

Pick-Your-Own Labor: Migrant Workers and Flexibility in Canadian Agriculture¹

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This paper explores the structures and practices of temporary migrant worker programs (TMWP) as they operate in Canadian agriculture. Acting within highly competitive, globalized markets, agri-food employers rely on the availability of migrant workers to achieve greater flexibility in their labor arrangements, drawing on employment practices beyond those possible with a domestic workforce. Most recently, changes to Canada's two TMWP schemes have provided employers with greater scope to shape the social composition of their workforce. The paper analyzes these changes while exploring their implications for workplace regimes in agriculture.

INTRODUCTION

Migrant workers are a growing component of the labor markets in high-income countries. Today, some 90 million people – representing approximately three percent of the global workforce – cross national borders to find work (Martin, Abella, and Kuptsch, 2006). While a significant number of migrants are moving between countries of the global South, the share of migrants in the population of developed countries has almost tripled in the past 40 years (Martin, Abella, and Kuptsch, 2006). Migrant-receiving states use multiple mechanisms, often simultaneously, to regulate the entry of workers into their national territory. In the United States and Japan, for example, the systematic use of undocumented migrant workers is tacitly tolerated (Castles, 2006). Conversely, other countries have liberalized the movement of labor within regional blocs. The most illustrative example in this regard was in May 2004, when the United Kingdom unleashed the biggest single wave of migration in British

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history by granting permit-free access to its labor market to state nationals of the eight EU Accession countries (Ruhs, 2006b). In contrast to these policies, a number of high income countries – the United Kingdom and the United States included – have turned to temporary migrant worker programs (TMWPs) as a means of managing migration flows. The International Organization for Migration (2008:77) recently reported that “the world appears to be on the threshold of a new era in temporary labour migration programmes.” Undoubtedly, in a contemporary global political economy where high-income states seek to tighten their borders and further delineate the conditions for entry, TMWPs have become an increasingly popular policy instrument for some countries.

Of all economic sectors, agriculture has the longest history with TMWPs. While today migrants are employed in a number of occupations at both ends of the skill spectrum, many of the models on which contemporary TMWPs have been designed were originally created to meet alleged labor shortages in agriculture. Griffith (2006) has argued that in the United States, growers distinguish themselves as the employer group with the most experience and longest history in shaping immigration policy to meet their needs. In Canada, the agricultural industry’s success in lobbying the government to supply them with non-citizen labor dates back to at least 1868, when the government assisted the settlement of thousands of British orphans to work on Canadian farms (Parr, 1985; Bagnell, 2001).² What is perhaps more interesting than the long history of TMWPs in the agricultural sector of high income countries, however, is their *continuity* in contemporary times. While much of the controversy surrounding the uneven liberalization of agri-food markets globally has centered on “first world” protectionism in the form of subsidies, relatively little debate has addressed the growing reliance of these countries on migrant labor and its intrinsic role in capitalist accumulation (Trumper and Wong, 1997; Sharma, 2006; Delgado Wise and Márquez Covarrubias, 2008; Rogaly, 2008), processes that have been well-documented (Friedland, Barton, and Thomas, 1981; Martin, 1988, 2002; Mitchell, 1996; Rudolph, 1996; Henderson, 1998; Rogaly, 2008). The mechanisms high income countries use to regulate the entry of migrant farm labor are

²By 1924, the government had settled over 64,000 orphans who, upon adulthood, were granted citizenship. Later in the 20th century, the government arranged for growers to have access to prisoners of war, conscientious objectors, interned Japanese Canadians, and Displaced Persons, before implementing a TMWP in 1966 (Satzewich, 1991).

highly diverse, demanding careful attention not only to their sectoral and national specificities, but also the social, economic, and political context in which they are implemented.

This paper examines Canada's migration system to address the structures and practices of TMWPs as they operate in agriculture in a high-income country context. In particular, the paper seeks to explore the ways in which immigration controls exercised by the state shape labor-capital relations within this sector. I argue that access to migrant workers allows agri-food firms to implement a particular range of employment practices than what would be possible with a completely domestic workforce.³ As the title intimates, I argue that the TMWPs available to Canadian agricultural producers have undergone changes that allow employers to exert significantly greater control over the social composition of their workforce in ways that they perceive as beneficial to production. Finally, I position these strategies within the context of a liberalized, global food economy, where the attempt to infuse greater flexibility into labor management strategies is one of the few remaining means by which agri-food firms can exercise a degree of control over their profit margins.

Labor market flexibility as a concept is understood as the ability to adjust wage rates and structures, employment arrangements (e.g. hours, shifts, ratio of permanent to temporary personnel), and recruitment practices (e.g. the hiring and releasing of staff) (Ruhs, 2006b). Considering the unique aspects of agricultural production, Guthman (2004) has argued that innovation or profit making in the sector has taken three forms. These comprise (1) appropriation: extracting value from others (e.g. industrialization); (2) valorization: enhancing the value of the product (e.g. niche marketing); and (3) intensification: creating value by efforts to accelerate, enhance, or reduce the risks of biological processes (e.g. high yield seed). Included in Guthman's definition of this last form of profit making is the use of vulnerability to ensure a timely and compliant labor force when pro-

³In this paper I use the term migrant worker to refer to those people employed in Canada under temporary visas who do not hold Canadian citizenship or permanent residency (landed immigrant status). Although the concept of migrant in the context of the agricultural labor market is problematic since the domestic workforce includes internal migrants from economically depressed regions and socially marginalized groups, I prefer to delineate my particular use of an imprecise concept rather than use the official term "foreign worker," which contributes to ideologically positioning migrant workers as less deserving of the legal entitlements and rights afforded Canadian residents and permanent residents (Sharma, 2006).

duction requires, the subject of this paper. While the factors influencing growers' ability to engage in these different forms of innovation are diverse, such as economies of scale, intensification through labor management is particularly salient in agriculture, a sector that manages to retain the least-profitable enterprises alongside strong performers, and more so in horticulture, much of which remains extremely labor-intensive.⁴

The arguments presented here are grounded in a program of research exploring the role of TMWPs in the social organization of first world country agriculture, using Canada as a case study.⁵ Most of the empirical research has involved in-depth interviews carried out between 2002 and 2008 with employers ($n = 54$), civil servants in Canada and migrant-sending countries ($n = 30$), migrant men and women ($n = 117$), and migrant rights advocates ($n = 20$) in Ontario, the province employing the majority of migrant farm workers. It includes recent research in British Columbia (BC), where agricultural producers only recently received approval to hire under temporary visas.⁶ The paper also rests on comprehensive analysis of government policy, Canada's agri-food industry, and the situation of migrant workers, relying primarily on secondary data available from government sources, media reports, and other sources of data.

TEMPORARY MIGRANT WORKER PROGRAMS

Temporary migrant worker programs came into popularity in North America and Western Europe following the Second World War. Two of this period's largest programs were the United States' *Bracero* program (1942–1964) and Germany's *Gastarbeiter* program (1955–1973). At their peak, annual worker admissions under the *Bracero* program came close to half a million, while the *Gastarbeiter* brought close to a million (Ruhs, 2003). Many other high income countries implemented TMWPs in this period: the United Kingdom, France, Switzerland, and Belgium pioneered labor recruitment in the 1940s, followed by Germany, the Netherlands,

⁴Guthman (2004:64) notes that the pivotal role of land in agricultural production has meant that the sector retains even the most marginal producers, who forego profits in order to hold on to their land.

⁵This research was supported by funding through the North-South Institute, the Social Sciences and Humanities Research Council (Standard Research Grant and Community University Research Alliance programs), and WorkSafeBC.

⁶I am grateful to my co-investigator on the BC study, Gerardo Otero, for allowing me to draw on data that was jointly collected.

and Austria (Castles, 2006). Although these programs expanded considerably throughout the 1960s, they lost momentum as a policy instrument in the United States and Europe by the end of the decade. In 1964, the heavily-attacked *Bracero* program was closed following a critical Department of Labor review, while in Europe the energy crisis of the early 1970s brought a halt to recruitment under large-scale guestworker programs by 1974 (Cholewinski, 2004; Castles, 2006; Martin, Abella, and Kuptsch, 2006). By that time, the increasing permanent settlement of migrants in the context of an economic recession had gathered considerable controversy in most of Western Europe (Plewa and Miller, 2005; Plewa, 2007). Public concern regarding migrants' welfare – primarily focused in Europe on the social exclusion of migrants and in the United States on employer abuses – also constituted part of the historical juncture that led to the decline of TMWPs (Plewa, 2007). The end of large-scale recruitment did not extinguish sources of low skill labor to agriculture, which was made available through the reunification of migrants' families, asylum seekers, and irregular migrants, among other sources (Plewa and Miller, 2005). There were also some countries that continued to operate guestworker programs, made exceptions for agricultural employers, or launched new programs (Plewa and Miller, 2005; Plewa, 2007).

In the 1990s, a new phase of guestworker policies emerged in high-income nations, with a number of countries establishing schemes for the temporary or seasonal entry of limited numbers of workers to meet specific labor needs (Castles, 2006; Martin, Abella, and Kuptsch, 2006; Plewa, 2007). In the European Union, these included Belgium, Germany, Ireland, the Netherlands, Norway, Sweden, the United Kingdom and, interestingly, former migrant-sending countries such as Ireland, Italy, Greece, and Spain (OECD, 2003; Plewa and Miller, 2005; Castles, 2006; Plewa, 2007). In 2007 and 2008, New Zealand and Australia also established seasonal worker schemes for agriculture (Gibson, McKenzie, and Rohorua, 2008; Maclellan, 2008). The policy rationale for instituting such programs differs by country, but rest largely on responding to purported labor shortages through legal migration. Foreign policy considerations also figure in the resurgence of TMWPs, positing these programs as a form of development cooperation (Plewa and Miller, 2005).

Analysts have also noted both similarities and differences between what Plewa (2007) has conceptualized as the “post-World War II” programs and the “post-Cold War” programs. A key change is the sheer diversity of programs, as new TMWPs appear to be smaller in scale, yet

highly tailored to the specific sector they seek to target (Plewa and Miller, 2005; Castles, 2006; Martin, Abella, and Kuptsch, 2006). The tailored nature of the programs is evident in the differential admission criteria and rights afforded workers filling occupations requiring higher and lower levels of formal training. While highly skilled workers may be granted fewer restrictions on their mobility in the labor market and an eventual path for permanent residency, migrants entering low skill jobs such as farm work are often issued employer-specific visas and lack any opportunity to apply for citizenship. One further distinguishing feature of the new programs noted by Martin, Abella, and Kuptsch (2006) is the context of deregulated labor markets that has granted employers a greater role in determining admissions and employment.

Despite these important distinctions, the new programs share fundamental similarities with those of the past. A key feature of TMWPs has always been restrictions on labor mobility and limits on migrant's social and political franchise more broadly. Plewa and Miller (2005) have argued that, apart from the smaller scale and diversity of programs, "the post-Cold War TFW policies remain essentially the same as their postwar predecessors [...] the economic objectives of both the sending and receiving countries drive admissions, and the social conditions for foreign workers are often substandard, and in general, their rights are quite limited" (61–62). In Germany, the country that has made the most systemic use of TMWPs (Castles, 2006), Rudolph (1996) notes striking similarities with the old regime, including forced rotation and short-term visas. In his seminal review of the return of TMWPs in 2006, Castles (2006:760) concluded that "the EU and its Member States seem still to be trying to import labor but not people – just as the Western European countries did 40 years ago."

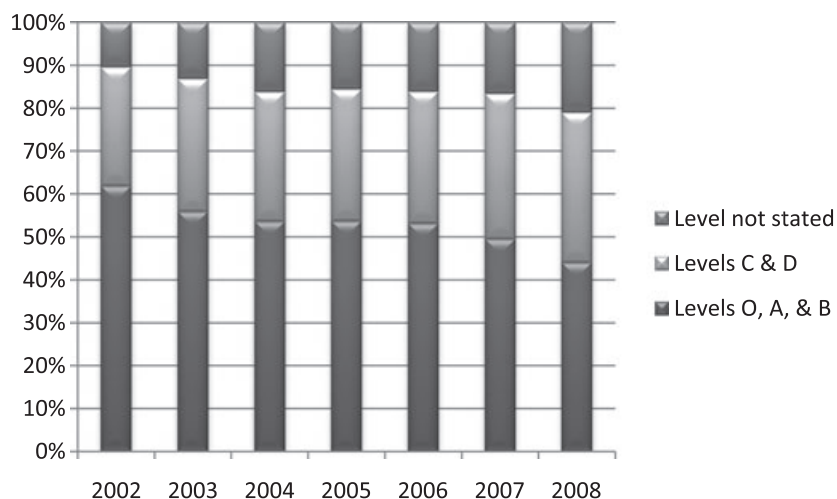
TEMPORARY MIGRANT WORKER PROGRAMS AND FLEXIBLE ACCUMULATION IN CANADA

The employment of temporary visa workers in Canadian agriculture is somewhat unique among high income countries. For one, the country's long-standing program to provide migrant workers to agricultural employers, the Seasonal Agricultural Workers Program (SAWP), has suffered no interruptions since its inception in 1966. Second, this highly managed, government-to-government program – in part made possible by its relatively modest size of 25,000 participants per annum – has resulted in a high degree of circularity, a very different situation to that which has

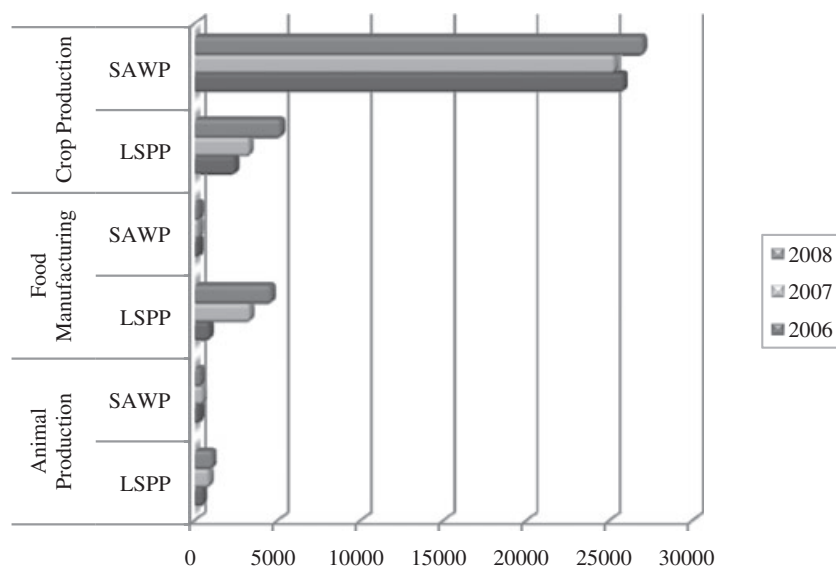
occurred in the United States and Europe. Consistently low rates of non-return are indeed one of the main reasons why the SAWP has earned an international reputation as a model TMWP (Muñoz, 1999; Verduzco, 1999, 2007; Greenhill and Aceytuno, 2000; Ortega Pérez, 2003; Verduzco and Lozano, 2003; Basok, 2007; GFMD, 2007). Despite this status, the SAWP's framework was not adopted when the Canadian state implemented a new program open to employers seeking to hire temporary visa workers, including those within agri-food industries, referred to as the Low Skill Pilot Project (LSPP) in 2002.⁷ At the present time, Canadian agricultural producers are able to access both "post-war" and "post-Cold war" TWMPs to serve their labor needs.

Similar to trends across the OECD, the use of migrant workers in the Canadian economy has grown significantly. Total entries of temporary visa workers grew from 103,239 in 2003 to some 192,519 in 2008 (CIC, 2007). Not only has the volume of migrant workers admitted each year increased dramatically, but since 1980 it has eclipsed that of workers entering Canada with permanent resident status or citizenship rights with the exception of 1 year, 1996 (Sharma, 2006; CIC, 2007a). Interestingly, the demand for workers to fill low skill occupations is rising faster than that for high skill workers. As shown in Figure I, in 2002, 62 percent of foreign workers entering Canada had an Occupational Skill Level of 0, A, or B (high skill) while 28 percent were classed as C and D (low skill); by 2008, the percentage of high skill workers had dropped to 44 percent while that of low skill workers rose to 35 percent (CIC, 2009). Further, the significant climb in the number of confirmed temporary visa worker positions between 2005 and 2007 was driven principally by a 122 percent increase in employer requests for workers to fill low-skilled jobs (HRSDC, 2008a). Agriculture has contributed to the growing demand for migrant workers. Between 1978 and 2007, the SAWP grew from employing less than 5,000 migrant workers per year to over 25,000 three decades later. In addition, the government approved employer requests for an additional 11,160 migrant workers under the LSPP to fill jobs in crop production, animal production, and support activities for agriculture, food and

⁷In 2007, the LSPP was renamed the "Pilot Project for Occupations Requiring Lower Levels of Foreign Training (occupations listed in sections C and D of the National Occupations Code)." In this paper I use its previous name for ease of identification and referencing.

Figure I. Entries of Foreign Workers by Occupational Skill Level to Canada.

Source: CIC (2009).

Figure II. Number of Confirmed Temporary Visa Worker Positions under the SAWP and LSPP, by Specific Agri-food Industries.

Source: HRSDC, Unpublished data.

Note: Data reflect the number of approved temporary migrant worker positions. Figures of actual entries into Canada are lower.

beverage manufacturing, as depicted in Figure II (HRSDC, Unpublished, data).

The SAWP and LSPP hold a number of features in common (Figure III). To begin, both programs issue temporary work visas that have a maximum length of 8 months (SAWP) or 24 months (LSPP). The programs can be characterized as “forced rotation” (Wong, 1984); that is, for migrants to retain their eligibility for subsequent authorizations, they must return to their countries of origin at the end of their contracts. The work permits are employer-specific, meaning that migrants are only able to legally work for the person they are assigned. The programs, designed to prevent settlement, grant visas to single applicants; they do not contain policies for family reunification or even-

Figure III. SAWP and LSPP Compared.

	SAWP	LSPP
Year implemented	1966	2002
Size in 2008	25,350 migrants	An estimated 3,000 employed in agri-food industries
Work permit type	Employer-specific	Employer-specific
Work permit length	≤ 8 months	≤ 24 months
Forced rotation	Migrants must return to home countries by December 15, can return by January 1	After 24 months, migrants must return home for ≥ 4 months
Employment contract	Standard contracts; sending country, employer and worker are parties	Employers write contracts according to guidelines; employer and worker are parties
Program structure	Federal program resting on bilateral agreements signed between Canada and sending countries formalized in Memoranda of Understanding	Federal program that approves employers to hire workers from abroad
Countries eligible	Mexico, Jamaica, Trinidad and Tobago, Barbados, and the Organization of Eastern Caribbean States (nine countries)	Any country
Employers eligible	Producers of flowers, fruit, honey bees, greenhouse, nursery, tobacco, vegetables, processed food	Any approved employer requiring workers in occupations designated as low-skilled
Worker recruitment	Government responsibility: Sending countries fill grower requests that are sent via private sector organizations authorized by the Canadian government	Employer responsibility: Employers contact workers independently (often through recruitment agencies)
Role of sending country	Recruit workers, provide government agents in Canada that workers and employers can contact, and participate in annual and operational review meetings	No formal role, although some sending countries assist in recruitment and other operational aspects of the program
Main costs for migrants	Canadian visa; travel within home countries to/from airport; medical examination; portion of airfare; rent (BC only)	Canadian visa; travel within home countries to/from airport; medical examination; rent; recruiter fee (if charged)
Contract dispute resolution	Contract stipulates that employers and employees can contact sending country government agents to mediate	No intermediaries; problems to be worked out by employer and employee

Source: Own Elaboration, Based on Service Canada (no date); FARMS (2008).

tual permanent residency.⁸ Further, a citizens-first policy exists to prevent the displacement of domestic workers, requiring employers to pass an initial labor market test to prove they were unable to attract Canadian residents. Finally, unlike many other high income countries and Canada's own permanent immigration system, these programs operate outside of quotas on the volume of persons admitted.

The purported rationale of these programs is to fulfill labor shortages of qualified Canadian workers. In addition to ensuring a supply of workers, the programs' structures and practices also deliver a workforce *more willing* to accept the industry's working and living conditions and one *less able* to contest them. First, the use of employer-specific work permits restricts migrants' labor mobility to a single, designated employer. Although in theory workers can request a transfer to another employer, in practice this is extremely difficult.⁹ Workers thus are bonded or indentured to their employers (Wong, 1984; Satzewich, 1991; Bolaria, 1992; Sharma, 2006; Basok, 2002). Second, visas are granted to single applicants with no provisions for family reunification, a situation that contributes to migrants' willingness to accept longer hours than domestic workers with social responsibilities in Canada (Basok, 2007; Preibisch and Binford, 2007). Moreover, temporary migrants do not enjoy the same social or political rights associated with citizenship; Canada's temporary residents – numbering some 587,781 in 2008¹⁰ – cannot vote, run for political office or, more immediately, access the full range of social bene-

⁸While there is no formal provision for migrants to apply for citizenship, in most Canadian provinces temporary visa workers can now apply for permanent resident status under the Provincial Nominee Program (PNP), an agreement between provinces and the federal government that allows provinces to nominate immigrants who wish to settle within their borders. To illustrate, several hundreds of temporary visa workers hired under the LSPP at one of Canada's largest food processing companies, Maple Leaf Foods, have become permanent residents under Manitoba's PNP (Bucklashuk and Annis, 2009).

⁹In order to transfer employers under the SAWP, a migrant must find someone willing to hire him/her and obtain permission from both Human Resources and Social Development Canada (HRSDC) and a government agent from his/her home country. In some provinces, the employer receiving the transferred worker also has to complete the appropriate paperwork and pay a processing fee to the private sector organization that brokers the transfer (FARMS, 2008). Canadian civil servants acknowledge that transferring employers under the LSPP is even more difficult (Interview, 08/05/2008a).

¹⁰The number of temporary residents present in Canada on December 1, 2008.

fits afforded citizens and permanent residents (CIC, 2007b, 2009).¹¹ This holds a number of implications in terms of the political-legal coercion migrants are subject to (Bolaria, 1992; Trumper and Wong, 1997, 2007).

Recruitment policies further construct a vulnerable, flexible workforce by focusing on the land-poor or landless in countries with enormous wage differentials relative to Canada. While targeted recruitment in TMWPs is often touted as a pro-poor development outcome (*see* Gibson, McKenzie, and Rohorua, 2008), it also works to produce a labor force whose appreciation of the opportunity to earn relatively higher wages reflects heavily in their on-the-job performance and acceptance of substandard working and living conditions (Binford, 2004; Basok, 2007). Yet while wages are undoubtedly higher than in migrant's home communities, they are lower than those earned by their domestic counterparts. A 2004 survey of wage rates paid to nursery and harvesting laborers found foreign workers earning CAD\$ 0.96 per hour less than domestic workers, with this discrepancy doubling in some provinces (Statistics Canada, 2004). Migrant workers' lower wages are further subject to a series of federal and program-specific deductions. Since wage levels are set on an annual basis, the only way for workers to increase their earnings is by agreeing to work longer hours. It is not surprising, therefore, that two recent surveys in BC and Ontario found temporary visa workers working an average of 74 h in a week during peak periods, with some individuals working up to 18 h a day (Carvajal, 2008; Otero and Preibisch, 2008).

The programs contain additional mechanisms to discipline workers. Principal among these are repatriation provisions that allow employers to dismiss and, therefore, deport workers. Legal analysts have taken issue with the broad language in which grounds for repatriation are broached in the SAWP's standard employment contracts, which entitle employers "for non-compliance, refusal to work, or any other sufficient reason, to terminate the WORKER'S employment hereunder and so cause the WORKER to be repatriated" (Verma, 2007a; HRSDC, 2008b). When workers are dismissed early, in almost all cases deportation swiftly follows. Sending country authorities seek to prevent visa overstays, one of the most politically sensitive features of TMWPs, and migrants seeking to return to work the following season usually comply. Leaving Canada promptly

¹¹Social benefits include social assistance and employment insurance, among others. Temporary visa workers are now able to access parental benefits under the Employment Insurance Act due to a legal loophole.

following the end of their work periods is a condition of the contract itself (HRSDC, 2008b) and few migrants are aware that their work permit is independent of their visa to remain in the country. Financial and logistical obstacles, however, also ensure migrants' compliance. As most migrant farm workers are housed on their employer's property (as I explain below) the loss of work is accompanied by the loss of residence (Verma, 2007b). In actuality, rates of forced return have remained consistently low. Since there have been instances in which workers have been repatriated arbitrarily and unfairly, however, the threat of repatriation has become an effective mechanism of control, independent of its actual exercise.¹² Moreover, there is no provision within the SAWP for an independent appeal mechanism that workers can access to dispute the grounds for their termination (Verma, 2003).

Housing arrangements shape power relations. Most employers prefer locating workers on or near their property; under the SAWP, in all but one province the employer is obliged to provide housing to workers at no cost.¹³ Such arrangements extend the reach of employers' control over farm workers' behavior beyond the sphere of work, including restrictions on workers' mobility off the farm (Basok, 2007; Laliberté and Satzewich, 1999; Preibisch, 2004; Preibisch and Encalada, 2010; Wall, 1992). These restrictions have included curfews, prohibiting visitors of the opposite sex, or obliging workers to inform their employers of their whereabouts when outside the farm (Preibisch, 2007; Preibisch and Encalada, 2010; Quashie-Sam, 2007).

In Canada, the federal government claims that migrants entering the country under TMWPs receive equal protection under provincial employment standards as their domestic counterparts. As the preceding section makes clear, in practice migrant workers cannot exercise their labor rights in the same ways as citizens. Despite migrants' greater vulnerability, the federal government has failed to put in place adequate safeguards to monitor employers of migrant workers and sanction those who exploit them; at the provincial level, only Manitoba has passed legislation to this effect

¹²Workers have been deported for becoming injured or sick, refusing unsafe work, raising complaints, challenging abuses, or becoming pregnant (Basok, 2007; Hennebry, 2006; Knowles, 1997; Preibisch, 2004; Preibisch and Encalada, 2010; Quashie-Sam, 2007).

¹³Due to difference in provincial labor laws, BC has a different standard contract for the SAWP than that used in all other provinces; employers are obliged to cover all airfare costs but can deduct up to CAD\$ 550 to cover accommodation costs.

(Taylor, 2008). The very governance structure of the country's TMWPs has weakened accountability for migrant worker welfare. That is, TMWPs are implemented at the federal level under immigration policy, yet are governed by provincial statutes with regard to employment standards, labor, and health (Verma, 2003). When problems regarding migrant workers are brought to the attention of federal officials, the onus of responsibility is often deferred to provincial and municipal levels of government, sending country officials, or employers, who in turn deflect accountability upwards (Verma, 2003; UFCW, 2007; Truscott, 2008). A 2008 study concluded that: "Federal agencies have created a jurisdictional void in their poor coordination of the SAWP with other governmental agencies. As such, the SAWP is not protecting workers' rights" (Fairey *et al.*, 2008:6). SAWP workers have recourse to government agents from their countries that are posted in Canada to serve as liaisons between employers and workers; however, critics argue that these officials tend to focus more on promoting the employment of their citizens abroad than defending workers' rights and welfare (Binford, 2004; Hennebry, 2006; Basok, 2007; Preibisch, 2007; Verma, 2007a). As this section has argued, immigration controls by the state have granted agricultural employers access to not only a cheapened labor force, but one that has been weakened (in being able to protect themselves from either legal or illegal acts of coercion); in sum, one that is both flexible and competitive (Sharma, 2006).

PICK-YOUR-OWN LABOR

The effectiveness of migrant sending countries to advocate on behalf of their citizens exposes another principal mechanism of labor control enabled by TMWPs. Under both these programs, employers are able to specify the sex and nationality of their employees, a practice in conflict with human rights legislation at the provincial and federal level.¹⁴ While Canadian employers are legally prevented from using discriminatory recruitment when hiring domestic workers, those approved to contract TMWs do so without sanction. The ways in which employers exploit this provision as a means to organize their labor arrangements is not only apparent in workplace arrangements through conspicuous segmentation

¹⁴Migrant workers are covered under federal and provincial legislation prohibiting discrimination in employment on the grounds of place of origin, ethnic origin, citizenship, or sex, among others. At the time of writing, no legal challenge has been filed.

on the grounds of ethnicity, race, citizenship, and gender, but in the narratives of employers themselves. The practice of ethnic segmentation is illustrated in the following interview with a grower in 2002:

I have two Vietnamese – a couple local workers – they do most of my work in the grapes. The Jamaicans we use for picking peaches; they start pruning, thinning, picking and then they'll do cherries and do the other stuff. [...] Then we have the Mexican women who just strictly stay in the packing barn. I had no luck – I tried using Jamaicans in the vineyard and you know, you can call it stereotyping, but they don't hold a candle to the Vietnamese. For tying and that it's unbelievable how fast they are, they're just like machines.¹⁵

Segmentation on the grounds of race, ethnicity, and citizenship in Canadian agriculture has been well-documented in the literature (Satzewich, 1991; Bolaria and Bolaria, 1997; Hennebry, 2006; Preibisch and Binford, 2007).

Canada's TMWPs also facilitate discrimination on the basis of gender. The degree to which the SAWP has permitted gender segmentation in the industry is most blatant in the overwhelming masculine nature of the migrant workforce: women account for a mere three percent of all participants. While some of this can be explained by what Oishi (2005) terms the social legitimacy of women's employment abroad, it is fundamentally employers' gendered preferences for male farmhands that have shaped the occupational demand for migrant labor in Canada.¹⁶ Interviews with growers reveal that the use of gender segmentation to serve production is not only manifest in a preference for men, but also the use of an all-male workforce to minimize sexual tensions on the "shop-floor" or the development of sexual relationships among migrants on farm property. Conversely, the small but steady growth in female participation rests largely on gender ideologies that women are more suited to particular types of work, evident not only in grower discourse but their clustering in certain commodities and parts of the production process

¹⁵Interview, 21/08/2002.

¹⁶As Oishi (2005) notes, the social legitimacy of women's international migration is culturally and historically specific. Mexican international migration has undoubtedly been shaped by social norms that value men as breadwinners and women as homemakers (Kanaiaupuni, 2000). For example, the Mexican government excluded women from the SAWP until 1989. Women from the Caribbean have a much longer history of migrating to Canada as caregivers, but only a very small number are employed as migrant farm workers.

(Preibisch and Hermoso, 2006; Bécerril, 2007). Further, the ability to choose migrants on the basis of sex and nationality has led some growers to mix English-speaking men from one country with Spanish-speaking women from another in order to benefit from perceived feminine and masculine qualities in workers, while minimizing social interaction. As one Canadian civil servant explained: "If the growers bring in females, most of the times it is Mexican women and then they tend to have Jamaican men. I think it's mostly because they're thinking if they bring in Mexican women and Mexican men there will be trouble to pay after hours."¹⁷

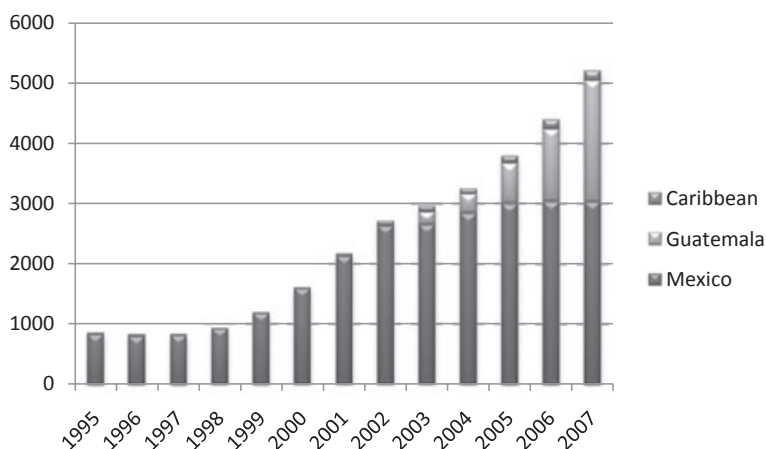
Not only has the policy allowing employers to choose the nationality and sex of their migrant workers resulted in various forms of racialized and gendered segmentation that have been used to foster divisions among workers, it has also weakened the bargaining power of sending country officials to negotiate with individual employers and the Canadian government. Under the SAWP, government agents responsible for representing workers in Canada perceive that their ability to do so is constrained by the risk of losing the farm's labor placements to a competitor nation (Preibisch, 2007; Verma, 2007a). In other words, migrant-sending countries compete for labor placements in Canada on the basis of good recruitment practices and the management of migrants once in the country. Competition between sending countries has been fueled in part through the practice of "country-surfing," whereby employers switch supply countries if they are dissatisfied with the performance of workers, a particular government agent, or sending country policies (Preibisch and Binford, 2007).

The implementation of the LSPP and its extension to employers in agri-food operations has deepened both the vulnerability of workers and the scope for employers to determine the social composition of their workforce through a fundamental policy change: a liberalization of the sending countries from which employers can source migrants. The SAWP operates under bilateral agreements that Canada has signed with Mexico and a group of English-speaking Caribbean countries: Jamaica, Trinidad and Tobago, Barbados, and the members of the Organization of the Eastern Caribbean states.¹⁸ Prior to 2002, migrants from these countries composed the only nationalities of non-citizen labor in agriculture, with the

¹⁷Interview, 02/11/2002.

¹⁸Antigua and Barbuda, Dominica, Grenada, Montserrat, St. Kitts-Nevis, Saint Lucia, and St. Vincent and the Grenadines (FARMS, 2008).

Figure IV. Number of Temporary Visa Workers Employed in Agriculture in Quebec and New Brunswick by Sending Country.



Source: FERME (2008)

exception of relatively small numbers of undocumented workers. When the LSPP was introduced in 2002, the bilateral model of the SAWP was not adopted. As one civil servant, highlighting what he considers the principal benefit of the new program, claimed: “it opens up more of a global labor market.”¹⁹ This liberalization has resulted in the rising employment of principally Guatemalans, Filipinos and Thais in Canadian agriculture since 2002 (CIC, Unpublished data).

The liberalization of source countries is an important change, allowing employers to move away from nationalities that may be more empowered – either due to a stronger economic fall-back position and/or greater understanding of their rights – to groups that are more vulnerable, a process that occurred throughout the 1990s in the SAWP whereby Jamaicans were displaced by Mexicans (Preibisch and Binford, 2007). A noticeable shift from the SAWP to the LSPP has already taken place in Quebec, where the numbers of Mexican workers has stagnated while the numbers of Guatemalans has grown. As depicted in Figure IV, between 2005 and 2007 the number of Guatemalans employed on Quebec farms tripled from 668 to 2,015, while the number of Mexicans remained static at roughly 3,000. Although there may be some aspects of the new program that employers prefer over the SAWP, research in Canada and other

¹⁹Interview, 08/05/2008a.

racialized societies has found that employers hold strong preferences for socially meaningful but arbitrary traits in migrants – most notably what is referred to as “work ethic” – characteristics that are often attached to entire ethnic groups (Waldinger and Lichter, 2003:8; Griffith, 2006; Sharma, 2006; Preibisch and Binford, 2007; Rogaly, 2008). Thus the trend towards Guatemalans and away from Mexicans may be better explained by the industry’s reaction to the labor movement’s campaign to organize Mexican workers, that has resulted in seven applications for union representation, two of which have resulted in contracts (Monreal Gazette, 2007; S. Raper, personal communication), or what growers and the Canadian government have perceived as an increasingly aggressive stance taken by Mexican authorities in SAWP negotiations. Racial or national preferences, which contributed to the recruitment of predominantly Mexican workers in Ontario’s greenhouse industry over black Caribbean workers in the 1990s, have also surfaced among Punjabi Canadian growers seeking to hire migrants from India since the inception of the LSPP.

Employers are very candid in explaining how being able to pick their own workers from a global labor pool guards against any single group of workers or sending country developing bargaining power. To illustrate, one grower stated: “I’ve got approval for 10 more and they won’t be from Mexico. They could be from Guatemala. They could be Laos or Thailand or something like that. I don’t want to be dependent on any one culture or language or anything like that.”²⁰ The value employers place on the ability to choose the nationality of their workers from a global labor pool as part of their labor management strategies is further reflected in the following exchange with a grower:

Q: Why did you switch from hiring Trinidadians [under the SAWP] to Thais [under the LSPP]?

Grower: Work ethic would be number one. I think that goes back to culture and their respect and all. Like their work ethic, their willingness... The last few years we’ve had the Trinidadians play a lot of games with me. A lot of night life. Some drugs, womanizing... and they can’t be out all night womanizing and expect to work the next day and do a decent job... I’ve got too much stress, too much work so I need a good reliable workforce.²¹

²⁰Interview, 19/06/2007.

²¹Interview, 26/06/2007.

Indeed, while practices of segmentation and replacement on the basis of nationality, race, or other axes of social difference existed under the SAWP, the liberalization of source countries deepens the scope of employers to seek out what they perceive to be the most “willing” and “reliable” workers. Undoubtedly, the recent changes to Canada’s TMWPs for agriculture provide employers with more choice in determining the social composition of their workforce, a practice that contributes to their ability to institute more flexible employment arrangements.

The ways in which discrimination is framed as choice is illustrated in a document produced for growers by Human Resources and Social Development Canada (HRSDC) that employs language such as “choice of country” (Service Canada, no date) or the website for the growers’ association Foreign Agricultural Resource Management Services (FARMS) that refers to grower requests as placing their “order” (FARMS, 2008). The right to “choose,” or rather discriminate, on the basis of nationality is also defended in SAWP policy discussion forums by sending country governments, who have a long history and increasingly sophisticated bureaucratic machinery to market their nationals abroad. It is not surprising that workers themselves participate in identity-based competition. Ethnographic research has documented the use of racialization and/or nationalism in breeding competition between groups of farm workers to out-perform each other and to stoke divisions among them (Binford, 2002).

The fact that discrimination on the basis of sex and nationality is systemically embedded in the structure and operation in Canada’s TMWPs for agriculture, as well as encouraged and accepted by most of the programs’ stakeholders, carries with it the scope for further discrimination along additional axes. For example, employer “orders” for workers go far beyond sex and nationality. One LSPP participant described her recruitment experiences as such: “I had heard in the State Institute for Employment that the employer was calling Mexico everyday saying that he needed people urgently. He had asked for workers of a certain size and weight, so even I was too tall for the job. We had to weigh 65 kilos and he wanted 40 women.”²² Routinely, employers also request that workers possess particular skill sets or experience, yet there is no formal policy in the wage rate structure to recognize qualifications, training, or experience. Employer demands can also communicate their desires in terms of worker

²²Interview, 26/08/2004, my translation from Spanish.

vulnerability, as depicted in the following interview with a labor sending country civil servant:

Q: What qualities are employers looking for in workers?

R: [In] British Columbia, that they are first timers, that they are new recruits. [...] There are people that have been in the Program [SAWP] for many years and I think that they have become spoiled or now they fight for their rights; it's this more than anything. They want new people – they know they don't speak the language, that it is a different country, that there are also other customs, so there are ways to get them to submit. They can't do that with those [workers] that are experienced because they know what their rights and responsibilities are.²³

Undoubtedly, TMWPs, as they operate in agriculture, grant Canadian employers considerable capacity to determine the social composition of their workforce beyond what is possible with a domestic labor force. Although growers employing migrants under the SAWP already enjoy greater flexibility in their recruitment practices by permitting them to choose their workers on the basis of sex and nationality – a mechanism of this guestworker program that has been used by employers to weaken the bargaining power of workers and their representatives – the LSPP takes this a step further by opening up a global labor pool.

DEREGULATED LABOR MARKETS

The fact that the bilateral agreement model of the SAWP, one of the features to which the program's success has been attributed, was not replicated in the LSPP reflects a deepening of trends within the Canadian labor market and other high income countries towards greater deregulation that have been gathering pace since the 1990s (Shalla, 2002; Peck, Theodore, and Ward, 2005; Stanford, 2005; Vosko, 2006). The contours of this policy environment are reflected in the response of the Director General of the Immigration Branch in Citizenship and Immigration Canada, when asked publicly to defend the move away from a bilateral framework and its impact on the protection of migrants:

In the world of international trade, given GATS [General Agreement on Trade in Services] commitments and the openness to the movement of goods and labor, the Seasonal Agricultural Workers Program because it dates to the late 1960s, before the WTO [World Trade Organization], [and] GATS, has been grandfathered. The Cana-

²³Interview, 21/02/2008.

dian government took an exemption under GATS to grandfather the program to enable it to continue. You're right that the bilateral relationship does provide additional security. We have looked at variations of the model in Mexico and with the Commonwealth Caribbean countries. It's government to government; it's very resource-intensive in terms of administration, working bilaterally on wages, working conditions [...] (CPAC, 2008).

The policy rationale to move away from bilateral agreements as explained above would thus appear to rest on both commitments to multilateral trade agreements and limitations on government resources. In terms of trade policy, the federal government argues that the SAWP is not compatible with the GATS Mode 4 discussions that deal with the temporary movement of natural persons. This rationale is further elaborated on by another civil servant:

Nor is [the SAWP] a model that is consistent with Canada's approach to free trade generally. The SAWP agreements are seen as inconsistent with our obligations with the World Trade Organization [...]. We've had entreaties from other countries like the Philippines that say, 'Hey, we'd love to have that kind of agreement.' Well, we know it would be contrary to our obligations under WTO to extend that as well. Because the idea of favoring one country over another is not consistent with the direction we're going.²⁴

This justification on the basis of a multilateral trading environment, in which Most Favored Nation (MFN) status is grounds for a trade dispute, would be compelling but for the incipient stage of the Doha Round negotiations on services trade, currently limited to invitation-only talks dealing mainly with the approach the talks will take (ICTSD, 2008). Further, not only are Canada's bilateral labor programs preserved under its MFN exemptions (Rochester, 2007) but, as demonstrated earlier in this paper, a number of countries that belong to the WTO have recently created TMWPs on the basis of bilateral agreements. What appears to be more relevant to Canada's current policy rationale away from the bilateral model is not the adherence to existing global trading rules, but a commitment to a neoliberal ideology to: "encourage labour markets to behave more like 'real' markets, to strengthen the play of competitive pressures, to erode social protections and to de-collectivize employment relationships" (Peck, Theodore, and Ward, 2005:6).

²⁴Interview, 08/05/2008b.

The second policy rationale – the resource demands of a bilateral model – thus appears a much more plausible explanation. The SAWP is indeed resource intensive, committing the federal government to work in cooperation with labor-sending country governments to facilitate the movement of workers to Canada according to principles and obligations laid out in jointly-signed Memoranda of Understanding (MOU). It is this structure that has built a much greater degree of government involvement into the program, distinguishing it from other agricultural guestworker programs such as the United States' H2A and constituting one of its internationally-recognized model elements (Griffith, 2003). The MOUs hold the Canadian government responsible for the treatment of migrant workers while abroad. The Caribbean MOU, for example, states that workers are to receive “fair and equitable treatment while in Canada under the auspices of the Program” (Verma, 2003:39).²⁵ Furthermore, as part of Canada's obligations, various departments of the federal government participate annually in two negotiations – one with Mexico and one with the Caribbean countries – to discuss the SAWP's operational guidelines. As one Canadian civil servant explained:

Things have evolved to the point where governments don't want to be that involved in that level of detail. Now we've got this program [LSPP] that's really quite wide open and as long as an employer can demonstrate an actual need for a worker from abroad, then that employer can source a worker from wherever they want around the world. That allows the government to take a step back and not get involved in the nitty gritty. We prefer this model [to] a managed one in terms of involving MOUs and legal arrangements and so on.²⁶

Another observed: “These bilateral arrangements are very sort of work-intensive to maintain, to negotiate, to develop and to ensure that they function well. They're tied within sort of a diplomatic community or context that sometimes also makes it very challenging.”²⁷

Moreover, the MOUs' commitment to ensuring the SAWP is of mutual benefit has been interpreted as recognizing the role of government in developing an institutional and regulatory framework to govern the movement of agricultural workers into Canada: “as necessary in

²⁵Under the Mexican MOU, workers are entitled to “treatment equal to that received by Canadian workers performing the same type of agricultural work, in accordance with Canadian laws” (Verma, 2003:39).

²⁶Interview, 08/05/2008c.

²⁷Interview, 08/05/2008a.

order to prevent the exploitation of migrant workers that may result from illegal migration, the use of labor contractors, or private recruitment” (Verma, 2007a:6). In practice this has meant that the Canadian government assumes responsibility for communicating employer requests for SAWP workers to sending countries, a task it authorizes three grower associations to administer.²⁸ Within the LSPP framework, however, the federal government abdicates this role, constituting recruitment as the responsibility of employers. Although some employers continue to source migrants through the authorized grower associations, the LSPP has created a role for private recruiters, an industry that has burgeoned since the program’s implementation in 2002 (Hennebry, 2008). These agencies are unregulated throughout most of the country.²⁹ As one civil servant claimed: “[regulation] is fairly barren, in terms of putting any sort of credentials on it. To be quite honest, almost anyone can hang their shingle and say, ‘I’m a third party recruiter, and I’ll help you find workers from any country’.”³⁰ Given this regulatory gap it is not surprising that numerous media reports have surfaced linking third party recruiters to corruption, exploitation, and fraud, including the “selling” of work permits abroad, charging exorbitant placement fees to migrants or employers, or misinforming migrants regarding the work they would be doing, potential wages, or their immigration status (Carter, 2007a,b; Brazao, 2008; Edwards, 2008; Taylor, 2008). While the government has recognized this lack of legislation as a serious issue, the pace of policy development in this area pales in comparison to the alacrity with which measures have been instituted to facilitate the hiring of migrant workers, including extending the length of the work permits, widening the pool of worksites eligible to hire them, and providing additional information and assistance to employers (Department of Finance, 2007; HRSDC, 2008a).

²⁸The three organizations are: Foreign Agricultural Resource Management Services (FARMS) (Ontario), Fondation des Entreprises en Recrutement de la Main-d’œuvre Agricole Étrangère (FERME) (Quebec and New Brunswick), and Western Agricultural Labor Initiative (WALI) (British Columbia and Alberta).

²⁹In April 2009, legislation went into force in Manitoba that provides temporary foreign workers with special protections. Alberta also has legislation that attempts to regulate third party recruiters.

³⁰Interview, 08/05/2008a.

The emergence of private recruiters has expanded the population of undocumented workers (Hennebry and Preibisch, 2008).³¹ Although research is just beginning to document these cases, a trend has emerged whereby some defrauded LSPP migrants are deserting their named employer in order to stay in Canada beyond their 24-month visa and find work in the “underground economy.” This largely occurs when wages and/or hours promised by the recruiter do not materialize and migrants realize they cannot recoup their migration costs before their visa expires.³² In other cases, migrants have paid placement fees and travel costs to Canada for jobs that do not exist.³³ Since many of the defrauded migrants accrued significant debts in their home countries in order to pay their recruiters, it can be argued that the LSPP has increased the instances and forms of unfree labor relations in Canada – in this case, a type of debt bondage. Those migrants who join the ranks of the undocumented agricultural labor force find themselves among the country’s most vulnerable workers (Bolaria and Bolaria, 1997; Soave Strategy Group, 2006; Goldring, Berinstein, and Bernhard, 2007).

The move away from bilateral agreements not only reduces the role and responsibility of the Canadian state, but also the involvement of sending countries in the structure and practices of the TMWPs that their citizens participate in. The SAWP’s annual negotiations – in which growers, the Canadian government, and sending country governments participate – can involve considerable debate. One Canadian official, relating the recent stance of Mexican authorities in the meeting stated:

All we get is, ‘The housing’s not good enough. The wage is not good enough.’ Everything is around worker rights [...] and it’s government to government. On the down side, it’s administratively a nightmare to have to deal with just the two groups: we have Mexico and then the

³¹The Royal Canadian Mounted Police have stated that the number of undocumented migrants in Canada has grown and will continue to rise (Cook, 2004). Estimates of the number of people living without status vary widely, ranging from 200,000 to 500,000, or 0.6% and 1.5% of the population (Soave Strategy Group, 2006; Status Now!, 2008). Goldring, Berinstein, and Bernhard (2007) caution there is no clear empirical basis for these estimates.

³²One Thai worker claimed he paid over CAD\$ 11,000 to the recruiter, a fee that did not include all his expenses (Interview, 03/07/2008). Carter (2007a) found Thai workers reporting fees of \$15,000.

³³There have also been reports of LSPP migrants appealing to Canada’s refugee system out of desperation to extend the period in which they are legally able to work in the country.

Caribbeans. We have dedicated staff that do nothing but that. So if you were to take that and roll it out beyond the two groups, we'd collapse just under the weight of the administration.³⁴

The move away from the bilateral model also affords LSPP migrants less protection from their sending country governments than their SAWP equivalents. For instance, the new program does not oblige sending countries to post government agents in Canada.³⁵ While the representation workers receive from these officials has received criticism as noted earlier, it does provide an additional measure of protection lacking in the LSPP.

Changes to Canada's TMWPs also include granting access to migrant workers to a wider range of agricultural operations and regions. The SAWP, for example, is limited to the agri-food commodities listed in Figure I, excluding industries that offered competitive wages or non-seasonal work. The LSPP removes this restriction by allowing eligible employers offering jobs across the low skill spectrum to employ migrants, including those in the agri-food sector. In addition, in order to facilitate further the hiring of migrant workers, in 2007 the government put in place a less rigorous labor market test for employers seeking to fill jobs in certain occupations, published in province-specific "Occupations Under Pressure" lists, which include a range of agri-food related jobs. A further important change is the spatial extension of TMWPs. Formerly, provinces that were deemed to have a sufficient domestic agricultural labor force were excluded from the SAWP. Over time, the SAWP has been extended to nine provinces, with BC as the latest to gain access in 2003.³⁶ In any case, the creation of the LSPP allows growers across the country to access migrants.

WORKPLACE REGIMES

There is overwhelming evidence from high income countries that the availability of migrant labor, regardless of the mechanism under which it is made available, has had a negative effect on wage levels and working

³⁴Interview, 08/05/2008a.

³⁵Sending countries may not even be aware that their citizens are working in Canada. When Mexican LSPP migrants went to the press over a labor relations dispute, their consulate in Toronto had no knowledge of their presence in the country; this contrasts to their detailed database on workers and employers in the SAWP.

³⁶The province of Newfoundland and Labrador remains excluded from the SAWP, as are Canada's three territories.

conditions in agriculture (Bolaria, 1992; Martin, 1996; Rudolph, 1996; Castles, 2006; Griffith, 2006; Ruhs, 2006a; Basok, 2007; Plewa, 2007). The net effect has been labor market distortions and the structural dependence of growers on migrants, particularly as farm work becomes socially constructed as undesirable through consistently low wages and poor working conditions, even in the face of high unemployment levels (Ruhs, 2006a; Plewa, 2007). Ethnographic research has revealed in greater detail how the availability of migrants has altered a broad range of labor arrangements, or workplace regimes (Rogaly, 2008).³⁷ In the United Kingdom, for example, access to migrant labor has allowed growers to intensify production through greater labor control, including the use of gangmasters, piece rates, and the extension of the work day (Ruhs, 2006b; Rogaly, 2008). In addition, research has also shown how migrant workers have been used to discipline domestic workers' collective organizing (Martin, 1996; Mysyk, 2002; Plewa, 2007).

Assessing the impact of recent changes to Canada's TMWPs on labor-capital relations in agriculture requires additional empirical research and analysis. Qualitative research for this paper suggests important changes have occurred in some industries, warranting further investigation into effects on wages or working conditions, the replacement or exodus of domestic workers, and new mechanisms of labor discipline. For instance, significant change has occurred in the mushroom industry, one of the most concentrated agri-businesses in Canada. Prior to 2003, the entire workforce was comprised of domestic workers as the industry was excluded from the SAWP based on the non-seasonal nature of the work. Moreover, workers could earn up to four times the minimum wage through piece rates (S. Raper, personal communication). By 2008, 5 years after the implementation of the LSPP, labor organizers estimate that over half of the workforce was composed of Mexican, Jamaican, and Thai temporary visa workers. Whether or not workers were intentionally replaced or not would be difficult to determine, but it is clear that the industry created incentives for domestic workers to exit their jobs by massively cutting harvesting rates, with some reporting a CAD\$ 10,000 reduction in

³⁷Rogaly (2008) conceptualizes this term as referring to the entire set of labor arrangements made by employers, in negotiation with other actors in the production process, in response to the economic and legal environment in which they operate. These arrangements include recruitment based on axes of ascribed or achieved social locations, the use of labor intermediaries, remuneration, working conditions, and so on.

their annual earnings from 2006 to 2007. Research in BC has also found evidence that employers paying SAWP workers program-agreed rates were previously offering domestic workers double that amount. Other changes in workplace regimes are also perceptible. When the first collective agreement was drawn up for a farm hiring both migrant and domestic workers in the province of Manitoba, migrant workers would not agree to the contract until the union changed the policy regarding overtime to allow individual workers to specify whether or not they wanted to collect this benefit.³⁸ The migrants, away from their families and on short-term visas, did not want to provide incentives for employers to reduce hours. Finally, in regions where migrants are being newly introduced, there is some evidence that replacement is already occurring. Mexican migrants in BC, for example, perceive that processes of displacement have occurred since the SAWP was extended to this province in 2003. As one interviewee observed:

My employer has been only requesting Mexican workers for three years. He used to work with Hindus [sic].³⁹ Now that he sees that Mexicans can work, he says that Hindus [sic] are useless. It's because at 3 or 4 [o'clock], they get up and leave. He doesn't demand [more hours]. But with us, he demands we work 12 hours.⁴⁰

At the very least, migrant advocates have found that employers are using the threat of labor replacement with both domestic and migrant workers to motivate them to increase their productivity.

THE GLOBALIZED FOOD ECONOMY

In a liberalized, global food economy, one of the only avenues by which agri-food firms in Canada can exercise some degree of control over their profit margins and continue to accumulate capital in the highly competitive markets in which they sell their goods is to infuse greater flexibility into their labor arrangements. In the last 15 years, the agri-food markets in which Canadian horticultural producers participate have become more globalized and competitive. The policy shift towards trade liberalization – enacted most vigorously with the Canada-U.S. Free Trade Agreement

³⁸Field notes, 07/06/2008.

³⁹Mexican migrant farm workers interviewed in BC referred to Punjabi-speaking Sikhs (Canadian citizens or permanent residents) as Hindus.

⁴⁰Interview, 09/08/2008, my translation from Spanish.

(CUSTA) in 1989 and the North American Free Trade Agreement (NAFTA) in 1994 – deepened processes that were already underway in agriculture, including increased foreign competition and the further consolidation of agricultural input markets, food processing, and distribution. Indeed, Canada has not been outside the global trend towards greater consolidation in food retailing. In 2003, the country's five largest food retailers accounted for over 65 percent of food distribution, a figure that had risen from 60 percent a decade earlier and 50 percent in the late 1980s (Market Insight, 2006; Agriculture and Agri-food Canada, 2008a). The concentration among these top five is striking – one company accounts for almost a third of national grocery sales (Market Insight, 2006). Further, trade liberalization has created a much more competitive environment in both domestic and export markets for horticultural products (Weston and Scarpa de Masellis, 2004; Agriculture and Agri-food Canada, 2008b). Two of the biggest challenges facing horticultural producers include non-tariff barriers applied against their exports and the influx of imports priced lower than domestic production costs (Canadian Horticultural Council, no date). Changes in retail supply chains and heightened competition within markets has driven the need for economies of scale. In this context it is unsurprising that the trend towards fewer, bigger farms has intensified. The most recent census of agriculture shows that between 2001 and 2006 there was a seven percent decline in the number of farms; this compares to an 11 percent decline between 1996 and 2001 (Agriculture and Agri-food Canada, 2008b). At the same time, the average farm size is growing, with production increasingly concentrated on larger farms. In 1996, farms with more than \$250,000 in sales represented 10 percent of all farms and 56 percent of total farm receipts; by 2006, these farms represented 17 percent of all farms and contributed almost 75 percent to total farm receipts (Agriculture and Agri-food Canada, 2008b).⁴¹

While intensified competition in global fruit and vegetable markets has undoubtedly introduced greater risk for producers, the horticultural industry as a whole has thrived under globalization. Within the last 10 years, Canadian exports of horticultural products have risen, while imports have fallen. In 2007, the value of exports of horticultural products reached CAD\$ 3.7 billion, representing a three percent increase over the 5-year average, while the value of imports fell 12 percent (Agriculture

⁴¹Figure at constant 2005 prices.

and Agri-food Canada, 2008b:8). Although some commodities, such as apples and tobacco, are in decline, others have shown dynamic growth. Greenhouse vegetables, for example, have made spectacular gains, with Farm Cash Receipts almost doubling between 1998 and 2007 (Agriculture and Agri-food Canada, 2008b).

The availability of migrant workers has played a fundamental role in the ability of Canada's horticultural industry to compete in the global food economy. Other factors cannot be discounted; Canada's comparative advantage in the greenhouse sector also relies on technological innovations, economies of scale in production and marketing, cooperative action in marketing and purchasing of inputs, government support for research and development, the industry's geographical location and, for most of the last decade, a lower exchange rate relative to the U.S. dollar (White and Bills, 2004). Notwithstanding these factors, there is a direct link between the growth of Canada's horticultural industry and rising numbers of migrant workers in most commodity groups. Canada is a net exporter in six of the seven main commodities employing SAWP workers (Weston and Scarpa de Masellis, 2004). In Ontario, where over half of the greenhouse industry is concentrated, it is estimated that two out of every three workers is supplied by the SAWP (Planscape, 2006). The commodities with access to migrant workers have fared well under global restructuring and, overall, dramatically increased their intake of migrant workers (Weston and Scarpa de Masellis, 2004). Arguably, without access to migrant workers, the horticultural sector in Canada would not exist in its present form. Many producers would have lost their business to their international competitors in the United States, whose horticultural industry relies almost exclusively on undocumented Mexican workers, or to agribusiness operations in Mexico and Latin America that have access to much cheaper pools of labor and that operate in a much less regulated environment.

CONCLUSION

The competitiveness of labor-intensive horticulture throughout the high income world has come to depend not only on intensification through technological innovation, value-addition, or better marketing channels but, to a growing extent, the availability of international migrants. States draw on migration controls to supply a labor force to horticulture through a number of mechanisms: tacitly allowing an undocumented workforce to develop, relaxing border movements for neighboring states

and, increasingly, by implementing Temporary Migrant Worker Programs (TMWPs). An examination of TMWPs across high income countries shows that these policy instruments have changed since their post-war debut in an attempt to avoid some of their “failures” in the past. At their core, however, contemporary TMWPs remain fundamentally the same in their policy intention to import workers, not people (Castles, 2006). Sharma (2006) has argued that TMWPs are not so much about keeping people – predominantly negatively racialized migrant women and men from the global South – out of a national space, but rather circumscribing the conditions of their differential inclusion; about allowing the state to institute and legitimize different regimes of rights and benefits within the same national space. The focus on the Canadian horticultural industry illustrates one of the ways in which high-income states have responded to new pressures under globalization in order to maintain their position within the global political economy, by using immigration policy to restructure labor-capital relations within their borders. Clearly the benefits of this separate tier of workers go beyond the provision of a stable supply of (cheaper) labor, but also allow employers to reorganize the production process in specific ways. Moreover, they enable the state to infuse greater competition into the national labor market, above and beyond the sectors in which migrants are directly employed.

Canada presents an interesting case with regard to TMWPs available to horticulture in two key ways. First, unlike many high income countries, Canadian growers have had interrupted access to temporary visa workers since 1966. Second, since 2002, agricultural employers have also had access to a new TMWP that is far less regulated than its predecessor. The extension of the new program to agriculture has already had implications for labor-capital relations in the industry and, most likely, outside of it. For one, it has liberalized the international “reserve army of labor” by allowing growers to access the global labor market for farm workers. The most notable impact of this policy is to facilitate heightened competition between workers and migrant sending countries to meet employers’ demands for a more flexible workforce. Second, it has introduced a measure of deregulation into the operation of TWMPs. Since agriculture was already a weakly regulated sector in which workers enjoyed relatively fewer rights, this cannot bode well for farm workers. One immediate policy outcome has been the growth of the undocumented labor force serving agriculture, a process that will most benefit those employment operations that depend on cheap, vulnerable labor as their comparative advantage in the global agri-food market.

While the new LSPP provides labor to a broader range of agri-food producers and is being used by some employers in conjunction with the SAWP, it is unlikely to out-compete or replace the SAWP in the immediate future. Many growers, particularly those with a long history of employing migrant workers, appreciate those features of the SAWP that the Canadian government finds resource-intensive, such as the greater role for sending country states and approved employer organizations in worker recruitment. Furthermore, grower representatives are critical of the more loosely regulated LSPP, not least because of the negative press it has generated since its inception. Growers have always been highly aware of their reliance on migrant workers and the politically sensitive nature of this form of labor due to nativist and racist perceptions held by some Canadians. In the context of the global economic downturn that has already resulted in the Canadian government shelving proposals to hire Mexican workers in construction and skilled trades (Montaño, 2008), Canada's latest TMWP appears to be facing a much more contentious and uncertain future than the long-standing SAWP. Regardless of the LSPP's life span, however, its impact on labor arrangements in certain industries will have an enduring legacy.

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