



*UFCW Canada National Report on*

# *The Status of Migrant Farm Workers in Canada, 2003*

*Brief presented to the  
Honourable Joseph Volpe  
Minister of Human Resources  
and Skills Development*





## *Executive summary*

UFCW Canada – the United Food and Commercial Workers union – presents this third annual report on the status of migrant farm workers in Canada brought here under the *Seasonal Agricultural Workers* (SAW) program. We have outlined the continuing difficulties migrant farm workers encounter in their living and working conditions. The report includes recommended actions for the federal government to undertake to address and resolve these issues.

The federal government has been non-committal and non-responsive to past reports submitted and has chosen not to initiate any of the recommended actions for resolution of the issues discussed. UFCW Canada has, however, continued to provide leadership, support, and advocacy on behalf of migrant farm workers while also continuing to urge the government of Canada to implement the recommended changes and address the serious problems encountered by migrant farm workers here in Canada.

UFCW Canada has funded two additional *Migrant Worker Support Centres* – for a total of three – to offer services to migrant workers in the Ontario farming areas surrounding Bradford and Simcoe. Our Leamington centre has now been in operation for two years. Our knowledge of and experience with migrant farm workers issues is based on outreach and casework to thousands of migrant farm workers in Ontario.

Migrant farm workers continue to suffer work-related injuries and illness. The province of Ontario has refused to include migrant and Canadian farm workers under the legislative protections and rights of its *Occupational Health & Safety Act*. While UFCW Canada has initiated a legal case challenging the province under Canada's *Charter of Rights and Freedoms* for violating the rights of all farm workers in Ontario, immediate action is required in order to offer some protection to migrant farm workers. Approximately 90 per cent of migrant farm workers are placed on Ontario farms in spite of the lack of protective legislation. They receive no training yet they are working in one of the most dangerous occupations.

For 38 years, since the inception of the SAW program, migrant farm workers have been forced to contribute to Canada's *Employment Insurance* (EI) program even though they are generally not eligible to receive benefits. Once their work term expires they are required to immediately return to their home country. If they become ill while they are in Canada the employer will request they return to their home country.

These workers have been subsidizing Canada's EI program for years and to the

*Cover photograph: Mexican migrant farm workers gather at UFCW Canada-sponsored support centre in Leamington, Ont. Faces have been obscured to protect their identities.*

tune of millions of dollars deducted from paycheques that reflect minimal wages. Migrant workers and their employers both agree that this deduction is unjust. UFCW Canada has initiated legal action against the federal government asking that these workers be exempted from EI-premium mandatory deductions. Monies or punitive damages awarded should be placed in a trust fund to provide for services and training for migrant farm workers.

The SAW program was established for farm employers by the federal government. The needs of migrant workers have never been a priority of this program and their input has not been sought. The lack of any method or process for appeal to orders of repatriation is the clearest indication that to date the SAW program is an employer-biased program. Until a fair method of appeal is incorporated within this program, it will remain a program devised to meet the demands of employers through the use of desperate and impoverished workers from economically disadvantaged countries. Lack of an appeal process cannot be validated, and Canada – a country that extols its democratic virtues – should feel mortification over its participation in such employer-biased program.

Similarly, this conclusion also applies to HRSD's method of calculating the yearly wage rate for migrant farm workers. This has never been published nor validated in spite of repeated concerns expressed over the calculations of the yearly wage rates. If workers' suspicions prove to be valid it will mean that the wages they have received for many, if not all, of the past years of the SAW program have been in breach of the *Employment Agreement* they sign.

The plight of these migrant workers is compounded by the arbitrary and discriminatory exclusion of farm workers in most of Canada from the right to organize and bargain collectively with their employers. The Supreme Court of Canada made it quite clear in its December 2001 ruling (*Dunmore v. Ontario*) that farm workers as a group could not be excluded from a basic *Charter* right, the freedom to associate – the right to join a union. The federal government of Canada has a prime obligation to show leadership in regard to *Charter* rights and could be a leading role model by incorporating union membership as part of the SAW program.

## *Recommendations*

Based on our continuing documentation of migrant workers' experiences working in Canada, UFCW Canada recommends the following changes to the SAW program to improve the living and working conditions of migrant workers, and to ensure that labour and human rights for these workers are enshrined in and protected by the SAW program.

- 1) Amend the SAW program by making it a requirement that migrant workers be included in provincial health-and-safety legislation in order for a province to be a participant in the program.
- 2) Exclude, in accordance with UFCW Canada's recent legal challenge, migrant farm workers from the deduction of EI premiums.
- 3) Amend the terms and conditions of the SAW program to include an impartial, unbiased process of appeal, available to all workers before any decision to repatriate is made. A representative from UFCW Canada would be appointed as a full participant in this appeal process in order to ensure that migrant farm workers are fully and fairly represented.
- 4) Comply with the ruling of the Supreme Court of Canada and allow migrant farm workers the freedom to associate and acknowledge that UFCW Canada as the union representative for migrant farm workers in Canada.
- 5) Immediately make public the statistics used by HRSD to determine the yearly wage rate paid to migrant farm workers.
- 6) Include migrant farm workers in the process to determine yearly wage rates with levels of pay established based on seniority, past experience, and being "named" by an employer. UFCW Canada would also be allowed full and equal participation in this process as the representative of migrant farm workers.
- 7) Inspect workers' housing prior to the workers arriving and once again following occupancy. Health inspectors would also be mandated to perform unannounced inspections throughout the season.
- 8) Immediately discontinue the practice of housing workers in or above greenhouses in recognition of the obvious inherent dangers associated with living in buildings housing chemicals, fertilizers, herbicides, industrial fans, and heaters.



## ***Introduction***

UFCW Canada – the United Food and Commercial Workers union – presents this third annual report and recommendations on the status of migrant farm workers in Canada brought here under the *Seasonal Agricultural Workers* (SAW) program. We are proud to present this report on behalf of the nearly 18,000 seasonal migrant farm workers working on Canadian farms under the SAW program, which is administered by the federal government of Canada through the Ministry of Human Resources and Skills Development (HRSD). UFCW Canada advocates for seasonal migrant farm workers because the Canadian government has not – and the workers themselves cannot – as the SAW program affords them no rights or protections to allow them to do so.

Two prior annual reports have been presented to HRSD's predecessor (HRDC) on the living and working conditions of migrant farm workers in Canada. These reports included a number of recommendations for improving the SAW program in order to address the inequities and difficulties these workers experience while working in Canada. The federal government has chosen not to respond to these extremely serious issues in any meaningful way and many migrant workers continue to endure shameful and appalling working and living conditions while working on Canadian farms.

Following the first status report presented to HRDC in the fall of 2001, and the dismissive response from the federal government, UFCW Canada undertook the responsibility to provide services and advocacy for seasonal migrant farm workers to fill the void left by the federal government. In 2002, UFCW Canada funded the first *Migrant Workers Support Centre* in Leamington, Ont. to assist migrant farm workers with the numerous problems they encounter while working here. The centre was inundated with requests for help from many of the area's nearly 5,000 seasonal migrant workers. UFCW Canada began compiling statistics, facts, and evidence to attest to the shortcomings of the SAW program and the desperate need for improvements.



*Mexican migrant farm workers' bicycles at St. Michael's Roman Catholic church in Leamington, Ont. during Spanish-language church service*

In December 2002, UFCW Canada presented a second report to HRDC, documenting once again areas of the SAW program that demand attention and change in order to mitigate or alleviate the problems migrant workers face in their working and living conditions. The report contained recommended actions for the government of the day to undertake that would protect migrant workers and improve their working and living conditions. These recommended changes would serve to strengthen the program and truly make it a “best practices” model of managed migration of which all Canadians could be proud. Implementation of these changes would ensure that the SAW program become a respected global model for other countries with migrant worker programs – a program that honoured international conventions on labour and human rights rather than ignored them.

Yet again, the Canadian government chose not to act on any of the findings in the report or respond to any of the recommendations for change. And once again, UFCW Canada has filled the vacuum created by the government’s inaction by funding two additional Migrant Workers Support Centres in rural Ontario in addition to the Leamington facility. The two new centres – located in Bradford and Simcoe – provide assistance to migrant workers in their areas and continue to supplement the existing body of evidence illustrating the inadequacies of the SAW program and the need for immediate change and improvements.

Recognizing the current trend in Canadian democracy, wherein legislative reforms to protect human and labour rights are increasingly won through our judicial system rather than provided through government leadership and legislation, UFCW Canada has initiated two separate legal challenges against the federal government of Canada and the provincial government of Ontario.

In June 2003, UFCW Canada launched a court challenge against the province of Ontario alleging that its *Occupational Health and Safety Act* violates the *Charter* rights of all farm workers in Ontario (Canadian and migrant) by excluding them. Further legal action against the provincial government is anticipated with regard to the Supreme Court decision of December 2001 (*Dunmore v. Ontario*) affirming that agricultural workers were to be accorded their *Charter* right of “freedom to associate” and the government of Ontario’s subsequent legislation barring them from the right to join a union and bargain collectively.

In November 2003, UFCW Canada presented a constitutional challenge to the Ontario Superior Court of Justice against the federal government asserting that mandating farm workers to pay Employment Insurance premiums for benefits that they cannot collect violates Canada’s *Charter of Rights and Freedoms*.

It is regrettable that both the federal government of Canada and the provincial

government of Ontario have abdicated their responsibility to govern and legislate. However, UFCW Canada has no intention of abdicating our moral obligations to agricultural workers in Canada by abandoning them to levels of government whose preference appears to be to allow the courts to govern for them. We have, accordingly, begun working within our judicial system to ensure that migrant farm workers rights under the *Charter* are recognized, protected, and respected by both levels of government.

## ***Changes required***

Based on the continuing documentation of migrant farm workers' experiences while working in Canada, we recommend several vital changes to the SAW program to improve their living and working conditions and to ensure that labour and human rights for these workers are enshrined in and protected by the SAW program.

- **Occupational health and safety:**

Agricultural workers in Ontario are not covered under the *Occupational Health and Safety Act*. It is a widely accepted fact that farm work is one of the most dangerous occupational sectors. Last year there were 20 fatalities in Ontario's agri-industry. Across Canada, 13 per cent of all occupational fatalities occur on farms or in the agri-industry.



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Although the federal or provincial governments have not contested these facts, they have not taken any action to address the issue. Inquests for fatalities of farm workers have resulted, time after time, in recommendations for including farm workers under the *Occupation Health and Safety Act*. To date, the government of Ontario has done nothing. The government of Canada has remained silent even while administering a program that places thousands of migrant farm workers on Ontario farms each season.

While both levels of governments have steadfastly refused to address this issue, farm workers' health and safety remain at risk. Workers are not provided with proper training for the application of pesticides, herbicides, and fertilizers. Work-

ers are not provided with protective clothing and equipment when applying these chemicals. Workers are not provided with adequate training to ensure the safe operation of machinery and equipment. We note that there have been recent changes to the *Memorandum of Understanding* – a contract between migrant workers and employers – that indicate employers should provide training to workers handling chemicals and/or pesticides where required by law, and provide protective clothing at no cost to the workers. Without a monitoring and enforcement mechanism, however, this recent change is merely cosmetic and totally ineffective.



Above: logo of the UFCW Canada-sponsored Migrant Worker Support Centres, located in Leamington, Bradford, and Simcoe, Ont.

We continue to produce and distribute bilingual *Occupational Health and Safety Manuals* to migrant workers in Ontario, attempting to address the lack of information and training provided to them as well as the lack of legislative protection. Acknowledging language barriers for many Mexican workers and varying literacy levels, we have produced these manuals in English and Spanish incorporating plain-language principals including diagrams and pictures. We have distributed approximately 10,000 of these manuals to migrant farm workers throughout Ontario. In most instances it is the only information they receive with regard to occupational health-and-safety issues for farm workers.

We have provided our staff at our three Migrant Worker Support Centres with training enabling them to assist migrant farm workers in making claims to the *Workplace Safety Insurance Board* (WSIB). We also advocate on behalf of workers who wish to appeal WSIB decisions when claims are denied. Our staff attends at hospitals with migrant workers to provide translation services and to ensure that medical staff understand and correctly identify and report work-related injuries and illness.

Injuries continue to occur – chemical burns, abrasions and cuts, hernias, broken bones, back injuries, and heat stress are common. In September, staff from our Bradford centre became an important first contact and initial support for a migrant worker whose arm was amputated after being caught in an onion combine at the end of a 15-hour work day.

This Mexican farm worker, father of eight children, was flown to Sunnybrook Hospital in Toronto and his co-workers notified staff at the Bradford centre the next day, Saturday. The co-workers came to the centre in secrecy looking for help for their friend, concerned that he would be sent home while still needing medical assistance and treatment. They indicated that they had overheard the employer stating that the worker would be sent back to Mexico where he could receive treat-

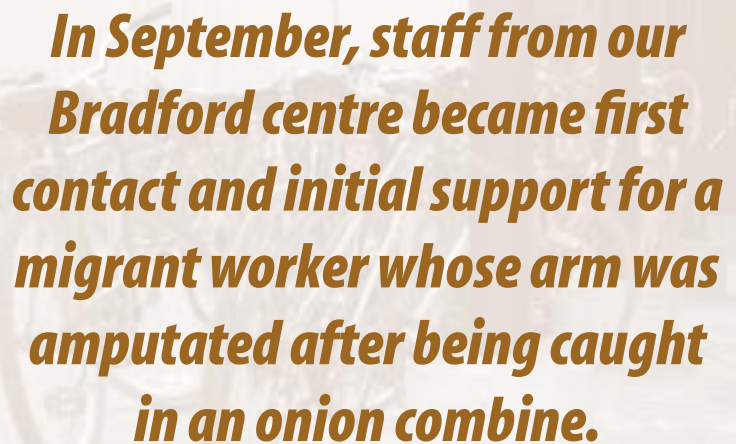
ment. Our staff member tried to inform the Mexican Consulate, but was able only to leave a message on an answering machine as consular staff was not available on the weekend.

Our staff person contacted the worker at Sunnybrook on Saturday and Sunday, and travelled to the hospital on the Monday morning to offer assistance, support, and translation services. She met consular staff and the employer arriving at the same time. Although the consular staff thanked her for informing them of the accident they indicated that she would no longer be needed. She continued to visit with this worker and found Spanish-speaking volunteers in the area to help provide support to him during his hospital stay. Unfortunately, pressure was brought to bear on this worker to discontinue his association with our staff member and, fearful of repercussions, he acquiesced. Our staff member did assure him that we were available to help him at any time. We note, with much concern, that while the consulate stated on Monday morning it would conduct an accident investigation at the farm, evidence at the scene had been cleared away over the weekend.

In a more tragic case, UFCW Canada successfully advocated for the children of a Jamaican farm worker who was crushed to death when a tobacco kiln slipped from a truck near Brantford, Ont. UFCW Canada continues to call for a Coroner's Inquest into this occupational fatality. In the interim we have ensured that his rightful claim to death benefits and income support for his surviving children was awarded.

• **Deduction of Employment Insurance premiums:** The federal government mandates the deduction of Employment Insurance (EI) premiums from both the farm employers and migrant farm workers. The federal government is aware that migrant farm workers cannot collect Employment Insurance benefits when their work term is over, yet refuses to rectify this outrageous inequity.

UFCW Canada has clearly explained to HRSD and its predecessor, as well as to the federal government in general, that the mandated EI deductions were and are an incredible injustice perpetrated on workers least able to afford paying these monies and in an untenable position to object. The federal government shamelessly



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continues to build upon its EI surplus, currently valued in excess of \$48-billion, from the minimal wage paycheques of migrant workers.

As a result of the government's determination to continue this scheme, UFCW Canada has launched a legal challenge against the federal government. Forcing migrant workers to pay premiums for benefits they cannot receive violates their right to equal benefit of the law under the *Charter of Rights and Freedoms*. Migrant workers should be exempted from paying premiums under the Act because they have no reasonable prospect of receiving benefits and the past 38 years of the SAW

program provides clear evidence of this fact.

In our previous reports to the government we have recommended that it modify the EI Plan to divert the premiums paid by migrant farm workers to training and support services, since none exist. Our legal challenge incorporates this recommendation by requesting any monies awarded be placed in a trust fund to be used for the provisions of services and training for migrant farm workers. In accordance with the recent legal challenge, we therefore call on the federal government

to exclude migrant farm workers from the required mandatory deductions of EI premiums as they are ineligible to collect EI benefits.

• **Appeal process and worker representation:** The SAW program is administered through the federal Ministry of Human Resources and Skills Development (formerly Human Resources and Development Canada). It is the government's response to farm employers' need for a reliable work force. Most Canadians do not want to work on Canada's farms – likely because it is dangerous, physically arduous, requires extremely long hours, offers very low pay, and does not provide overtime pay or statutory holidays. The resulting SAW program offers farm employers a solution to the significant difficulties they face trying to find willing workers. It also provides foreign workers from economically-disadvantaged countries an opportunity to support their families.

Theoretically, it is a win-win situation for employers and for impoverished migrant workers. In practice, the program has been tailored to meet the needs and



*Local activists and media were in attendance for the Leamington Migrant Worker Support Centre's second-year opening on April 6, 2003.*

suit the demands of employers and little attention has been accorded to the needs of the migrant workers. These workers, many of whom return to Canada year after year, are not part of any consultation process within the program. HRSD consults with the consulates from participating countries and the farm employers through their employer-based organization, *Foreign Agricultural Resource Management Services*, or FARMS. The migrant workers have no voice and no representation.

The federal government asserts that consular representatives speak for the migrant workers and represent their interests. This theory bears little relation to the current reality. The consular representatives are placed in conflict on at least two fronts. In addition to administering the program and providing policy input, they investigate conflicts and disputes, provide worker orientation, and inspect accommodations. The *Operational Guidelines* also state that the role of the consular representative is to act in the interests of the employer. The conflicting requirement to act in the interests of both the employer and employee results in the belief of many migrant workers that their consular representative is not helpful and not to be trusted.

The consular representatives are placed in further conflict with consulates from other countries. They are all competing for increased placements for workers from their respective countries. The consulates are increasingly concerned that negative comments or worker issues that are not quickly and quietly resolved will result in a reduction of the number of workers requested from their country and correspondingly allocated to other supply countries participating in the SAW program.

These conflicts and dual roles of the consular representatives do not bode well for migrant worker representation. Many migrant workers have expressed dissatisfaction with the lack of assistance and support provided by their consulates. Compounding the difficulties associated with the consular representatives' conflicting roles is the inadequate number of staff employed by the consulates to represent the workers and provide the required assistance. The Mexican Consulate, for example, employs five Mexican officers and utilizes some volunteers to service over 7,500 Mexican workers located in rural regions throughout Ontario.

***The conflicting requirement to act in the interests of both the employer and employee results in the belief of many migrant workers that their consular representative is not to be trusted.***

When difficulties arise and workers attempt to resolve problems, they place themselves in serious jeopardy of being repatriated or not being requested back for the following season. An appeal process to this arbitrary system of repatriation is not available and the federal government has not responded to our repeated recommendations that they institute such a process in the interests of transparency, fairness, and justice.



*Bradford, Ont.'s first Migrant Worker Support Centre opened on May 25, 2003 with media in attendance.*

Workers have been sent home for expressing concern over inadequate housing, for not receiving the hours of work contracted for, and because they have become ill or injured. They have no recourse – the employer notifies the consulate and the consulate makes arrangements to have the worker flown home. This process is expedited by the consulate, usually within one to two days.

All of our three centres have encountered numerous instances where migrant workers seek our help because they are being repatriated. In one case, several migrant workers were left with no food, housing, money, or means of transportation after their employer ordered them to leave. The local police resolved their dilemma by bringing them to our centre for help. Our staff helped them to find them temporary shelter and food while trying to intervene on their behalf with the Mexican Consulate. Although our centres

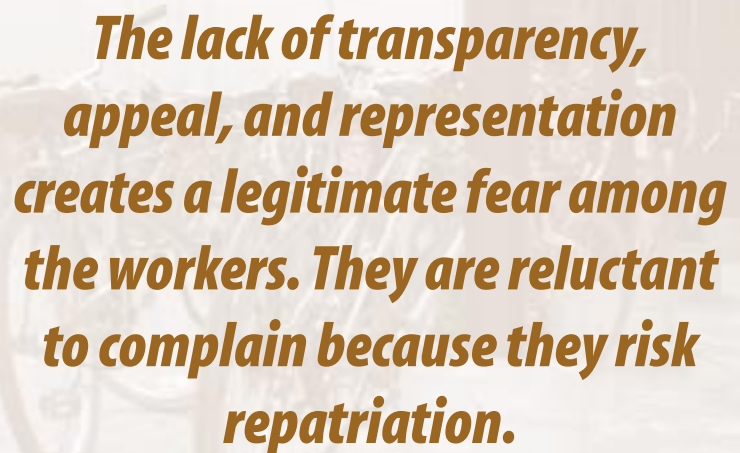
have been in operation only for a short period of time, they have become trusted, respected, and well-known in the communities they service.

A farmer can decide to send a worker home before the expiration of their contract for “*non-compliance, refusal to work, or any other sufficient reason*”. If a worker is sent home for any of these reasons, the cost of the flight will be borne by the worker unless this worker was specifically “named” (requested) by the employer. The serious consequences of repatriation cannot be overestimated. The worker is summarily dismissed, no longer has a source of income, and must now pay for transportation home. The highly subjective nature of the phrase “any other sufficient reason” serves only to emphasize how truly inequitable this lack of an appeal process is. There is no avenue, process, or method by which a worker is able to defend himself against forced repatriation and the associated costs and loss of income.

The lack of transparency, appeal, and representation creates a legitimate fear among the workers. They are reluctant to complain or speak against poor and unsafe working and living conditions because they risk repatriation. Without an appeal process workers continue to be subject to conditions that they cannot improve through input, compromise, or negotiation. UFCW Canada recommends that the federal government amend the terms and conditions of the SAW program, to include an impartial, unbiased process of appeal, available to all workers before any decision to repatriate is made. We further recommend that a UFCW Canada staff representative be a full participant in this appeal process to ensure that migrant workers are fully and fairly represented.

Additionally, UFCW Canada recommends that the federal government comply with the ruling of the Supreme Court of Canada and allows migrant farm workers freedom to associate, and that UFCW Canada be acknowledged as the union representative for migrant farm workers in Canada. In its decision of December 2001, the Supreme Court stated:

*... there is a positive obligation on the government to provide legislative protection against unfair labour practices. A positive duty to assist excluded groups generally arises when the claimants are in practice unable to exercise a Charter right.*



***The lack of transparency, appeal, and representation creates a legitimate fear among the workers. They are reluctant to complain because they risk repatriation.***

There can be no clearer example of such a group than migrant farm workers.

UFCW Canada's commitment to agricultural workers has never wavered. We launched an ultimately successful six-year Supreme Court of Canada legal challenge against the government of Ontario's 1995 repeal of the *Agricultural Labour Relations Act* and amendments to the province's *Labour Relations Act*, retroactively banning agricultural workers' right to join a union. And in Manitoba, UFCW Canada initiated an agreement through HRDC to provide migrant workers in the meat-packing industry with full representation by our union.

UFCW Canada's work and experience in this industry on behalf of Canadian and migrant agricultural workers is equal to none and beyond reproach. We are viewed by migrant farm workers, Canadian farm workers, the labour movement, community agencies, and faith groups as the unofficial representative of migrant farm workers. In addition, the National Union of Provincial and General Employees (NUPGE) has pledged its fullest support of UFCW Canada as the most legitimate union for agricultural workers, uniquely experienced in representing the interests

of all farm workers in Canada, including migrant workers.

UFCW Canada has the organizational structure, financial stability, knowledge, and experience required to represent migrant farm workers. Our national staff represents members in nearly every community in this country. We are uniquely situated to represent migrant farm workers in the most efficient and timely manner possible.

• **The yearly wage:** The federal government

is well aware of the issue surrounding the yearly wage rate set for migrant farm workers by the SAW program. This yearly wage rate is to be determined, as stated in the *Employment Agreement*, in the following manner:

... a rate equal to:

- i) the minimum wage for WORKERS provided by law in the province in which the WORKER is employed;
- ii) the rate determined annually by Human Resources Development Canada to be the prevailing wage rate for the type of agricultural work being carried out by the WORKER in the province in which the work will be done; OR
- iii) the rate being paid by the EMPLOYER to his Canadian workers performing the same type of agricultural work; which ever is the greatest ...



*The third UFCW Canada-sponsored Migrant Worker Support Centre opened in Simcoe, Ont. on June 29, 2003.*

The federal government has not been inclined to validate or justify the method employed by HRSD to determine yearly wage rates. This cloak of secrecy offers little assurance to workers that they are indeed being paid at a rate as stipulated in their agreements.

The *Employment Agreement* is an employment contract that is signed by the worker, the employer, and the supply country government agent. It does not state how it is to be enforced. It would follow that it is to be enforced like any other employment contract – in our judicial court system.

UFCW Canada has urged the federal government to provide its statistics and prevailing wage rates used by HRSD in its yearly calculation of the wage rate, but there has been no response to this request to date. The yearly wage rate assigned to migrant workers does not appear to reflect the average hourly earnings of Canadian farm labourers – rather, migrant workers’ hourly wage rates appear significantly lower than wages received by Canadian farm workers. This discrepancy leads one to conclude that the terms of the *Employment Agreement* have not been adhered to. HRSD’s refusal to substantiate how it determines each year’s hourly rate has done nothing to alleviate serious concerns and questions regarding this potential breach of thousands of *Employment Agreements* for a substantial number of years.

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Many workers have returned to Canada season after season some for long as 15 to 20 years. Many workers are specifically requested by name (“named”) by the employer, based on that worker’s past work experience for the employer. Seniority and past experience must be included in the determination of wage rates. It is absolutely unacceptable that a migrant farm worker be no longer considered for a program to which he has devoted years of back-breaking labour simply because someone considers his age to be a negative factor.

UFCW Canada recommends that the federal government immediately make public the statistics used by HRSD to determine the yearly wage rate paid to migrant farm workers.

UFCW Canada further recommends that farm workers be included in the process to determine the yearly wage rate, and – in recognition and appreciation of the thousands of experienced workers who return year after year – to establish levels of pay rate based on seniority, past experience, and being “named” by an employer. In order to ensure the integrity and transparency of this process, a UFCW Canada representative should be appointed a full and equal participant in this process as the representative of the workers.

• **Health care concerns:** We have tried unsuccessfully on numerous occasions to access information and details regarding the contract that Royal Bank of Canada (RBC) has secured to provide supplementary health insurance, mandated through the SAW program, to all migrant farm workers. The workers pay premiums for this mandated supplemental health and insurance benefit plan. They have serious concerns regarding the benefits of this program, the process for applying for these benefits, and the process for appealing decisions that deny benefits to them.

As one of the largest private-sector unions in Canada, UFCW Canada has extensive benefit plans and we are capable of supplying a wide range of benefits. We are confident that we can offer benefits at a competitive rate that will provide improved coverage for migrant farm workers. We would like to tender our bid for the provision of a benefit plan for workers in the SAW program – however, all our attempts to obtain the necessary information on the tendering process have not received response.

• **Living conditions:** Migrant farm workers are required to live in the accommodations provided by their employer. Under the terms and conditions of the SAW program, the accommodations are provided free of cost to the workers. They are to be inspected to ensure adequate plumbing and heating. Inspections of these living quarters normally occur before the workers arrive.

Municipal health inspectors would have no awareness of how many workers will actually be housed in the living quarters they are inspecting. When health inspectors visit a building the normal capacity of which is housing for a family of six to eight, they are likely unaware that up to 25 workers may soon inhabit the dwelling.

Housing concerns focus on overcrowding, lack of privacy, and, in some cases, leaking roofs, inadequate plumbing, and insufficient heat in the winter months. As has been stated earlier, the very real fear of being repatriated prevents most farm workers from complaining about their accommodations.

UFCW Canada recommends that inspection of workers’ housing occur prior to the workers arriving, and again once they have moved in – to ensure that over-

crowding does not occur and that plumbing, heating, and electricity are in continued good repair and adequate to the number of workers living in each dwelling. Health inspectors should also be mandated to perform unannounced inspections throughout the season. It is further recommended that the practice of housing workers in or above greenhouses be immediately discontinued in recognition of the obvious inherent dangers associated with living in a building housing chemicals, fertilizers, herbicides, and industrial heaters.

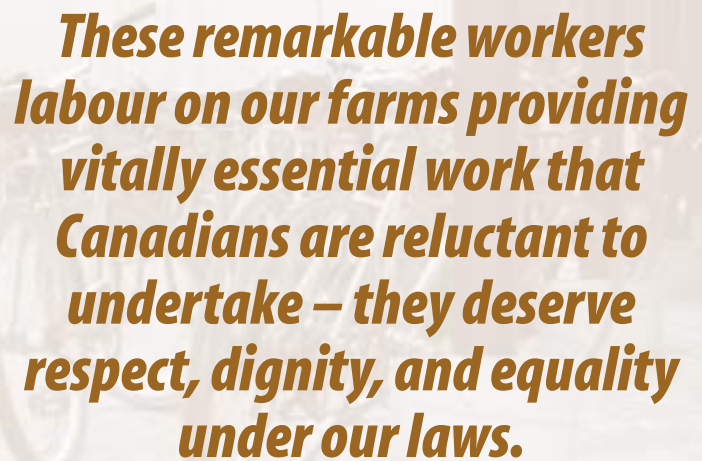
## ***Conclusion***

Unfortunately, in spite of our previous two reports to the federal government on the status of migrant farm workers in Canada, conditions for migrant farm workers have not improved to any significant degree.

The evidence compiled by staff at our three Migrant Worker Support Centres points to continuing cases of inadequate housing, work-related injuries and illness, requests for Social Insurance numbers and Health Cards, WSIB claims, concerns over wages not paid, and RBC insurance claims that have been denied. We remain committed to our work on behalf of these workers and intend to continue providing resources, training, and support in the government's notable absence.

In the absence of any government action to address these serious issues, we will continue to pursue legal challenges against both levels of government to ensure that migrant workers are treated fairly and equally. These remarkable workers labour on our farms providing vitally essential work that Canadians are reluctant to undertake – they deserve respect, dignity, and equality under our laws. Our preference is and has been that we establish partnerships, relationships, and dialogue with the federal and provincial governments to achieve justice and equity for migrant workers.

To that end, we have again provided this yearly status report on migrant farm workers in Canada including recommendations for change that would address, re-



***These remarkable workers labour on our farms providing vitally essential work that Canadians are reluctant to undertake – they deserve respect, dignity, and equality under our laws.***

solve, and mitigate most issues and concerns. While we would welcome an opportunity to work with the government to improve the SAW program to the mutual benefit of migrant workers and Canadian farm employers, our foremost priority is to work for the benefit of migrant workers. We are compelled to express our severe disappointment with the lack of response or action from the federal government to date.

The concerns and recommendations have not changed over the past three years because the government has done nothing to effect improvements for the past three years. We are encouraged by the work our staff have performed at the Leamington, Bradford, and Simcoe Migrant Worker Support Centres, knowing that at least some of Ontario's 15,000 migrant workers are now able to access support and assistance. We are exploring the feasibility of providing similar services to workers in the Niagara region.

The Migrant Worker Support Centres located in Leamington, Bradford, and Simcoe are funded by UFCW Canada. Our staff has received training in health and safety, WSIB claims and appeals, income tax preparation, and CPP deductions and benefits. Their assistance is sought for help with claims for RBC insurance, applications for Social Insurance Number cards and OHIP cards, disputes with employers, help with workers' consulates, assistance against repatriation, and translation services at the hospital or doctor and specialist appointments. Employers often use our centres as well when translations services are needed. When workers are required to travel to a medical specialist out of town, our staff members are often requested to accompany them.

In fact, staff from our centre in Leamington alone accompanied workers to doctor's appointments and the hospital on over 100 different occasions in order to provide translation services for the worker and the health care providers. The Mexican Consulate staff, based in Toronto, is simply not available to provide this essential service. Without the services provided through our centres by our staff, Mexican migrant farm workers would have little or no opportunity to engage in a dialogue with their doctors, denying them the ability to fully understand their illnesses and instructions for prescriptive medications and treatments.

Through our three centres we have provided bicycle-safety seminars, sessions on how to use ATM machines in Canada, advice on how to understand deductions on paycheques, English as a Second Language (ESL) training classes, and information sessions on green-tobacco poisoning. We also provided migrant workers with an information leaflet in both Spanish and English on the West Nile Virus.

We work with local community churches and faith groups, the Universities of

London, Guelph, Toronto, McMaster, Windsor, and York. Our staff are happy to work with representatives from the consulates whenever requested or needed. We have formed partnerships with Frontier College (for English as a Second Language training), various bilingual legal services, local offices of WSIB, CPP, EI, Essex Community Services, Bradford Immigrant and Community Services, the Leamington Arts Council, the Canadian Labour Congress, the Ontario Federation of Labour, the Workers Health and Safety Centre, and local labour councils.

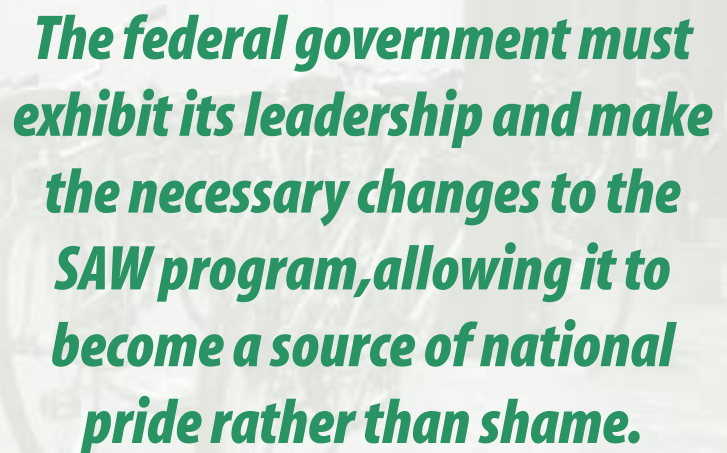
We are also working with the Québec migrant agricultural workers group *Tratemex*. Although Ontario receives more than 90% of all migrant farm workers, the province of Québec is second in the placement of migrant workers on Québec farms. *Tratemex* has been formed to address the issues of migrant farm workers in this province.

They share a mutual concern over problems associated health and safety, transportation, deductions, retention of individual's official documents, and unreasonable prohibitions. It has also submitted presentations and recommendations for improvements to the SAW program.

UFCW Canada has led the way in the fight to achieve equity, fairness, justice, and legislative protections for Canadian and migrant farm workers and we will continue to do so. We believe the government of Canada through its SAW program has a responsibility to these workers that has been ignored for too long. We call on the government to exercise its privilege to govern and begin to make the necessary changes to its SAW program.

Although we believe every migrant farm worker should have access to services and supports while working in Canada, UFCW Canada does not have the fiscal resources to make this possible. Our previous request for funding assistance to provide services to migrant farm workers has not received a response. We urge the government of Canada to begin working with us on behalf of migrant farm workers and to re-examine our proposal for funding Migrant Worker Support Centres.

We urge the government to discontinue its current posture of non-response and inaction. Migrant workers have been abandoned by this government for 38 years



***The federal government must exhibit its leadership and make the necessary changes to the SAW program, allowing it to become a source of national pride rather than shame.***

and it is well past time for the federal government to address their concerns and provide concrete assistance.

The argument has been proffered by some that it is acceptable to continue this program without change simply because migrant workers continue their participation in the program. The rationale appears to be that if conditions were truly bad workers from foreign countries would no longer participate.

This simplistic reasoning is unacceptable for a country of Canada's stature and reputation. It is morally and ethically reprehensible for Canada – with its comparative wealth – to continue to take opportunistic advantage of impoverished workers from economically-deprived countries. The SAW program should be one of mutual advantage for migrant workers and Canadian employers. The workers are desperate for jobs, and Canada is desperate for farm labourers.

All Canadians are looking for evidence that new leadership at the federal level means a new and expanded commitment to social justice and the public good. The federal government must exhibit its leadership and make the necessary changes to the SAW program, allowing it to become a source of national pride rather than shame.



## **UFCW Canada**

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