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CANADA'S TEMPORARY LABOR MIGRATION POLICY

THE CASE OF MEXICAN SEASONAL AGRICULTURAL WORKERS

ABSTRACT The article analyzes Canadian temporary foreign worker migration policies through the prism of Canada's Seasonal Agricultural Worker Program (SAWP), one of the largest and oldest seasonal worker programs in Canada's postwar immigration policies, whose main participants are seasonal farmworker migrants from Mexico. The article outlines the premises of Canadian labor migration policies and presents a brief history of Mexican migrations to Canada. Most importantly, however, it focuses on the functioning of SAWP, presenting the program's positive impact as well as its shortages and failures through the lens of experiences of its Mexican participants. The summary of this text proposes certain reforms and changes to SAWP that might help eliminate some of the program's deficiencies.

Keywords: Canada, Mexico, seasonal workers, temporary immigrants, labor immigrants, immigration policy, temporary worker programs

Migration research has a tendency to focus on permanent immigrants, on settlement and immigration policies, or on host countries' social integration and security policies. Temporary labor migration is often omitted in scholarly analyses despite the fact that so-called seasonal migrant workers account for a sizeable part of the global economy. The International Labor Organization estimates that, as of 2019, there were 169 million migrant workers; they constituted almost two-thirds of all international migrants and 5% of all global labor force.[1] In Canada, which is famous for one of the highest immigration rates per capita in the world, the annual rate of temporary labor migrants usually outnumbers permanent resident admissions. In 2019 alone, Canada issued 404,369 work permits to foreigners under various temporary foreign worker and international mobility programs; at the same time, 341,180 permanent immigrants were accepted. It is estimated that immigrants account for more than a fourth of Canadian labor force, although in certain agricultural or healthcare sectors this proportion may even be higher.[2]

Historically, until the mid-20th century, Canada treated immigration mainly as a tool for territorial expansion and for economic (mostly agricultural and industrial) and demographic development. As for the latter, Canadians mirrored the policies of their southern neighbor, designing immigration policies as instruments to produce a model population, i.e., barring – as the immigration regulations of 1910 authorized – the entry of undesirable migrants *belonging to any race deemed unsuitable to the climate and requirements of Canada*.[3] As a result, at the turn of the 20th century, Canada opened its doors wide only for migrants from Europe and the United States; all others, including Latin Americans, were rarely admitted as they were deemed unassimilable. Such biased and discriminatory policies were only lifted in the mid-1960s, when Canada adopted a so-called *points system*, making its immigration policies race- and ethnic--blind. The new policy gave preference to skilled workers and educated immigrants, regardless of their race, ethnic background or a country of origin. The change coincided with the declaration of multiculturalism as official federal policy in 1971, under which the federal government declared to actively promote and protect ethnocultural diversity of Canada.[4] All this had almost immediate and far-reaching consequences for the structure of immigration to Canada: the European immigration decreased and was largely replaced by the immigration from other continents, mostly Asia.

1 *ILO Global Estimates on International Migrant Workers. Results and Methodology*, International Labour Organisation, 2021, p. 11, at https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_808935.pdf – 15 August 2022.

2 *2020 Annual Report to Parliament on Immigration*, Government of Canada. Dept. of Immigration, Refugees and Citizenship, 2020, at https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/annual-report-parliament-immigration-2020.html#trprograms – 15 August 2022.

3 N. Kelley, M. Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy*, Toronto 2010, p. 130.

4 H.H. Leung, "Canadian Multiculturalism in the 21st Century: Emerging Challenges and Debates," in S. Guo, L. Wong (eds), *Revisiting Multiculturalism in Canada: Theories, Policies and Debates*, Rotterdam 2015, pp. 107-115.

Furthermore, around that time, in the 1970s and 1980s, Canada began accepting larger numbers of refugees, many of them from Latin America, including several thousands of Salvadorans, Chileans, Nicaraguans, and Guatemalans. Canada's immigration law of that time established a distinct designated category for Latin American political refugees, who filled up the majority of Canada's refugee quota in the mid-1980s.[5] Until that time, Canada had neither received a significant number of newcomers from Latin America, nor, in fact, had showed much interest in Latin American affairs, especially before the Cold War. For a large part of its history, Canada had a colonial status of a British dominion, was no economic superpower and as such was a far less attractive place for emigration for Latin Americans than the US. Another explanation is connected with Canada's past immigration policies, which – as already noted – were racially-biased prior to the adoption of multiculturalism and point-based immigration system. Previously, Canada's doors had been closed for most of the impoverished, uneducated, non-English- or non-French-speaking migrants from the global South, including Mexicans and other Latin Americans. But even after the end of World War II, when Canada was gradually opening to non-European and non-US migration and was becoming a core player in global economy, ultimately a G7/G8 power, Latin American emigrants continued to regard the United States as a more convenient place to migrate to, mostly because of its geographical proximity and due to large Latin American diasporas already residing there.

Nowadays, such a trend is particularly visible among the Mexican migrant population, which is disproportionately larger in the US than in Canada. According to recent statistical data, there were more than 37 million Mexicans residing in the U.S. in 2021, i.e. over 11% of US total population. Almost 28% of them, 10.9 million, were first-generation migrants, i.e. they were born in Mexico, and they constituted almost a quarter of total foreign-born population in the US.[6] This compares rather disproportionately with Canada's tiny population of around 90,585 Mexican-born residents (out of the total population of foreign-born Canadians estimated at almost 8.4 million as of 2021).[7]

MEXICAN (LABOR) MIGRATION TO CANADA

For the reasons discussed above, Mexican permanent immigration to Canada has always been insignificant. As a matter of fact, until the mid-20th century, migration to Canada consisted mostly of European voluntary migrants; only a small number of

[5] M.C. Garcia, *Seeking Refuge: Central American Migration to Mexico, the United States, and Canada*, Berkeley 2006, pp. 2-8.

[6] *Place of Birth for the Foreign-Born Population in The United States*, United States Census Bureau, 2021, at https://data.census.gov/cedsci/table?t=Place%20of%20Birth&tid=ACSDT1Y2021.B05006 – 17 August 2022.

[7] Census Profile, 2021 Census of Population: Profile table, Statistics Canada, 2022, at https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/details/page.cfm?Lang=E&SearchText=canada&GENDERlist=1&STATISTIClist=1&DGUIDlist=2021A000011124, 19 December 2022.

newcomers arrived in Canada from other continents – they were either refugees or indentured workers (sometimes semi-slave or extremely low-paid servants).

The situation is, however, different with the seasonal labor migration from Mexico to Canada, which is substantial both in numbers and importance for certain sectors of Canadian economy, in particular, agriculture.[8] There is a remarkable difference between Canada and the US when it comes to the legal status of many Mexican immigrants, though. In the US, it was estimated in 2017 that there were around 10.5 million unauthorized, undocumented migrants (including 5 million from Mexico); 7.6 million of these immigrants add to American workforce.[9] In Canada, as Kerry Preibisch and Gerardo Otero duly note, *large increases in labor migration have occurred largely through the country's suite of temporary migration programs*.[10] In other words, immigrants arriving in Canada, whether for permanent residence or for seasonal employment, are usually documented and come to Canada within the formally authorized legal framework and through the existing temporary migration programs. They rarely cross the border illegally, and although overstaying the visas is problematic for Canadian authorities, it is so to a far lesser degree than in the United States. Some of rejected asylum seekers or tourists whose visas expired add to an undocumented labor force in Canada but, naturally, their precise number is unknown. Yet, as Osorio et al. estimate, Mexican migration to Canada is 99% authorized.[11]

Historically speaking, Canada has a long and rather shameful tradition of admissions and exploitations of low-skilled temporary foreign workers taking up low-paying and dangerous jobs. Not only was the system abusive but also gendered and racialized. As Janet McLaughlin correctly notes, *the creation of a British settler community was Canada's initial nation-building objective*, though, at the same time, *workers of colour were preferred for agricultural, industrial and domestic work and infrastructure construction*. They were *often employed in the more dangerous and lower paid jobs than their white settler counterparts*, they were not allowed to come with their families and '*were expected to return when their labour was no longer needed*.[12] In other words, as Katie Hinnenkamp puts it, such migrants were wanted *only as ideal workers due to their acute need for income*, but they could not be allowed to stay permanently in Canada because of *climatic conditions or cultural differences*.[13] The mistreatment of the Chinese

8 Statistical data for Mexican seasonal workers in Canada discussed in more detail further below.

9 J. Passel, D. Cohn, "Mexicans Decline to Less Than Half the U.S. Unauthorized Immigrant Population for the First Time," Pew Research Center, 12 June 2019, at https://www.pewresearch.org/fact-tank/2019/06/12/us-unauthorized-immigrant-population-2017 – 17 August 2019.

10 K. Preibisch, G. Otero, "Does Citizenship Status Matter in Canadian Agriculture? Workplace Health and Safety for Migrant and Immigrant Laborers," *Rural Sociology*, vol. 79, no. 2 (2014), p. 175.

11 M. Osorio, S. Madero, R. Greenwood, "Humanism under Construction: the Case of Mexican Circular Migration," *Humanistic Management Journal*, vol. 4 (2019), p. 60.

12 J. McLaughlin, *Trouble in our Fields: Health and Human Rights among Mexican and Caribbean Migrant Farm Workers in Canada*, PhD thesis, University of Toronto, 2009, p. 101, at https://tspace.library.utoronto.ca/bitstream/1807/24317/1/McLaughlin_Janet_E_200911_PhD_thesis.pdf – 18 August 2022.

13 K. Hinnenkamp, *Bicycles Traveling in the Rain: A Participatory, Arts-Informed Account of Mexican*

immigrant workers building the Canadian Pacific Railway across the Rocky Mountains in the late 19th century is probably the most notorious example in this context.[14] Other examples concern the involuntary labor of Indigenous people, including the economic abuse of Indigenous children in notorious residential schools, or the internments and forced employment of Japanese Canadians during World War II.[15]

In actuality, it was only in the mid-1960s that Canada, having removed racial and ethnic-based criteria from its immigration policies, began opening its borders more generously to foreign short-term workers. Rapidly growing economy needed new labor force. In agriculture, for instance, the transition from a family-farm model to intensive production schemes resulted in labor shortages that could not be filled with domestic workforce. Thus, various temporary migration programs were established, encouraging the seasonal employment of migrants from a wide range of countries, mostly South and South-East Asia and Latin America. These programs were usually limited to specific industries, though they were liberalized and expanded over the years. Since the 1990s, they have functioned under the umbrella of the Temporary Foreign Worker Program (TFWP). In consequence, year by year, decade by decade, roughly until the outbreak of the Covid-19 pandemic in 2019, the numbers of migrants with temporary employment permission in Canada steadily grew. In 2006, for instance, there were over 170,000 temporary foreign workers (TFWs) staying in Canada, which was an increase by over 120% compared to the previous decade.[16] In 2019, as already mentioned, there were as many as over 400,000 TFWs in Canada. They came through a multitude of programs (streams) within the TFWP dedicated to specific industries and groups, including the Global Talent Stream (for computer, digital media, information and database experts), academics, agricultural workers, and caregivers.[17]

Clearly, Mexicans were not the only group that benefitted from Canadian wider openness to short-term labor migrants. Special temporary work programs were initiated in the 1950s and 1960s to attract Filipino live-in caregivers or domestic assistants from the Caribbean. However, the beginnings of Canada's programs dedicated to seasonal workers should actually be traced back to the mid-1960s, to agreements between Canada and a few Caribbean countries and Mexico, which opened selected sectors of Canadian economy, mostly agriculture, for specific low-skilled jobs offered to migrant workers.[18]

Farmworkers in Canada, M.A.Thesis, University of Toronto, 2007, p. 23, at https://tspace.library.utoronto.ca/bitstream/1807/120403/1/MR27429_OCR.pdf – 18 August 2022.

[14] See: Z. Chen, "The Construction of the Canadian Pacific Railway and the Transpacific Chinese Diaspora, 1880-1885," in G. Chang, S. Fisher Fiskin (eds), *The Chinese and the Iron Road: Building the Transcontinental Railroad*, Stanford 2019, pp. 294-313.

[15] J. McLaughlin, *Trouble in our Fields...*, p. 126.

[16] Ibid., p. 36

[17] *Temporary Foreign Worker Program*, Government of Canada. Dept. of Employment and Social Development Canada, 2022, at https://www.canada.ca/en/employment-social-development/services/foreign-workers.html – 19 August 2022.

[18] K. Preibisch, G. Otero, "Does Citizenship Status Matter...," pp. 177-178.

It should be noted here that Mexico has one of the world's largest net emigrations from the country; in 2020, around 11.2 million of Mexican-born persons lived abroad (97% of them, i.e. 10.9 million, in the United States).[19] The factors that drive them to emigrate or seek temporary employment abroad are rather typical for most of economic migrants: poverty, inequalities, low wages and poor labor standards, unemployment and shortage of employment opportunities, corruption.[20] One could also add another root cause, unique to Mexico: the drug cartel-inflicted violence. Historically, Mexicans also escaped revolutions (e.g. in 1910) or political turmoil. Due to intertwined economies and histories, and the proximity of the US, Mexican political and economic migrants, both permanent and temporary/circular, choose mostly to emigrate *al Norte* or al *otro lado* ('to the other side'), i.e., to the United States.[21] This huge migration process has a long history and has even become one of the leitmotifs in Mexican folklore and pop culture.[22] Given the size of Mexican immigration and a large and rapidly growing Mexican diaspora in the US, it is no surprise that, as Maria F. Cachon straightforwardly remarks, *few issues in the United States generate as much academic interest, controversy and polarizing debate as Mexican immigration, particularly undocumented immigration*.[23] In Canada, where Mexicans constitute only a tiny portion of all immigrants admitted as permanent residents, and undocumented migration from Mexico is almost non-existent, Mexican migrants do not evoke too many negative emotions and, generally, the problems relating to emigres from Mexico are less frequently debated than in the US.

Obviously, Mexico's case is exceptional. Unlike other Latin American countries, it is economically integrated with the US and Canada under the landmark trilateral free trade deal. Initially, it was the North American Free Trade Agreement (NAFTA), which took effect on January 1, 1994. Now, it is the USMCA (the United States-Mexico-Canada- Agreement), which replaced NAFTA in 2020 after lengthy and bumpy renegotiations.[24] Doubtlessly, Mexico's economic integration with Canada and the US helped facilitate the regular movement of people from Mexico up north, also to Canada. NAFTA, for instance, inspired the simplification of entry requirements for Mexicans

[19] T. Romero, "Number of Mexican Emigrants Worldwide in 2020, by Country of Immigration," *Statista*, July 2021, at https://www.statista.com/statistics/792157/number-emigrants-mexico-country-destination – 19 August 2022.

[20] G. Valerezo, *Out of Necessity and into the Fields: Migrant Farmworkers in St. Rémi, Quebec*, M.A. Thesis, Queen's University at Kingston, 2007, pp. 37-38, at https://qspace.library.queensu.ca/handle/1974/1087 – 19 August 2022.

[21] K. Pren, L.E.González-Araiza, "Temporary Workers in the United States and Canada: Migrant Flows and Labor Outcomes," *The Annals of the American Academy of Political and Social Sciences*, vol. 684 (2019), p. 256.

[22] See: D. Maciel, M. Herrera-Sobek (eds), *Culture across Borders: Mexican Immigration and Popular Culture*, Tucson 1998.

[23] M. Cachon, *Embodied Cartographies of Mexican-Canadian Transnationalism*, PhD thesis, University of Windsor, 2013, p. 20, at https://scholar.uwindsor.ca/cgi/viewcontent.cgi?article=5728&context=etd – 20 August 2022.

[24] See: T. Soroka, "Verbal Aggression Between Allies: Canada in Donald Trump's Trade War Rhetoric," *Politeja*, vol. 18, no. 6(75) (2021), pp. 99-102.

seeking job opportunities in Canada. As early as the negotiations on NAFTA, Canada, contrary to the US, pledged to resign from introducing an entry visa for Mexicans[25] and kept its promise until 2009 (see below). This, in turn, led to substantial increases in the number of Canadian work visa authorizations granted to Mexicans (from 7,000 in 1998 to 18,000 and 2007).[26] But NAFTA was only partially responsible for that rise. It should be noted here that while the trade agreement comprehensively regulated trilateral trade, tariffs, imports and exports of goods etc., and has significantly increased trade as well as the cooperation in many sectors, including manufacturing, energy, telecommunications or banking and finance,[27] it largely ignored the issue of temporary labor migrations, leaving the matter for further bilateral regulations between respective countries.[28] Therefore, short-term labor mobility has for years been mostly administered on the basis of bilateral agreements between the respective countries, which regulate the selection and annual quotas of temporary workers and offer sector-specific programs dedicated to Mexicans.

For obvious economic and historic reasons, this cross-border mobility of temporary/circular workers happens largely one-way, from Mexico to Canada, rarely the other way round. Canada's GDP per capita and average income are nearly five times larger than those of Mexico, while the unemployment rate is almost twice lower.[29] As for economic history, Canada has been an open, free-trade and international-trade oriented economy for over a century, while Mexico remained largely isolated from international economic structures (e.g., from the General Agreement for Tariffs and Trade) until the mid--1980s.[30] Large disparities also exist between the two countries in terms of expenditures on research and development and education as well as with regard to the adoption of new technologies. Those differences are best summarized by Roberto Mejias and José Vargas-Hernández, who rightly point out to the fact that *Canada has been considered to be rich in natural resources (agriculture, energy) and human skills while Mexico has been deemed rich in natural resources and unskilled labor*. Therefore, based on their respective advantages, Canada, similarly to the US, would rather export *scientific and capital rich products* to Mexico, as well as natural resources and products of secondary manufacturing. Mexico, in turn, *would export agricultural and labor intensive products*, as well as low-paid and low-skilled labor force to its both North American partners.[31]

[25] P. Villegas, "Assembling a Visa Requirement against the Mexican 'Wave': Migrant Illegalization, Policy and Affective 'Crises' in Canada," *Ethnic and Racial Studies*, vol. 36, no. 12 (2013), p. 2205.

[26] M. Cachon, *Embodied Cartographies...*, p. 22.

[27] See: R. Mejias, J. Vargas-Hernández. "Emerging Mexican and Canadian Strategic Trade Alliances under NAFTA," *Journal of Global Marketing*, vol. 14, no. 4 (2001), pp. 89-116.

[28] C. Gabriel, L. Macdonald, "Citizenship at the Margins: The Canadian Seasonal Agricultural Worker Program and Civil Society Advocacy, *Politics & Policy*, vol. 39, no. 1 (2011), pp. 45-67.

[29] *Country Comparison: Canada v. Mexico*, WorldData, 2022, at https://www.worlddata.info/country--comparison.php?country1=CAN&country2=MEX; *Canada-Mexico Fact Sheet*, Government of Canada, 2020, at https://www.international.gc.ca/country-pays/fact_sheet-fiche_documentaire/mexico-mexique.aspx?lang=eng – 21 August 2022.

[30] R. Mejias, J. Vargas-Hernández, "Emerging Mexican...," p. 95.

[31] Ibid., p. 96.

Obviously, Mexican seasonal workers, similarly to temporary migrants from all low--income economies, are attracted to Canada or other high-income migrant-receiving countries by a combination of two major factors: a) an economic necessity or a motivation to improve their own and their families' welfare; b) a dramatic labor force shortage in low--skilled (and low-paid) physical and manual occupations in Canada, which drives a significant labor demand in such labor-intensive sectors of Canadian economy as agri-food production, farm work and harvesting, or basic domestic help and care. In these sectors, Canada's problem with workforce is typical of a wealthy state: *locally available workers reject the substandard working conditions and wages*, which only increases Canada's *structural dependencies on migrants* when filling its labor shortages and forces Canadian authorities to *selectively use immigration controls to admit workers temporarily*.[32] As already mentioned, in Canada, unlike in the US, there are very few undocumented temporary labor migrants since the goal of satisfying the needs of many industries desiring inexpensive and flexible labor is being achieved mainly through state-managed temporary migrant programs.

It is worth noting that prior to the extension of Canada's seasonal temporary foreign worker program (discussed in the next section) to Mexico in the mid-1970s, the only statistically significant, albeit unregulated, Mexican migration to Canada was that of Mennonite seasonal farm workers who came mostly to Ontario from the northern parts of Mexico. The very fact that Canadian authorities decided to open Canada's agriculture to temporary Mexican migrants was partly motivated by the goal to replace unlicensed Mennonite arrivals with a better-controlled immigration from Mexico.[33]

Thus, when Canadian seasonal labor programs started in the mid-1970s, Mexican temporary migrants were given more job opportunities in Canada and, accordingly, the inflow of Mexican temporary workers to Canada increased. More Mexicans arriving to work translated into more Mexicans becoming permanent immigrants in Canada. In 1998-2007, the total number of Mexican permanent residents increased by 132%. This significant growth was also partially stirred by the substantial rise in the number of refugee claims of the so-called *narco-refugees*, i.e., the alleged victims of Mexico's drug cartels. Between 2005 and 2008, Mexicans were the largest nationality seeking refugee status in Canada, accounting for over a quarter of all submitted refugee claims. And even though a great majority of the Mexican refugee claimants of the time were rejected (the acceptance rate was not higher than 10-20% between 2005 and 2011; in 2013, Mexico was declared as a safe country in Canadian refugee determination), still thousands of them were admitted to Canada.[34] In July 2009, in order to tackle a huge surge in refugee

[32] K. Preibisch, E. Encalada Grez, "Between Hearts and Pockets: Locating the Outcomes of Transnational Homemaking Practices Among Mexican Women in Canada's Temporary Migration Programmes," *Citizenship Studies*, vol. 17, no. 6-7 (2013), p. 787.

[33] E. Dunsworth, *The Transnational Making of Ontario Tobacco Labour, 1925-1990*, PhD Thesis, University of Toronto, 2019, p. 228, at https://tspace.library.utoronto.ca/bitstream/1807/97411/1/Dunsworth_Edward_I_201911_PhD_thesis.pdf – 22 August 2022.

[34] P. Villegas, *North of El Norte: Illegalized Mexican Migrants in Canada*, Vancouver 2020, pp. 92-105. Similar requirements were at the same time instituted for Czech nationals due to an increased number of refugee applications from the Czech Roma people.

applications, Ottawa temporarily (until December 2016[35]) reinstated the visa requirement for all Mexican visitors.[36] Most recently, the number of Mexican permanent immigrants to Canada has levelled out. In 2019, 2,430 Mexicans were given permanent resident status in Canada.[37] The largest group of Mexican migrants today are short--term temporary and circular workers. The great majority of them, almost 94%, arrive as participants in Canada's Seasonal Agricultural Worker Program (SAWP).[38]

SEASONAL AGRICULTURAL WORKER PROGRAM (SAWP): HISTORY

In a more distant past, from the late 19th century through the first half of the 20th century, significant numbers of agricultural labor migrants from Europe were accepted to Canada. They were mostly arriving as workforce on family farms and were migrants *for whom no special immigration status was required and whose transition to citizenship was expected and desired*.[39] In a relatively short time, they would establish their own farms and become disinterested in seasonal employment by other Canadian farmers. It was only then that Canada started formalizing and bureaucratizing its temporary labor migration system and, most importantly, opening it to non-Europeans.

In North America, agricultural seasonal foreign worker programs initially existed between the US, Mexico and the Caribbean. Canada established its own scheme, so called Seasonal Agricultural Worker Program (SAWP), for non-Europeans, including Mexicans, only a few decades later, being generally inspired by American solutions. SAWP, for instance, was partly modeled on the Bracero Program (1942-1964), a bilateral US-Mexican labor-contract scheme, which attracted over 4.5 million Mexican farmers and landless peasants to US agriculture in more than thirty states.[40] Similarly, Canadian visa programs for temporary workers were patterned after American H2 visas for seasonal laborers, which were first introduced in 1943, and further developed and specified in the 1980s by establishing two visa categories: H2A and H2B for agricultural and non-agricultural workers, respectively.[41]

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35 *Canada to Lift Visa Requirements for Mexico*, Government of Canada. Prime Minister's Office, 28 June 2016, at https://pm.gc.ca/en/news/backgrounders/2016/06/28/canada-lift-visa-requirements-mexico – 23 August 2022.

36 M. Cachon, *Embodied Cartographies...*, p. 23; also see: L. Gilbert, "Canada's Visa Requirement For Mexicans and Its Political Rationalities," *Norteamérica*, vol. 8, no. 1 (2013), p. 140.

37 C. Kim, "Immigration to Canada from Mexico," *WeCollabo*, 27 April 2021, at https://wecollaboimmigration.com/index.php/2021/04/27/immigration-to-canada-from-mexico – 23 August 2022.

38 M. Osorio, S. Madero, R. Greenwood, "Humanism under Construction ...," p. 61.

39 E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency: Mexican Countryside Proletarianization and the Seasonal Agricultural Worker Program," *Dialectical Anthropology*, vol. 46 (2022), p. 169.

40 K. Gardner, *Mexican Migrant Workers: Are They the Image of a Global Village*, M.A. Thesis, University of Calgary, 1999, p. 44, at https://prism.ucalgary.ca/handle/1880/25019 – 24 August 2022; E. Dunsworth, *The Transnational Making of...*, p. 148.

41 K. Pren, L.E.González-Araiza, "Temporary Workers...," pp. 260-261.

Throughout history, seasonal worker programs have generally been put in place by highly developed countries to achieve two basic goals: a) fill labor shortages in certain sectors, b) establish a system for authorized temporary migration that would discourage certain groups of foreigners from permanent immigration. Such was also the case with Seasonal Agricultural Worker Program (SAWP).

SAWP was first established in 1966 as a binational agreement, formed through Memorandum of Understanding, between Canada and Jamaica. Its beginnings were rather modest. It was initially launched only in Ontario and, in the first working season, merely 264 Jamaican farmworkers were accepted.[42] Swiftly, though, over subsequent few years, it expanded to include several other Caribbean nations. Today they are: Trinidad and Tobago, Barbados, Dominica, St. Keith-Nevis, Anguilla, Antigua and Barbuda, Grenada, Montserrat, St. Lucia, St. Vincent and Grenadines.[43] The breakthrough moment for SAWP, however, came with the inclusion in it of Mexico in 1974. Initially, the number of Mexicans employed seasonally on Canadian farms and food processing plants was small: a mere 203 workers in the first year. But Mexican seasonal workers' contribution to SAWP rapidly grew and they quickly outnumbered those from the Caribbean states. In 1986, the number of Mexican SAWP migrants for the first time exceeded 1,000, in 2000 – 11,000, in 2015 – 20,000, in 2017 – 25,000, located on around 2,000 farms across Canada, in almost every province.[44] Currently, SAWP is the oldest and the biggest Canadian seasonal migration program, filling annually over 40,000 worker positions in Canadian agrobusiness.[45] Mexicans constitute not only the largest group of seasonal workers contracted in Canadian agriculture today, but they are the majority (51% as of 2020) of all types of foreign migrant workers in Canada.[46]

Since its establishment in 1964, SAWP worked without interruptions or radical reversals up to 2019, when it had to be temporarily suspended due to Covid-19 pandemic. That makes it one of the longest-lasting, most extensive and, in fact, prototypical programs in the history of Canada's labor immigration policies.[47]

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42 A. Cohen, E. Hjalmarson, "Quiet Struggles: Migrant Farmworkers, Informal Labor, and Everyday Resistance in Canada," *International Journal of Comparative Sociology*, vol. 61, no. 2-3 (2020), p. 146.

43 *Hire a Temporary Worker Through the Seasonal Agricultural Worker Program: Overview*, Government of Canada. Dept. of Employment and Social Development, 2022, at https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural.html – 24 August 2022.

44 K. Pren, L.E.González-Araiza, "Temporary Workers...," p. 258; M. Osorio, S. Madero, R. Greenwood, "Humanism under Construction...," p. 61.

45 E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," p. 169.

46 E. Encalada Grez, "Mexican Migrant Farmworkers in Canada: Death, Disposability, and Disruptions during COVID-19," *Mexican Studies / Estudios Mexicanos*, vol. 38, no. 1 (2022), p. 145.

47 E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," p. 168.

SAWP: GENERAL CHARACTERISTICS, TERMS AND CONDITIONS

SAWP is only an element of a larger Canadian strategy of employing migrant laborers in sectors where domestic workforce is not sufficient or, as it is precisely in this particular case, where Canadian nationals refuse to engage in because jobs are characterized as '3-D': *dirty, dangerous, and difficult*; plus, they are unsteady and low-paying.[48] As McLaughlin notices, all migrant worker programs, allow for *captive, disposable/replaceable, "just-in-time" labor force to do the most difficult work with wages, conditions, and benefits deemed unacceptable to most domestic workers*.[49] So was it with the SAWP, whose adoption, as Castell Roldán and Alvarez Anaya argue, was aimed at channeling *precarious and racialized populations outside Canada to alleviate the resulting labor shortages and ensure fast and profitable food production without clear paths to citizenship or permanent resident status*.[50] In other words, Mexican SAWP workers were simply supposed to fill the void of unskilled laborers in Canadian agricultural sector.

It should be clearly stated here that Canada was opening to Mexican and Caribbean farm workers rather unwillingly and somewhat slowly. Before SAWP was established, Ottawa had checked all other available domestic, European and American options. The attempts had been made to recruit Canadian workers from various provinces or even to encourage students from Canada, the US or Europe to work on tobacco farms. To no avail, though – labor shortages were not eliminated and farm owners' irritation at government's indolence grew. It was only then that Canada started formalizing and bureaucratizing its temporary labor migration system and, most importantly, opening it to non-Europeans.[51]

Since its outset, SAWP has been run jointly by the Canadian and Mexican governments on the basis of a bilateral Memorandum of Understanding, renewed yearly. In Canada, the status of the program is complex. Officially, it is run by the federal government, however, labor rights and health and safety guidelines remain subject to diverse provincial and territorial regulations.

SAWP is a temporary foreign worker program and as such does not offer its participants any path for permanent residence or Canadian citizenship. Wages, labor rights and employers' duties, including the provision of adequate working conditions and proper accommodation, are for the most part under the regulations of the province or territory where laborers work. Thus, practicalities of the program differ from region to region.

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[48] C. Gabriel, L. Macdonald, "'Domestic Transnationalism': Legal Advocacy for Mexican Migrant Workers' Rights in Canada", *Citizenship Studies*, vol. 18, no. 3-4 (2014), p. 245.

[49] J. McLaughlin, "Selecting, Competing, and Performing as 'Ideal Migrants' Mexican and Jamaican Farmworkers in Canada," in P. Gardiner Barber, W. Lem (eds), *Migration in the 21st Century: Political Economy and Ethnography*, New York 2012, p. 109

[50] E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," p. 169.

[51] K. Pren, L.E.González-Araiza, "Temporary Workers...," p. 259.

In general, however, health and workplace safety insurance, housing (except in British Columbia) and 50% of transportation costs (100% in British Columbia) from Mexico City to Canada and back *by the most economical means*, and all transportation costs within Canada, i.e., between the workplaces and accommodation sites, are covered by employers, though, in some provinces, some of these expenditures can be later recuperated through payroll deductions.[52] Employers are also obliged to provide temporary foreign workers with *adequate, suitable and affordable housing*, which had been inspected and approved by competent local authorities before the work season and meets the requirements for allowable occupancy rate and health and safety standards.[53] Employers need to prove their business legitimacy, which is evaluated on the basis of their past records as work givers, present financial condition, and reasonable employment need.[54] They also must provide workers *with the same wages and benefits as those provided to Canadian and permanent resident employees working in the same occupation*,[55] which means that the wages must meet minimum wage requirements either set by the federal or provincial/territorial authorities, whichever is higher. Depending on the sector, type of job and localization of the workplace, the wages vary between 11.81 to 22.25 CAD per hour.[56]

Laborers are essentially contracted to work in one workplace throughout their whole stay in Canada. They need to cover their work permit fee (155 CAD per person, as of 2022) and, if it is their first visit to Canada in a capacity of a foreign seasonal worker, they must give their biometrics (85 CAD).[57] Their transfer to another place of work (e.g., to a different farm, even if owned by the same employer) can only occur at workers' consent and must be approved by a competent Mexican representative in Canada and Employment and Social Development Canada, a federal governmental department in authority over the labor market. Given the lodging investments and other expenditures made by farm owners, changing an employer in the middle of an employment contract is discouraged and, in fact, is very difficult, not to say, virtually impossible. Under Canada's Immigration and Refugee Protection Act, illegal transfers, e.g., moving a SAWP worker without all the required consents or/and to a farm owned by

[52] *Contract for the employment in Canada of seasonal agricultural workers from Mexico – 2022*, Government of Canada. Dept. of Employment and Social Development Canada, 2022, at https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/apply/mexico.html – 26 August 2022.

[53] *Hire a Temporary Worker...*

[54] *Business Legitimacy – Temporary Foreign Worker Program*, Government of Canada. Dept. of Employment and Social Development Canada, 2021, at https://www.canada.ca/en/employment-social-development/services/foreign-workers/business-legitimacy.html – 24 August 2022.

[55] *Hire a Temporary Worker...*

[56] *Wages by Agricultural Commodity*, Government of Canada. Dept. of Employment and Social Development Canada, 2022, at https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural-wages.html#h2.2 – 25 August 2022.

[57] *Pay Your Work Permit Fee – Mexico*, Government of Canada. Dept. of Immigration and Citizenship, 2022, at https://ircc.canada.ca/english/information/fees/result.asp?countrySelect=MX&lob=wp – 25 August 2022.

a non-SAWP employer, are interpreted as unauthorized employment of *a foreign national in a capacity in which the foreign national is not authorized* and are punishable by a fine of up to 50,000 CAD or imprisonment for up to two years, or both.[58]

SAWP applies only to citizens of countries participating in the program, i.e., Mexico and the ten aforementioned Caribbean states, and offers employment only in sectors where *Canadians and permanent residents are not available*. The latter means that employers must advertise their jobs to Canadian nationals and Canada's residents – i.e. *on recognized Internet employment sites; in local and regional newspapers, newsletters; in ethnic newspapers and Internet sites; in local stores, places of worship, community resource centres; in local and regional employment centres* – for at least two weeks before they can even reach out to foreign candidates.[59] Additionally, employers must apply for a so-called Labour Market Impact Assessment (LMIA) clearance, which is supposed to ensure that hiring a foreign seasonal worker will benefit Canada's labor market. In short, Canadian employers must meet a number of requirements relating to housing, advertising, and business legitimacy and eligibility to participate in SAWP before they can start offering jobs to Mexican seasonal workers through SAWP. Moreover, the employment must be associated with specific commodity sectors and with the activities within the so-called primary agriculture, i.e., it is basically related to physical agricultural work such as harvesting, handling farm animals or operation of agricultural machinery, *performed within the boundaries of a farm, nursery or greenhouse*.[60]

In the SAWP scheme, temporary foreign workers usually may be offered contracts for the duration of up to 8 months (exceptionally 9 months in the 2022 season due to quarantine period). The recruitment and selection process is handled by a specified department of the participating country's government – in Mexican case, most recently, it has been the federal Secretaría del Trabajo y Previsión Social (The Ministry of Labor and Social Welfare) – which, essentially, is responsible for choosing the qualified workers, providing them with all the documents required by Canada, appointing liaison officers assisting laborers in Canada, and paying for worker's early return home if caused by a medical condition that existed before the worker arrived in Canada.[61]

SAWP: RECRUITMENT AND DEMOGRAPHICS

As Hinnenkamp accurately remarks, immigration policies, whether relating to permanent or temporary migrants, are based on the basic principle which stipulates that *the modern nation-state retains the right to allow in only those people it sees fit*.[62] Accordingly,

[58] Immigration and Refugee Protection Act (S.C. 2001, c. 27), at https://laws.justice.gc.ca/eng/acts/i-2.5/page-15.html#h-275952 – 25 August 2022.

[59] *Hire a Temporary Worker...*

[60] Ibid.

[61] Ibid.

[62] K. Hinnenkamp, *Bicycles Traveling in the Rain...*, p. 22.

migrants participating in SAWP are let in selectively and they need to agree to certain, strictly formulated contract rules.

Applications are evaluated against a set of criteria and qualifications established both by Canada and the sending country. Canada's requirements are basically limited to age (participants must be adult, i.e., 18 years of age or more), citizenship (SAWP is for the nationals of Mexico and the ten aforementioned Caribbean states), work experience (participants should be able to prove their experience in farming), and employment related to specific commodity sectors (so called *National commodity list*, which embraces the production and processing of crops, grains, fruit, vegetable, meat, and dairy).[63]

In the SAWP scheme, Canadian employers, at least formally, are unable to recruit workers via their own channels, e.g., private recruiters non-related to Mexican government.[64] Mexican authorities have their own selection conditions, basing on candidate's place of residence, family status and connections, work experience or age; however, these criteria are adjusted to Canadian employers' preferences. Thus, the recruitment process favors hiring male candidates, preferably husbands and fathers between 22 and 45 years old, who come from rural areas and have legal responsibility for immediate family members they leave in Mexico.[65] Nonetheless, some exceptions are made for single mothers who leave behind their little children, or for childless women who leave partners in Mexico. Such candidates are in fact also favored by Canadian authorities. As Castell Roldán and Alvarez Anaya point out, *the Canadian migration system interprets such a profile as limiting the likelihood of permanent residence, family migration, or applying for citizenship*.[66]

Given the recruitment criteria, Mexican SAWP participants are predominantly labor-force-aged men, 98% of them being married or in common-law unions, from rural parts of Mexico, experienced in farming or food production and processing. Women, mostly single mothers, constitute only 3.5% of all Mexican SAWP workers. On average, a worker would spend more than six months of a year working on Canadian farms and would work there for around ten seasons.[67]

SAWP: PROFITS AND PROBLEMS

Many academics and political decision-makers have portrayed SAWP as Canada's flagship and model guest worker program. SAWP has been praised, as Janet McLaughlin summarizes, for its ability *to meet the economic needs of both migrant sending and*

63 Ibid.

64 *Contract for the employment in Canada...*

65 M. Osorio, S. Madero, R. Greenwood, "Humanism under Construction...," p. 61.

66 E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," pp 171-172.

67 K. Pren, L.E.González-Araiza, "Temporary Workers...," pp. 259-260; J. McLaughlin et al., "'Temporary Workers', Temporary Fathers: Transnational Family Impacts of Canada's *Seasonal Agricultural Worker Program*," *Relations Industrielles / Industrial Relations*, vol. 72, no. 4 (2017), p. 683.

receiving regions, while alleviating the pressures of permanent or irregular migration. The latter is to be achieved through *the orderly movement of workers in times of peak demand, and their immediate return when their labour is no longer needed*.[68] In general, the program has been lauded as a 'triple-win' for migrants, for the migrant-sending country and for the host country: 1) money flows to Mexican workers so their families are provided with income and thus improve their financial condition; 2) seasonal employment in Canada contributes to the decrease of joblessness in Mexico; 3) Canada profits massively from the seasonal labor of migrants from the so-called Global South; in 2018, in agricultural sector only, those migrants constituted 20% of all workforce in Canada.[69] Andrade Osorio et al. put these beneficial interdependencies in simple yet very accurate terms: *The host country needs the labor, the sending country needs their citizens to have job, locally or elsewhere, the workers need the money and the generated trade*.[70] But the practicalities of employment within SAWP show a different, much gloomier image of seasonal workers' everyday life and work experience on Canadian farms.

In general, migrant laborers face marginalization and discrimination all over the world. Among the most frequently documented concerns are: exploitative working and substandard living conditions, separation from families, limited or no access to social benefits or healthcare, limited mobility, exploitation and restrictive forms of control, inadequate or disrespected labor laws and workers' rights, including constraining their freedom to break the contract and leave. The fact that most of these problems have been a part of experience for many Mexican SAWP workers in Canada drove Tanya Basok to call these workers *unfree in a number of ways*.[71]

But as further research indicates, the negative consequences of SAWP extend beyond Canada and affect both laborers and their Mexican families. SAWP workers' prolonged absence from Mexico (as already noted, most of them work on Canadian farms for the greater part of the year) make them overdependent on Canadian remittances. Ultimately, they fall out from the Mexican labor market and find it difficult to adapt on return. Being unable to find a job at home, they transform from temporary to circular workers and continue to work for their Canadian employer every year, often for several consecutive seasons. That *vicious circle* has been best summarized by Castell Roldán and Alvarez Anaya: *SAWP migrant workers are directed and contractually pressured to tolerate their* [precarious] *role in the program. At the same time, those conditions are extended as permanent scenarios that influence their family lives even when not working on the SAWP.* [...] *[T]he program has done little to alleviate the structural poverty of Mexican workers and their families, who often remain jobless in Mexico while remaining utterly*

[68] J. McLaughlin, *Migration and Health: Implications for Development. A Case Study of Mexican and Jamaican Migrants in Canada's Seasonal Agricultural Workers Program*, Canadian International Development Agency, 2009, p. 6, at https://www.focal.ca/pdf/Migrant%20Health%20McLaughlin%202009.pdf – 27 August 2022.

[69] E. Encalada Grez, "Mexican Migrant Farmworkers...," pp. 144-145.

[70] M. Osorio, S. Madero, R. Greenwood, "Humanism under Construction...," p. 64.

[71] T. Basok, "Free to Be Unfree: Mexican Guest Workers in Canada," *Capital and Society*, vol. 32, no. 2 (1999), p. 201.

dependent on their "essential" role in the Canadian food system . . . Most workers regularly hired on the SAWP have cut ties with the labor market of their home country, making them depend solely on the program.[72]

Regular family separation, obviously and often irreversibly, harms laborers' emotional relationships with spouses and children, which affects their own and their immediate relatives' self-esteem as well as mental and physical condition.[73] One example of this kind of negative psychological effect is a syndrome called *nervios* or *ataque de nervios* (the occurrence of distress or anxiety), experienced by Latin Americans who suffer isolation and linguistic barriers because they have been uprooted from their culture and family. The syndrome has been relatively well researched among Mexican agricultural workers in Canada.[74]

Besides, as numerous studies have indicated over the recent years, SAWP workers very often report (although more willingly to researchers under the cover of anonymity than to police or government institutions) a host of other problems: ethnic, gender-based and racial discrimination at workplace, precarious working environment, verbal or physical violence (assaults, intimidation or threats) from employers and supervisors, inadequate training, poor consular services, segregated and substandard accommodation, poor medical services, the lack of privacy, surveillance, exploitation, work overload and informal labor, a dangerous nature of the tasks performed on Canadian farms, or misinformation (or the lack of information) about their workers' rights.[75] While, obviously, not all SAWP participants are exposed to all or any of the above, a great majority of seasonal laborers, as Caxaj and Cohen find in their research, feel they are unequally treated when compared to Canadian workers and do not find Canadian society inclusive and open.[76] The feeling of alienation and marginalization is particularly strong among Mexican workers, who have usually lower English language skills compared with their SAWP counterparts from Jamaica and other Caribbean countries, which often prevents them from reporting violations.[77]

In addition, under the requirement that facilitates the control over seasonal labor migration in Canada, Mexican low-wage workers are not allowed to be accompanied in Canada by their relatives, which – combined with geographical and cultural separation

[72] E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," p. 179.

[73] J.A. Perry, "The Negotiation of New Family Formation Post-migration among Low-wage Migrant Workers: The Case of Canada," *International Migration*, vol. 59, no. 2 (2021), p. 43; J. McLaughlin et al., "'Temporary Workers'...," pp. 690-700.

[74] See: A. Mysyk, M. England, J.A. Avila Gallegos, "Nerves as Embodied Metaphor in the Canada / Mexico Seasonal Agricultural Workers Program," *Medical Anthropology*, vol. 27, no. 4 (2008), pp. 383-404.

[75] C.S. Caxaj, A. Cohen, C. Colindres, "More of the same? Migrant Agricultural Workers' Health, Safety, and Legal Rights in the COVID-19 Context," *Journal of Agriculture, Food Systems, and Community Development*, vol. 11, no. 3 (2022), pp.145-150; J.A. Perry, "The Negotiation...," p. 43; A. Cohen, E. Hjalmarson, "Quiet Struggles...," p.146.

[76] C.S. Caxaj, A. Cohen, C. Colindres, "More of the same?...," pp. 145-146.

[77] E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," p. 171.

from Mexico – further intensifies their helplessness, self-estrangement and alienation, also from the work they do.[78] As the findings of a chorus of scholars reveal, female SAWP participants, especially those racialized, even though they statistically constitute no more than 4% of SAWP workers,[79] are in the most disadvantaged position, being subject to particular exploitation, reprisal, mobility control, and even restrictions on their sexual behaviors.[80] Cohen and Hjalmarson go as far as to call the discrimination some of SAWP women workers face on Canadian farms gendered and *particularly draconian mechanisms of social control*.[81]

Mistreatment is often resisted by Mexican seasonal migrants, though, given their precarious position and vulnerability, few workers can afford to voice their disagreement openly. Instead, Mexican laborers are more likely to engage in more concealed, informal and subtle forms of everyday protest. Such resistance may be performed through multiple acts, including *lying, foot-dragging, collective work pacing, working "under the table," falsifying hours on work logs, ignoring curfews and other farm rules, secretly giving away the products of their labor*.[82] Obviously, due to its clandestine and informal nature, it is difficult to estimate how significant and frequent such protests are in statistical terms and what economic impacts they have.

SAWP-related workplace stereotyping is another serious concern. Overgeneralized beliefs or false assumptions about the rights, predispositions, qualifications or physical attributes of Mexican employees, based solely on their ethnicity or race, not only can be harmful and demeaning, but might even restrict the exercise of their rights. As various studies have already revealed, Canadian healthcare providers often wrongly assume that Mexican SAWP workers are not entitled to receive certain medical services in Canada and, therefore, do not perform these services or even do not inform patients about them.[83] There are also racialized, derogatory stereotypes, not so uncommon among Canadian SAWP employers, about Mexican workers' innate skillfulness in performing so-called *stoop labor*, such as picking flowers or tomatoes, which apparently differs Mexicans from Caribbean farm laborers, who are rather perceived as more suitable for tree-fruit or tobacco harvesting.[84]

Last but not least, some seasonal workers remain under strong psychological distress caused by their families in Mexico. They are expected to bring home satisfactory sums of money or transfer regular funds from Canada. The family pressure to provide

[78] J.A. Perry, "The Negotiation...," pp. 43-44, 52; R. Bridi, "Spaces of Alienation in the Tobacco Fields: The Case of Migrant Workers in Ontario, Canada," *GeoJournal*, vol. 87 (2022), pp. 137-141.

[79] Women were allowed to participate in SAWP no sooner than in mid-1980s. E. Dunsworth, *The Transnational Making of...*, p. 19.

[80] O. Jubany, R. Lázaro Castellanos, "The Gender and Racial Construction of the Working Class: Temporary Mobility of Mexican Women Workers to the US and Canada," *Gender Issues*, vol. 38 (2021), pp. 59-62.

[81] A. Cohen, E. Hjalmarson, "Quiet Struggles...," p. 146.

[82] Ibid., p. 150.

[83] C.S. Caxaj, A. Cohen, C. Colindres, "More of the Same?...," p. 148.

[84] E. Dunsworth, *The Transnational Making of...*, p. 195.

an adequate level of economic wellbeing may prevent workers from quitting a disappointing job, escaping exploitation, or demanding better working or housing conditions from their Canadian employers. As a result, their situation is even more precarious. As Osorio et al. suggest, in these circumstances, workers are turned into *passive agents, more submissive and easier to exploit*.[85]

The sources of the failures and shortages of SAWP have already been convincingly demonstrated by many scholars. They point out to such broad factors as: systemic underinvestment in existing services and in enforcement and prevention, overprotectiveness and surveillance, complaint-based reporting system (i.e., placing responsibility to report violations on workers), or – most importantly – the temporary status of employment and workers' overdependence on one specific employer to whom they are tied for the whole season. All this restricts workers' mobility and exposes employees to the risks of abuse or the threats of deportation, which would translate into ejection from both Canada and employment. For fear of being considered useless and dismissed, farmworkers abstain from filing complaints or admitting to being injured, ill or pregnant.[86]

Paradoxically, deportations to Mexico are sporadic. But this should rather be interpreted, as some scholars reveal in their studies, as another proof of the effectiveness of control mechanisms over SAWP workers. The very possibility of being repatriated make SAWP participants remain submissive and reluctant to complain.[87] In consequence, as Caxaj and Cohen conclude, such circumstances *incentivize conformity or silence surrounding health and human rights violations because of a lack of economic opportunities for migrant agricultural workers in their countries of origin*.[88] Workers abstain from asserting their rights and from reporting health and safety violations either for fear of being sent back home and forever losing their place in the program or for the lack of knowledge on how to launch a formal legal procedure with Canadian authorities.

Given the above-discussed discriminatory practices, stereotyping and systemic deficiencies of SAWP, some observers go as far as to claim that such temporary worker schemes as SAWP are virtually 'a continuity of slavery, indentured servitude, and colonialism through the mechanism of racialized labor within host countries.'[89] While such an opinion might be an overstatement in the context of Canada's SAWP scheme, there is no doubt that the failures of competent institutions to address properly certain concerns of Mexican workers undermine the image of Canada as an open, hospitable and tolerant place.

[85] M. Osorio, S. Madero, R. Greenwood, "Humanism under Construction...," p. 62.

[86] Ibid., pp. 62-64; A. Cohen, E. Hjalmarson, "Quiet Struggles...," p. 146.

[87] A. Cohen, E. Hjalmarson, "Quiet Struggles...," p. 147.

[88] C.S. Caxaj, A. Cohen, C. Colindres, "More of the Same?...," p. 149.

[89] E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," p. 167.

SAWP AND THE COVID-19 PANDEMIC

After the outbreak of the Covid-19 pandemic, Canada, like many other countries across the globe, closed its borders for tourists and, in fact, froze its immigration programs.[90] SAWP was temporarily suspended, which was met with irritation from Canadian farmers who painted *catastrophic scenarios for* [...] *the nation's food security, fearing a severe labor shortage during the harvest and planting season*.[91] In the spring 2020, Ottawa made the exception for Canada's temporary labor-migration programs, including SAWP, which were allowed to continue under the notion of essential work and services, which included, among others, agricultural sector together with food production, processing and supply.[92] SAWP resumed, however, under stricter health and safety protocols, which included, among others, two-week workers' isolation after their arrival in Canada, social distancing at work and highly restricted mobility, in fact, limited to the farm and housing facilities provided by employers. Not all employers adjusted to the new requirements. There were over 4,000 contractions of Covid-19 and three Covid-related deaths among Mexican laborers on Ontario farms in 2020 and 2021. This attracted public interest in the ways SAWP had been (mis)managed. NGOs and media, both Canadian and international, started reporting numerous examples of negligence and abuses experienced in Canada by Mexican workers during the outbreak of Covid-19.[93] They included insufficient health insurance and inacceptable living and sanitary conditions, such as overcrowding, inadequate ventilation, and the negligence of competent Canadian institutions to enforce the required standards.[94]

The pandemic, however, was not the root cause of all SAWP's pains and shortages, although, as Encalada Grez argues, it *marked a pivotal moment in the history of Mexican farm labor in Canada*.[95] It only focalized certain misconceptions around SAWP in a fuller scale, particularly the fact that the program, from its very outset, as argued by Castell Roldán and Alvarez Anaya in their research, *exacerbated the precarity and disposability of Mexican workers* by increasing *the dependency of* [their] *families upon migrant wages while also deepening the historic proletarianization of Mexican peasants*, who *find themselves in continuous migrant-wage dependency, cycles of debt, and various inequalities*. Besides, SAWP never succeeded in addressing properly *the deplorable working and housing conditions of those who enter the program* and never promised *more*

90 E. Encalada Grez, "Mexican Migrant Farmworkers...," pp. 142-143.

91 E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," p. 164.

92 C.S. Caxaj, A. Cohen, C. Colindres, "More of the Same?...," p. 140. For the full list of prioritized occupation during the COVID-19 pandemic, consult: *Hire a Temporary Worker...*

93 A. Coletta, G. Martínez, "Migrant Farmworkers Die in Canada, and Mexico Wants Answers," *The Washington Post*, 19 VI 2020, at https://www.washingtonpost.com/world/the_americas/migrant-farmworkers-die-in-canada-and-mexico-wants-answers/2020/06/18/2e419766-b00a-11ea-8f56-63f38c990077_story.html – 4 September 2022.

94 C.S. Caxaj, A. Cohen, C. Colindres, "More of the Same?...," p. 141.

95 E. Encalada Grez, "Mexican Migrant Farmworkers...," p. 141.

straightforward pathways to Canadian citizenship to Mexican farmworkers and their close relatives.[96] Essentially, migrants are expected to come to Canada, do their job, and *return promptly to Mexico upon completion of the authorized work period*.[97]

SUMMARY

The harshest critics of SAWP do not mince their words. They call the program either *state-regulated exploitation* or *a regular, non-free, and easily super-exploitable source of labor*,[98] or even *a modern colonial economic system that relies on the new manifestations of the inexorable intersection of gender, racism and classism*.[99] Some even go as far as to say that oversight mechanisms on some SAWP farms are *reminiscent of Orwell's* 1984[100] and amount to *modern-day slavery*.[101] Others think that – given all the injustice SAWP entails – a potential conclusion would be to close the program entirely. But as Silverman and Hari rightly argue, such a decision, *however theoretically correct is pragmatically wrong* as it would *cut off a vital form of livelihood for thousands of people and their wider networks*.[102] Thus, the most desired solution is program's structural reorganization and improvement. To that end, numerous reforms eliminating some of the failures of SAWP could and should be put in place.

First and foremost, the mechanisms of enforcement, prevention and legal assistance to workers should be extended so that the rights, duties, services and standards that are formally required in the SAWP scheme are genuinely delivered. Mexican seasonal workers – highly vulnerable and precariously positioned, often without the right to unionize and enjoying only temporary worker status, frequently facing linguistic communication barriers, and dependent logistically and financially on the employer to whom they are tied for the whole duration of their contract – are unlikely to become sufficiently acquainted with all their workers' rights. Without institutional legal and linguistic support, without enhanced governmental and non-governmental protection and advocacy, they will not be able to assert and exercise their rights fully. Similarly, without provincial and federal increased checks and controls on farms, the working conditions and the treatment of workers will not improve meaningfully. Also, cultural awareness trainings for employers, employees, and service providers alike, including healthcare workers, could have an improving impact on the working experiences and conditions of Mexican laborers.

96 E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," pp. 164-165.

97 *Contract for the employment in Canada...*

98 E.Z. Castell Roldán, Y.P. Alvarez Anaya, "Migration and Dependency...," pp. 179-180.

99 O. Jubany, R. Lázaro Castellanos, "The Gender and Racial Construction...," pp. 62-63.

100 A. Cohen, E. Hjalmarson, "Quiet Struggles...," p. 146.

101 M. Osorio, S. Madero, R. Greenwood, "Humanism under Construction...," p. 56.

102 S. Silverman, A. Hari, "Troubling the Fields: Choice, Consent, and Coercion of Canada's Seasonal Agricultural Workers", *International Migration*, vol. 54, no. 5 (2016), p. 97.

Orderly, safe, regular and responsible migration and mobility of people is one of the Sustainable Development Goals promoted by the United Nations. The suggested way to achieve it is *through the implementation of planned and well-managed migration policies*.[103] Canada's temporary labor migrant programs, including the ones dedicated to Mexican agricultural laborers, are undoubtedly a part of government-planned and regulated immigration policies. What is less clear is whether these programs are well-implemented and successfully developed. As indicated above, such programs as SAWP are imperfect in (too) many aspects, exposing their participants to discrimination, exploitation and trauma. It is hard to disagree with those who argue that they should be *rethought with a humanistic focus so that some of the gaps that make migrant workers vulnerable would be corrected*.[104] Much of the restructure should be directed to universalizing and improving working and housing conditions as well as health and safety protocols and insurance coverage. No reform, however, will prove successful until the precarity of Mexican workers has been eliminated. To achieve this, laborers should be empowered by more flexible employment regulations and given more bargaining power, including the right of choosing and changing their employer in Canada without facing a threat of visa revocation and dismissal or deportation. Thus, among the key program reforms, is the introduction of open work visas, which would allow Mexican and all other SAWP workers to choose and change workplaces while in Canada. Such a change would widen workers' mobility and strengthen their position in the labor market, henceforth, forcing Canadian employers to become more competitive when attracting foreign laborers to work on their farms. This, in turn, could highly likely result in better job offers and improved housing, sanitary and financial conditions of employment.

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[103] *SDG 10: Reduce Inequality Within and Among Countries*, United Nations. Office on Drugs and Crimes, at https://www.unodc.org/unodc/en/about-unodc/sustainable-development-goals/sdg10_-reduce-inequalities.html#goodhealth – 7 September 2022.

[104] M. Osorio, S. Madero, R. Greenwood, "Humanism under Construction...," p. 56.

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