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STAR EXCLUSIVE

Migrant farm workers from Jamaica are being forced to sign COVID-19 waivers

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Migrant workers bound for Canadian farms are being forced to sign waivers releasing the Jamaican government of any liability for any “costs, damages, and loss” caused by exposure to [COVID-19](#) — despite workers being warned they are at increased risk, the Star has learned.

The signed waivers are a condition of participating in the [Seasonal Agricultural Worker Program](#), according to copies reviewed by the Star. One worker who arrived recently in southern Ontario says neither the government nor his employer provided information on workers’ rights during the pandemic.

The worker said he felt he had “no choice not to sign” the contract.

“I am feeling uncomfortable, even though I am here,” he said.

The recently-arrived worker, who spoke to the Star anonymously for fear of reprisal, said his employer expected work to start immediately. He said he found out that the Canadian government required two weeks of paid quarantine from a local advocacy group.

“(Our employer) wanted us to work,” he said. “We said no, the government said we should not work.”

On Monday, the federal government announced a [new \\$50-million program](#) to help farm and food processing employers to cover the cost of new self-isolation requirements.

Agriculture minister Marie-Claude Bibeau said the program would provide employers with \$1,500 per worker to put toward modifying accommodation, subsidizing wages, and other costs associated with the new mandatory pandemic protocols.

Bibeau said the funds were contingent on employers following public health guidelines. She said the federal ministries of immigration and employment, along with local public health units, will make targeted inspections to ensure compliance.

“We can trust that employers care for the health of their community, they care for their workers, they want to have healthy workers and they will put in place what is needed,” she said, adding that there will be “severe” sanctions for non-compliance.

While Canadian employers are required to pay workers during self-isolation, the worker interviewed by the Star said he was told he must pay the money back later in the season. Unlike many SAWP participants, the worker said he and his colleagues are being lodged in a house where they have separate bedrooms, which allows for some social distancing.

“But if there’s four of us in the kitchen it’s not going to be socially distanced. I have lots of friends from other farms calling. They are sharing rooms,” the worker said.

“I ask myself, is this risk I’m taking worth it to feed my family back home?”

Migrant worker advocates have warned that long-standing poor working and living standards on Canadian farms put seasonal labourers at greater risk of contracting the virus, due in large part to workers' precarious immigration status and poor enforcement of workplace and housing standards.

"At the very minimum we need permanent residences and a national housing standard," said Syed Hussan, executive director of the Migrant Workers Alliance for Change.

Last year, a Star [investigation](#) exposed thousands of complaints made by Mexican seasonal agricultural workers — the largest group of participants in the program — about their Canadian employers. The complaints filed to the Mexican authorities included allegations of medical neglect, abuse — and reprisal for voicing those concerns.

But the number one [complaint](#) was housing, including repeated complaints about pest infestations, poor sanitation, and overcrowding. At a farm near London, Ont., that has been the subject of multiple complaints in recent years, the Star saw bunk beds for 50 workers in an unfinished basement with no bathroom facilities, with beds curtained off with garbage bags for privacy.

Seasonal agricultural workers' right to be in Canada is tied to their employment at a single workplace. Speaking out about abuse can effectively result in workers losing their job and removal from the country, said Chris Ramsaroop, an organizer with Justicia for Migrant Workers.

"No amount of training and preparedness is going to address the structural issues that currently exist on farms across Canada," he said.

The waivers now being issued by the Jamaican government warn that "international travel has the potential of increasing the risk of, spread of, and exposure to the virus," but require workers to declare that despite the risks outlined they have "made the decision to travel to Canada to work."

The Jamaican government "is not liable for any harm, injury, loss, costs, or damage which may arise," as a result of falling ill with COVID-19, the document says.

"In effect what the government of Jamaica is saying is that workers are on their own," said Ramsaroop.

According to the document, workers who become infected will be eligible for short-term disability funded by an insurance program employers pay into. The Canadian government's new guidelines say employers must immediately arrange for symptomatic workers to be isolated from others.

Because they pay taxes on their wages, migrant workers are entitled to medical care in Ontario, but the worker interviewed by the Star said he had received no information on access to health care if he falls ill.

On top of immigration status, advocates want the government to address long-term housing issues and open up income support to migrant workers whose arrival in Canada has been delayed because of the pandemic. While seasonal agricultural workers spend up to eight months a year in Canada and pay into employment insurance, in most cases they are not eligible for EI payments.

Countries that participate in SAWP maintain liaison offices in Canada where workers can turn if they experience issues with their employer. But advocates have long warned that liaison officers often fail to address workers' concerns.

The worker interviewed by the Star said he called his liaison officer with concerns about his employer, noting that there was no food in the house, despite workers being unable to leave the farm during isolation.

"They always sound like they want to do something," he said. "Then you hang up and nothing comes out of it after that."

Jamaica's Ontario-based liaison office did not respond to the Star's request for comment. The worker told the Star he and his fellow workers have relied on local community groups bringing them supplies.

Temporary foreign workers were exempted from international travel restrictions because of their crucial role in Canada's food supply chain. The Canadian Agricultural Federation has praised the government's swift response to ease the restrictions and initiate safety precautions, noting that the "health of the Canadian public and all agri-food workers is the first priority."

At Monday's press conference, Bibeau pointed to ongoing labour shortages on Canadian farms, with around 15,000 vacant positions each year.

"It's a permanent need," said Hussan. "(Workers) must have permanent status. The argument that it's a short-term need has been shown to be bogus."

"Essential workers deserve essential rights," he added. "Failure to do so is a human rights catastrophe in the making."

Beyond the two-week quarantine period, Ramsaroop said it was unclear what safety protocols would be implemented to prevent the spread of COVID-19.

“A pandemic can spread any time on a farm,” he said. “What’s going to stop it in the future?”



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