

Labour Relations in Canada: Provincial Cleavages for Migrant Farm Workers

Research Question:

Why does a split federal and multi-provincial jurisdiction act as an impediment to the development of migrant worker's rights for those under the Seasonal Agricultural Worker Program (SAWP) and the Temporary Foreign Worker Program (TFWP)?

The Temporary Foreign Worker and The Seasonal Agricultural Worker Program

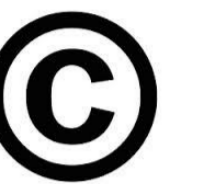
1. Program for farmers to get workers into Canada to work on their farms
2. Means tested
3. Federal Program
4. Available to certain industries
5. An increasing trend to use the program
6. No built in labour/human rights mechanism in place
7. Workers are guaranteed housing and healthcare



Jose Manuel Abraham



Enlace Canada



International Human Rights

What happens at the employee-employer level violates a couple human rights agreements:

1. UN International Covenant on Economic, Social and Cultural Rights Articles 7 & 8
2. Organization of American States Protocol of Buenos Aires Article 44.c
3. ILO Convention 87 on the Freedom of Association and Protection of the Right to Organize Articles 2, 3, & 11

Not Your Average Farmer

20% of employers requested 71% of the positions and 2.9% of employers accounted for more than 53% of SAWP requests

Provincial Rights Regimes

Migrant Workers are excluded from:

1. Ontario : Ontario Labour Relations Act, Agricultural Employees Protection Act, and most of the Employment Standards Act
2. Québec: Act respecting labour standards, the provincial Labour Code
3. There is also minimal rights enforcement mechanisms in every single province

Blacklisting and Naming

Workers have to vacate the country at the end of their contracts and re-apply to get hired back. Workers who speak out and demand basic rights have been documented to have been black listed. Employers can also specifically request certain workers back, so workers who don't complain and don't ask for certain rights do get called back.

Temporariness

There is a growing trend in Canada whereby there is an increasingly temporary workforce that comes into the country for contract work and is forced to leave afterwards. These workers, while here are put into a structural disadvantage in the work force and are in essence second class workers.