

Migration, Labour & Social Justice

Honouring the Scholarship of Kerry Preibisch

September 18, 2016

8:00 am – 5:30pm

**The University of
Guelph Arboretum**

UNIVERSITY
of GUELPH

CHANGING LIVES
IMPROVING LIFE

Program at a Glance

8.00am – 9.00am

Registration and breakfast

9.00am – 9.45am

Welcomes and talks about Kerry

9.45am – 10.45am

Change and collaboration

10.45am – 11.15am

Break

11.15am – 12.15pm

Policy and everyday lives

12.15pm – 1.30pm

Lunch

“Milagros for Migrants” installation available for viewing in Boardroom

1.30pm – 2.30pm

Rights and justice

2.30pm – 3.00pm

Break

3.00pm – 3.45pm

Forms of labour

3.45pm – 4.15pm

Break

4.15pm – 5.15pm

Policy and everyday lives

6.00pm

Dinner for those interested

Diana Downtown, 141 Wyndham Street North

Full Day Schedule & Presentation Abstracts

8.00am – 9.00am

Registration and breakfast

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Welcomes and introductory talks about Kerry

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Change and collaboration

9.45am Blessings on the Food, Blessings on the Workers: Altars Spark Dialogue Around Migrant Worker Justice

Deborah Barndt, York University

Migrant agricultural workers are not only on the margins of Canadian and global food systems; they are also on the margins of public consciousness about the labour behind the food we eat. Nor have they been priority concerns of local food movement activists who advocate for both social justice and sustainable food production. Popular education based on Freirean problem-posing methods and Gramscian notions of engaging contradictions can use arts-based approaches to tap both minds and hearts in efforts to mobilize for migrant worker justice. This essay examines the potential and limitations of an installation of Mexican-style altars, entitled “Local Food/Global Labour,” that aims to catalyze dialogue between food activists and labour activists around this issue.

“Milagros for Migrants” installation will be available for viewing in the Arboretum Boardroom at lunch and afternoon breaks.

10.00am “Trying to Get at the Bigger Things”: Collaboration and Change Arising From Research

Kathryn Edmunds, University of Windsor

Gender, work and the independent migration required for “low skilled” temporary positions are increasingly significant determinants of women’s health. There is limited evidence regarding the

health of women temporary workers in Canada, particularly those participating in masculinized labour sectors such as agriculture. Kerry Preibisch's work was invaluable in understanding the intersections, vulnerabilities and implications for health arising from globalization, migration, gender, and employment in Canada's temporary agricultural worker programs. The focus of this presentation is to explore the challenges and opportunities for social action and change arising from research with 20 women from Jamaica, Mexico and the Philippines participating in SAWP and S-LSO. Critical-feminist ethnographic methodology specifically includes the analysis of gender and power relations that may act to limit knowledge and constrain choice. It was assumed that the broad social discourses surrounding gendered migration and temporary work served to reinforce some power relations and hide or distort others, and that the collaborative nature of the research would lead to transformative change. Women workers who participated were quite interested in the long-term goals of the research related to systemic changes. However, their long work hours and precarious immigration and employment status hindered their engagement in public and collective actions. Sustained researcher involvement is needed to build and maintain trust and to support private and public expressions of agency and resistance during the incremental and often subtle emancipatory changes that occur over time. Researchers engaged in critical methodologies need to be aware of the complexities of power relations and interests at many levels, of operationalizing theory into action, and of the hierarchies of evidence involved in policy change. The contexts and realities of temporary contracts reinforce the importance of the creative and coordinated strategies across multiple levels needed to address the inequities experienced by temporary foreign workers in Canada. This requires participation in the collaborative social processes in building and sustaining inclusive partnerships with communities across professions and sectors.

**10.15am Between Left Analysis and Programmatic Revision in the Sociology of
Kerry Preibisch**

Leigh Binford, City University of New York

On the one hand, Kerry Preibisch offered a highly critical analysis of Canada's SWAP, situating the program in the context of neoliberal political economy as an important contribution to capitalist accumulation of Canadian agriculturalists. This critique would seem to locate her loosely within a Marxist field of analysis dismissive of revisionist practices that leave intact the basic relations of production. On the other hand, Preibisch struggled with and on behalf of SWAP workers to achieve improvements in their working conditions and collective bargaining rights, improvements that have distinctly revisionist implications, at least in the short term. Rather than resolve the seeming contradiction or provide some "third way" synthesis, I will offer a reading of her work that draws out the difficulties that the conjunctural "triumph of capitalism" poses for critical social science.

10.30am Thinking About Food and Environment as if Rural Workers Actually Matter
Belinda Leach, University of Guelph

Movements promoting local, safe food and individual and corporate environmental responsibility rarely engage with the politics of the labour used to produce that food or implicated in human processes that degrade the environment. In extractive industries, agriculture and food processing, and the public and private services that support these sectors, rural workers are ignored, whether or not as increasingly is the case they are on temporary contracts without citizenship rights. Literally out of sight and largely out of mind, rural workers' work conditions are little understood or supported by their urban brothers and sisters, or by urban progressives. With these issues in mind, I suggest that rural work conditions produce serious consequences for urban health, requiring attention to how to generate meaningful rural-urban solidarities that expressly link work, environment and health.

10.45am – 11.15am

Break

11.15am – 12.15pm

Policy and everyday lives

11.15am Mexican Migrant Workers in Canada and the United States After NAFTA
Frans J. Schryer, University of Guelph

This paper uses two case studies as a springboard for commenting on broader social justice issues related to the aftermaths of NAFTA. These studies, that of Dr. Kerry Preibisch, who did research in the province of Ontario, and that of Dr. Frans Schryer, who did research in California and Texas, both deal with Mexican workers. Both authors have done ethnographic research in rural Mexico, but their respective case studies of Mexican migrants are quite different. Preibisch's case study in Ontario, Canada, deals with seasonal documented workers from different part of Mexico working in the agricultural sector. Schryer's case study deals with undocumented Mexican migrants from an indigenous town in Guerrero working year round in large urban centres in a variety of economic sectors. Yet these contrasting case studies share common themes: their vulnerability, their hopes and aspirations and the many challenges they face, including the separation of family members and their inability to exercise the same rights as citizens in the places where they work. This paper uses these contrasting case studies to illustrate the social injustice of having an almost completely

integrated North American continental economy without the free movement of workers across borders within this continent.

11.30am Gendered Perspectives on Migrant and Sex Worker Rights at the Flower Farm Sexual Economy in Kenya

Megan Lowthers, York University

Today Kenya boasts the longest standing, largest, and most lucrative cut flower industry across Africa, which is concentrated at Lake Naivasha. Naivasha's flower farms depend on a female migrant labour market that operates within a system of intense gender discrimination, sexual harassment, and sexual-economic exchange. Female labour migrants sometimes participate in different types of sexual commerce that are so entrenched within the cut flower industry that it can be termed an institutionalized sexual economy. Drawing on feminist ethnography and migration stories, this paper documents the gendered and unequal labour continuum of sexual commerce that exists at Naivasha's flower farms. This includes how female labour migrants exchange sex for employment at the flower farms, engage in transactional sex with flower farm managers, supplement their incomes with part-time sex work, and move in and out of full-time, street-based sex work as their temporary flower farm contracts turnover. Examining this labour continuum of sexual commerce provides insight into the broader context of the feminization of labour migration, global economies of production, gendered roles and relationships, as well as the sex workers' rights movement in Kenya.

11.45am Negotiating Two-Step Migration and Experiencing Precarious Legal Status in Manitoba

Jill Bucklashuk, University of Guelph

Based within a provincial policy context that supports temporary migrants' transitions to permanent residency through the Manitoba Provincial Nominee Program, this presentation examines how the promise of permanent settlement and experiences with a two-step immigration process influences migration decisions and the lived experiences that follow. Even though transitions to permanency for temporary migrants is a positive step toward reducing their vulnerabilities and precariousness, I argue that such two-step immigration processes are not a panacea for the ills of the Temporary Foreign Worker Program. The promise of eventually obtaining permanent residency can compound temporary migrants' vulnerabilities by placing even more power in the hands of employers as it is a process that rests upon the decisions and favourable supports of those who hire migrants. In this relationship, migrant employees may be disciplined through the threat of deportation or failure to support residency applications. In addition, migrants will do what is needed to gain the favour of their employers and be seen as good, productive, and worthy workers. Using qualitative interview data from twenty-six migrants working in Manitoba's hog processing industry, this presentation demonstrates a need to re-think the temporary-permanent divide as the phenomenon of transitioning legal statuses upsets the notion of temporariness. It supports calls for secure paths to

permanent residency for all temporary migrants, but also provides evidence that suggests a need to be cautious and critical when supporting two-step immigration processes.

12.00pm The Seasonal Agricultural Worker Program and Social Quarantining in Nova Scotia

Mervyn Horgan, University of Guelph and Saara Liinamaa, Acadia University

The number of migrant agricultural workers in Nova Scotia has quadrupled since 2006, yet very little research has been conducted there to date. Inspired by Kerry Preibisch's focus on the social exclusion and inclusion of migrant agricultural workers, we present research on the social lives of migrant agricultural workers in Nova Scotia. Drawing on interviews with former SAWP participants who have settled in the province, we demonstrate how the uncertainty characterizing the legal, immigration, and employment status of migrant agricultural workers is socially practiced and individually experienced. We develop the concept 'social quarantining' as a characteristic feature of former workers' experiences 'on the contract'. This concept centres attention on the spatial and temporal isolation of workers from the rhythms of everyday social life in the broader communities where their housing and workplaces are located. In this way this concept helps us to understand how current migrant labour regulation has everyday effects in organizing and delimiting non-work dimensions of migrant workers' lives, effects that are magnified by the particularities of the provincial context.

12.15pm – 1.30pm

Lunch

“Milagros for Migrants” installation available for viewing in the Arboretum Boardroom

1.30pm – 2.30pm

Rights and justice

1.30pm Towards a Healthy Harvest: Honouring Kerry Preibisch's Contributions to Health and Safety Research with Migrant Workers

Janet McLaughlin, Wilfrid Laurier University, Jenna Hennebry, Wilfrid Laurier University and Kerry Preibisch

Employed in some of the most difficult and dangerous jobs in Canada, migrant agricultural workers are regularly exposed to risks and rights violations, yet they face multiple barriers, both structural

and practical, to accessing protections and benefits. Kerry Preibisch made pivotal contributions to our understanding of health and safety issues facing migrants, based on her cutting-edge research in British Columbia and Ontario. In this presentation we will highlight some of Kerry's key contributions to these areas, analyzing the health risks and issues facing migrant workers. We will then offer some recommendations for changes to protect migrant health moving forward, including sharing our joint recommendations to Ontario's Changing Workplaces Review, which Kerry contributed to during the final months of her life.

1.45pm Pesticide Safety Among Migrant Workers in Ontario Canada: Informing Ourselves Through Worker Consultation and Approaching Solutions from Various Angles

Eduardo Huesca, Occupational Health Clinics for Ontario Workers

Pesticide exposure continues to be a high hazard in agricultural production. Exposure to pesticides can cause acute as well as long-term health effects ranging in severity to the point where exposure can cause death. I will outline concerns around pesticide safety brought forward by migrant farm workers labouring in Ontario Canada under the Seasonal Agricultural Workers Program (SAWP). I will describe how our organization, the Occupational Health Clinics for Ontario workers (OHCOW), has undertaken worker-consultation sessions around pesticide safety to ensure our work is informed by the experiences and perspectives of those affected. I will briefly describe our findings from these consultations. I will then briefly discuss existing pesticide safety resources and policies present within the jurisdiction of Ontario, Canada, and discuss the gaps we have identified. I will then discuss some solutions we are working on directed from various strategies and focuses, including supporting the recruitment and training of Ontario's first Spanish speaking pesticide safety trainer team, contributing 'worker friendly' messaging into mandatory employer pesticide training, assessing the accessibility of existing pesticide safety educational materials, and bringing questions and concerns to government ministries, stakeholders and policymakers. I will also discuss the significant gaps that remain.

2.00pm The Ambiguities of Mayan Justice in Rodrigo Rey Rosa's *Los sordos*

Stephen Henighan, University of Guelph

After Mexico, the Latin American country most central to Kerry's research was Guatemala. She studied in Guatemala City for a year (I believe) as an undergraduate. Guatemala remained important throughout Kerry's career: I had the pleasure of receiving a visit from Kerry and Spencer in Antigua Guatemala in 2003, when I was coordinating the UofG Latin American Semester; the last two emails I received from Kerry, written eight or nine months before her death, were sent from Guatemala, where she was continuing to do research. My presentation, "The Ambiguities of Mayan Justice in Rodrigo Rey Rosa's *Los sordos*," traces the way in which this most recent novel by Guatemala's best-known living novelist auditions the concept of Mayan justice as a potential means of addressing the lapses in the Western justice system that have enabled those who committed human

rights abuses, including genocide, during the country's 1961-1996 Civil War, to live in mostly undisturbed impunity. In Rey Rosa's novel, upper-class Guatemalans found an experimental hospital on the shores of Lake Atitlán where they experiment on Mayan children. When the experiments are discovered, the protagonists' only escape from a potential lynching by enraged local indigenous people is to accept a trial conducted by Mayan elders. My analysis considers these events as a metaphor for possible restitution of war-time crimes and focuses on the ambiguities and contradictions that emerge when Rey Rosa turns the five-hundred-year-old Guatemalan social order on its head by portraying members of the internationalized white elite being judged by a poor, rural indigenous community.

2.15pm "A Modern Form of Slavery": Judicial Reviews and Employer-Tying Policies as State Deprivation of (Im/Migrant) Workers' Right to Liberty and Security (Right "Not To Be Held Under Slavery or Servitude")
Eugénie Depatie-Pelletier, Université de Montréal

An international judicial controversy was consolidated in 2011 when the Constitutional Court of the Republic of Korea contradicted a 2006 ruling of the Supreme Court of Israel (SCI). In the 2006 ruling the SCI held that employer-tied work permit systems create a 'modern form of slavery' and, more specifically, constitute a state violation of migrant workers' rights to liberty and dignity. The few court decisions on temporary labour migration programs thus leave unsettled one key judicial issue: the impact of common "harm reduction" policies on the liberty and security of (im)migrant workers under restricted work authorizations. The Canadian Seasonal Agricultural Workers Program (SAWP) in particular is characterized by the three 'harm reduction policies' suggested or validated by court justices. However, when analyzed using the Supreme Court of Canada's "liberty/security harms" doctrine, the available empirical evidence shows that under such "harm reduction policies" (im)migrant workers face (1) restrictions to their physical liberty, (2) increased risk of harms, (3) denial of procedural fairness, (4) state-induced loss of control over their body and associated psychological stress, (5) barriers to the making of fundamental choices (in particular to the right to an employer) and, overall, (6) an obstacle to the exercise of rights and access to justice in the country. By reproducing legal mechanisms characteristic in particular of past British and American laws and state practices which tied ex-slaves to their employers, the current Canadian immigration framework, and the SAWP in particular, incorporates "employer-tying policies" compelling workers to "obey" to a specific employer which deny - according to the jurisprudence - the workers' "right not to be held under slavery or servitude." Contemporary empirical findings are therefore compatible with the 2006 conclusions reached by Supreme Court of Israel's justices ("quasi-unrestricted" work authorizations are essential), and confirms also the necessity of an independent access to permanent legal status upon arrival to prevent a de facto non-application of the rule of law and the workers' non-access to justice in the country.

2.30pm – 3.00pm

Break

“Milagros for Migrants” installation available for viewing in the Arboretum Boardroom

3.00pm – 3.45pm

Forms of labour

3.00pm The Value of Reproductive Labor

David Griffith, East Carolina University, Kerry Preibisch and Ricardo Contreras, East Carolina University/Independent Scholar

Reproductive labor often occupies an ambivalent position in the lives of people who combine multiple livelihoods to survive, capable of generating some of the deepest emotional responses surrounding family life—whether happiness or grief—while generally viewed in negative terms in the formal economy, interfering with the ability of women to dedicate their lives to work outside of the home and, when commoditized, generally poorly paid. We consider reproductive labor from a different angle, examining with that reproductive labor endows formal, productive labor with part of its value. What if, in short, reproductive labor is a principal source of the value of labor? We explore this question through comparisons among forms of labor in the families and communities of Guatemalan and Mexican guestworkers working in Canada and the United States.

3.15pm What We Owe to ‘Migrant Workers’

Nandita Sharma, University of Hawaii at Manoa

To paraphrase Étienne Balibar in his essay, ‘What we owe to the Sans Papiers’, I examine how those made into ‘migrant workers’, or ‘temporary foreign workers’ by nation-states have allowed us to clearly see the operation of neoliberal immigration policies as well as their inherent links to ideological practices of power, particularly those which deploy nationalist, racist and sexist arguments to legitimize the unfreedom of ‘migrant workers’. While there have been numerous path breaking studies on ‘migrant workers’, including those of Kerry Preibisch, it is ‘migrant workers’, including ‘foreign domestic workers’ and ‘foreign agricultural workers’ who have initiated and led an examination of state power, its deep relationship to exploitative class relations, and, ultimately, a rejection of border controls.

3.30pm Happiness, Dignity and Social Legitimacy: Articulation and Complementarity of Forms of Labor in Guatemalan Communities
Ricardo B. Contreras, East Carolina University/Independent Scholar

In this paper I will discuss preliminary findings from the study *The Value of Labor and Managed Migration*. This project, which is funded by the United States National Science Foundation, has the goal of examining the representation of labor in terms of the values that actors assign to it. In exploring this, the research team (David Griffith, Kerry Preibisch and Ricardo Contreras) conducted fieldwork in communities in Guatemala and Mexico. Data were collected through a combination of observations, informal and semi-structured interviews, photo-elicitation and cultural consensus methods. I will focus the presentation on the way in which reproductive and foreign labor articulate and complement each other as they express value in representations of happiness, dignity and social legitimacy.

3.45pm – 4.15pm
Break

“Milagros for Migrants” installation available for viewing in the Arboretum Boardroom

4.15pm – 5.15pm
Policy and everyday lives

4.15pm Techniques of Discipline and Performance of Subjectivities Among Spanish-Speaking Temporary Agricultural Migrants in Ontario
Tanya Basok, University of Windsor and Danièle Bélanger, Laval University

Agricultural migrant workers recruited to work in Canada under the Temporary Foreign Workers Program (TFWP) are disciplined to be compliant and productive. The presentation will draw attention to several ways in which Spanish-speaking migrants employed in agriculture in a rural community in Southwestern Ontario respond to this disciplinary power. Most migrants discipline themselves and others to be productive and compliant workers. We refer to these acts as “performances of self-discipline.” At other times, some migrants challenge this disciplinary power either individually or collectively. We refer to these acts as “performances of defiance.” Another way migrants may respond to disciplinary power is by attempting to escape from it. Coining these performances “performances of escape,” we will discuss how some agricultural migrant workers drop out of the program and the socio-economic environments that make it possible for them to

“escape.” We will also discuss the precariousness of the migrants who remain in Canada without authorization.

4.30pm SAWP Impacts on Transnational Families: Family-Focused Rationales for Better and Broader Labour Policies

Don Wells, McMaster University

Evidence from 80 interviews with male workers, their spouses, children and school teachers of children with fathers in the Seasonal Agricultural Worker Program (SAWP) from Mexico indicates significant deterioration in family cohesion related to fathers' participation in the SAWP. This includes alienation of children from their fathers, marriage stress, conflict between mothers and children, and negative impacts on children's health, behaviour and educational success, among other indicators. In light of this evidence, and of corroborative evidence from other published work, including important work by Kerry Preibisch and many of her colleagues, reforms of SAWP labour policies are proposed that broaden the conceptual ambit of labour policies to include the 'whole worker', including workers' families, and can reduce this deterioration in SAWP family cohesion.

4.45pm Temporary Tenements or Habitual Homes?: A Study of Migrant Workers Living on Ontario's Farms

Jenna Hennebry, Wilfrid Laurier University, Janet McLaughlin, Wilfrid Laurier University and Kerry Preibisch

Housing for migrant farm workers is highly inconsistent and underregulated, with great variability across farms by size of farm, crop, and other factors. This paper draws on our survey of nearly 600 migrant farm workers in Ontario's agricultural sector, as well as comparative contexts from secondary data, to examine the realities and consequences of on-farm housing for migrant workers under Canada's SAWP. With housing implicated into this bilaterally managed program, the everyday realities of housing experienced by migrant farmworkers (many who have made Canada their "habitual home" for over a decade) has long term health consequences for workers and their families. At the intersection between human rights, health rights, migrant rights and human security, this paper provides an empirically grounded critical discussion of the way in which housing is embedded into these domains and has relevance for labour migration governance at national, bilateral and international levels.

5.00pm Capabilities, Development, and Rights in South-South Migration: The Case of the Burmese Diaspora

Yvonne Su, University of Guelph, Warren Dodd, University of Guelph and Yuriko Cowper-Smith, University of Guelph

The development potential of migration is contentious when examining South-South migration, as regulatory legislation and frameworks are often lacking, and chances for collective action are low. As such, the invisibilization of migrants' labour and subsequent (in)access to protection and rights in

South-South migration occurs on a large scale. To promote human rights within South-South migration, we argue that the capabilities approach as conceptualized by Sen and Nussbaum is a productive framework for analyzing these migration flows and constructing a coherent debate among scholars and policymakers on the integration of rights, migration, and development. Recognizing the selective application of the capabilities approach in the past, we argue that an interpretation of the capabilities approach which centres the rights of migrant workers, their families, and their communities, represents an appropriate starting point for future debate on the position and value of migrant rights. Using this theoretical perspective, we discuss the experience of Burmese diaspora, who are mostly located in Thailand, Bangladesh, Pakistan, Malaysia, Singapore, and India. Although an important source of economic, social and political support to populations in the sending state, the extent of labour precarity, mistreatment, and abject degradation, at least in Thailand, has created an environment in which illegal migrant workers are completely disenfranchised from mobilizing politically and staking claims. Although political apathy and exclusion may result from longstanding deprivation and exploitation from the sending and receiving state, a rights-focused capabilities approach offers a theoretical grounding on the possibilities of South-South relationship-building and collaboration within the migration-development nexus.