

He Came, He Saw, He ... Stayed. Guest Worker Programmes and the Issue of Non-Return

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ABSTRACT

Critics of guest worker programmes have pointed out that many temporary workers do not return home when their contracts expire and thus end up swelling the ranks of undocumented workers in a host country. This article argues that this outcome is not inevitable. Whether or not guest workers return home or stay behind depends to a large extent on how the guest worker programme is administered.

By comparing the US Bracero Program with the Canadian Mexican Agricultural Seasonal Workers' Program, it is shown that three aspects of programme administration account for why so many Braceros stayed in the US illegally, while almost all temporary workers employed in Canada return to Mexico at the end of the season. The three aspects are recruitment policies and procedures, enforcement of employment and housing-related minimum standards, and the size of the programme.

It is suggested that the administration of the programme, in turn, reflects various interests that shape the State's position on foreign labour. Whereas in the US the Bracero Program was tailored to meet the needs of agribusinesses, the Canadian state responds to a wider variety of interests, including its own concern with the definition of ideal citizenship, as well as the need to protect domestic workers and the Mexican Government's interest in assisting those who are most needy.

Additionally, unlike the US, where braceros were employed mainly in agribusinesses, in Canada Mexicans are brought to work on family farms. While desertion was a frequent phenomenon in the US, the paternalistic relationships that Canada-bound workers develop with their employers make desertion unlikely.

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Furthermore, in the US braceros who stayed behind were assisted by other resident Mexicans or Chicanos and were easily absorbed into the economic infrastructure which feeds off undocumented labour. In contrast, in Canada, neither the social network nor the economic infrastructure which would facilitate non-return is present.

INTRODUCTION

Guest worker programmes have been advocated as a substitute for the employment of illegal migrants in sectors experiencing labour shortages. It has been suggested that by imposing control, these programmes promote general respect for the law and discourage wholesale law breaking. However, critics of guest worker programmes maintain that many temporary workers tend to stay in the country, thus inflating, rather than reducing, the ranks of undocumented migrants (Papademetriou, Martin and Miller, 1983: 41-44; Miller and Martin, 1982: 1; Bustamante, 1984; Castles and Kosack, 1985: 396-400; Miller, 1986; Castles, 1986). This article argues that whether or not guest workers stay in the country after their visas expire depends on the way the programme is administered. Administration of the programme in turn reflects various interests that shape the State's regulation of the foreign labour importation process. The article compares the US Bracero Program (under PL-45 and PL-78) and the Canadian Mexican Seasonal Agricultural Workers Program. While analysis of the Bracero Program is based on secondary sources, discussion of the Canadian programme is grounded in original research conducted by the author in both Canada and Mexico which included interviews with Mexican seasonal workers, Canadian and Mexican officials responsible for the administration of the programme, and greenhouse growers in Leamington, Ontario between 1996 and 1999.¹

While the Bracero Program entailed a significant increase in illegal migration (much but not all of which can be attributed to non-return), in Canada most programme participants return home. The US Bracero Program catered mainly to the growers' interests, and the Government's objective was to provide abundant labour to growers as quickly and cheaply as possible. Thus, large numbers of Mexican workers were recruited through haphazard procedures, using agricultural background, strength, and health as major criteria. In the absence of structured procedures to guarantee return to braceros, many chose to stay in the US indefinitely instead of returning home at the end of the season. Furthermore, the US Government exercised very little control over working and living conditions experienced by braceros. It was not unusual for these workers to be paid less than a minimum wage and to live in dismal conditions. As a result, desertion was a widespread phenomenon. By contrast, the Canadian programme is shaped not only by growers' interests but also by the Canadian Government's objective to prevent "unwanted" immigrants from staying in

Canada and by the need to protect domestic labour. It allows for bureaucratic selection of a relatively small number of programme participants whose return to Canada is very likely as long as they remain healthy and employers are pleased with their performance. Growers' compliance with requirements for minimum working and living standards assures workers' loyalty. Desertion is therefore rare.

Two other factors account for the difference in outcomes in the two countries. First, whereas in the US the treatment of braceros employed by growers' farm labour associations was rather impersonal, in Canada Mexicans assigned to individual growers often develop a paternalistic relationship with their employers. As a result, most of the workers feel loyal to their *patrones* (employers) and do not wish to abandon them. Second, desertion in the US was facilitated largely by the existence of social networks among other Mexicans, or Latin Americans in general, and of an economic infrastructure which easily absorbed undocumented migrants. In Canada, Mexicans are sent to work in rural areas where there are hardly any other Spanish-speaking persons. Even if some programme participants decide to stay in Canada illegally, they find it extremely difficult to adjust without such a support network.

UNDOCUMENTED MIGRATION IN THE UNITED STATES

Critics of guest worker programmes argue that rather than replacing illegal labour, guest worker programmes end up exacerbating the problems of illegality and non-return. Morales estimates that during the twenty-two-year tenure of the Bracero Program (1942-1964) five million illegal Mexican workers were apprehended and deported from the US, including some who were unsuccessful Bracero Program candidates and decided to cross the border illegally, as well as former braceros who did not return home (cited in Hansen, 1988: 99).

Researchers have suggested that the Bracero Program has contributed to undocumented migration in three ways. First, by providing Mexican migrants with valuable experience in the US and familiarizing them with US cultural and social institutions, it provided the braceros with the knowledge necessary for permanent migration. Second, it provided Mexican workers the opportunity to establish contacts with employers and to build ties with Mexican-American communities in the US. The social networks they formed made it easier for the braceros to return when active recruitment by the US Government ceased. As Gamboa (1990: 66) shows, some workers found good employers with whom they remained for years without returning to Mexico. Some employees found that farmers would take extraordinary steps to keep them in the country permanently as well as provide assistance in bringing their wives from Mexico. Third, the Bracero Program allowed its participants to improve their living

standards, thus raising overall expectations. When the programme was discontinued in 1964, in order to maintain the standards of living to which these workers and their families had become accustomed, former braceros either stayed in the US illegally or managed to acquire permanent resident status, using ties with the US employers or kinship support (Hansen, 1988: 99; Reichert and Massey, 1982: 5-6; Pfeffer, 1980: 39). The first two explanations refer to opportunities which facilitate non-return but do not provide reasons why braceros chose to drop out of the Bracero Program and stay in the US illegally. The third explanation links non-return (and illegal entry into the US) to termination of the Bracero Program. While the cessation of the guest worker programme certainly provoked illegal migration, it should be pointed out that even before the programme ended, many braceros had not returned to Mexico. Therefore, other factors which propel guest workers to stay must be considered. These include the nature of administration of the guest worker programme, including its recruitment policies, enforcement of working and living standards, and the size of the programme. In each of these areas Canadian experience has differed from the US which is why hardly any participants of the Mexican Seasonal Agricultural Workers Program, which has been in existence since 1974, have stayed behind.

CAPITAL, STATE AND GUEST WORKERS

Both US and Canadian growers have expressed keen interest in the importation of workers (Hansen, 1988; Calavita, 1992; Satzewich, 1991a). They have argued that (1) domestic farm labourers are not available in sufficient numbers during peak harvest seasons; (2) domestic workers are unreliable and lack skills and character; (3) employment of imported workers does not adversely affect the wages, working conditions and employment opportunities of domestic agricultural workers; (4) Mexicans have benefited greatly from their employment in the US and Canada; (5) the programme is a good foreign policy gesture, being a form of foreign aid and a safety valve for masses of frustrated unemployed agricultural workers, as well as a deterrent for illegal migration; and (6) it is beneficial to the country in general, and to its farmers and consumers in particular, insofar as a healthy and prosperous agricultural sector is good for the whole country, and the production of crops at lower costs allow consumers to save money (Craig, 1971: 24-33; Bezaire, 1965; FARMS, 1995).

By approving labour importation programmes, states respond primarily to the interests of capital. But the State is not a mere "instrument" of capital; it does have some autonomy. While it attempts to reproduce capital accumulation in the long term, it may adopt certain policies that contradict the immediate interests of specific sectors of the bourgeoisie and which correspond to the State's own priorities and/or to interests expressed by other groups (Poulantzas, 1973).

While capital certainly exerts influence on State immigration policies, the formulation of labour importation policies is often influenced by other considerations (Calavita, 1992; Majka, 1978: 142-43; Satzewich, 1991b; Harris, 1995: 4-6). As Calavita notes,

Immigrant workers are a “golden stream” to be used as cheap labour to expand the economy and maximize profits; but at the same time, they trigger a political backlash against the resulting wage reductions and exact a fiscal toll in the form of social welfare costs, broadly constructed (Calavita, 1992: 6).

Zolberg (1981) outlines the tension between the State’s interest in the provision of cheap labour and its concern with ideal citizenship:

It is the very qualities (real or imagined) that make certain groups particularly suitable for their role as workers that make them unsuitable for membership in the receiving society. Shared by all classes and strata in the receiving society, these integrative concerns, whether expressed in manifestly xenophobic ideologies or by way of euphemistic codes, universally impinge upon the determination of immigration policy. The conflicting interests of industrial societies – to maximize the labour supply and to protect cultural integrity – can be thought of as a dilemma to which a limited number of solutions are possible (Zolberg, 1981: 15).

In the US, the State had to contend with criticisms of the Bracero Program by organized labour and social reform and human rights organizations, many of which were church-based. Critics insisted that:

- growers made no true effort to hire domestic workers;
- there were many unemployed individuals who would gladly accept agricultural work if they were offered decent wages and working conditions;
- it was racist to speak of Mexicans’ inherent physical ability and stamina in contrast to the domestic;
- employment of foreign workers negatively affected working conditions of domestic labour;
- braceros did not benefit from the programme since they were underpaid for work done, were overcharged by the company store, experienced racial discrimination and summary dismissals, and their family life was disrupted and harmed;
- braceroism was detrimental to US-Mexico relations because it exacerbated anti-American sentiments among the Mexicans;
- cheaper food prices were less significant when compared with the negative effects;
- Mexican nationals, unlike domestic workers, remitted their earnings back to Mexico and consumed little locally (Craig, 1971: 24-33; Calavita, 1992: 64, 71; Hansen 1988: 99).

The Department of Labour, pressed by organized labour, raised objections to the Bracero Program as early as the late 1950s (Calavita, 1992).

While the Immigration and Naturalization Service (INS), which was granted power by the US Congress to formulate the policy, attempted to respond to criticisms arising from various sources, growers' interests and the INS's own objective to control illegal migration outweighed other concerns (Calavita, 1992). Growers participated indirectly in working out the terms and provisions of the basic legal documents of the programme. At the same time, consultation with organized labour was "perfunctory, forced and intermittent" (Galarza, 1964: 122). It may appear that the State's decision to terminate the Bracero Program in 1964, despite some growers' continued interest in it, reflected these criticisms. However, other factors, such as the increasing mechanization of agriculture in the South-west which made bracero labour redundant, may be more important in explaining why the Bracero Program was discontinued (Wood and McCoy, 1985: 130; Hansen, 1988: 99). Furthermore, even though recent Congressional hearings failed to re-introduce the Bracero Program, and President Clinton threatened to veto any legislation that significantly expanded guest worker recruitment (Castles and Miller, 1998: 169), importation of seasonal labour is still possible under Section H-2 of the Immigration and Naturalization Act of 1952 (now known as the H-2A programme), and under the Schumer Amendment which created Replacement Agricultural Workers (Howell, 1982: 135; Zats, 1993: 861; Wood and McCoy, 1985; Miller and Martin, 1982: 1; Martin, 1998). In the early 1980s, some 9,000 to 12,000 visas were issued to unskilled foreigners employed in US agriculture annually (Miller and Martin, 1982: 1). Furthermore, growers still have access to masses of undocumented workers made vulnerable and therefore cheap, by the threat of deportation (Portes, 1978).

By contrast, formulation of the Canadian Seasonal Agricultural Workers Program seems to be influenced by a wider range of interests. Canadian farmers began placing pressure on the Canadian Government to allow Caribbean seasonal workers to enter Canada in the late 1950s. For several years, Canadian authorities insisted that shortage of labour was a temporary problem and could be resolved if growers provided better working and living conditions for their workers. In response to the Ontario Fruit and Vegetable Growers Association's request for Caribbean workers, the Chief of the Settlement Division of the Department of Citizenship and Immigration suggested that labour shortages were the result of "the almost complete lack of accommodation provided by the employers; the reluctance of growers to provide transportation; instability of wages, and the lack of arrangements to assure continuity of employment from one grower to another" (cited in Satzewich, 1991a: 158). Even when the Department of Citizenship and Immigration became sympathetic to growers' concerns, the Department of Labour persisted in its belief that agricultural labour could be recruited from internal sources and that growers themselves

were responsible for the labour shortage problems that they faced (Satzewich, 1991a: 161-168). Under constant pressure from of Canadian growers, one of whom, Eugene Whelan, was a Liberal Member of Parliament for Essex South and future Minister of Agriculture, the Department of Labour finally consented to the importation of Caribbean farm workers in 1966.

Labour shortages continued during the early 1970s and, in addition to hiring seasonal Caribbean workers, Canadian growers also hired workers from Mexico and Portugal. There were two groups of Mexican migrants. The first were Mennonites from the Mexican State of Chihuahua. Mennonite colonies had formed there in 1922 when, at the invitation of President Alvaro Obregón, 20,000 moved to Mexico from Canada. In the 1970s, Mexican Mennonites began returning to Canada in search of employment in areas of existing Mennonite settlement such as Leamington (Kliwer 1997: 10-11). Most of these migrants carried Canadian passports and were accompanied by their entire families consisting of some 12 to 15 members. The second group were undocumented Mexicans brought to Ontario by brokers. Portuguese adult males in the Azores were also recruited by a broker (Department of Manpower and Immigration, 1973). The plight of these workers, particularly those without documentation, came to the attention of the special task force established by the Department of Manpower and Immigration. The task force reported that the workers were exploited and lived under deplorable conditions, often in dirty barns (Department of Manpower and Immigration, 1973). It called for agreements with Mexico and Portugal similar to those which existed with various Caribbean countries to guarantee adequate wages, humane treatment of workers, liveable accommodation, and transportation assistance (Sanderson, 1974: 406). The Ontario Federation of Labour commissioned its own study (Ward, 1974) which supported the findings of the task force, and expressed the opinion that "agreements with these two countries [Mexico and Portugal] would not only put an official seal of approval on these seasonal movements but would also give federal authorities some measure of control over wages and working conditions for transient labourers who are not covered now by either federal or provincial standards" (Sanderson, 1974: 406). The Canadian authorities responded to the task force's recommendation by signing a Seasonal Agricultural Workers agreement with Mexico, though not with Portugal.

The reactions of US and Canadian organized labour to agricultural guest worker programmes were profoundly different. Whereas US organized labour accused the Bracero Program of exerting a downward pressure on domestic wages and working conditions, Canadian labour recognized the potential of such a programme to improve the wages and working conditions of local workers and therefore both organized labour and state departments representing labour interests² have been supportive of the temporary seasonal workers' programme. Even though some CEIC (Canada Employment and Immigration Commission) and HRDC (Human Resource Development Canada) officials have expressed

concern that offshore workers displace domestic workers (CEIC, 1980; FARMS, 1996: 3), it has also been pointed out that the programme has improved employment standards for domestic farm workers (CEIC, 1980: 8).

The American Federation of Labor-Congress of Industrial Organization (AFL-CIO) advocated the termination of the Bracero Program because it was virtually impossible to unionize farm workers as long as growers had access to braceros (Pfeffer, 1980: 36-39). In Canada, the employment of temporary migrant farm workers is not seen as an obstacle to the unionization of farm labour simply because agricultural workers are prohibited by law to form unions in every Canadian province except British Columbia (Mitchell, 1975: 29; Stultz, 1987). Thus, whereas in the US organized labour and state departments representing its interests opposed the guest worker programme, in Canada these sectors have been supportive as long as it has been administered in a way that does not undermine domestic employment.

Among other concerns which shape implementation of the Canadian Agricultural Seasonal Workers Program is the Government's interest in preventing "less desirable" migrants from becoming permanent residents. Today, the Government prefers immigrants with skills and higher levels of education, and most participants of the Seasonal Agricultural Workers Program would fail to pass immigration screening. It is therefore in the State's interest to ensure that workers selected to participate in the Program return home. The Canadian guest worker programme is also sensitive to the wishes of the Mexican Government to assist those in desperate poverty.

In sum, whereas in the US the Bracero Program reflected mainly growers' concerns, the Canadian programme reflects concerns of a wider range of interests. These differences, which are reflected in the administration of the two programmes, affect recruitment practices, enforcement of work-related and living standards, and the size of the programmes.

RECRUITMENT

The recruitment procedures adopted to hire braceros contrast with those adopted to select Mexican participants of the Canadian Seasonal Agricultural Workers Program in two major areas: location of recruitment centres and selection procedures. Mexican authorities favoured the establishment of recruitment centres in the interior for two reasons. First, policy makers in Mexico insisted that there was a link between border recruitment and illegal immigration, arguing that large numbers of Mexicans congregated at the border who were not selected to participate in the Bracero Program simply crossed the border illegally. Second, because the Mexican Government's priority was to assist its needy people, it was important to locate recruitment centres in impoverished

states in the central parts of Mexico. US growers, however, were interested in reducing transportation costs and delays in hiring workers, and so preferred recruiting workers at the border (Calavita, 1992: 28; Zatz, 1993: 856). Despite objections raised by Mexican representatives, the US Government negotiated agreements with Mexico to allow border recruitment. When the Bracero Program was first introduced, INS interpreted Public Law 45 to allow employers to recruit Mexican workers at the border, bypassing the Mexican recruitment process altogether (Calavita, 1992: 23). During 1947 and 1951, growers hired Mexican workers directly, and even after 1951 some border recruitment persisted. By contrast, the Canadian programme is administered by the Ministry of Labour and Social Planning (*Secretaría de Trabajo y Provisión Social*) located in the Mexican capital.

In the mid-1950s, the Bracero Program operated in the following way. The Department of Labour certified growers' requests for labour. Mexico was then given a 30-day notice to recruit the required number of workers. Interested Mexican workers had to obtain a permit from municipal Mexican officials, for which they often paid a "*mordida*" (a bribe). Those who obtained these permits were sent to central recruiting centres, where as many as ten workers often competed for each bracero vacancy. At the recruiting centres, workers frequently had to pay another bribe in order to be considered. Department of Labour officials then selected braceros to be sent to the border reception centres. After security screening and medical examinations, the braceros were sent to border reception centres where they signed contracts with employers' representatives (Calavita, 1992: 62-63). Growers often participated directly in the hiring process. They arrived at a contracting centre, chose their men personally and then negotiated terms and conditions with the applicants (Galarza, 1964: 83). No files were kept which would allow recall of the workers and selection was handled on the spot.

Another policy that made the recruitment procedures even more chaotic was an interim programme, implemented in 1954, which made it possible for any Mexican interested in signing a bracero contract to enter the US and get a job (Hansen, 1988: 98). Because recruitment procedures used in the US Bracero Program did not guarantee the participant that he would be able to return, there was a strong incentive for him to stay. Extensions were easy to obtain (Pfeffer, 1980: 35) and so some bracero workers ended up staying in the US for a very long time.

Several authors (Calavita, 1992: 32-33; Zatz, 1993: 860; Portes, 1978) have pointed out that illegal migration was, in fact, encouraged by the INS enforcement policies. Even though each worker was issued a card indicating his contract number, an employer's name, and the names of counties in which it was valid (Galarza, 1964: 83), it was possible for a bracero worker who had deserted his farm to find illegal employment elsewhere. The border patrol was

notorious for its failure to apprehend and deport illegal farm workers, especially during the harvest season or at other times when labour was in high demand. Public Law 78 did not specify any fines or criminal penalties against employers of undocumented migrants (Calavita, 1992: 44).

These recruitment procedures contrast sharply with the bureaucratic administration of the Canadian Program which makes it possible for many of the participants to renew their contracts year after year. In its selection procedures, the Ministry of Labour and Social Planning is guided by criteria which reflect the interests of three actors – Canadian growers, Canadian immigration authorities and the Mexican Ministry of Labour and Social Planning. To meet Canadian growers' interests in receiving qualified and healthy workers, Mexican officials require applicants to submit official letters confirming that they are *campesinos* (peasants) and undergo a medical examination. Canadian immigration authorities try to ensure that seasonal migration does not turn into permanent settlement. Preference is therefore given to applicants who are married and have many children who serve as a "collateral" against non-return. In the last few years the minimum age set by the Ministry of Labour and Social Planning has increased from 18 to 25 in order to ensure that those selected to work in the programme have dependents, even though the Operational Guidelines to the Memorandum of Understanding Between the Government of Canada and the Governments of the United States and Mexico establish 18 as a minimum age for seasonal agricultural employment in Canada. Finally, the mandate of the Mexican Ministry of Labour and Social Planning is to assist the most impoverished sectors of its population. Landless and poorly educated heads of families with no alternative sources of income are therefore preferred.

Applications are kept on file, thus making it easier to recall programme participants. Employers are invited to "name" their workers and so many Mexicans end up returning to work on the same farm for many years, provided the farm owner still needs them and they have proven to be hard-working and obedient. In 1996, for instance, 70 per cent of Mexican workers selected to participate in the programme were nominated by their employers (FARMS, 1997: 31). At the end of the season, Canadian employers complete evaluation forms for each worker. Upon arrival in Mexico, workers report to the Ministry of Labour and hand evaluation forms in a sealed envelope (FARMS, 1997: 11). If evaluations received from their *patrones* are positive, and the workers continue to have good health, they can reasonably expect to return to Canada the following year. Indeed, many Mexican workers return to Canada year after year.

WORKING AND LIVING CONDITIONS

There is a marked difference in procedures adopted by the two countries to enforce work-related and living standards set out under guest worker

programmes. Since the US programme was driven largely by the growers' interest in receiving adequate supplies of cheap labour, the authorities allowed growers who employed Mexican labour to set their own conditions. However, contracts were often violated, hours worked were not always correctly recorded, payments were delayed, and housing and food conditions were below the minimum standards required under the contract (Calavita, 1992: 24). Many braceros were discontented because of "underemployment, unsatisfactory earnings, deductions from wages, poor food, excessive charges, improper records, substandard housing, unnecessary exposure to hazards and occasional physical mistreatment" (Galarza, 1964: 183-4). Braceros often complained of the danger of transportation accidents and disabling and fatal job-related accidents (Galarza, 1964: 195-6).

Growers exercised unilateral control over wages (Pfeffer, 1980: 35; Calavita, 1992; Gamboa, 1990). Responsibility for determining prevailing wages was placed in the hands of State Extension Services, an agency allied with local Farm Bureaus. It was not unusual for growers to meet at the beginning of each season and determine the wages they were willing to pay and then inform the corresponding state officials (Calavita, 1992: 22-23). In the Northwest, prevailing wages were established by county wage boards comprising farmers, while state wage stabilization boards were under the influence of growers (Gamboa, 1990: 77-79). Direct contracting, allowed during 1947 and 1951, exacerbated the problem by downgrading the already lax enforcement of contract provisions (Calavita, 1992: 29). Although a 1955 amendment to PL 78 required that domestic workers be consulted in determining prevailing wages, employers and the Department of Labour frequently disregarded the workers' recommendations. At the same time, the INS was lax with violators of the wage and working conditions provisions of bracero contracts (Calavita, 1992: 63-65). As a result, wages did not consistently meet the required hourly minimum. The piece rate system of payment used widely in western agriculture aggravated the problem. Under this system, employers often hired more workers than they needed, even if each worked only half time (Calavita, 1992: 57). From the workers' perspective oversupply reduced individual incomes.

Under the terms of the work agreement braceros were also entitled to receive adequate housing conditions. In reality their housing conditions were often inadequate (Hansen, 1988). Flammable tents heated by old kerosene stoves posed a fire hazard. Poor quality food and exposure to toxic fumigants, in combination with poor working conditions, caused serious illnesses and injuries among the workers (Gamboa, 1990: 69-104). Although the bracero agreement made provisions for Mexican inspectors to be permitted to examine working and housing conditions and arbitrate contract-related conflicts, the role of these inspectors was extremely limited. They were too few in number to be able to deal effectively with the variety of problems faced by braceros dispersed widely in the US (1990: 53). As Calavita suggests, "with no effective enforce-

ment of bracero wages and working conditions, and no meaningful possibility for collective bargaining, desertion was one of the few recourses open to dissatisfied braceros" (Calavita, 1992: 42). In the Northwest, no less than 10 per cent abandoned their contracts, and in the country as a whole the rate was 13 per cent (Gamboa, 1990: 68). In some areas, according to the President's Commission on Migratory Labor, it was as high as 50 per cent (Calavita, 1992: 43).

Canadian authorities are more concerned with ensuring that Mexican workers do not exert downward pressure on the employment standards of domestic labour. The working and living conditions of Mexican seasonal farm workers are regulated by the (HRDC) Statement of Policy and are covered by relevant sections of provincial labour acts. Employers are required to pay the greater of: the minimum agricultural or provincial wage rate; the prevailing rate as determined by HRDC; or the rate being paid by the employer to Canadian workers doing the same work.

In 1999, farm workers employed to harvest fruit and vegetables or to plant tobacco were paid \$6.90 per hour or the legal minimum wage. Those employed in black tobacco harvesting were paid \$8.23 per hour. Payroll statements are issued to all Mexican workers, hours and wages are carefully recorded, legal deductions are made, and records are submitted to HRDC.

SIZE

The small scale of the Canadian programme assures tighter control over participants. In the US from 1942 and 1964, 4.6 million Mexican workers were recruited to perform temporary agricultural labour mainly in southwestern US (Reichert and Massey, 1982: 1; Papademetriou, Martin and Miller, 1983: 43; Hansen, 1988: 99; *Rural Migration News*, volume 6, number 1). Many returned year after year and an estimated one to two million Mexicans have participated in the programme over 22 years (*Rural Migration News*, volume 6, number 1). At the height of the programme, in 1956, more than 400,000 braceros were recruited (Reichert and Massey, 1982: 5). By contrast, only around five thousand Mexicans enter Canada annually as seasonal workers. Not only does the absolute size of the programme differ significantly, but so does the density of the contract worker population. In California, where most braceros worked, they comprised a sizeable percentage of the workforce: approximately 34 per cent of the agricultural seasonal labour force in 1957, and in some counties 90 per cent of total agricultural labour (Calavita, 1992: 72; Cohen, 1987: 51). By the early 1960s, they comprised a majority of the labour force in several types of California agriculture: 79 per cent of tomato harvesters and 71 per cent of lettuce harvesters (*Rural Migration News*, volume 6, number 1). Although many growers in Canada have become dependent on foreign seasonal workers,

domestic labour still plays a rather significant role. During the peak September and October periods in the 1980s, the estimated percentage of Caribbean and Mexican seasonal workers ranged from 2.4 per cent to 12.3 per cent of the total paid workforce (CEIC, 1980: 10).

RELATIONS WITH EMPLOYERS

Hiring practices used to recruit workers have also contributed to the difference in desertion rates between the US and Canada. Braceros were employed by farm labour associations and in order to reduce the amount of paperwork, the federal Government required growers to form an association and present one request for braceros (Gamboa, 1990: 48). The associations "pooled all applications, guaranteed compliance by user-members with their commitments, supervised the contracting of men, transported them into the area, assigned workers, filed pay roll reports, collected and forwarded insurance premiums, informed members of ruling and directives of the government agencies, kept men in the field to advise members, settled grievances..." (Galarza, 1964: 113). The workers were placed in camps administered, and at times owned, by farm labour associations which also supervised provision of feeding services to the workers (Gamboa, 1990: 49). Relations between farm owners and the workers were therefore highly impersonal and autocratic, and the working environment was oppressive and alienating. Growers seldom got to know the workers on a first-name basis not only because of the large numbers involved, but also because of the difficulty they experienced in pronouncing Spanish. Instead, farmers tended to rely on the worker's six-digit contract number to pay wages, but this number was not always recorded correctly. As a result, identification of each worker and credit for hours worked was a problem for the men (Gamboa, 1990: 54). Farmers constantly pushed workers or used intimidation and outright violence, some farmers believing that the braceros performed better only if they were threatened or warned that contract renewals were dependant on satisfactory work records (Gamboa, 1990: 59). Good relationships between a bracero worker and his employer was an exception rather than a rule in the US (Gamboa, 1990: 66).

In Canada, by contrast, Mexicans are employed by individual growers who are obligated to take care of their workers. A manual prepared by Foreign Agricultural Resource Management Services (FARMS), an agency responsible for the administration of the Seasonal Agricultural Workers Program in Canada, outlines growers' responsibilities vis-à-vis their workers. These include provision of free housing and an obligation to take an injured or sick worker to a physician upon request (FARMS, 1999: 11).

It may seem ironic that in the US employers who were fond of their braceros helped them to stay in the country and bring their families from Mexico while

in Canada growers had to ensure that their workers returned to Mexico at the end of the season. Because of the administrative procedures noted above, Canadian growers, unlike their US counterparts, can be fairly confident that their favourite workers will be able to return to their farms, unless their health deteriorates or they decide not to work in Canada any longer. Because demand for labour is seasonal in Canadian agriculture, keeping a worker all year would not be in the grower's interest. In fact, growers have no assurance that the worker resident in Canada would return to their farm at the beginning of next season. The advantage to the grower of the Seasonal Agricultural Workers Program is that it delivers a worker to production when the demand arises.

SOCIAL NETWORKS

The existence of Spanish-speaking communities in the US made it easier for *bracero* workers to remain in the country. Gamboa suggests that as men became better acquainted with the Northwest, and as Chicano enclaves began to provide easy places for the deserting Mexicans to hide, more *braceros* stayed behind (Gamboa, 1990: 68). Most *braceros* were destined for farms in the south-west which had a long history of Mexican settlement (Jones, 1984). In addition, the economic infrastructure in the South-west absorbed undocumented Mexican workers not only in agriculture but also in the garment industry and in janitorial services, construction clean-up, hotels and restaurants (Calavita, 1992: 7). This is not the case for Canada-bound Mexican workers who are generally sent to rural areas, while most Spanish-speaking persons settle in big cities, especially Toronto and Montreal. There are very few other "latinos", not to mention "mexicanos", in rural communities where they work. Mexican workers interviewed by Colby (1997) indicated that they did not wish to remain in Canada primarily because in small, rural Ontario towns where they worked there were no Mexican communities where they could easily be assimilated, set up home, and find permanent jobs:³

Most towns in rural Canada do not have any type of Hispanic community as compared to rural communities in Texas, California and throughout the United States. There are no Spanish-language clubs, churches, bars, concerts or other primarily Spanish-language cultural events. There is no network or cultural support. They are isolated in communities that see them as temporary agricultural labourers and little else (1997: 19).

MEXICANS IN LEAMINGTON

The author's research in the Leamington region between 1996 and 1999 supports the general observations made above. A rural community located some 40 kilometres south-east of Windsor, Leamington has provided employment to

approximately one-fifth of the estimated five thousand Mexican workers who come to work in Canada. Many are employed in Leamington's rapidly expanding greenhouse vegetable industry where foreign seasonal workers constitute 40 per cent of the harvesters. Greenhouse growers rely on imported labour much more than other growers because domestic workers find the heat generated in greenhouses during summer months unbearable.

Many Mexican workers employed in Leamington are among the programme's veterans. Among the 155 Mexican workers interviewed, the average number of years worked in Canada was 6.5, although many had worked in Canada for ten or more years. Each year the Mexican Ministry of Labour and Social Planning contacts many of the workers in their home communities and invites them to re-apply.

Mexican workers in Leamington have expressed preference for the Canadian programme because it offers security of employment. By contrast, migration to the US *de mojados* (illegally, or literally, as "wetbacks") offers only sporadic and unstable employment opportunities. Mexican workers also appreciate not having to pay rent. They are able to save more money and bring, or send it, to their families. In addition, having permanent addresses makes it easier for their families to stay in touch. The following comments made by Mexican workers interviewed in Leamington illustrate the advantages of the Canadian programme:

- "Here we have a contract; there we work sometimes and other times we don't."
- "Here we have a house to come back to."
- "When one goes to the US one has to stay there for many years, being separated from one's family."
- "For me it would be difficult, and for my wife and my children as well because they would not know anything about me, because one never knows where there will be a job. But here, on the other hand, we come on a contract. And from here I can keep in touch with them by phone and they know my address and in case I cannot write to them or my letters get lost, they can go to External Relations in Mexico and get our addresses."

Given a reasonable expectation of return, a worker does not need to risk losing his security by staying in Canada illegally after his contract expires.

Working and living conditions appeared fair to most Mexicans interviewed in the study. No one complained of having been paid less than a minimum wage, although some were resentful of not receiving paid holidays and a 4 per cent vacation pay guaranteed to those harvesters who have been employed for at

least 13 weeks by the Ontario Labour Act. Exposure to pesticides worried many Mexican workers in Leamington, some of whom had developed skin irritation, headaches, insomnia, and other reactions. However, they did not perceive this as a sufficient reason to abandon their employment. As long as they remained employed in agriculture on non-organic farms, they would continue to experience this problem regardless of the farm employing them. Consequently they did not contemplate desertion.

While research conducted in other parts of Canada has shown that the housing of Mexican seasonal workers is substandard (Smart, 1997), most of the accommodation seen by the author during her fieldwork in the Leamington area met basic requirements for safety. It had heating, sanitation and was reasonably well furnished. With few exceptions, Mexican participants in the study raised no complaints about their living conditions and felt no need to leave their employers.

Mexican workers in Leamington generally develop a relatively good relationship with their Canadian *patrones*. Although some complained about their *patrones*, saying that were mean, treated them as “animals”, and pressured and controlled them too much, most told me their *patrón* was “*buena gente*” (a good guy). A feudal-type paternalistic relationship has developed between the *patrón* and his workers. *Patrones* or their wives take the Mexican workers shopping once a week. When Mexican workers get sick, their *patrones* or their wives take them to see a doctor and buy them medicine (the cost is later deducted from the worker’s pay). Many Mexican workers use the telephone at the house of their *patrones*. Some *patrones* offer their workers coffee, soft drinks or fruit during their breaks. When a Mexican worker has a problem with money transfer, the farm owner is the person asked by the bank to help him straighten it out. Some farmers have made an effort to learn some Spanish. Those of Italian origin communicate with their workers “mixing” Italian, English and Spanish. On smaller farms, growers work side by side with the Mexicans and they chat and joke with their favourite workers. Being excluded from the social world of the Leamington community, Mexicans see their *patrones* and their families as the only persons in Canadian society with whom they can have an on-going interaction. Indeed, some *patrones* establish very good relationships with their Mexican workers:

- We sort of treat them a little bit like family and hopefully they do appreciate it.
- I take care of them and they take care of me. If they want to go shopping to Windsor – they like going to Windsor but they don’t say, “Well, I need tomorrow off to go shopping” – I get them a bus. I say, “You take care of me and I take care of you.”

- We try to treat our people fairly. We don't expect them to do anything [we wouldn't do]. Yesterday was hotter than dickens. My son ran into town and bought everybody a popsicle... It makes them feel good and I don't mind doing it. And it wasn't a matter that it cost me an extra of half-an-hour money or anything like that.

For most, the *patrón* becomes a friend, someone they can run to in times of trouble, especially because few if any other local residents take an interest in foreign workers. In return, Mexican workers remain loyal to their *patrones*.

Even if some workers wished to abandon their employers it would be very difficult for them to survive without the social support that the growers, obligated by the contract, provide them. The number of Leamington's Spanish-speaking resident population is insignificant. At the 1996 Census Canada, only 75 persons in Leamington declared Spanish as their mother tongue. At the same time, lack of convenient and affordable public transportation prevents Mexican workers from commuting to Windsor. Only one bus travels in each direction each day, arriving in Leamington at 9 a.m. and departing for Windsor at 4 p.m. This schedule makes it impossible for Mexican workers to commute to Windsor unless they take time off work, and the \$26.00 bus fare is rather high for workers earning \$6.90 per hour.

If the Canadian authorities decided to sign an agreement with Portugal for the importation of seasonal agricultural workers, as was recommended by the special task force of the Department of Manpower and Immigration, the outcome with respect to non-return might have been different because of the presence of the Portuguese community in Leamington. The Leamington Portuguese community has been formed by three waves of migration. First, in the early 1950s some Portuguese immigrants arrived in Leamington in response to Canada-Portugal joint government initiatives to recruit labour to work on Canadian farms (Cole, 1998: 82), and were granted permanent residency status. They were later joined by others as independently selected immigrants. A few hundred Portuguese fishermen and their families moved to Leamington in the 1970s from other parts of Canada (Cole, 1998). At the 1996 Census, 1,065 persons in Leamington declared Portuguese as their mother tongue, 800 of whom had been born in Portugal. Some Portuguese migrants work in fisheries, others have become farmers or purchased rental-income properties and become landlords, or are employed in the manufacturing sector (Cole, 1998; Cornies, 1977). If some Portuguese seasonal workers felt compelled to stay in Canada, the presence of this community with its socio-cultural and economic infrastructure, would have facilitated their settlement. In hindsight, by not extending the agreement to Portugal, the Canadian authorities ensured that there was no social network to facilitate non-return for seasonal workers.

CONCLUSION

Whether guest workers return home or stay in the host country illegally, reflects to a large degree the way the guest worker programme is administered. In particular, recruitment policies, the enforcement of employment and housing related standards, and the size of the programme play a crucial role in this process. Unlike US braceros, most Mexican participants of the Canadian Seasonal Agricultural Workers Program return to Mexico at the end of the season and do not stay in Canada illegally.

Three administrative policies and two other factors provide an explanation for the difference between the two countries' experiences.

First, the bureaucratic selection of programme participants bound for Canada makes it possible for many to return to Canada, if not to the same employers, year after year. With their return extremely likely, many workers find it unnecessary to stay in Canada illegally and so lose many of the advantages associated with the legal programme. By contrast, chaotic recruitment procedures employed by the US during the bracero years encouraged many participants to stay in the country upon the expiry of their contracts.

Second, in both Canada and the US, authorities established a set of minimum standards related to employment and housing conditions. But whereas in Canada these minimum standards are enforced, in the US they were frequently violated while State authorities looked the other way. Decent treatment received by most Mexican seasonal farm workers in Canada ensures commitment to their employers. By contrast, many braceros, dissatisfied with the abuse they experienced, chose to desert the farms that employed them and seek better working and living conditions independently.

Third, the relatively small scale of the Canadian programme makes it much easier to establish control over imported labour and ensure that most participants return home. Additionally, loyalty to their *patrones*, as well as lack of Latin American support networks in rural areas where most of the Mexicans are sent, are two additional factors that explain why Mexicans do not desert their farms in Canada. In contrast, most braceros employed by farm labour associations felt no attachment to their employers and deserted when they had an opportunity. The presence of a Mexican social network and an economic infrastructure which absorbs illegal Mexican workers also made it easier for them to stay behind.

Differences in the administration of the programmes reflect the position of the respective States vis-à-vis agricultural capital. In the US, growers were able to shape the administration of the programme to their liking. In Canada, the programme has been shaped not only by growers' need to secure sufficient and qualified labour, but also by the interest of the Canadian immigration

authorities in preventing “undesirable” migrants from settling permanently in Canada, by concern over the potential negative impact on domestic labour, and by priorities of the Mexican State to assist impoverished sectors of its population.

Mexico also had a much weaker bargaining position vis-à-vis the US than with Canada. All that US immigration authorities had to do to undermine the Mexican Government was to open its borders to allow masses of willing Mexicans to enter the country, as it did on two occasions – on October 16-17, 1948, on the border between El Paso, Texas and Ciudad Juarez (Calavita, 1992: 29-30), and in January, 1954 on the California border (Hansen, 1988: 98). The presence of hundreds of thousands of undocumented Mexicans in the US who could be easily converted into *braceros* (Calavita, 1992: 24-44) also made the position of the US vis-à-vis Mexican negotiators stronger. Canada does not have these options and therefore is more likely to accept certain conditions placed on the bargaining table by Mexican representatives. Consequently, its recruitment criteria reflect some interests of the Mexican Government. Inadvertently, some of these selection criteria (such as being heads of large households) assures Canadian authorities that Mexican workers will return home at the end of the season.

If Canadian authorities decide to discontinue the programme, many of the estimated 5,000 Mexicans who come to work in Canada may opt to stay in the country illegally, although difficulties in getting families to join them may discourage some from taking this step. But as long as they expect to return to Canada, most Mexicans are happy to go home at the end of the season to see their families, to supervise the (re)construction of their houses, to attend important community functions, weddings, funerals, and baptisms, and last, but not least, to rest.

NOTES

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2. Department of Manpower and Immigration, succeeded by Canada Immigration and Employment Commission, then succeeded by Human Resource and Development Canada.

3. The other two reasons were aversion to the long, cold Canadian winters and the desire to return to their families as soon as possible.

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ILS SONT VENUS, ILS ONT VU. ILS ... SONT RESTÉS.
LES PROGRAMMES POUR TRAVAILLEURS IMMIGRÉS
ET LA QUESTION DU NON-RETOUR

Les critiques adressées aux programmes pour travailleurs immigrés ont fait ressortir que de nombreux travailleurs temporaires ne retournaient pas dans leurs pays à l'expiration de leurs contrats mais qu'ils venaient en fin de compte grossir les rangs des travailleurs sans-papiers dans le pays hôte. L'auteur du présent article affirme que ce résultat n'est pas inéluctable. Que les travailleurs immigrés rentrent chez eux ou restent dans le pays d'accueil dépend pour beaucoup de la façon dont est géré le programme.

En comparant le Bracero Program (programme pour les journaliers) des États-Unis et le programme mexico-canadien pour les travailleurs agricoles saisonniers, on constate qu'il y a, dans la gestion du programme relatif aux journaliers, trois raisons qui font que tant de journaliers restent illégalement aux États-Unis, alors que la quasi-totalité des travailleurs temporaires employés au Canada retournent au Mexique à la fin de la saison. Ces trois raisons sont les politiques et procédures de recrutement, l'application de normes minimales concernant l'emploi et le logement, et l'ampleur du programme.

L'auteur laisse entendre que la gestion du programme reflète, quant à elle, divers intérêts qui déterminent la position de l'État à l'égard de la main-d'œuvre étrangère. Tandis qu'aux États-Unis, le Bracero Program a été adapté aux besoins des entreprises agricoles, l'État canadien prend en compte des intérêts plus variés, notamment ses propres préoccupations concernant la définition d'une citoyenneté idéale, ainsi que la nécessité de protéger les travailleurs nationaux et le souci du Gouvernement mexicain de venir en aide aux plus nécessiteux.

En outre, contrairement aux États-Unis, où les journaliers sont employés principalement dans des entreprises agricoles, les Mexicains au Canada travaillent dans des exploitations familiales. Si la désertion est un phénomène fréquent aux États-Unis, les relations paternalistes qui s'établissent entre les travailleurs immigrés au Canada et leurs employeurs rendent la désertion improbable.

De plus, aux États-Unis, les journaliers qui restent dans le pays sont aidés par d'autres Mexicains ou Chicanos et sont facilement absorbés dans l'infrastructure économique, qui tire avantage de la main-d'œuvre des sans-papiers. Au Canada, en revanche, il n'existe aucun réseau social ni aucune infrastructure économique susceptible de favoriser le non-retour.

VINO, VIO, Y SE QUEDÓ. PROGRAMAS DE TRABAJADORES INVITADOS Y LA CUESTIÓN DE LA PERMANENCIA

Los críticos de los programas de trabajadores invitados han puesto de relieve que muchos de los trabajadores temporeros no retornan a sus hogares una vez expirados sus contratos y terminan adhiriendo a los rangos de trabajadores indocumentados en el país de acogida. Este artículo arguye que este resultado no es inevitable. El hecho de que un trabajador invitado retorne a su hogar o se quede depende en gran medida en cómo se administre el programa de trabajadores invitados.

Si se compara el Programa de Braceros de los Estados Unidos con el Programa Canadiense de Trabajadores Temporeros Mexicanos en el Sector Agrícola se demuestra que hay tres aspectos en la administración del programa que son determinantes para que tantos braceros permanezcan ilegalmente en los Estados Unidos, mientras que prácticamente todos los trabajadores temporeros empleados en el Canadá retornan a México al final de la temporada. Estos tres aspectos son: las políticas y procedimientos de contratación, la aplicación de normas mínimas de empleo y vivienda, y el volumen del programa.

Se dice que la administración del programa refleja varios intereses que conforman la posición del país con relación a la mano de obra extranjera. Si bien el Programa de Braceros de los Estados Unidos ha sido confeccionado para satisfacer las necesidades de las empresas agrícolas, el Canadá responde a una variedad más amplia de intereses, incluida su propia preocupación por la definición de la ciudadanía ideal, así como la necesidad de proteger a los trabajadores nacionales y el interés del Gobierno de México en prestar asistencia a los más necesitados.

Adicionalmente, y a diferencia de los Estados Unidos donde los braceros fueron empleados principalmente en empresas agrícolas, los mexicanos en el Canadá trabajan en granjas familiares. Si bien la desertión es un fenómeno frecuente en los Estados Unidos, las relaciones paternalistas que vinculan a los trabajadores y empleadores en el Canadá hacen que la desertión sea poco probable.

Además, en los Estados Unidos los braceros que deciden quedarse cuentan con la asistencia de otros mexicanos o chicanos residentes y se incorporan fácilmente en la infraestructura económica que se alimenta de una mano de obra indocumentada. Ahora bien, en el Canadá no existe una red social ni una infraestructura económica que facilite la permanencia.