

Addressing the Occupational Health and Safety Risks of Migrant Workers in Canada's Seasonal Agricultural Worker Program

**by
Yuna Lee**

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Declaration of Committee

Name: Yuna Lee

Degree: Master of Public Policy

Title: *Addressing the Occupational Health and Safety Risks of Migrant Workers in Canada's Seasonal Agricultural Worker Program*

Committee:

Chair: Yushu Zhu
Assistant Professor, Urban Studies and
Public Policy

Mohsen Javdani
Supervisor
Associate Professor, Public Policy

Sophie Borwein
Examiner
Assistant Professor, Public Policy

Abstract

In recent decades, the Seasonal Agricultural Worker Program (SAWP) has risen in popularity among employers to fill short-term labour shortages in Canada's agricultural sector with migrant workers when Canadians are not available. Unfortunately, while working in Canada, migrant workers face hazardous conditions that pose a serious risk to their health and safety. These health threats include increased exposure to unsafe working conditions, an excessive workload, and work-related injuries and illness. Moreover, the SAWP creates additional barriers that make it difficult for migrant workers to access their occupational health and safety rights. To address these issues, this project utilizes a jurisdictional scan and multi-criteria analysis to present and analyze policy options that can improve migrant workers' health and safety and enable them to assert their rights. Based on analysis, this study recommends that the federal government implement a sector-specific permit and on-site OHS workshops and legal clinics.

Keywords: SAWP; TFWP; occupational health and safety; migrant workers; health risk; precarious status

Dedication

This project is dedicated to the migrant workers on which Canada depends. Everyone deserves to feel safe, respected, and dignified.

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List of Acronyms

BC	British Columbia
BCLRB	British Columbia's Labour Relations Board
CBSA	Canadian Border Services Agency
ESDC	Employment and Social Development Canada
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	Immigration and Refugee Protection Act
IRPR	Immigration and Refugee Protection Regulations
IRS	Internal Responsibility System
MLITSD	Ministry of Labour, Immigration, Training and Skills Development
MOU	Memorandum of Understanding
OHS	Occupational Health and Safety
SAW	Seasonal Agricultural Worker
SAWP	Seasonal Agricultural Worker Program
SIU	Special Investigation Unit
TFWP	Temporary Foreign Worker Program
UFCW	United Food and Commercial Workers' Union
WRAPA	Worker Recruitment and Protection Act

Executive Summary

Canada's agricultural industry depends on migrant workers to fill critical labour shortages. Despite their indispensable position within Canada's economy, migrant workers in the Seasonal Agricultural Worker Program are placed in precarious positions due to their employment and immigration status. As a result, migrant workers are at higher risk of acquiring workplace injury and illness compared to their domestic counterparts. While reliable statistical data on injury and illness rates among migrant workers do not exist, numerous reports document the hazardous conditions they face. One example by McLaughlin et al. (2009a) estimates that one in four migrant workers acquires an injury or illness during their work term in Canada.

Findings from the literature review highlight that a primary reason that migrant workers experience high OHS risks is that these workers carry the responsibility of ensuring employer compliance with regulations. Essentially, the regulatory system can perform its function only if workers feel confident and secure to speak up when they do not feel safe. However, migrant workers have weak incentives to request safer work conditions and refuse unsafe work. While migrant workers technically have the same rights as Canadian citizens, conditions mandated at the federal level—such as their precarious employment status—create conditions where workers will continue to endure dangerous working conditions in silence to maintain their employment and visa status.

A jurisdictional scan was conducted to gain insights into policies that other provinces used to address similar challenges. For instance, Manitoba, British Columbia, and Quebec offer feasible policy options to address migrant workers' needs. The results also indicate the importance of finding policy solutions that address the core policy problem, limited labour mobility.

Three policy options were identified from the research: pro-active onsite inspections, sector-specific work permits, and mobile OHS workshops and legal clinics. These policy options were analyzed by assessing the following objective—the policy's ability to effectively increase migrant workers' OHS protection. Other considerations were also assessed: administrative capacity, ease of implementation, and stakeholder acceptance.

Based on analysis, this study recommends sector-specific permits and mobile OHS workshops and legal clinics. The recommendations aim to increase labour mobility,

allowing workers to freely leave unsafe workplaces and providing migrant workers with an extra layer of protection as their job status does not rely on their employer's approval. Under these improved conditions, workers can voice their concerns about working conditions and enforce their legal rights. The information presented in the workshops will help migrant workers understand those rights. Further, legal clinics will support migrant workers in addressing any concerns related to their employment or immigration status and in providing means for legal redress when required. This study also reviews considerations for implementation including allocating enough time to hire and train staff and addressing some of the main concerns of the policy recommendations from relevant stakeholders.

Chapter 1.

Introduction

In recent years, migrant workers have become increasingly vital to Canada's economy.¹ The number of migrant workers in Canada has risen significantly, increasing sevenfold from 111,000 to 777,000 from 2000 to 2021 (Statistics Canada, 2022a). The Temporary Foreign Workers Program (TFWP) is designed to address short-term labour shortages in Canada by employing international migrant workers when Canadian citizens are unavailable (ESDC, 2022a). Migrant workers are employed in various industries in Canada, ranging from food service to engineering and caregiving, and are essential to the operation of businesses that require additional labour support (McLaughlin & Tew, 2018). Without migrant workers, key sectors of the economy would suffer from labour shortages, which could result in supply chain disruptions, inflationary pressures, and a slowdown in Canada's GDP growth. Thus, maintaining the health and well-being of the migrant workers is crucial to ensuring the efficient and equitable operation of the TFWP and maintaining a thriving economy.

The TFWP consists of four distinct streams: the high-wage stream, the low-wage stream, the primary agriculture stream, which includes the Seasonal Agricultural Worker Program (SAWP), and the stream devoted to supporting permanent residency (Molnar, 2018). Within the TFWP, low-wage workers, particularly seasonal agricultural workers (SAWs), represent the largest source of labour demand, totaling over 61,000 workers in 2021 (Statistics Canada, 2022b). This group represents nearly 60 percent of all workers who have entered Canada under the TFWP (Statistics Canada, 2022b). It is also noteworthy that the majority of agricultural migrant workers who enter Canada do so through the SAWP.

Canada's economy heavily relies on SAWP migrant workers as a vital part of the workforce. However, these workers are exposed to a higher risk of workplace injuries and illnesses compared to their domestic counterparts due to several factors. Firstly,

¹ This report will refer to participants in the Temporary Foreign Worker Program as "seasonal agricultural worker (SAW)" or "migrant worker," as opposed to the official term used by the federal government, "temporary foreign worker," which perpetuates the "otherness" of this population (Hastie, 2017; Fay, 2011).

SAWP migrant workers are frequently exposed to occupational hazards such as intense physical labour, use of heavy machinery, extreme weather, and exposure to carcinogens such as pesticides and fertilizers. However, they are rarely given the appropriate training or personal protective equipment to mitigate these hazards (McLaughlin et al., 2014; Acury & Quandt, 2007).

Moreover, the risk of injury for SAWs is further heightened by the fact that they frequently work longer hours than their domestic counterparts. This is because employers are authorized to demand excessive working hours from SAWs under the SAWP agreement. Evidence suggests that migrant workers are often afraid to deny these requests, compounding their risk of injury (Salami et al., 2015; McLaughlin et al., 2014). Furthermore, the SAWP program restricts migrant workers to one employer through employer-specific permits, which significantly limit their job mobility and make their job security dependent on their employers' approval. As a result, migrant workers are often hesitant to request safer work conditions or refuse unsafe work because they fear losing their jobs. This leaves them with few incentives to refuse unsafe work or request safer work conditions.

The risks faced by SAWs are further compounded by the fact that the responsibility for ensuring workplace health and safety is placed on workers themselves, as per occupational health and safety (OHS) legislation. This means that workers' voices are critical for improvements to workplace safety, including triggering inspections and refusing unsafe work. However, migrant workers are often hesitant to speak up and voice their concerns, leaving them to endure hazardous working conditions in silence. Despite having the same rights as Canadian citizens under OHS legislation, SAWs' access to these rights is restricted by federally mandated conditions. Given this context, this project will specifically focus on the SAWP program to understand and address the unique health risks experienced by SAWs in this program.

This study aims to address the following policy problem. The SAWP is primarily designed to support employers in short-term job vacancies that cannot be filled by Canadian workers. However, **the program's structure creates unique health and safety risks for SAWs by putting them in a precarious and vulnerable situation which strongly discourages them from raising health and safety concerns with their employers. Additionally, a lack of consistent and proactive enforcement**

mechanisms to ensure employer compliance reduces employers' incentives to adhere to health and safety regulations and to provide safe working environments for SAWs.

To investigate and address this policy problem, this study will: (1) provide an overview of the SAWP program; (2) review the relevant literature to investigate the health and safety risks experienced by SAWs and some of their underlying causes; (3) utilize a jurisdictional scan that explores strategies that attempt to strengthen workplace safety for migrant workers across provinces; (4) apply an evidence-based multi-criteria analysis of three credible policy options using a range of criteria to assess the strengths and trade-offs; and (6) finally, recommend a course of action for the government with an implementation strategy.

The policy recommendations of the study aim to conform to the UN Global Compact for Safe, Orderly and Regular Migration (GCM) (United Nations, 2019). In particular, the report emphasizes the importance of adopting a human-rights based approach to governing the SAWP. The GCM Objective 6(i) is particularly relevant, which emphasizes the need to provide migrant workers with the same labour rights and protections as those extended to all workers in the respective sector. These rights include just and favourable conditions of work, equal pay for work of equal value, freedom of peaceful assembly and association, and the highest attainable standard of physical and mental health (United Nations, 2019). These objectives are based on established human rights frameworks, such as the Universal Declaration of Human Rights, which Canada and other SAWP participating states have ratified (Basok et al., 2020; United Nations, 2023). Complying with these international frameworks is crucial for safeguarding the health and human rights of migrant workers participating in the SAWP (Basok et al., 2020).

Chapter 2.

Canada's Seasonal Agricultural Worker Program: An Overview

As stated in the introduction, the literature highlights a growing concern that migrant workers within the SAWP are vulnerable to health risks. In order to comprehend how the program contributes to the exacerbation of these risks, it is necessary to examine the historical development and current structural features of Canada's SAWP.

2.1. Program Overview

Following the Second World War, there was a significant shortage of farm labourers, which became a pressing issue for Canadian farmers (Hennebry et al., 2010). There were not enough reliable domestic employees to work under the difficult, demanding, and low-paid conditions of agriculture (McLaughlin, 2009). Therefore, there was increasing demand from Canadian farmers for flexible labour and to find "foreign workers who will do jobs Canadians do not want to do" (Hennebry et al., 2010, p. 4). In 1966, the Canadian government formed the SAWP to meet those demands, hiring foreign nationals as seasonal workers to fill labour shortages within the agricultural sector. The SAWP began through a Memorandum of Understanding with Jamaica and since then has extended to Mexico and other Caribbean countries (Faraday, 2012). The countries participating in the SAWP are Anguilla; Antigua and Barbuda; Barbados; Dominica; Grenada; Jamaica; Mexico; Montserrat; St. Kitts-Nevis; St. Lucia; St. Vincent and the Grenadines; and Trinidad and Tobago (ESDC, 2022a).

The SAWP has played a pivotal role in supporting Canada's agricultural industry since its establishment in 1966. In 2019, the program provided employment opportunities to approximately 30,500 SAWs in Canada (Statistics Canada (2022b)). Of these workers, nearly 70 percent originated from Mexico, while the remaining 30 percent came from participating Caribbean countries (Statistics Canada, 2022b). Although SAWs are employed throughout the country, Ontario employs the highest percentage of migrant workers at 40 percent, followed by Quebec at 32 percent, and British Columbia at 18 percent (Statistics Canada, 2022b). The program operates across multiple sectors of the agricultural industry, with the greenhouse, nursery, and floriculture sectors being

the most significant employers of foreign labour due to their limited mechanical alternatives for product harvesting (Statistics Canada, 2022b). This widespread employment of SAWs across Canada and their engagement in multiple sectors of the agricultural industry highlights the country's dependence on these workers to sustain the sector.

The SAWP is jointly administered by: Employment and Social Development Canada (ESDC), Immigration, Refugees and Citizenship Canada (IRCC), Canada Border Services Agency (CBSA), and in partnership with the government of the country of origin of migrant workers (Kachulis & Perez-LeClerc, 2020). The legislation governing the general principles, criteria, and authority for immigration decision-making is the federal *Immigration and Refugee Protection Act* (IRPA) (Kachulis & Perez-LeClerc, 2020). The IRPA is complemented by the *Immigration and Refugee Protection Regulations* (IRPR), which addresses provisions that impact migrant workers, including work permits, access to permanent residency, and legal status (Immigration and Refugee Board of Canada, 2022). The daily administration of the program, however, including health and safety, occupational and employment standards, remains under the jurisdiction of the provinces (Molnar, 2018).

2.2. Current Components of the SAWP

2.2.1. Memorandum of Understanding

Government officials from Canada and the participating countries meet annually to agree on a Memorandum of Understanding (MOU). This bilateral agreement acts as an employment contract, which specifies the responsibilities and costs to the employer, the migrant worker, and the two governments (Fernandez et al., 2013). The contract outlines the stipulations for employment, including but not limited to the following:

The rate of pay, which must be equal to the provincial minimum wage, or the rate paid to Canadian workers for the same job; the minimum workday of four hours; the expected workday of eight hours expanded to twelve hours in the case of an urgent workday; and one day of rest per six days of labour (Fernandez et al., 2013).

This contract includes the minimum amount of work that an employee must be provided, which is 240 hours of work within a six-week period and a maximum of eight months within a year (ESDC, 2022a).

The MOU also stipulates that the employer is responsible for various aspects of migrant workers' health and safety, including but not limited to the following: (1) private health insurance that covers emergency medical care during which the migrant worker is not covered under the provincial health system, and providing, but not paying for, transportation to and from medical services; (2) workplace safety insurance; and (3) safety equipment and training for pesticide and chemical use (ESDC, 2022a). Employers are also required to provide adequate, suitable, and affordable housing and to provide proof that the accommodation meets provincial housing inspection standards (ESDC, 2022b). However, workers are not required to stay in the housing provided by the employer and may find private accommodation (ESDC, 2022b).

2.2.2. Participation in the SAWP

The SAWP has specific eligibility criteria that employers must meet before initiating the recruitment process. The first criterion requires that agricultural production be in specific commodity sectors, and the second criterion requires workers to be citizens from Mexico or participating Caribbean countries. Finally, the activity must be primarily related to agriculture (ESDC, 2022a). Employers must file a Labour Market Impact Assessment (LMIA) to demonstrate that they attempted to recruit locally for these positions and that working conditions meet provincial labour law requirements (Fudge, 2012). In the LMIA, employers can request the number of workers required and their country of origin (FARMS, 2023; Preibisch, 2010). Once the LMIA is approved, the federal government communicates the employers' requests to sending countries through three grower associations: Foreign Agricultural Resource Management Services (FARMS) in Ontario, Fondation des Entreprises en Recrutement de la Main-d'oeuvre Agricole Étrangère (FERME) in Quebec and New Brunswick, and Western Agricultural Labour Initiative (WALI) in British Columbia and Alberta (Preibisch, 2010).

Sending countries with agreements with Canada recruit, select, and maintain an eligible pool of workers to send to Canada based on need (Hennebry et al., 2010). Additionally, the sending country incurs the costs of administering the program, conducts

medical assessments to ensure workers are physically and mentally capable of handling demanding working conditions, and provides a consulate liaison to oversee the program in Canada (Pysklywec et al., 2014; Hennebry et al., 2010).

To work in Canada, migrant workers need to obtain a temporary work permit, which falls under two categories: employer-specific work permit and open-work permits for vulnerable workers (Kachulis & Perez-LeClerc, 2020). With employer-specific permits, workers' immigration status is tied to their employer, and their right to remain in Canada depends on maintaining that relationship. This has raised concerns among advocates of migrant workers who have linked employer-specific permits to exploitative working conditions (Preibisch, 2010; Hastie, 2017). In response to these criticisms, in 2019, the Minister of IRCC introduced an open-work permit for vulnerable workers who hold an employer-specific permit and are at risk of or experiencing abuse (Kachulis & Perez-LeClerc, 2020). This permit provides a pathway for workers and their families to leave abusive situations and find new employment (Kachulis & Perez-LeClerc, 2020).

Under the SAWP, workers can stay in Canada for up to eight months a year, but employers can request or "name" specific migrant workers to return the following season (Hastie, 2019). In practice, the majority of SAWP participants are recalled annually, and some accumulate years of experience in Canada (Puttick, 2022). However, employers have been known to exploit this feature by using it as a tool of retaliation against workers who demand safer working conditions, with workers who speak up risking not being invited back the next season (Preibisch, 2010; Migrant Workers Alliance for Change, 2020; Hastie, 2017).

2.2.3. Oversight and Monitoring

The administration of the *Immigration and Refugee Protection Act* (IRPA) is a shared responsibility among three federal agencies. Immigration, Refugees, and Citizenship Canada (IRCC) is primarily tasked with the issuance of work permits, while Economic and Social Development Canada (ESDC) is responsible for approving employers to hire migrant workers (Marsden, 2019). The Canadian Border Services Agency (CBSA), on the other hand, is mandated to enforce the Act and Regulations in its entirety (Marsden, 2019). This includes conducting investigations within Canada,

such as those pertaining to the open-work permit for vulnerable workers eligibility, as well as carrying out removals (Marsden, 2019).

Historically, the federal government has disclaimed responsibility for addressing poor working conditions faced by SAWs, stating that issues related to employment standards and health and safety are under provincial jurisdiction (Marsden, 2019), thus leaving the provincial employment standards agencies primarily responsible for SAWs' occupational health and safety. However, in 2015, the federal government made reforms to the *Immigration and Refugee Protection Regulations* (IRPR) to include a requirement that employers of migrant workers not only uphold the terms of federal migrant work programs but also comply with provincial laws on employment standards and health and safety (Marsden, 2019). ESDC is responsible for monitoring employer compliance with the program requirements through these updated regulations (Marsden, 2019). These regulations, however, do not have a direct impact on the responsibilities of provincial employment standards agencies, which are tasked with receiving complaints and conducting inspections related to employer violations of provincial employment standards applicable to all workers (Marsden, 2019).

The reforms to the IRPR granted ESDC the authority to review employers' treatment of migrant workers through various means, such as on-site inspections, employer compliance reviews (ECR), and reviews under Ministerial Instruction (Kachulis & Perez-Leclerc, 2020; ESDC, 2022d). On-site inspection can be triggered at any point in the season for three reasons: (1) when an officer has a "reason to suspect" that the employer is not complying with the conditions within the LMIA; (2) where the employer has not complied with those conditions in the past; and (3) as part of a random verification of compliance (Tucker et al., 2020, p. 85).

Concerning "reason to suspect," ESDC's policy manual on inspections lists multiple sources of information, including tips from the public through ESDC's tip line, federal sources, non-governmental organization such as unions, provincial or territorial government agencies, and the media (Tucker et al., 2020, p. 85). Additionally, when employers reapply to the SAWP, they may undergo an ECR to ensure they meet the wage, working conditions, and occupation requirements of the IRPR, and employers will need to provide requested documents to demonstrate compliance (IRCC, 2022a). Finally, employers may be selected for a review under Ministerial Instruction only when

ESDC receives an allegation of non-compliance through the ESDC tip line that could justify the revocation of an existing positive LMIA (IRCC, 2022a).

Employers found to be non-compliant through reviews and inspections could face a range of penalties. These penalties include being banned from accessing the TFWP for a specific period or permanently for the most serious violations, receiving monetary penalties ranging from \$500 to \$1,000 per violation, for a maximum of \$1 million per year, and being issued a negative LMIA for any pending applications, or having previously issued LMIA's revoked or suspended (Kachulis & Perez-Leclerc, 2020; ESDC, 2022d). Employers found non-compliant because of an inspection could also have their name, address, violation, and penalty added to a public list by the IRCC (Kachulis & Perez-Leclerc, 2020).

Chapter 3.

Occupational Health and Safety of Seasonal Agricultural Workers

This chapter will provide an in-depth description of the health and safety risks confronted by migrant workers under the SAWP. It will focus on the distinct challenges faced by SAWs, including occupational hazards, negative impacts to well-being including psychological strain and social isolation, and potential abuse and exploitation. Despite the risks that all agricultural workers face, SAWs are particularly susceptible due to system factors and practices within the SAWP. This chapter aims to explore these factors in greater detail to highlight the unique challenges faced by this group.

3.1. Health and Safety Risks

The agricultural industry in Canada is widely recognized as one of the most dangerous industries (Sharpe & Hardt, 2006; McLaughlin et al., 2014), with the second-highest fatality rate among Canadian industries (ESDC, 2022e). Unfortunately, there is a lack of reliable statistical data available on the extent of injuries or illnesses sustained by migrant workers during their work term, as federal and provincial jurisdictions do not document the immigration status of affected individuals. As a result, the injury and illness rates for migrant workers remain unclear. However, despite the lack of statistical data, numerous reports have highlighted the hazardous conditions that SAWP workers face while on the job.

In characterizing the harsh working conditions faced by SAWs, Ellerman (2005) used the “3Ds” –dirty, difficult, and dangerous. These conditions are often characterized by unsafe and unsanitary working conditions, physically demanding labour, long working hours, and limited job mobility, all of which can have significant negative impacts on their physical and psychological health status (Preibisch & Otero, 2014; Otero & Preibisch; 2010; McLaughlin et al., 2014; McLaughlin, 2009a). Moreover, the agricultural industry frequently requires workers to bend in awkward positions, operate heavy machinery, and work with chemicals and pesticides, often without adequate training or protective equipment to prevent injury (McLaughlin, 2009a; Brem, 2006). Furthermore, SAWs are frequently required to work under variable weather conditions, “ranging from stifling hot

greenhouses to open fields where they are exposed to sun, rain, and snow” (Hennebry et al., 2016, p. 529).

In light of the hazardous working conditions that migrant workers in the SAWP face, it is not surprising that they experience high rates of injury. According to McLaughlin et al. (2014), illness and injuries occur in a quarter of SAWs. In addition, the injuries acquired during their work term in Canada can have long-lasting implications for their health. Russell’s (2003) study found that 32 percent of respondents, all of whom worked in the SAWP, reported long-term disability as a result of an injury or illness that was acquired during their work term in Canada. According to McLaughlin (2009a) common health problems include:

musculoskeletal disorders and injuries, cardiovascular disease, hypertension, premature death, certain cancers, hearing loss, skin problems, eye problems, infectious diseases (such as tuberculosis (TB) and various sexually transmitted infections), diabetes, respiratory and lung diseases, climate-caused illnesses, ulcers, bladder, kidney and liver disorders, and reproductive problems such as infertility, birth defects and miscarriages (p.4).

Migrant workers in the agricultural sector not only face physical health risks, but are also at a higher risk of developing mental illnesses such as depression, anxiety, substance use, and suicide compared to the general Canadian population (McLaughlin, 2009b). This increased risk of mental illness is attributed to a range of stressors including the demanding nature of agricultural work, long hours, dangerous and physically strenuous work conditions, and rigid work schedules (Otero & Preibisch, 2010; Salami et al., 2020; Arcury & Quandt, 2007; McLaughlin, 2009a). Moreover, factors such as social and geographical isolation, separation from family, fear of unemployment, language barriers, and health-related concerns also contribute to these stressors (Otero & Preibisch, 2010; Salami et al., 2020; Arcury & Quandt, 2007; McLaughlin, 2009a).

3.2. Factors Contributing to the Occupational Health and Safety Risks of Seasonal Agricultural Workers

While all agricultural workers experience occupational hazards due to the dangerous and demanding nature of farming, SAWs are more vulnerable than their

Canadian counterparts. There are a range of factors that increase the vulnerability of SAWs to health and safety risks including poor working conditions, the structure of the SAWP, weak protective mechanism, and social factors. The following section will discuss the role of these factors in greater detail.

3.2.1. Poor Working Conditions

This subsection aims to provide an overview of the unsafe and unsanitary conditions faced by migrant farmworkers that increase their vulnerability to health risks. These factors include insufficient training, lack of personal protective equipment and poorly maintained equipment, and poor hygiene and sanitation.

Insufficient Training

The bilateral agreement between Canada and participating countries mandates that employers provide proper health and safety training, especially with regard to the use of chemicals and pesticides (ESDC, 2022b). However, numerous studies have revealed training provided to Canadian SAWs has been inadequate. For instance, Verduzco and Lozano (2003), interviewed over 350 Mexican SAWs across Canada and discovered that 56 percent of workers who applied agrochemicals had received some type of training, but that training was primarily about instructions on how to do the work. A significantly lower percentage, 18 percent, reported receiving instructions on precautions for using agrochemicals or being provided with explanations on how to use protective equipment (Verduzco & Lozano, 2003). In a more recent study on Canadian SAWs, Preibisch and Otero (2014) found that 74 percent of the surveyed workers did not receive health and safety training for their jobs at their primary worksite. Similarly, another study conducted by Hennebry et al. (2010) on nearly 600 Canadian migrant farmworkers found that the majority of workers surveyed had reported minimal awareness of occupational risks in their work and received little health or safety training.

On the rare occasions that training was provided, it was hardly ever available in the migrant workers' language and often conducted in English, causing migrant workers to misunderstand instructions, or leaving them unable to read health and safety information (Otero & Preibisch, 2010). Consequently, workers with low English proficiency were found to be more susceptible to work-related injuries (Otero & Preibisch, 2010). Since training in workplace health and safety is crucial to reducing the

incidence of work-related injuries, the lack of training in migrant workers' primary language is a significant obstacle to reducing occupational health and safety risks. As such, migrant workers are exposed to increased safety risks due to the unavailability of essential information in their primary language.

Lack of Personal Protective Equipment and Poorly Maintained Equipment

The bilateral agreement includes a provision that mandates employers to provide personal protective equipment to workers. However, migrant workers' access to PPE is limited, resulting in frequent exposure to toxic chemical and pesticides (Migrant Change for Alliance, 2020). For instance, a survey of 180 agricultural migrant workers in Canada reported that "throughout their entire journeys, most workers were not provided with personal protective equipment," despite working with agrochemicals (Migrant Change for Alliance, 2020, p. 16). Prolonged exposure to these hazardous agents, such as fertilizers, herbicides, and gases, can put agricultural workers at risk of chronic long-term respiratory illnesses (Hennebry, 2008; Hansen & Donohue, 2003). Additionally, previous studies have suggested a possible correlation between farming and certain cancers, with exposure to chemical pesticides being a potential risk factor (Gatto et al., 2021; Brophy et al., 2006). Therefore, the lack of adequate PPE for SAWs in the Canadian agricultural industry is a significant occupational hazard that may have long-term health implications.

In the SAWP, migrant farm workers report working with tools and equipment that are often in poor condition, increasing their exposure to hazards and risks (Preibisch & Otero, 2014; Otero & Preibisch, 2010; McLaughlin et al., 2014; McLaughlin, 2009a). According to Preibisch and Otero (2014), poorly maintained equipment and worksites can lead to injuries such as falling from heights, cuts from dull knives, and harm from machinery. In addition, migrant workers who work in environments with poorly maintained equipment often feel unsafe, which can negatively impact their physical and psychological well-being (Preibisch and Otero, 2014).

Poor Hygiene and Sanitation

Inadequate hygiene and sanitary facilities on farms have been identified as posing significant health and safety risks to migrant workers in various reports (Preibisch & Otero, 2014; Otero & Preibisch, 2010; McLaughlin et al., 2014; McLaughlin, 2009a). Migrant farmworkers often report having inadequate access to essential facilities, such

as running water, to wash after handling pesticides or before eating, thereby increasing their risk of exposure to infectious diseases and chemicals (McLaughlin et al., 2014; Preibisch & Otero, 2014; Otero & Preibisch, 2010). Indeed, Hennebry et al. (2012) report that 31 percent of respondents, who were SAWP migrant workers, did not have adequate hand washing facilities in the fields where they worked.

3.2.2. SAWP Structure

This subsection reviews the SAWP program features that increase migrant workers' vulnerability to health and safety risks. The SAWP elements that are discussed in detail are the following employer-specific permit, existing mechanisms to recall workers, the repatriation clause, and long hours.

Employer-Specific Permit

The immigration status of SAWs under the SAWP poses a significant challenge to their employment rights and contributes to their vulnerability in the workforce. Unlike Canadians, who can work for any employer that will hire them, SAWs are limited to work for only the employer and job listed on their employer-specific work permit (Otero & Preibisch, 2014; Hastie, 2017). This employer-specific permit imposes restrictions on SAWs' mobility in the labour market, creating a situation where migrant workers are dependent on their employers to maintain their eligibility to work in Canada (Hastie, 2017). Consequently, jeopardizing their relationship with the employer or leaving their current employment may leave workers without any viable employment alternatives (Hastie, 2017). Migrant workers reasonably fear that taking action to enforce their rights may jeopardize either their job or their potential right to stay in Canada (Faraday, 2012). This power imbalance creates a precarious situation for SAWs, making them more vulnerable to exploitation and abuse by their employers.

Indeed, evidence shows that SAWs are afraid of taking actions to enforce their rights because they are highly dependent on the wages they receive during their work term in Canada (Hastie, 2017; Faraday 2012; Preibisch, 2010; Salami et al., 2020). As Faraday (2012) points out, migrant workers often come from impoverished communities with limited economic opportunities and depend on their income from migrant labour to support themselves and their families. Obtaining a work permit in Canada provides a means for migrant workers to pay for essential needs such as food, housing, and

schooling, as well as to support their families (Wells et al., 2014). Thus, this economically marginalized position makes it difficult for these workers to enforce their rights for fear of losing their employment (Faraday, 2012).

While workers with an employer-specific permit theoretically have the option to change employers within Canada's SAWP, few choose to do so in practice due to the time, effort, cost, and other obstacles associated with the process (Kachulis & Perez-LeClerc, 2020; Canada Gazette, 2019). For instance, the process of changing employers involves contacting the consulate liaison of their home country in Canada, who plays a role in deciding whether to approve or deny the request (Aziz, 2022). However, research indicates that these consulate liaisons often prioritize promoting the employment of their citizens abroad over protecting workers' rights and well-being (Preibisch, 2010). As a result, some workers who request to switch employers may be labeled as troublemakers and face consequences such as being excluded from returning to work the following season (Aziz, 2022). Thus, while technically possible, changing employers is a challenging and impractical option for most SAWs within the SAWP.

SAWP migrant workers have the option to apply for the Open Work Permit for Vulnerable Workers (OPVW) as a potential solution to their vulnerability in the Canadian workforce. However, despite the availability of the OPVW, there are still significant barriers to accessibility for SAWs seeking to obtain the permit (Aziz, 2021). The requirements of OPVW place the burden on migrant workers to provide evidence of abuse and documentation, to meet the evidentiary threshold of "reasonable grounds to believe the migrant worker is experiencing abuse or is at risk of abuse" (Aziz, 2021, p. 11). However, without support, it is difficult for SAWs to make their case to an officer and ensure they are providing the appropriate evidence to fit the criteria of abuse considered by the OPVW program (Aziz, 2021). Moreover, the lack of access to legal support and language barriers creates considerable barriers for migrant workers to access the program and obtain a work permit to leave an abusive situation quickly and easily (Aziz, 2021).

Recalling Workers

Continued participation in the SAWP is dependent on being "recalled" or "named." For instance, when an employer does not recall a SAW, it can damage the

migrant's record, jeopardizing any future placement under the program, or even worse, result in an indefinite suspension from the program (Basok, 2004). As a result of this SAWP program component, workers have strong disincentives to voice complaints, assert their rights, or engage in any other activity that could be viewed negatively by an employer because of the perceived risks associated with current and future job loss and income loss (Hastie, 2019).

Repatriation Clause

The SAWP agreement contains provisions that present a distinct challenge for migrant workers, such as the repatriation clause. This clause allows the employer, after consultation with the government agent, to prematurely cease a worker's employment for non-compliance, refusal to work, or any other sufficient reason stated in the contract (EDSC, 2023). A sufficient reason for early cessation of employment includes terminating an employee for medical reasons as long as it is verified by a Canadian doctor (EDSC, 2023). However, Faraday (2012) discovered that when workers are injured on the job, they frequently face job loss and repatriation without access to a hearing before involuntary repatriation.

Qualitative studies have shown that many workers do not report health problems for fear of immediate repatriation to their home country (Cedillo et al., 2019; McLaughlin 2009a; McLaughlin et al., 2014). These fears are not groundless, as Orkin et al. (2014) found that 787 SAWP migrant workers from 2001 to 2011 were repatriated for medical reasons. While the number of deportations is low, research has demonstrated that the fear of the clause itself is enough for workers to accept exploitative conditions without complaint (Cohen & Weiler, 2020).

Long Hours

The SAWP bilateral agreement outlines fundamental provisions concerning wages, work hours, and breaks. According to the agreement, employers are allowed to request that workers extend their workday and postpone their day of rest when necessary (McLaughlin et al., 2014; ESDC, 2023). This flexibility allows employers to manage fluctuations in demand, but it can also lead to excessive work hours and compromised safety for workers. The agreement stipulates that the workday can be extended up to 12 hours in the case of an urgent workday (Fernandez et al., 2013).

However, workers may feel compelled to comply with these requests to avoid losing their current or future positions, as refusal could jeopardize their employment status (McLaughlin, 2014; Landry et al., 2021; Cedillo et al., 2019). A study of 600 SAWs found that the average weekly hours worked ranged between 64 to 74, which is substantially higher than the standard 40-hour work week (Hennebry et al., 2016). Over half of the respondents worked without breaks and 20 percent reported doing so often or all the time (Hennebry et al., 2016). This practice could have severe consequences for workers' health and safety, given that farm work involves extensive physical labour and takes place outside with constant exposure to extreme temperatures (Otero & Preibisch, 2010). Research suggests that fatigue is a significant risk factor for compromised safety at work (Lilley et al. 2002). Canadian SAWs who receive breaks are also less likely to be injured, underscoring the importance of ensuring adequate rest for workers (Otero & Preibisch, 2010).

3.2.3. Weak Protective Mechanisms

This subsection will provide an examination of the protective mechanisms available to safeguard the workplace health and safety of SAWs. Unfortunately, these mechanisms often fall short in providing adequate protection, leading to increased vulnerability for migrant farmworkers to health and safety risks. Specifically, this section will focus on specific failed protective mechanisms, including OHS legislation, OHS rights, and enforcement of employer compliance to program requirements.

Occupational Health and Safety Legislation

Migrant farm workers face significant challenges that put them at risk of poor health outcomes related to their immigration status and occupation. In addition to these challenges, OHS legislation in Canada does not offer adequate protection for these vulnerable workers. The Internal Responsibility System (IRS) forms the basis of OHS legislation in Canada, which mandates that employers and workers share responsibility for maintaining workplace safety and work together to address any issues (Canadian Centre for Occupational Health and Safety, 2022a).

However, the effectiveness of the IRS in promoting workplace safety is contingent on workers' willingness and ability to report unsafe working conditions, a challenge that migrant workers often face. Existing studies have revealed that migrant

workers face significant barriers such as language barriers, fear of job loss, and the risk of losing their immigration status, which impede their ability to report workplace hazards and violations (Cedillo et al., 2019; McLaughlin, 2009a; McLaughlin et al., 2014). Consequently, their reluctance to report such issues often leads to unaddressed labour violations that exacerbate the health risks for migrant workers. These findings suggest that the IRS is not functioning effectively in Canadian agricultural worksites that employ migrant workers.

Occupational Health and Safety Rights

In Canada, every employee is entitled to three fundamental rights under OHS legislation: the right to refuse unsafe work, the right to participate in workplace health and safety activities, and right to know about dangers in the workplace (Canadian Centre for Occupational Health and Safety, 2022b). However, despite these rights being afforded to all Canadians, SAWs are often unable to exercise them for fear of experiencing employer reprisals and subsequently losing their employment and immigration status (Cedillo et al., 2019). This means that migrant workers may have to work in unsafe conditions without being able to question or refuse such work, putting their health and safety at risk.

Enforcement

As previously mentioned, monitoring for employer compliance to workplace health and safety requirements where SAWs work is jointly conducted by the federal department, ESDC, and the provincial employment standards agencies. More specifically, ESDC is responsible for ensuring employer compliance with both SAWP requirements and provincial laws on employment standards and health and safety. The provincial standards agencies, however, are responsible for conducting inspections concerning employer breaches of provincial employment standards applicable to all workers, including SAWs.

Although SAWs have overlapping agencies conducting inspections, these enforcement measures happen infrequently leaving migrant workers vulnerable to unsafe working conditions. However, research has shown that inspections can effectively ensure employer compliance with OHS regulations (Basok et al., 2020; Faraday, 2012; Guard, 2014), which is crucial as some employers fail to adhere to MOU

agreements, resulting in negative impacts on the health and safety of migrant workers, as illustrated in this chapter.

Enforcement shortfalls persist due to the limited number of on-site inspections conducted at the provincial and federal levels. For instance, Ontario's Ministry of Labour, Immigration, Training and Skills Development (MLITSD) statistics indicate that only 831 inspections were conducted from 2019 to 2020, covering a small proportion of farms, given that Ontario had a total of 48,346 farms in 2021 (MLITSD, 2022; Statistics Canada, 2022c). Similarly, Prince Edward Island also had a limited number of inspections, with the Workers Compensation conducting inspections of just 47 out of 1,353 farms in 2020 (Bejan et al., 2021; Government of Prince Edward Island, 2023). The agricultural sector in British Columbia also saw an average of 200 inspections per year from 2002-2006, which covers a small percentage of 19,844 farms in 2006 (Fairey et al., 2008; Statistics Canada, 2014).

Similarly, the federal level also reflects the same trend of low inspection numbers. According to a case study by Tucker et al. (2020), there has been a decrease in the number of on-site inspections conducted each year. In fact, their research predicts that the number of inspections will be fewer than 2,000 in 2018-2019, compared to 2,888 in 2017-18, and 3,666 inspections completed in 2016-17 (Tucker et al., 2020). This downward trend is especially alarming considering the increasing number of migrant workers employed through the SAWP.

These shortcomings are further compounded by the provincial and federal complaints-based approach to enforcement. While the federal government implemented an element of proactive enforcement in 2015, in that there are random inspections that occur that do not require a worker complaint, there is no disclosure of the number of such inspections conducted annually by ESDC. According to Marsden (2019), it is reasonable to assume that most enforcement activities are complaint-driven. The literature shows that the labour standards and OHS enforcement at both the provincial and federal levels depend heavily on complaints (Marsden, 2019; Tucker et al., 2020; Basok et al., 2020; Caxaj et al., n.d.; Cedillo et al., 2019). This approach fails to recognize the power imbalances between migrant workers and their employers, which often results in self-censorships with regard to complaints by migrant workers due to their limited labour mobility and the threat of repatriation (Basok et al., 2020; Otero &

Preibisch, 2010). As this chapter illustrates, SAWs are often subject to labour and OHS violations at their workplaces, highlighting the inadequacy of current enforcement measures to hold employers accountable to their contractual obligations.

3.2.4. Social Factors

This subsection aims to provide an overview of the social factors that place migrant workers at greater risk for workplace injuries, as well as their negative impacts on overall well-being. In particular, this section will focus on three key factors: language barriers, geographical location, and limited knowledge of rights.

Language Barriers

English is not the primary language of most workers with the SAWP, and the existing literature highlights their poor English literacy skills (Hastie, 2017; Basok et al., 2020a; Otero & Preibisch, 2010). The language barriers faced by migrant farmworkers have serious implications for their health, safety, and well-being. As mentioned previously, critical health and safety information is often not provided in the language of the SAWs, increasing their likelihood of experiencing workplace injuries (Otero & Preibisch, 2010).

Compounding this issue is the lack of reliable and trustworthy translation services available to SAWs on the job. As Otero and Preibisch (2010) discovered, SAWs heavily relied on their supervisors or members of the local community to translate. Unfortunately, relying on these individuals comes with a number of problems. Firstly, there is no guarantee that instructions are translated accurately (Otero & Preibisch, 2010). Secondly, translators are often in positions of authority, such as being their supervisor, which can make workers hesitant to express their concerns through these individuals (Otero & Preibisch, 2010). In fact, according to Otero and Preibisch (2010), SAWs expressed distrust towards their supervisors and translators as they believed they acted solely in the employers' interests.

Moreover, language barriers limit the ability of SAWs to connect with members of their local communities, which the literature demonstrates can lead to feelings of social isolation among migrant workers—contributing to poor mental health and negatively affecting their overall well-being (McLaughlin, 2009a; Hastie, 2017). Furthermore, these

barriers can hinder their ability to voice their concerns about working conditions or access community resources (e.g., accessing support for completing applications for open work permit for vulnerable workers, and legal support with employment and immigration issues) (Otero & Preibisch, 2010; Hastie, 2017). Finally, migrant workers often lack opportunities or time to learn English. The long hours worked on the farm means that they rarely have time away from their jobs, which makes the project of learning or enhancing their English language proficiency challenging (Bejan et al., 2021).

Geographic Location

Migrant workers within the SAWP are predominantly employed on farms located in rural areas and often reside in on-site accommodations. This geographical isolation poses a significant challenge to accessing urban centres, as walking or using public transportation is not always feasible due to the distance and migrant workers' limited schedules (Faraday, 2012; McLaughlin, 2009a). Moreover, migrant workers' low income levels may prevent them purchasing or hiring private transportation (Faraday, 2012; Hastie, 2017). Consequently, migrant workers typically rely on their employers to provide transportation services to and from urban centres (Faraday, 2012; Hastie, 2017). This reliance, however, renders migrant workers vulnerable to exploitation by their employers, who may use transportation as leverage to control workers' movements and work schedules (Hastie, 2017). The lack of accessible transportation infrastructure further complicates migrant workers' ability to access essential community services, communities of co-ethnics, and cultural and religious infrastructures—further isolating this population and negatively impacting their well-being (Otero & Preibisch, 2010).

Limited Knowledge of Rights

One frequently hypothesized reason for the lack of complaints or reporting from migrant workers regarding employment-related concerns is a potential lack of information about their rights and the legal system in Canada (Hastie, 2017; Faraday, 2012). In fact, the Canadian government recently acknowledged that SAWs have “limited access to information on their rights [that] can make them more vulnerable to potential exploitation and abuse” (Canada Gazette, 2021, para. 1). To address this issue, amendments to the IRPR were introduced requiring employers to provide employees with information on their rights before their first day of work, in either one of Canada's official languages, English or French (IRCC, 2022a).

Although providing migrant workers with information about their rights is essential, it does not guarantee that they can effectively enforce their rights (Hastie, 2017). Migrant workers face several challenges when it comes to accessing justice, including language barriers and lack knowledge of where to ask for assistance. These barriers can create significant obstacles for workers who want to report violations of their rights or seek out help (Hastie, 2017).

3.2.5. Conclusion

This chapter highlights the multiple challenges that migrant workers face when it comes to their workplace health and safety. Compared to Canadian citizens, migrant workers typically work for longer hours and in poorer conditions, making them more susceptible to job-related injuries (Moyce & Schenker, 2018; McLaughlin, 2009a; McLaughlin et al., 2014; Hennebry et al., 2016). Additionally, while workplace conditions vary widely across different agricultural operations, SAWs often lack the necessary equipment and training to cope with the hazards they encounter on the job (McLaughlin et al., 2014). On top of this, migrant workers are subject to mechanisms, including the threat of repatriation and job loss, that place them in precarious positions with their jobs. As a result of their precarious employment, migrant workers are vulnerable and hesitant to assert their occupational health and safety rights. Without being able to raise concerns about workplaces or refuse unsafe work, migrant workers are more likely to work in unsafe conditions—risking their health and safety. The existence of such systemic failures in both industry practices and government regulation and enforcement underscores the need for structural changes to the SAWP to address the underlying issues that disproportionately expose migrant workers to unsafe working conditions (Otero & Preibisch, 2010).

Chapter 4.

Jurisdictional Scan: An Observation of Provincial Efforts

This section utilizes a jurisdictional scan to inform potential policy options and analysis criteria for implementation across Canada. More specifically, this section identifies strategies aimed at enforcing employer compliance with regulations through proactive inspections and empowering migrant workers to assert their OHS rights. Preliminary research suggests that since OHS was under the jurisdiction of the provinces, provincial efforts to combat the workplace safety challenges experienced by migrant workers may be effective.

The literature suggests that Manitoba, British Columbia, and Quebec have made efforts to increase workplace safety for migrant workers. These three provinces all depend on SAWP migrant workers to fulfill labour shortages within the agricultural sector. While no province distinguishes itself as a particular leader in addressing gaps in OHS protections for migrant workers, Manitoba has been referenced extensively throughout the literature as a model for reform (Elgersma, 2007; Faraday, 2014; Cedillo et al., 2019; Faraday, 2012). British Columbia, on the other hand, provides an example of unionization efforts among SAWP migrant workers. Additionally, Quebec's efforts to increase migrant workers' knowledge of rights is also explored.

4.1. Manitoba

The Manitoba government recognized the growing importance of SAWs to the provincial economy and was interested in creating strategies to facilitate their retention under the Provincial Nominee Program (Parrot, 2011). The Manitoba government identified that a key factor in promoting long-term retention was providing enhanced protections from unscrupulous employers (Parrot, 2011). It therefore became a provincial policy priority to strengthen employer compliance to regulations (Parrot, 2011). Thus, in 2009 the province introduced the *Worker Recruitment and Protection Act* (WRAPA). One aspect of WRAPA requires mandatory registration of migrant worker employers. This is administered by Manitoba's Immigration Branch. Employers must register with Manitoba's Employment Standards Branch prior to filing a LMIA with the federal government (Faraday, 2012). To obtain registration, employers must provide

information including: the number of workers being requested, the occupation of each worker, and the countries of origin of each worker (Fernandez, 2015).

The WRAPA also grants the Director and the Special Investigations Unit (SIU) the authority to conduct proactive investigations of workplaces and employer records (Fernandez, 2015). This unit is organized by Manitoba's Employment Standards Branch, which proactively investigates and enforces the WRAPA and other labour legislation (Faraday, 2012). Proactive investigations are audits conducted by the SIU based on their own initiative without the complaints and evidence of migrant workers. Mandatory registration provides a database that allows the enforcement branch to conduct proactive audits to ensure employers are complying (Guard, 2014). In practice, Manitoba's Special Investigation Unit's proactive investigations also rely on collaboration with community-level networks including settlement offices and advocacy groups that provide services and support directly to migrant workers (Faraday, 2012). For example, half of the proactive investigations per annum are conducted in response to tips received from community-level networks (Faraday, 2012). The unit contains around six staff and can investigate between 400-450 workplaces per year (Guard, 2014). The Employment Standards Branch has a pattern of dealing with noncompliance by working with employers by providing education and warnings; however, legislation does allow for penalties of up to \$25,000 for individuals and \$50,000 for corporations (Fernandez, 2015).

According to the Migrant Worker Solidarity Network Manitoba, the Special Investigations Unit conducted an inspection in 2012 of approximately 25 farms employing 70 per cent migrant workers under the SAWP and found 56 percent of farms were non-compliant with provincial employment standards (Migrant Worker Solidarity Network Manitoba, 2016). These violations included, "not paying the Labour Market Opinion rate, not recording workers' hours worked, failure to pay workers regularly, and overtime wages not being properly calculated" (Migrant Worker Solidarity Network Manitoba, 2016, p. 6). In a follow up investigation the next year, most of these violations had been corrected, which demonstrates the effectiveness of SIU investigations (Migrant Worker Solidarity Network Manitoba, 2016).

Overall, Manitoba's model enhances protection for migrant workers by promoting a proactive enforcement model. Faraday (2012) notes that this model, "builds a culture

of public responsibility for the treatment of migrant workers, a culture in which there is an expectation of compliance with standards of decent work and a reality in which workers receive fair treatment” (p. 43-44). Conducting proactive inspections places responsibility for supervising legal compliance with the government agency instead of placing the onus on migrant workers through a complaint-based system (Faraday, 2012).

While legislative changes to the IRPR in 2015 gave the federal department (ESDC) powers to conduct inspections, as demonstrated by the literature review, the inspections conducted primarily rely on a complaints-based system. The overall success of Manitoba’s proactive enforcement model provides a window into the effectiveness of proactive inspections. The expansion of proactive investigations is a promising practice for increasing migrant workers’ health and safety protections.

4.2. British Columbia

British Columbia (BC) has made efforts to unionize SAWP migrant workers; however, unionization is still banned in some provinces among migrant workers within the SAWP (e.g., Ontario). Unionization can be a vehicle to strengthen workers’ voices so they can access their rights and OHS related protections (Vosko et al, 2011; McLaughlin et al., 2014). However, while some advocates for migrant workers have called for modifying labour legislation to allow unionization, BC’s example shows that even when unionized, migrant workers still experience barriers to meaningful access to collective bargaining.

4.2.1. Unionization

In the early 2000s, workers, including SAWP employees, at three BC based farms, Sidhu & Sons Nursery Ltd., Greenway Farms Ltd., and Floralia Plant Growers successfully secured collective representation through certification with Local 1518 of the United Food and Commercial Workers’ Union (UFCW) (Vosko, 2014). Given the precarious employment status assigned to migrant workers in Canada, SAWP employees pursued unionization to obtain formal representation and secured collective agreements in hopes that these would offer secure protection against unjust termination, unjust repatriation, and to regulate recall practices among SAWP employers (Vosko, 2018).

The UCFW pursued certification as a means of limiting migrant workers' deportability and emphasizing "dignity and respect" in collective bargaining, which meant that workers are not terminated and repatriated with little or no notice (Vosko, 2014, p. 474). The collective agreements between UFCW Local 1518 and the two growers, Sidhu & Sons Nursery Ltd., and Floralia Plant Growers, contain complaint mechanisms where the agreement dictates rigid time limits for each step in the grievance process related to the termination or repatriation of migrant workers (Vosko, 2018). As one example, the collective agreement requires that if a migrant worker is subject to repatriation, a grievance challenging termination must be processed within 24 hours (Vosko, 2018). The agreement also stipulates that workers subject to repatriation are permitted to continue to reside on the employer's premises until the matter is resolved (Vosko, 2014). These agreements also seek to provide seniority rights, where employees are to be recalled in order of seniority, and laid off, if necessary, in reverse order (Hastie, 2019). This provision of the collective agreement provided some protections against the arbitrary discretion of employers to recall or "name" SAWP migrant workers based on individual preferences (Hastie, 2019).

4.2.2. Limitations of Unionization

Although these collective agreements obtained by Local 1518 of the UCFW introduced novel provisions for SAWP migrant workers, the literature demonstrates that the protections outlined within these collective agreements are often undermined by the terms stated in the SAWP agreements (Vosko, 2014; Vosko, 2018; Russo, 2011; Hastie, 2019). In the agreements between UFCW Local 1518 and Sidhu & Sons Nursery Ltd. and Floralia Plant Growers, both agreements are "not meant to conflict with the terms of the SAWP Agreements and, in instances of conflict, the terms of the SAWP are to govern" (Vosko, 2014, p. 480). More specifically, the collective agreements acknowledged that the agreements were not to conflict with the power and jurisdiction of sending state governments to recruit and select workers as outlined in the SAWP agreements (Vosko, 2018). These provisions in the collective agreements leave room for recruiters in sending countries to "blacklist" workers who are union supporters or otherwise "cause trouble" for employer participants (Hastie, 2019, p. 38). For instance, in 2011 UCFW organizers filed a complaint with BC's Labour Relations Board (BCLRB), the provincial tribunal responsible for administering labour relations legislation, that

Mexican officials blocked visa reapplications of a number SAWP migrant workers from Sidhu and Sons Nursery Ltd. who had been pro-union workers in the previous season (Vosko, 2018). The BCLRB was unable to respond to these unfair labour practices as the SAWP stipulates that it is the “responsibility of the sending states to recruit and place the workers” (Vosko, 2018; Russo, 2011, p. 138).

In another instance, in 2008 Floralia Plant Growers laid off 14 SAWP migrant workers the same day the grower received an application for certification, these migrant workers were repatriated shortly thereafter (Russo, 2011). In response, the UCFW filed a complaint to the BCLRB, and the grower countered the unions’ claim by citing weather as the reason for termination (Russo, 2011; Vosko, 2018). The BCLRB ruled that Floralia was justified in laying off the SAWP workers as the BCLRB found that weather conditions are a sufficient reason for premature cessation of employment under the Canada-Mexico employment agreement (Vosko, 2018). Vosko (2014) asserts that “here the Board [referring to the BCLRB] overlooked how, functionally, the SAWP in condoning such layoffs resulting in deportation, tolerates blacklisting” (p. 463).

The collective agreements achieved by migrant workers with BC-based growers include selection of returning workers based on seniority and protections against arbitrary repatriation as punishment for unionizing or making workplace complaints. However, even with certification, those rights still remain limited. The collective agreements are difficult to sustain due to the terms of the bilateral agreements between Canada, BC, Mexico, and other participating Caribbean countries, under the SAWP, and the primacy of the bilateral agreement over collectively agreed terms and conditions of employment.

4.3. Quebec

Quebec’s Ministry of Labour, Employment and Social Solidarity, and Ministry of Immigration, Francisation, and Integration, identified in a statement that the province relies on migrant workers to fulfill labour shortages and that their reliance on migrant workers is set to increase in the future (Government of Quebec, 2022). The Government of Quebec recognized that “these workers are more likely to be unaware of their labour rights and obligations” (Government of Quebec, 2022, para. 4). In attempts to address this issue, the Quebec government in conjunction with the Commission des normes, de

l'équité, de la santé et de la sécurité du travail (CNESST) created the escouade prévention pour les travailleurs étrangers temporaires (TET), otherwise known as the TET Prevention Squad.

4.3.1. TET Prevention Squad

The TET Prevention Squad was established in 2019 by the CNESST as a pilot project in the Montérégie region (Canadian Agricultural Safety Association, n.d.). Essentially, the goal of the project is to inform migrant workers and their employers of their rights, obligations, and OHS resources (Canadian Agricultural Safety Association, n.d.). The Squad contains two prevention officers who travel, without cost to the employer, to farms and offer a 30-minute interactive workshop to migrant workers and their employers (CNESST, n.d.). The workshop is provided in Spanish and uses pictograms to show the main OHS risks on the farm and injury prevention methods (Canadian Agricultural Safety Association, n.d.). The workshop also covers the rights of migrant workers and reviews the employers' responsibilities with respect to labour standards and OHS safety measures (CNESST, n.d.). The CNESST also contacts employers who hire migrant workers several times a year and offers "personalized support" to "ensure understanding and respect of labour rights and obligations relating to these workers" (CNESST, n.d., para. 6). In May 2022, the Minister of Labour, Jean Boulet, announced that CNESST TET Prevention Squad services will remain as a permanent service and that those services will be expanded to other migrant workers beyond the agricultural sector, including the manufacturing sector, accommodation, food processing, retail trade, catering, and healthcare (Government of Quebec, 2022).

Quebec has made considerable efforts to ensure migrant workers are aware of OHS best practices and rights by visiting difficult to access workers located in rural communities. However, as mentioned previously, having knowledge of legal rights does not mean that migrant workers have effective access to enforcing their rights in the workplace or to seeking legal remedies when their rights have been violated (Rodgers, 2018; Hastie, 2017). While having knowledge of legal rights is a crucial first step in asserting those rights, policy solutions require provisions that address the barriers migrant workers face in asserting their rights, including fear of job loss and repatriation.

4.4. Conclusion

Although the governments of Manitoba, BC, and Quebec have all attempted to respond to the needs of migrant workers, none of them have addressed the core problem—their lack of labour mobility and fear of repatriation. So long as that issue persists, workers will continue to endure dangerous working conditions in silence. Therefore, policy solutions necessitate finding an option that substantially addresses the core issue of the policy problem.

Chapter 5. Policy Criteria, Measures, and Options

5.1. Policy Criteria and Measures

Multi-criteria analysis was conducted to evaluate policy options. Policies will be evaluated based on how well the policy options address the primary policy objective—enhancing OHS for migrant workers. Additional considerations were also analyzed. Those considerations are ease of implementation and maintenance, administrative capability, and stakeholder acceptance. These criteria are described in detail within the chapter. Four criteria and five measures are summarized in Table 1.

Table 1. Evaluation Criteria and Measure for Policy Analysis

Criteria	Definition	Measure	Scoring
Effectiveness (x2): /6	Extent to which the policy enhances OHS for migrant workers	Significantly increases OHS	Good (6)
		Moderately increases OHS	Moderate (4)
		Slightly or does not increase OHS	Poor (2)
Administrative Capacity: /3	Policy's capacity requirements	Low-capacity requirements	Good (3)
		Moderate-capacity requirements	Moderate (2)
		High-capacity requirements	Poor (1)
Ease of Implementation: /3	Complexity of implementation	Low degree of complexity	Good (3)
		Moderate degree of complexity	Moderate (2)
		High degree of complexity	Poor (1)
Stakeholder Acceptance: /3	Support from advocacy groups	High support	Good (1.5)
		Some support	Moderate (1)
		Low/no support	Poor (0.5)
	Support from employers	High support	Good (1.5)
		Some support	Moderate (1)
		Low/no support	Poor (0.5)
			/15

5.1.1. Effectiveness

The main objective of this research is to improve the health and safety of SAWP migrant workers in their workplaces. One criterion used to evaluate how well policy options achieve this primary objective is effectiveness. Effectiveness will be measured by how much the policy can enhance the OHS for migrant workers. Informed by the literature, factors that contribute to enhancing the OHS for migrant workers are: (1) employer compliance with OHS regulations; (2) addressing the highly unequal power imbalance that exists between the migrant worker and the employer; (3) increasing migrant workers' knowledge of OHS rights; (4) increasing workers' ability to ask questions or raise concerns regarding OHS rights with either the employer or regulatory body; and (5) increasing access to legal resources that will provide remedial options when those rights are violated. Furthermore, policies that significantly increase OHS will be given a high rating, while policies that moderately increase protection will be given a moderate rating, and policies that slightly increase protection will be given a poor rating.

5.1.2. Administrative Capacity

Administrative capacity refers to the government's ability to comply with the proposed policy option. The government's capacity to comply is demonstrated by having adequate numbers of properly trained staff and implementing the policy on time. The administrative capability criterion is measured by ratings on a good, moderate, and poor scale, where policies that impose low-capacity requirements on governments will receive a high score.

5.1.3. Ease of Implementation

Ease of implementation refers to the complexity required to implement the proposed policies. Factors including inter-governmental coordination between provincial and federal governments and multiple government departments and the need to include multiple stakeholders will increase complexity. For this analysis, ease of implementation will be measured by ratings of good, moderate, and poor, where policies with less complexity will earn a good rating.

5.1.4. Stakeholder Acceptance

There are several non-governmental actors directly impacted by changes to policy or existing programs and contribute to the success of delivery as a main actor. The two key stakeholder groups are advocacy groups of migrant workers and employers for SAWP migrant workers. Advocacy groups are considered a main player as they have the most ground-level understanding of the vulnerabilities of migrant workers and advocate for the rights of migrant workers. The other main stakeholder is employers, specifically those who hire SAWP migrant workers, as changes would have a direct impact on their business and labour market. This criterion will be measured by perceived level of support. Policies that are expected to gain a high level of support from employers or advocacy groups will earn a rating of high support, while policies that are expected to gain a moderate level of support from employers or advocacy groups will earn a rating of some support, and policies that are expected to gain very little support or not have any level of support from employers or advocacy groups will earn a rating of low/no support.

5.2. Policy Options

Three policy options were derived from the literature and are described in the following section. All three options attempt to enhance OHS protections for SAWs. Given that the SAWP program is administered federally, policy options are directed towards actions that the federal government could take to improve the health and safety of migrant workers in the workplace.

5.2.1. Proactive On-Site Inspections

The current system implemented in 2015 includes an element of proactive enforcement, in that there are random inspections that occur that do not require a worker complaint. However, the literature establishes that the provincial and federal labour standards and OHS enforcement rely on complaints as a principal basis of enforcement activity (Marsden, 2019; Tucker et al., 2020; Basok et al., 2020; Caxaj et al., n.d.; Cedillo et al., 2019). This system neglects the power imbalances in employment relationships between migrant workers and their employers, where workers fear making complaints due to the threat of employer reprisals leading to their subsequent repatriation. So, in

practice, migrant workers must undertake various risks when pursuing their rights to report labour and OHS violations with limited protections for their employment (Basok et al., 2020). As a result, a complaint-driven enforcement strategy will lead to underreported and undetected labour and OHS rights violations, contributing to substantial enforcement gaps (Basok et al., 2020). Therefore, while recognizing the challenges that migrant workers experience in pursuing their OHS rights, this option proposes moving primarily to a proactive enforcement system.

In addition to the audits that are triggered from complaints, ESDC would also include mid-term seasonal inspections of all farms employing migrant workers. These inspections would be unannounced and would include meaningful participation of employees (Basok et al., 2020). Participation would be kept confidential from the employer and would be conducted in an accessible manner (e.g., the inspector themselves would speak the language the workers speak or would be accompanied by an interpreter) (Basok et al., 2020).

The primary responsibility for workplace inspections for SAWP migrant workers, would fall to the federal government. As employers that participate in the SAWP must agree to the terms as outlined in the MOU bilateral agreements, which requires employers to comply with provincial laws, violations of those laws are also violations of the agreements and are considered immigration law violations (Tucker et al., 2020; Basok et al., 2020). Therefore, these violations fall to the jurisdiction of the federal government to enforce (Tucker et al., 2020; Basok et al., 2020).

5.2.2. Sector-Specific Permit

The current structure of the SAWP contributes to the vulnerability of migrant workers. Employer-specific work permits form a system where workers are reliant on their employers to maintain immigration status, which often drives migrant workers to suffer certain labour violations in silence. The open work permit for vulnerable workers also places responsibility on the worker to provide evidence of abuse through mechanisms that are not easily accessible due to the distinct challenges migrant workers experience (i.e., social isolation; language barriers). Further, while migrant workers can request to change employers, they risk their future participation within the SAWP, which creates disincentives for pursuing this option.

Managed by IRCC, this policy option grants sector-specific permits to all SAWP workers, which allows migrant workers to work for any employer within the SAWP, but only in the occupation listed on the work permit. This option increases labour mobility for migrant workers. Additionally, this option would allow migrant workers to freely leave workplaces that violate labour standards and are characterized by extensive OHS concerns. Moreover, this option allows migrant workers to raise OHS concerns or complaints without the fear of employer reprisal. Still, it would not permit migrant workers to leave their designated occupation, so would continue to meet labour market demands. Employers would still be required to obtain a positive LMIA authorizing them to hire migrant workers. This option would not require migrant workers to apply for a new permit to relocate, thereby removing administrative barriers for relocation.

5.2.3. Mobile OHS Workshop and Legal Clinic

Migrant workers face multiple barriers to enforcing their rights including: lack of knowledge about their OHS rights, the right to refuse unsafe work, lack of training, and the right to raise safety concerns (Faraday, 2012). These barriers are compounded by various factors including language barriers and knowledge of where to access services. Furthermore, migrant workers are known to face barriers in asserting their rights due to fear of job loss or repatriation. Another known barrier is difficulty accessing legal services, as migrant workers often reside in remote locations where limited legal services exist and have limited formal access to low-cost or free legal services due to their immigration status (Rodgers, 2018). While some policies have surfaced in response to these concerns, (e.g., amendments to IRPR requiring employers to provide legal rights upon arrival in English or French), these programs may be limited in their reach. This is because migrant workers may lack understanding due to language barriers, and employers have weak incentives to support migrant workers in accessing legal remedies when their rights have been violated.

This option proposes that ESDC establish a mobile OHS workshop and legal clinic. The goal is to reach migrant farmworkers who often work and reside in remote areas of the province with little access to information, transportation, or services. The OHS workshops will provide information on OHS risks, safety information, and a review of the workers' OHS rights. These workshops would be provided in the workers' language. Ideally, this should support migrant workers in understanding their rights.

Following the Quebec model, the workshop facilitators would travel to the farm, at no cost to the employer. Another identified goal of the workshop would be to work collaboratively, instead of punitively, with the employer to support employers in improving OHS workplace practices. In addition, legal advocates would join OHS workshops to provide mobile clinics. Legal advocates would work under the supervision of a supervising lawyer and would provide direct legal advocacy services in the areas of law that are identified as priority areas including immigration, employment, and housing (Rodgers, 2020). Supervision by lawyers would ensure accountability and quality of services provided (Rodgers, 2020).

Chapter 6. Policy Analysis

This section contains an analysis of the policy options presented in Chapter 6. Table 2 provides a summary of the analysis where the sector-specific permit earned the highest score of 11, followed by the mobile OHS workshop and legal clinic earning a score of 10.5, and proactive on-site inspections with a score of 9.5.

Table 2. Summary of Policy Analysis

Objectives & Considerations	Proactive On-Site Inspections	Sector-Specific Permit	Mobile OHS Workshop and Legal Clinic
Effectiveness (/6): Extent to which the policy enhances OHS for migrant workers	Good (6)	Moderate (4)	Moderate (4)
Administrative Capacity (/3): Policy's capacity requirements	Poor (1)	Good (3)	Moderate (2)
Ease of Implementation (/3): Complexity of implementation	Poor (1)	Moderate (2)	Moderate (2)
Stakeholder Acceptance (/1.5): Support from advocacy groups	Moderate (1)	Good (1.5)	Moderate (1)
Stakeholder Acceptance (/1.5): Support from employers	Poor (0.5)	Poor (0.5)	Good (1.5)
Total (/15)	9.5	11	10.5

6.1. Analysis 1: Proactive On-Site Inspections

6.1.1. Effectiveness

The literature review findings established that a complaint-driven regulatory model does not provide migrant workers with effective OHS protection because migrant workers have many reasons for not filing complaints against their employers. These reasons include economic dependency, fear of retribution and repatriation, lack of knowledge of how to report abuse, and linguistic barriers. Proactive on-site inspections would mitigate this issue as they place responsibility for supervising legal compliance with an agency, ESDC, instead of relying on the disempowered actor in the system, the migrant worker, to police compliance (Faraday, 2012). Evidence from the jurisdictional scan supports that providing dedicated staff and resources to specifically engage in proactive investigation and enforcement is an effective approach in ensuring employer compliance with labour and workplace safety violations, as Manitoba's Special Investigation Unit's proactive audits corrected the majority of workplace violations (Guard, 2014). It is predicted that, by providing additional mid-season inspections, there would be an improvement in OHS conditions for migrant workers as more employers will comply with provincial workplace safety and labour regulations and contractual OHS obligations listed within the SAWP agreements. Ultimately, due to the increase in employer compliance with regulations, which significantly improves OHS for migrant workers, this policy earns a good rating for effectiveness.

6.1.2. Administrative Capacity

ESDC has limited internal capacity and these capacity limitations restrict ESDC's ability to administer timely inspections. During the pandemic, the Auditor General's Report (2021) found that "inspectors had trouble managing the volume of inspections that were assigned to them," which led to significant delays in inspections (p. 29). This policy option will involve providing mid-season inspections in addition to the regular workload of ESDC inspectors, thus requiring ESDC to hire and train additional staff to meet the additional operational needs. For this reason, this option is predicted to impose high-capacity requirements, earning a poor rating.

6.1.3. Ease of Implementation

It is possible for this policy to be implemented through the federal department, ESDC. Since the law, under the IRPR, already supports the federal government's involvement in enforcing provincial and territorial workplace laws and labour standards for migrant workers under the SAWP, it is very likely the government could adopt initiating mid-season inspections in addition to the existing reactive inspections and utilize the existing auditing systems. The challenges in implementing this policy are likely primarily establishing a system for ESDC to identify and prioritize employers with a higher risk of non-compliance to guide inspections (Tucker et al., 2020). Noack et al. (2020) recommends that one strategy may be that labour inspectors target worksites using existing information found in provincial and territorial data systems to inform inspection practices, such as targeting specific worksites made up of large numbers of migrant workers to set investigation priorities. This would require multilateral collaboration, where provinces and territories would share information with federal agencies. Implementing this option would be a massive undertaking for a central agency to manage and maintain. Due to the expected challenges, this option is ranked as highly complex; thus, this criterion earns a poor rating.

6.1.4. Stakeholder Acceptance

Advocacy groups have identified proactive on-site inspections as a necessary method to ensure employers are adhering to OHS and labour standards, as relying on complaint-driven enforcement strategies fails to provide adequate protection for migrant workers (Migrant Worker Solidarity Network Manitoba, 2016; Basok et al., 2020; McLaughlin et al., 2014; Rodgers, 2018; Hastie, 2021). The policy option also calls for the meaningful participation of SAWs during the inspection process. However, advocacy groups have expressed concerns about potential employer reprisals against workers who participate in interviews during inspections (Canadian Council for Refugees, 2014). Given the vulnerability of SAWs and their immigration status being tied to their employer, such reprisals could be detrimental to their well-being (Canadian Council for Refugees, 2014). Therefore, advocacy groups are unlikely to fully support this policy option without additional protections for SAWs who may be victimized by their employers following an inspection. As a result, this criterion is predicted to receive some support from stakeholders, thus earning a moderate rating.

With respect to employers, changes to the TFWP including the introduction of inspections by the ESDC in 2015 and punitive monetary penalties have been viewed as burdensome (Langford, 2018). In particular, a brief by the Canadian Bar Association on behalf of TFWP employers identified that “a lack of transparency and appropriate processes, overly harsh penalties and lack of an effective appeal process undermine efforts to create a flexible, responsive, and predictable structure for Canadian businesses...” (Duval, 2016, p. 3). As this policy option does not address the concerns outlined by the employers in the brief submitted by the Canadian Bar Association, but instead increases the number of inspections by introducing proactive on-site inspections in addition to reactive inspections, it is likely that employers will not support this policy option. Therefore, this criterion receives low support from employers and earns a poor rating.

6.2. Analysis 2: Sector-Specific Permit

6.2.1. Effectiveness

Implementing a sector-specific permit for all SAWP workers would allow workers to transfer freely between employers. This would provide workers with a greater sense of job security and empowerment as their livelihood is not dependent on a specific employer. Therefore, migrant workers would be able to leave unsafe workplaces, which could have the following implications: (1) employers would be incentivized to address OHS concerns and maintain safer workplaces to avoid losing employees; (2) migrant workers could report OHS concerns without fear of repatriation, or loss of future employment for becoming ill, or disagreeing with employers; and (3) migrant workers could also help provide meaningful feedback to employers about the quality of their workplace operations, which could promote workplace improvements.

The benefits of this policy option for migrant workers are contingent on their ability to secure employment with an alternative employer. However, concerns may arise regarding the challenges that migrant workers could face in finding new employment. Firstly, the demand for agricultural workers may be low during the mid-season as employers submit their LMIA requests for workers based on their immediate need for workers. Additionally, migrant workers may face challenges in finding employment due to language barriers or geographic location. While this policy option addresses critical

barriers to migrant workers accessing their OHS rights, it does not guarantee that migrant workers will find new employment. Thus, this effectiveness criteria earns a moderate score.

6.2.2. Administrative Capacity

This policy option will involve some training of IRCC staff to understand how to process the sector-specific work permits. However, once trained, no additional skills or capacity are specifically needed. Thus, this option obtains a good score.

6.2.3. Ease of Implementation

Changes of a similar scale have been made in the past to the IRPR, when the IRCC issued open-work permits to migrant workers experiencing abuse, which may point to the feasibility of this policy option and could be used to inform the implementation of a sector-specific permit. However, there may be some challenges associated with this option as a number of program design elements would have to be in place before a sector-specific work permit could be implemented. A distinct challenge would be ensuring that employers maintain a predictable and stable workforce to support their operations (Canada Gazette, 2019). This predictability is key in ensuring there is a meaningful return on the significant investments (i.e., time and processing fees) employers make in hiring a migrant worker (Canadian Federation of Agriculture, n.d.). As a result of these expected challenges, this policy earns a moderate score.

6.2.4. Stakeholder Acceptance

Moving away from an employer-specific permit and to a sector-specific permit was a standard recommendation across the literature among advocacy groups (Justicia for Migrant Workers, n.d.; Basok et al., 2020a; Basok et al., 2020b; Aziz, 2022; Caxaj et al., n.d.; Migrant Workers Centre, 2018; Hennebry & McLaughlin, 2017). In their policy brief to the Standing Committee on Justice and Human Rights, Embarkation (2018), a pro-migrant group, explained that:

Granting open or sectorial work permits would greatly reduce the vulnerability of migrant workers by allowing them to move more freely in the labour market. This

would allow migrant workers greater freedom to voice concerns about working conditions, leave abusive employment relationships and enforce legal rights (p.2).

Advocacy groups generally support issuing a sector-specific permit to migrant workers, as it would effectively allow migrant workers to leave workplaces with high OHS risks and enforce their legal rights. Therefore, the stakeholder acceptance among advocacy groups criteria earns a good score.

This policy option may seem unfair to employers. The Standing Committee's report (2018) stated that,

Employers who initially paid all the expenses required to obtain the work permit and to fund the employee's travel to Canada since sector-specific permits would then allow a competing employer to offer a higher wage and steal the employee with no compensation to the initial employer for the expenses they had incurred... [the sector specific permits] could result in employers being forced to compete against other employers in a similar field for workers in a way that was not intended by the program (p. 49).

Due to the challenges expressed by the Standing Committee, it is unlikely that this option would gain employer support. Thus, this criterion earns a poor score.

6.3. Analysis 3: Mobile OHS Workshop and Legal Clinic

6.3.1. Effectiveness

As outlined throughout the report, migrant workers face difficulty accessing their rights and, in some cases, do not receive adequate safety training, which puts them at risk of acquiring workplace injuries. Thus, providing a mobile safety workshop and legal clinic could be a useful tool in terms of delivering OHS and legal information and services in remote areas of the province for migrant workers with little access to transportation or services. This policy provides migrant workers with knowledge of their rights, safety information, and access to legal services. Yet, without providing long-term employment protection, migrant workers may still be hesitant to assert their legal rights. As demonstrated in the literature review, there is a strong correlation between the

hesitancy of migrant workers to assert their rights or seek remedies, and the precariousness associated with migrant employment and immigration status under the SAWP. Therefore, this policy may be effective at reducing some of the barriers migrant workers experience in maintaining their OHS but does not address other key barriers, such as limited job mobility, for migrant workers. As a result, this effectiveness criteria earns a moderate score.

6.3.2. Administrative Capacity

This option will involve hiring dozens of new staff and training the staff on OHS rights, employer/employee responsibilities, and resources, identifying and preventing OHS hazards, and presenting this information to employers and workers. Staff will also need to be trained on effective communication techniques to build trust and strengthen relationships with employers and workers so that the staff can provide meaningful support and the employer and workers feel comfortable asking questions and raising concerns. Moreover, administrative staff would need to be trained on coordinating with legal firms to assign legal firms to farms. However, once the staff are hired and trained, no additional skills and capacity are specifically needed. Therefore, this policy option obtains a moderate capacity requirement score.

6.3.3. Ease of Implementation

It is likely that ESDC, and other community partners may need to be involved in implementing this policy. Additionally, OHS workshop curriculum will need to be established, likely by ESDC. Currently, the Canadian Centre for Occupational Health and Safety (CCOHS) provides online OHS courses. These courses contain training on employers' and employees' rights and responsibilities under the internal responsibility system and basic workplace health and safety training (CCOHS, 2023). The CCOHS courses could provide some guidance for the topics covered in each of the sessions.

There would also need to be coordination with community legal clinics across Canada. Implementing this policy option would require assigning legal clinics to farms to provide legal assistance at the migrant workers' worksite. While this may initially take time to coordinate and establish, the ongoing administration of this policy will not be complex. Thus, the degree of complexity of implementation is moderate for this policy.

6.3.4. Stakeholder Acceptance

Pro-migrant groups may find that this policy addresses some of the issues migrant workers face (i.e., lack of knowledge of their rights, limited access to resources for assistance, and insufficient workplace safety training), but does not address the primary barrier migrant workers experience when expressing their OHS rights—limited job mobility. Advocates, like Hastie (2017), explain that “knowledge of legal rights and the legal system is an important, but insufficient, response to understanding how and why migrant workers face barriers in accessing justice” (p. 30). Therefore, it is predicted that this policy option will have moderate stakeholder acceptance among pro-migrant groups. Moreover, as the workshops are provided at no cost to the employers and are intended to be supportive, not punitive, employers are predicted to support this policy option.

Chapter 7. Recommendation and Implementation

Drawing upon the analysis presented in Chapter 7, this study proposes implementing the following policies in tandem: mobile OHS workshops and legal clinics and the sector-specific permit. First, Employment and Social Development Canada (ESDC) should begin to implement on-site workshops and legal clinics. The implementation of this policy will take some time, considering that ESDC will need to hire and train providers and coordinate with legal clinics to assign them to farms. The workshops would include basic OHS training outlining workplace hazards and methods to mitigate them and information on the IRS system, their related rights, and protections under OHS and employment standards legislation. The workshops should also be provided in the workers' language, considering that language is often a barrier for this population to understand safety training and their OHS rights meaningfully. The information presented will help migrant workers understand their rights, which are vital to ensure worker safety and navigate the process of reporting their concerns. It is also recommended that legal clinics co-attend the workshops to support migrant workers in addressing any concerns related to their employment or immigration status and providing means for legal redress when required. Providing these services on-site ensures that migrant farm workers, who often work long hours, live in remote locations, and rely on their employer for transportation, will have access to these much-needed services.

Finally, this study recommends that the federal government departments (i.e., ESDC and IRCC) begin working towards implementing a sector-specific permit. Although this policy earned a poor stakeholder acceptance rating among employers, the analysis indicated that this policy is an effective option for improving migrant workers' health and safety and reducing the barriers migrant workers experience when asserting OHS rights. Granting sector-specific work permits would increase labour mobility, allowing workers to leave unsafe workplaces freely. Additionally, because employers risk losing workers due to unfavourable work conditions, this may motivate employers to improve workplace safety by fulfilling the provincial OHS regulations and federal contract obligations. Eliminating the employer-specific work permit also provides migrant workers an extra layer of protection as their job status does not rely on their employer's approval.

Therefore, workers are empowered to voice their concerns about working conditions and enforce their legal rights.

Implementing this policy may take some time as the IRCC and ESDC would need to consider methods to support migrant workers through a transfer. For example, if a migrant worker would like to switch employers, the migrant worker, under the sector-specific permit, depending on their situation, may require support with securing a job offer, relocating, and finding new accommodations (Canada Gazette, 2019). Additionally, it may take time for the federal departments to resolve some of the main concerns of employers (i.e., sufficient labour market, work permit fees, migrant worker travel costs).

Chapter 8. Conclusion

This study aimed to address some of the OHS risks experienced by SAWP migrant workers, who are uniquely vulnerable on the job. Given Canada's commitment to the Global Compact for Safe, Orderly and Regular Migration in upholding migrant workers' human rights, the health and safety of migrant workers is essential in a policy context. Ensuring that migrant workers are provided with a safe and healthy working environment is in line with Canada's commitment to these agreements. Furthermore, the economic dependency on SAWs and the vulnerabilities faced by this population further emphasizes the importance of addressing their OHS risks in a policy context.

By conducting an extensive literature review and jurisdictional scan, this study recognized that, although OHS legislation is under provincial jurisdiction, the root causes of vulnerability are influenced by federal-level immigration policies that govern the SAWP. Migrant workers' restricted job mobility effectively disempowers them from addressing unsafe working conditions. Additionally, the workers' lack of access to information on their OHS rights and lack of support and resources to enforce those rights exacerbates their vulnerability. A multi-criteria analysis of three policy options was utilized to analyze three policies: proactive on-site inspections, sector-specific work permits, and on-site OHS workshops and legal clinics. Based on the analysis, this study recommends sector-specific permits and mobile OHS workshops and legal clinics.

References

- Arcury, T. A., & Quandt, S. A. (2007). Delivery of health services to migrant and seasonal farmworkers. *Annual Reviews. Public Health*, 28, 345-363.
- Auditor General of Canada. (2021). *Health and Safety of Agricultural Temporary Foreign Workers in Canada During the COVID-19 Pandemic*. https://www.oag-bvg.gc.ca/internet/docs/parl_oag_202112_02_e.pdf
- Aziz, A. (2022, March). *A Promise of Protection? An assessment of IRCC decision-making under the Vulnerable Worker Open Work Permit program*. https://mwcba.ca/wp-content/uploads/2022/03/A-Promise-of-Protection_An-assessment-of-IRCC-decision-making-under-the-VWOWP-program.pdf
- Basok, T. (2004). Post-national citizenship, social exclusion and migrants rights: Mexican seasonal workers in Canada. *Citizenship studies*, 8(1), 47-64.
- Basok, T., Caxaj S., Hanley, J., Hennebry, J., Huesca E., Mayell, S., ... & Vosko, L. (2020). *2020 Canada-Mexico SAWP Negotiations: Recommendations from the Migrant Worker Health Expert Working Group (MWH-EWG)*. http://www.migrantworker.ca/wp-content/uploads/2021/05/MWH_EWG_Inputs_Mexico-Canada_SAWP_11.17.20_FINALshare.pdf
- Bejan, R., Allain, K. A., Glynn, T., Wheatley, A., & Soto Flores, P. (2021). Safe at work, unsafe at home: COVID-19 and temporary foreign workers in Prince Edward Island.
- Brem, Canadian Electronic Library, & North-South Institute. (2006). *Migrant workers in Canada: a review of the Canadian Seasonal Agricultural Program: policy brief / [Max Brem]*. North-South Institute.
- Brophy, J. T., Keith, M. M., Gorey, K. M., Luginaah, I., Laukkanen, E., Hellyer, D., ... & Gilbertson, M. (2006). Occupation and breast cancer: a Canadian case-control study. *Annals of the New York Academy of Sciences*, 1076(1), 765-777.
- Canadian Agricultural Safety Association. (n.d.). *Prevention squad for temporary foreign workers*. https://www.casa-acsa.ca/wp-content/uploads/Prevention-squad-for-temporary-foreign-workers_CNESST_Marthe-Rocheteau.pdf
- Canadian Centre for Occupational Health and Safety. (2022b). *OH&S Legislation in Canada – Basic Responsibilities*. <https://www.ccohs.ca/oshanswers/legisl/responsi.html>

- Canadian Centre for Occupational Health and Safety. (2023). *Three Basic Rights of Canadian Workers*. <https://www.ccohs.ca/products/posters/rights/>
- Canadian Federation of Agriculture. (n.d.). *Temporary Foreign Worker Program: Exploring an Occupation-Specific Work Permit*. <https://ofa.on.ca/wp-content/uploads/2019/07/Attachment-to-OFAs-Letter-of-Support-for-CFAs-TFWP.pdf>
- Canada Gazette. (2019, June 22). *Notice to interested parties – introducing occupation-specific work permits under the Temporary Foreign Worker Program*. Part 1, Vol 153, p. 2951. <https://canadagazette.gc.ca/rp-pr/p1/2019/2019-06-22/pdf/g1-15325.pdf>
- Canada Gazette. (2021, July 10). *Regulations Amending the Immigration Refugee Protection Regulations (Temporary Foreign Workers)*. <https://gazette.gc.ca/rp-pr/p1/2021/2021-07-10/html/reg2-eng.html>
- Canada, Parliament, House of Commons. Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. (2016). *TEMPORARY FOREIGN WORKER PROGRAM Report of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. 42nd Parl., 1st sess.* Parliament of Canada. <https://www.ourcommons.ca/Content/Committee/421/HUMA/Reports/RP8374415/humarp04/humarp04-e.pdf>
- Canadian Council for Refugees. (2014, October). *Temporary Foreign Worker Program and International Mobility Program Comments on the discussion paper Regulatory Proposals to enhance the Temporary Foreign Worker Program and International Mobility Program compliance framework*. https://ccrweb.ca/sites/ccrweb.ca/files/comments_to_esdc-cic_discussion_paper_oct14_1.pdf
- Caxaj, S., Mayell, S., McLaughlin J., Vosko, L. (n.d.). *Recommendations to the Province of Ontario*. <http://www.migrantworker.ca/wp-content/uploads/2020/07/MWHEWG-Provincial-Recommendations.pdf>
- Cedillo, L., Lippel, K., & Nakache, D. (2019). Factors influencing the health and safety of temporary foreign workers in skilled and low-skilled occupations in Canada. *New Solutions: A Journal of Environmental and Occupational Health Policy*, 29(3), 422-458.
- CNESST. (n.d.). *TET Prevention Squad*. <https://www.cnesst.gouv.qc.ca/fr/service-clientele/escouades-cnesst/escouade-prevention-tet>

- Duval, S. (2016, May 26). *Temporary Foreign Worker Program*. Canadian Bar Association. <https://www.ourcommons.ca/Content/Committee/421/HUMA/Brief/BR8360063/br-external/CanadianBarAssociation-e.pdf>
- Elgersma, S. (2007). *Temporary foreign workers* (p. 4). Ottawa: Parliamentary Information and Research Service.
- Ellerman, D. (2005). Labour migration: a developmental path or a low-level trap?. *Development in Practice*, 15(5), 617-630.
- Embarkation. (2018, June 15). *Brief to the Standing Committee on Justice and Human Rights Study of Human Trafficking*. <https://www.ourcommons.ca/Content/Committee/421/JUST/Brief/BR10006316/br-external/EmbarkationLawCorporation-e.pdf>
- Employment and Social Development Canada. (2022a, September 26). *Hire a temporary foreign worker through the Agricultural Stream: Program Requirements*. <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/agricultural/requirements.html>
- Employment and Social Development Canada. (2022b, March 28). *Temporary foreign workers: Your rights are protected*. <https://www.canada.ca/en/employment-social-development/services/foreign-workers/protected-rights.html>
- Employment and Social Development Canada. (2022c, September 26). *New amendments to the Immigration and Refugee Protection Regulations (temporary foreign workers)*. <https://www.canada.ca/en/employment-social-development/news/2022/09/new-amendments-to-the-immigration-and-refugee-protection-regulations-temporary-foreign-workers.html>
- Employment and Social Development Canada. (2022d, September 26). *Compliance information for employers hiring temporary foreign workers*. <https://www.canada.ca/en/employment-social-development/services/foreign-workers/employer-compliance.html>
- Employment and Social Development Canada. (2022e, September 9). *2020 Annual Report – Occupational Injuries in the Canadian Federal Jurisdiction*. <https://www.canada.ca/en/employment-social-development/services/health-safety/reports/2020-injuries.html#h3.04>

- Employment and Social Development Canada. (2023). *Contract for the employment in Canada of Workers from Mexico – 2023*. <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/apply/mexico.html>
- Fairey, D., Hanson, C., MacInnes, G., McLaren, A. T., Otero, G., Preibisch, K., & Thompson, M. (2008). Cultivating farmworker rights. *Canadian Centre for Policy Alternatives-British Columbia Office/Justicia for Migrant Workers/Progressive Intercultural Community Services/British Columbia Federation of Labour*, 15.
- Faraday, F. (2012). Made in Canada: How the Law Constructs Migrant Workers' Insecurity. *Metcalf Foundation*.
- Faraday, F. (2014). Profiting from the Precarious. How recruitment practices exploit migrant workers. Summary report. *Metcalf Foundation*, avril.
- FARMS. (2023). *Application Process*. <https://farmsontario.ca/how-to-apply/application-process/>
- Fernandez, L., Read, J., & Zell, S. (2013). Migrant voices: Stories of agricultural migrant workers in Manitoba. *Canadian Centre for Policy Alternatives*.
<https://policyalternatives.ca/publications/reports/migrant-voices-stories-agricultura-migrant-workers-manitoba>
- Fernandez, L. (2015). Best Practices: Manitoba's Worker Recruitment and Protection Act. *Canadian Centre for Policy Alternatives*.
<https://policyalternatives.ca/publications/reports/best-practices>
- Fudge, J. (2012). Precarious migrant status and precarious employment: The paradox of international rights for migrant workers. *Comp. Lab. L. & Pol'y J.*, 34, 95.
- Gatto, N. M., Ogata, P., & Lytle, B. (2021). Farming, Pesticides, and Brain Cancer: A 20-Year Updated Systematic Literature Review and Meta-Analysis. *Cancers*, 13(17), 4477.
- Government of Manitoba. (2022, October 28). *The Worker Recruitment and Protection Act*.
<https://web2.gov.mb.ca/laws/statutes/ccsm/w197e.php>
- Government of Prince Edward Island. (2023). *Agriculture on PEI*.
<https://www.princeedwardisland.ca/en/information/agriculture-and-land/agriculture-pei>
- Government of Quebec. (2022, May 16). *A Prevention Squad for temporary foreign workers now permanent and expanded*. <https://www.quebec.ca/nouvelles/actualites/details/une->

escouade-prevention-aupres-des-travailleurs-etrangers-temporaires-maintenant-permanente-et-elargie-40333

- Hansen, E., & Donohoe, M. (2003). Health issues of migrant and seasonal farmworkers. *Journal of Health care for the Poor and Underserved*, 14(2), 153-164.
- Hastie, B. (2017). The inaccessibility of justice for migrant workers: A capabilities-based perspective. *Windsor Yearbook of Access to Justice/Recueil annuel de Windsor d'accès à la justice*, 34(2), 20-39.
- Hastie, B. (2019). Renewing Labour's Engagement with Old Forms of Precarity: A Case Study of Unionization of Migrant Agricultural Workers in British Columbia. *LABOR, Capital and Society*, 49 (1).
- Hennebry, J. L. (2008). International agricultural migration and public health: examining migrant farm worker health and the public health implications of agricultural temporary migration. *Public Health Agency of Canada*.
- Hennebry, J., & McLaughlin, J. (2016). *Submission for the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities' Review of the Temporary Foreign Workers Program*.
<https://scholars.wlu.ca/cgi/viewcontent.cgi?article=1021&context=imrc>
- Hennebry, J., McLaughlin, J., & Preibisch, K. (2016). Out of the loop:(In) access to health care for migrant workers in Canada. *Journal of international Migration and Integration*, 17(2), 521-538.
- Hennebry, J., Preibisch, K., & McLaughlin, J. (2010). Health across borders—health status, risks and care among transnational migrant farm workers in Ontario. Toronto ON): *CERIS Ontario Metropolis Centre*.
- Justicia for Migrant Workers. (n.d.). *Submission of Justicia for Migrant Workers to the Standing Committee on Review of the Temporary Foreign Worker Program*.
<https://www.ourcommons.ca/Content/Committee/421/HUMA/Brief/BR8361852/br-external/JusticiaforMigrantWorkers-e.pdf>
- Kachulis, E., & Perez-Leclerc, M. (2020). *Temporary foreign workers in Canada*. Library of Parliament.
<https://lop.parl.ca/staticfiles/PublicWebsite/Home/ResearchPublications/BackgroundPapers/PDF/2019-36-e.pdf>

- Lilley, R., Feyer, A. M., Kirk, P., & Gander, P. (2002). A survey of forest workers in New Zealand: Do hours of work, rest, and recovery play a role in accidents and injury?. *Journal of safety research*, 33(1), 53-71.
- Immigration and Refugee Board of Canada. (2022, August 15). *Acts, rules and regulations*. <https://irb-cisr.gc.ca/en/legal-policy/act-rules-regulations/Pages/index.aspx>
- Immigration, Refugees, and Citizenship Canada. (2022a, December 2). *Employer compliance inspections*. <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/work-without-permit/employer-compliance-inspections.html#imp>
- Immigration, Refugees, and Citizenship Canada. (2022b, July 26). *As an employer, what are my obligations to temporary foreign workers?* <https://www.cic.gc.ca/english/helpcentre/answer.asp?qnum=211&top=17>
- Langford, V. (2018). *Temporary Foreign Worker Program*. Canadian Bar Association. <https://www.cba.org/CMSPages/GetFile.aspx?guid=b4388c84-6757-4768-8958-4c41494fbd77>
- Marsden, S. (2019). Who Bears the Burden of Enforcement? The Regulation of Workers and Employers in Canada's Migrant Work Programs. *Canadian Labour & Employment Law*, 22(1), 1.
- McLaughlin, J. (2009a). *Migration and Health: Implications for Development A Case Study of Mexican and Jamaican Migrants*. https://www.researchgate.net/profile/Jenna-Hennebry/publication/271713953_Out_of_the_Loop_Inaccess_to_Health_Care_for_Migrant_Workers_in_Canada/links/55fd6e6e08aeba1d9f5a00ae/Out-of-the-Loop-Inaccess-to-Health-Care-for-Migrant-Workers-in-Canada.pdf
- McLaughlin, J. (2009b). *Trouble in our fields: health and human rights among Mexican and Caribbean migrant farm workers in Canada*. Graduate Department of Anthropology: University of Toronto.
- McLaughlin, J., Hennebry, J., & Haines, T. (2014). Paper versus practice: occupational health and safety protections and realities for temporary foreign agricultural workers in Ontario. *Perspectives interdisciplinaires sur le travail et la santé*, (16-2).

- McLaughlin, J., & Tew, M. (2018). Migrant farm worker health care: Unique strategies for a unique population. *Under-served: Health determinants of Indigenous, inner-city, and migrant populations in Canada*, 253.
- Molnar, P. (2018). *Canada's Temporary Foreign Worker Programs*. In *The Canadian Encyclopedia*. <https://www.thecanadianencyclopedia.ca/en/article/canadas-temporary-foreign-worker-programs>
- Moyce, S. C., & Schenker, M. (2018). Migrant workers and their occupational health and safety. *Annu Rev Public Health*, 39(1), 351-365.
- Migrant Workers Alliance for Change. (2020). *Concerns about Blacklisting in SAWP program*. <https://migrantworkersalliance.org/wp-content/uploads/2021/04/Concerns-about-blacklisting-in-SAWP-program-Dec-2020.pdf>
- Migrant Workers Centre. (2018). *Migrant Workers Centre : Small Group Discussion Report to SPARC BC for the BC Poverty Reduction Strategy*. <https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/initiatives-plans-strategies/poverty-reduction-strategy/discussions/migrant-workers-centre.pdf>
- Migrant Worker Solidarity Network Manitoba. (2016). *A brief on the Temporary Foreign Worker Program submitted to The House of Commons Standing Committee on Human Resources, Skill and Social Development and the Status of Persons with Disabilities (HUMA)*. <https://migrantrights.ca/wp-content/uploads/2016/06/MWSN-Submission-to-TFWP-Review-Final.pdf>
- Ministry of Labour, Immigration Training and Skills Development. (2022). *Compliance initiative results : vulnerable workers*. <https://www.ontario.ca/page/compliance-initiative-results-vulnerable-workers>
- Noack, A. M., Hoe, A., & Vosko, L. F. (2020). Who to Inspect? Using Employee Complaint Data to Inform Workplace Inspections in Ontario. *Canadian Public Policy*, 46(3), 429–443. <https://doi.org/10.3138/cpp.2018-065>
- Orkin, A. M., Lay, M., McLaughlin, J., Schwandt, M., & Cole, D. (2014). Medical repatriation of migrant farm workers in Ontario: a descriptive analysis. *Canadian Medical Association Open Access Journal*, 2(3), E192-E198.
- Otero, G., & Preibisch, K. (2010). *Farmworker health and safety: challenges for British Columbia* (pp. 1-102). Vancouver, BC: WorkSafeBC.

- Parrott, D. (2011). *The role and regulation of private, for-profit employment agencies in the British Columbia labour market and the recruitment of temporary foreign workers* (Doctoral dissertation, University of Victoria).
- Perry, M. J., Marbella, A., & Layde, P. M. (2002). Compliance with required pesticide-specific protective equipment use. *American Journal of Industrial Medicine*, 41(1), 70–73.
<https://doi.org/10.1002/ajim.10026>
- Preibisch, K. (2010). Pick-your-own labor: Migrant workers and flexibility in Canadian agriculture. *International Migration Review*, 44(2), 404-441.
- Preibisch, K., & Otero, G. (2014). Does Citizenship Status Matter in Canadian Agriculture? Workplace Health and Safety for Migrant and Immigrant Laborers. *Rural Sociology*, 79(2), 174-199.
- Puttick, M. (2022). *The exploitation of Mexican and Caribbean migrant workers in Ontario's agricultural sector*.
<https://minorityrights.org/programmes/library/trends/trends2022/canada/>
- Pysklywec, M., McLaughlin, J., Tew, M., & Haines, T. (2011). Doctors within borders: meeting the health care needs of migrant farm workers in Canada. *Cmaj*, 183(9), 1039-1042
- Rodgers, A. (2018). *Envisioning Justice for Migrant Workers: A Legal Needs Assessment*.
https://mwcbc.ca/downloads/MWC_Envisioning_Justice_for_Migrant_Workers_Report.pdf
- Russell, R. (2003). Jamaican workers' participation in CSAWP and development consequences in the workers' rural home communities.
- Russo, R. M. (2011). CASE COMMENT: Temporarily Unchained: The Drive to Unionize Foreign Seasonal Agricultural Workers in Canada--A Comment on Greenway Farms and UFCW. *BC Studies: The British Columbian Quarterly*, (169), 131-14
- Salami, B., Hervieux, E., Dorow, S., & Okeke-Ihejirika, P. (2020). Intensified exploitation and mental stress as impacts of changes to the temporary foreign worker program in Alberta, Canada. *Global Social Welfare*, 7(1), 57-67.
- Salami, B., Meharali, S., & Salami, A. (2015). The health of temporary foreign workers in Canada: A scoping review. *Canadian journal of public health*, 106, e546-e554.

- Sharpe, A., & Hardt, J. (2006). *Five Deaths a Day: Workplace Fatalities in Canada*. *Centre for the Study of Living Standards*. <http://csls.ca/reports/csls2006-04.pdf>
- Standing Committee on Justice and Human Rights. (2018). *Moving Forward in the Fight Against Human Trafficking in Canada*. <https://www.ourcommons.ca/Content/Committee/421/JUST/Reports/RP10243099/justrp24/justrp24-e.pdf>
- Statistics Canada. (2022a, June 16). *Immigration as a source of labour supply*. *The Daily*. <https://www150.statcan.gc.ca/n1/daily-quotidien/220622/dq220622c-eng.htm>
- Statistics Canada. (2022b, June 22). *Agriculture and agri-food labour statistics*. *The Daily*. <https://www150.statcan.gc.ca/n1/daily-quotidien/220613/dq220613d-eng.htm>
- Statistics Canada. (2022c, June 15). *Ontario is an agricultural powerhouse that leads in many farming categories*. <https://www150.statcan.gc.ca/n1/pub/96-325-x/2021001/article/00006-eng.htm>
- Statistics Canada. (2014). *Census of Agriculture counts 19,844 farms in British Columbia*. <https://www150.statcan.gc.ca/n1/ca-ra2006/analysis-analyses/bc-cb-eng.htm>
- Tucker, E. M., Marsden, S., & Vosko, L. F. (2020). *Federal Enforcement of Migrant Workers' Labour Rights in Canada: A Research Report*. *Pre-Print*.
- United Nations. (2019, January 11). *Global Compact for Safe Orderly and Regular Migration*. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/451/99/PDF/N1845199.pdf?OpenElement>
- Verduzco, G., & Lozano, M. I. (2003). *Mexican Farm Workers Participation in Canada's Seasonal Agricultural Labour Market and Development Consequences in their Rural Home Communities*. *Policy Commons*. <https://policycommons.net/artifacts/1488623/mexican-farm-workers-participation-in-canadas-seasonal-agricultural-labour-market-and-development-consequences-in-their-rural-home-communities/2147563/>
- Vosko, L. F. (2014). *Tenuously Unionised: Temporary Migrant Workers and the Limits of Formal Mechanisms Designed to Promote Collective Bargaining in British Columbia*. *Industrial Law Journal (London)*, 43(4), 451–484. <https://doi.org/10.1093/indlaw/dwu026>

Vosko, L. F. (2018). Legal but deportable: Institutionalized deportability and the limits of collective bargaining among participants in Canada's seasonal agricultural workers program. *ILR Review*, 71(4), 882-907.

Wells, McLaughlin, J., Lyn, A., & Mendiburo, A. D. (2014). *Sustaining Precarious Transnational Families: The Significance of Remittances From Canada's Seasonal Agricultural Workers Program*. *Just Labour*. <https://doi.org/10.25071/1705-1436.9>