and Safety Regulation (IHSR) and the Regulations for Agricultural Operations (RAO), and the Farm and Ranch Safety and Health Association was created. The Occupational Health and Safety Regulations (OHSR), covering all BC workers, was completed in 1998, and in 2005 was extended to cover the agricultural industry (Worksafe BC, 2005). The 2005 consolidation of the IHSR pertaining to agriculture and the RAO into an amended OHSR covering all BC workers, including agricultural workers, was completed in response to the government mandate in 2002 to reduce “the regulatory burden in BC by one-third over 3 years” (WCB Resolution, 2005: Appendix C p 2). January 2005 until January 2006 was to be a period of “adjustment” to the new OHS application to agriculture in BC, and during this time, the “WCB will use a

consultative and educational approach to help ensure compliance with the requirements that are new or substantially new to agriculture” (Worksafe BC, 2005: 4).

Immigrants in the Canadian Agricultural Workforce

For over 100 years, Canadian horticulture has relied heavily on low cost labour supplied by a diverse workforce in terms of ethnicity and citizenship status. From as early as 1885, thousands of Chinese labourers were employed in agriculture (Mann, 1982). At the turn of the twentieth century, hundreds of impoverished British children were sent to Canadian farms by philanthropist Thomas Barnardo as “apprentices” in exchange, upon reaching adulthood, for citizenship (Bagnell, 2001; Wall, 1992). The Second World War saw the Canadian state becoming more directly involved in allocating and distributing labour to agriculture, supplying farmers with ethnic Japanese internees, German prisoners of war, and conscientious objectors from the Doukhobour and Mennonite faiths (Satzewich, 1991; Wong, 1988). In the post-war period, Polish war veterans and Displaced Persons were also recruited for work in agriculture as contract labourers, who could later apply for Canadian citizenship if they completed their contracts (Ibid.). Further, new immigrants recruited from the Netherlands for their agricultural skills or ethnic Germans and Portuguese arriving under the Assisted Passages Scheme were channelled into the agricultural workforce (Ibid). Later, in the 1960s and 1970s, the Canadian agricultural labour force included migrant workers from the southern United States, the Caribbean, and Portugal, as well as university students from Western Europe (Ibid; Wall, 1992). In addition to these waves of immigration, horticultural operations in the country’s key sites of agricultural production have relied extensively on internal migrants from First Nations communities, Quebec, and the Maritimes for decades (Basok, 2002; Lanthier and Wong, 2002; Satzewich, 1991).

Since the mid-1950s, Canadian farms have become larger in size and fewer in number, as well as more specialized, intensive, and productive (Basok, 2002; Bradshaw, 2004). In addition, the size of growers’ households has decreased and there is a declining interest among growers’ children to farm as an occupation. Furthermore, by the late 1950s, Canadian family farmers had been facing several problems of increasing input costs and declining prices for their products. This “cost-price” squeeze led to the typical

process of concentration and centralization of capital in farming, and an increase in the proportion of hired wage labour. The latter trend of hiring workers beyond the family labour was due to the fact that not all farming processes could be mechanized, because of the high financial costs of doing so. The post-war Canadian economic expansion had led to decreased unemployment and increased rural to urban migration for industrial work. All of this made it harder for farmers to find workers.

When a farmer, Eugene Whelan, made it into the position of Minister of Agriculture, he was instrumental in pushing the Department of Labour to consent to the recruitment of Jamaican seasonal workers in 1966. This decision paved the way for subsequent participation of the citizens of other Caribbean countries (Trinidad and Tobago and Barbados in 1968, the Eastern Caribbean Commonwealth nations in 1976), and Mexico in 1974, under the Commonwealth Caribbean and Mexican Seasonal Agricultural Workers Program (SAWP).

For decades, B.C.'s agricultural sector has relied heavily on low cost labour supplied by a diverse workforce in terms of ethnicity and citizenship status. From the turn of the last century, the province's farm workers have included First Nations peoples, Chinese Canadian contract labourers, Japanese Canadian internees, Doukhobour conscientious objectors, Quebecois migrants, and Portuguese immigrants (Lanthier and Wong, 2002; Wong, 1988). Since the latter part of the twentieth century, immigrants arriving from the Indian subcontinent have changed the ethnic composition of the agricultural workforce. South Asian immigrants, primarily Punjabi speakers, now represent a significant portion of farm workers in British Columbia. Runsten and colleagues (2000) report that many of these South Asian workers are recent arrivals: of the 5,000 workers employed by Farm Labour Contractors in the province, two thirds had entered Canada less than three years before. The Employment Standards Branch estimates that 98 percent of the 9,000 farm workers are Indo-Canadian with limited or no English (BC Public Service, n.d.).

Linking Immigration and Labour Policies in Canada and Implications on Worker Health and Safety

Although Canadian agriculture has historically relied on the labour of immigrants, the expansion of the Seasonal Agricultural Workers Program intensifies the restructuring of the agricultural workforce in favour of labour flexibility, at the cost of worker protections and workers' employment security. While the guest worker program makes the link between immigration policy and labour policy explicit, immigration and labour policies in Canada in general are inextricably connected. The implications of this link are seen in the erosion of worker protections in many of the sectors of the labour market dominated by immigrant workers. Although landed immigrants are also marginalized through linguistic and cultural barriers (as we will discuss later in the case of the Indo-Canadian farm workers), migrant workers experience this precarious working environment most acutely. Through her analysis of Canadian immigration and labour statistics, Nandita Sharma argues that immigration policy does not restrict the overall movement of people through Canadian borders, but instead, controls peoples' mobility and rights once in Canada through classifying these people as 'migrant workers' (2006). This classification aids in the restructuring of the Canadian workforce by creating a class of workers whose status in Canada depends on their continued employment with a set employer, for a set period of time. Unlike other workers in the Canadian labour market, temporary migrant workers lack spatial and labour market mobility, which has numerous implications in terms of their working and living conditions (Basok 2004, Preibisch 2003, Sharma 2006).

While initial research suggests that ethnicity and citizenship status play a role in the micro-level outcomes of health and safety on BC's farms, the general picture is one of lack of protections for agricultural workers as a sector, most of whom are immigrant Canadians. Agriculture has also historically been one of the least regulated industries in terms of workers' health, safety and employment standards. Linking immigration status to worker protections, Sharma writes:

The commonsensical understanding of migrant workers is that they are non-Whites from the global South who are lucky to work legally in Canada. The act of allowing Them into the country with a temporary employment authorization is seen as an act of charity extended by Canadians to foreign Others (Arat-Koc, 1992). (2006, 20-21).

Although she is focusing specifically on workers holding temporary work visas, her argument also speaks to the recent immigrant workforce; fundamentally, she argues that substandard working conditions and health and safety standards are easier to impose on a workforce which is conceived of as ‘non-Citizen’ and racially or culturally outside of Canadian society. When one considers how citizenship status and ethnicity act upon occupational health and safety for different groups of workers, one must also, necessarily, consider how relegating this sector of employment to certain groups of workers (i.e., non-white workers) has potentially facilitated differential legislation of employment standards and OHS regulations, and differential enforcement of these in this sector as compared to other sectors. This question continues to remain central as more temporary foreign workers are incorporated into the Canadian workforce in industries such as mining, fishing, logging, and construction.

Structure of the SAWP and the Restructuring of the Agricultural Workforce in BC

Starting in 2004, the ethnic composition of British Columbia’s agricultural labour force has been supplemented by a new group of workers: Spanish-speaking Mexicans on temporary work visas under the Seasonal Agricultural Workers Program (SAWP). Although the SAWP began in other Canadian provinces in 1966, BC had remained outside this federal program. Concerted pressure by BC growers’ associations citing labour shortages and an aging Indo-Canadian workforce, however, led to the negotiation of a new Memorandum of Understanding (MoU) for the province and signed by the Canadian and Mexican governments in 2004. While the agricultural sector in BC expressed concern over the perceived “labour shortage”, a report produced by the BC Federation of Labour argues that the number of Indo-Canadian hand-harvesters is was not decreasing at the time of the initiation of the SAWP in BC in 2004; “the number of employees bonded by the Farm Labour Contractors is virtually the same in 2003 (5915) as it was in 1999 (6000)... the number of bonded employees in 2003 is over 2,000 more than in 1997” (BC Federation of Labour, 2004:39). Runsten et al. found that the strength BC greenhouse industry has grown increasingly since 1995 (2000).

Instead of responding to labour “shortages”, the 2004 SAWP MoU in British Columbia can be seen as a step in restructuring the agricultural workforce in BC. The

hiring of temporary foreign workers creates a more flexible workforce, a process already under way as evidenced by the 2002 changes to BC's Employment Standards Act (ESA). The changes are part of the larger neoliberal trends in immigration and labour policy (including employment standards legislation in numerous provinces) in Canada since the early 1970s.

Contrasting the Mexican Temporary Workers and the Resident Indo-Canadian Workers

There is evidence to suggest that temporary foreign agricultural workers are a particularly vulnerable segment of the farm worker population in regards to occupational health and safety. Because these workers' status in Canada is dependent on their work contract, prevention of workplace accidents is complicated by the possibility that foreign workers risk deportation if they refuse unsafe work (Binford, 2002; Basok, 2002; Preibisch, 2003; Verma, 2003). In addition, injuries and illnesses among the foreign worker population have the potential to become more serious because some workers continue to report for work while sick, and are reluctant to notify their employers about their illness in fear of deportation or of losing the wages their families in Mexico and the Caribbean depend on (Basok, 2002; Preibisch, 2003). When foreign workers do report their injuries, they do not always receive prompt medical attention. A number of studies also report that foreign workers have problems accessing the health care system and, in the case of Mexican workers, face additional challenges when communicating their health and safety concerns owing to language barriers (Basok, 2002; Binford, 2002; Verduzco, 2003). Many of the obstacles faced by temporary foreign agricultural workers center around two issues, the social context of this temporary workforce (including linguistic and cultural differences), and the workers' status while in Canada. As we examine both of these factors, contrasts and similarities appear with the permanent resident Indo-Canadian farm worker population in BC.

Social Context

The workers' social context also contributes to issues of workplace health and safety. Over the course of nearly half a century of organizing, the Indo-Canadian

community has established a network of support agencies, community action and some support in the provincial government to address the problems within the agricultural industry. The Canadian Farm workers Union and Progressive Inter-cultural Community Services (PICS) both specifically serve the needs of the farm worker community. Each year, PICS holds a number of monthly workshops, with as many as 40 attendees in one evening, training recent immigrants on the settlement process in Canada, community resources, workplace health and safety and employment standards, and English classes. To date, no such organization is available to the temporary Mexican workers in BC, although PICS has been publishing its yearly farm workers resource handbook in Spanish, as well as numerous other languages spoken by BC's diverse farm worker population. The BC Federation of Labour has also expressed interest in reaching out to the temporary workers, but all such efforts will take time and resources to organize.

Another factor differentiating the SAWP workers from the Indo-Canadian workforce is the presence of farm worker families in the Indo-Canadian workforce. Family members work alongside each other, may be the growers, may be farm labour contractors, or may be pre-school age children who accompany their families to the fields. Many of the Indo-Canadian farm workers are women; the CFU reported that during the organizing campaign in the early 1980s, women constituted 65-70% of the workforce (CFU, 1994). In addition, many Indo-Canadian farm workers have family members who are not employed in agriculture, which may provide them with links to other sectors in the labour market.

By contrast, majority of BC's Mexican temporary workers are male, and rarely come to Canada accompanied by family members or friends (this occurs only when those family and friends are also participating in the SAWP), although there are developing social networks within the SAWP through community and kinship ties due to the Program's 40 year existence in Canada. This is noted in the testimony of the male worker whose brother is in Ontario, and in the case of female worker. The woman applied to come to BC through the SAWP because her father has participated in the program in Canada for numerous years (conversation, June 2006). Being removed from the social context of one's family and community supports has numerous implications on the health of the workers. One very practical impact is on food preparation and personal

hygiene. Workers have very little free time to take care of necessities such as washing clothes, cleaning their quarters, cooking and grocery shopping. Workers who fall ill also lack home care often provided by family members, and so these daily tasks become even more difficult for them. A worker who became very ill and decided to finish his contract early and return to Mexico expressed his desire to return as fuelled by his wish to eat those foods prepared by his family, and be in the company of his family while he recuperates. He said, simply, that he could not remain in BC for a course of medical treatment for his condition because he did not have the strength to cook his own meals, and did not feel that here he would have access to a diet which would speed his recovery (phone conversation with worker, July 2006).

These burdens on workers' time also exist within the Indo-Canadian farm worker community. The opening scene in the 1982 NFB film *A Time to Rise* shows an elderly woman farm worker preparing lunch for herself before dawn. She explains to the camera her daily routine of rising at 5:30 to prepare lunches for the household and take care of the young children, prior to beginning her long day in the fields. Although many of the Indo-Canadian farm workers may have more social links to the local community due to their permanent resident status here, other factors serve to isolate them in many of the same ways that the temporary Mexican workers are isolated.

The social and physical isolation of the Mexican temporary workers in Canada from the rest of Canadian society is compounded with the workers' temporary status, which poses some obstacles in developing the network of community support seen in the Indo-Canadian community. Initial research among the Mexican temporary workers in BC supports the findings of studies of the SAWP in other provinces. Like SAWP workers in other provinces, BC's temporary foreign workers are structurally marginalized in terms of access to health care, occupational safety protections, and access to education about workplace health and safety. In regards to access to health care, it appears that BC workers are not being registered in BC's provincial health care, the Medical Services Plan (MSP), although they are obligated to do so. The regulations governing the hiring of SAWP workers in BC clearly state that the employer is "obligated to register" his/her employees in the MSP. Our initial research involved meeting approximately 100 workers, currently at four farms (including some workers who had started the season at

another farm) but none of these workers had MSP coverage, nor had any returning workers had coverage the seasons prior (2004 or 2005). SAWP workers employed in the province of Ontario are covered under the Ontario Health Insurance Plan (OHIP). It appears that workers in BC are not being covered by MSP but rather rely solely on the private travel insurance provided by the Royal Bank of Canada (RBC). Community advocates working with the farm worker population argue that, coverage under this plan is not as extensive as MSP, resulting in workers been forced to pay for medical services out of pocket and subsequently submit them to RBC for reimbursement. The insurance claim process is further hindered by the fact that reimbursements are sent to workers' home addresses in Mexico, where they have problems receiving mail (personal communication, March 2006).

Workers may also be unaware they have any health coverage at all. During one research visit, one worker voiced concerns that he did not have universal health insurance, as did his brother who was working in the SAWP in Ontario, and had not received any confirmation of his RBC insurance. SAWP workers with OHIP cards are able to enter walk-in clinics or hospitals, freeing them from mediating through their employers to arrange appointments or request a cash advance in order to cover medical expenses. In this sense, BC SAWP workers without MSP are more dependent on their employers than workers in Ontario.

A number of workers also were concerned that they had been given over-the-counter medications or painkillers by their employers instead of being taken to a doctor for an examination. Workers related receiving over-the-counter medications from their employers to treat an ulcer, a hernia, hernia, a urinary tract infection, and even a stroke, after repeated requests for medical attention (conversations with workers June 2006-August 2006).

Citizenship Status

Temporary foreign agricultural workers' hold employer-specific work permits, which differentiates them from the majority of the Indo-Canadian workers, who have landed immigrant status. The work visas of the Mexican workers are assigned through the SAWP, which is carried out under the federal Immigration Refugee and Protection

Act and Regulations. The program is implemented within bilateral frameworks of agreement between Canada and the labour source countries. The SAWP is similar to other foreign worker programs in Canada which fall under the Non-Immigrant Employment Authorization Program initiated in 1973. With regard to employment standards, labour and health, however, the SAWP is governed by provincial statutes (Verma, 2004).

Through the SAWP, the federal government issues temporary employment visas to foreign workers which allow the holders to stay in Canada for up to eight months, but limit their work permits to a single, designated employer. Thus although the program is referred to as a ‘labour mobility program,’ it is precisely foreign workers’ inability to circulate freely in the labour market that differentiates them from their domestic counterparts. In fact, as Tanya Basok (2002) has argued based on her Ontario case study, migrant workers constitute a “structural necessity” for Canadian farmers because they represent an “unfree labour” force that is readily available to work long hours, up to seven days a week, and even when the workers are sick or injured. The very social and legal structure in which this labour force is employed “sets up” workers to exert themselves beyond reasonable and healthy limits, and to labour without job security or labour mobility. Employment Standards Codes across Canada are shifting towards increased “labour flexibility” which labour unions, worker advocacy centres and human rights groups argue erode worker protections (BC Federation of Labour, 2004; Fairey, 2005; Manitoba Federation of Labour, 2005). The importation of foreign temporary workers into the labour force further reinforces the shift toward “flexibility”.

The implications of this particular immigration status has implications on worker health and safety. There is scholarship available on the situation in Ontario, where 80 percent of SAWP workers are employed. An evaluation of the SAWP published in 2003 reports that safety training in Ontario is inconsistent (Verma, 2003). In British Columbia, the lack of safety training and the lack of provision of protective clothing to agricultural workers has been a continued concern of the Indo-Canadian farm worker community, and appears (from initial fieldwork undertaken) to be a problem facing temporary Mexican workers as well. The 2003 Ontario report found that a significant number of foreign workers are operating machinery and applying pesticides; yet not all are receiving formal

training, if at all. Another study of Mexican workers in Ontario found that of the 24 percent of the sample engaged in applying agrochemicals, close to half had not received training (Verduzco, 2003). The degree of training provided in worksites employing foreign workers appears to be based on employer discretion, a possible result of the previous exclusion of agricultural workers from Ontario's Occupational Health and Safety Act which makes it mandatory for all employers to provide a minimum level of education (Verma, 2003). Further, foreign workers working with pesticides do not always use protective clothing and equipment. Verduzco's survey (2003) of Mexican workers found that of those applying pesticides only 43 percent wore protective clothing and 57 percent used a mask. Similarly, Downes (2003) reports that 40 percent of Barbadian workers surveyed also reported that they did not wear protective clothing when applying pesticides.

Initial research into the situation of the temporary foreign workers in British Columbia paints a similar picture. In a public letter to the owner and manager of Golden Eagle Farms written by 32 temporary Mexican workers, the workers expressed their concerns that they had no access to sanitary toilet facilities in the fields ('one bathroom in the field, and full of excrement'), they lacked sheltered eating spaces in the fields, lacked hand washing facilities in the fields, and lacked shelter to change out of wet, muddy work clothes before entering the van, which the supervisor requested of them so that the van would not become dirty. The lack of sufficient space and seatbelts in the van was also a concern for the workers. Finally, the workers were dismayed that they had signed contracts to perform greenhouse work, and instead found themselves working in outdoor blueberry fields, without proper water-repellent clothing or clothing appropriate for the cold and heat of BC's changing seasons (Justicia 4 Migrant Workers 2005). All of these points violate both the SAWP contracts signed by the employer, the workers, and regulated by the BC provincial government and Mexican government agencies, and also the BC employment standards and OHS standards which do apply to agriculture.

Furthermore, all of these points have potentially negative impacts to the health of the workers. These violations, from just earlier this year (2006), echo the violations committed against the Indo-Canadian farm worker community. Clearly, 30 years later,

the problems persist and the current status quo is not ensuring safe or healthy working conditions for BC farm workers.

In spite of the fact that permanent resident Indo-Canadian workers are not dependent on a temporary work visa to remain in Canada, as is the case with the SAWP workers, these immigrant workers are dependent on the Farm Labour Contracting system for their economic survival in Canada. And, like the temporary foreign workers, are limited in mobility within the Canadian labour market because of linguistic and cultural barriers. Because of these factors, the ability of these workers to refuse unsafe work or demand improvements to the safety of their workplaces is compromised, and the health and safety of these farm workers and their families is put in jeopardy.

While the citizenship status of migrant workers versus immigrant workers must be taken into account in the analysis of these groups access to rights and labour protections, the farm labour contracting (FLC) system in British Columbia exercised many of the same structural controls over workers now faced by the SAWP workers: lack of labour market or spatial mobility, fear of speaking out against mistreatment, non-payment of wages, and barriers to health care (among others). Although much of the academic and community literature has pointed to these structural constraints over temporary foreign workers' rights, the SAWP is perceived as a "model" program in government assessment (Woodward, 2006). In contrast, the FLC system has a long, documented history of widespread 'determinations' of non-compliance of regulations and laws regarding working conditions, workplace transportation, wage payments or other issues. A determination is the investigation and confirmation of contravention of the Employment Standards Act or its regulations, "combined with an order to pay and to comply" (BC Federation of Labour, 2004).

The B.C. Public Interest Advocacy Centre claims that the farm labour contracting industry routinely violates employment standards and takes advantage of non-English speaking immigrants in the horticultural industry ("BC farm workers fight EI fraud allegations," CBC News, Monday 09 January 2006). During the 1990's, a report found that BC farm workers were often receiving less than minimum wage, receiving fraudulent records of employment, husbands and wives were being treated as one employee, and many other offences (Thompson, 1994). From 1997- 2001, during a period of an

increased enforcement initiative in the BC employment standards branch, 1,136 determinations were issued against farm labour contractors. Non-compliance of the Employment Standards Act was around issues of pay, farm labour contractor licensing, child labour permits, records of employment, and CPP payments (BC Federation of Labour, 2004).

In spite of the fact that the majority of BC's Indo-Canadian farm workers are permanent residents, and technically "free" to circulate in the labour market, their ability to exercise this right is compromised by the control inherent to the key institutional arrangement linking farm workers' to employment sites: the Farm Labour Contractors (FLC) (Bolaria and Bolaria, 1994; BC Federation of Labour, 2004). Bolaria and Bolaria (1994) found that resident Canadian farm workers in British Columbia "face long hours of work, low wages with no overtime pay or benefits, unhealthy working conditions, lack of toilet or drinking water facilities on many farms, crowded and dangerous housing, and exposure to chemicals and pesticides in the fields" (154). They further report that many of BC farm workers do not speak English and did not receive information or instructions on the health hazards of pesticides. Similarly, a 1994 review of employment standards in British Columbia found that the situation facing farm workers was highly exploitative and in contravention of the Employment Standards Act, including abuses such as underpaying or withholding pay from workers (Thompson, 1994). More recently, a 2004 report by the BC Federation of Labour found that hand harvesters in the berry industry commonly lack latrines, hand washing facilities, and hand protection. Other work-related risks facing this domestic work force include motor vehicle accidents due to poor enforcement of vehicle safety among FLCs (BC Federation of Labour, 2004). Many new immigrant workers are unaware of the employment standards that protect them. Furthermore, the Indo-Canadian farm worker community includes families, unlike the temporary foreign worker population. One of the central struggles of the Canadian Farm workers Union in the mid 1980s was to implement childcare for the workers, since many pre-school age children were being cared for in the fields (CFU, 1994). A number of preventable deaths of farm worker's children in the early 1980s served as a public reminder of the deplorable living and working conditions of BC's farm workers and their families (Ibid.).

Conclusions

Agriculture has traditionally been excluded from part or all of occupational health and safety (OHS) regulations and employment standards legislation in many Canadian provinces, and yet constitutes one of the most dangerous sectors in which to work. Numerous challenges to provincial exclusions of farm workers from labour, health and safety protections have been brought about on human rights grounds. Agriculture continues to be an economic sector in which workers' health, safety and working conditions are sacrificed in favour of maintaining Canadian agriculture's competitiveness in the global market. Furthermore, agricultural workers' health and safety has important consequences for consumers.

Horticultural commodities, including fruit production and greenhouse vegetables, are a major economic force for BC's economy. Trends in high value agro-food markets in northern countries show a shift of emphasis away from price competition based on a low wage advantage towards heightened interest among consumers in terms of quality, food safety, and the social and environmental conditions under which food is produced (Busch and Bain, 2004; Reardon et al., 2001). In order to remain globally competitive, the horticultural sector will have to address labour standards and their linkages to food safety and consumer perceptions, regardless of whether its workers are immigrant or foreign citizens.

Labour standards, in particular those related to occupational health and safety, thus continue to figure as important issues facing horticultural operations in the province of BC and Canada-wide. These issues take on heightened relevance given that employment opportunities in BC's agriculture may grow with the projected expansion of the sector. Given the much greater growth of the BC economy experienced during the first few years of the new century compared to most of the 1990s, it is to be expected that Canadian-resident workers will have greater opportunities of getting jobs in sectors that are more attractive, better paid, and less dangerous than agriculture. Therefore, it is anticipated that temporary foreign workers will fill the labour market gaps that Canadian resident workers find undesirable.

The development of knowledge about BC farm workers' occupational health and safety, and factors influencing health and safety practice on the farms, holds considerable relevance for the growers and workers who produce our fruits and vegetables. Further research is also in the interests of Canadian consumers and for the private and public institutions charged with safeguarding our food supply and labour standards. Fresh fruits and vegetables are increasingly recognized as vectors for food borne illness (Powell et al., 2002). It has been widely recognized that food safety is highly correlated with worker health and safety. Improving sanitation practices at every stage along the food chain is crucial to controlling outbreaks of the food-borne illnesses, including providing farm workers with proper sanitation and hand-washing facilities (BC Federation of Labour, 2004). It is therefore imperative for farmers, government, and labour organizations to ensure that the best practices are in place.

For growers, an outbreak of a food-borne illness can carry devastating costs, such as delisting by major retailers. As well, consumers in high-income countries are paying increasing attention to the social and environmental conditions under which food is produced (Busch and Bain, 2004; Reardon et al., 2001). In the US, retailers, fast-food chains, and horticultural producers have been the target of consumer boycotts that have galvanized around farm worker issues, involving commodities such as pickle cucumbers, field tomatoes, and grapes. Growers and their representatives in Canada are becoming increasingly aware of the need to improve worker health and safety in order to ensure the safety of the food they produce and to allay related consumer concerns. For their part, seasonal workers who are paid minimum wage should at least be ensured that their workplaces are safe. For government, the better it addresses both of these interests, the better it will be serving the general public.

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