FRESH FOOD, STALE SCHEMES: COMPARING AGRICULTURAL LABOUR MIGRATION IN CANADA AND SPAIN

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William²

The day started as any other for a group of Jamaican migrant farmworkers employed at a vegetable farm in Ontario, Canada. Like many of the thousands of migrant agricultural workers in the region, they woke up early in their bunkhouses to a crisp autumn day, when fields come alive with mature crops, and workers can spend in excess of 13 hours a day bending, pulling, lifting and packing to ensure that the precious harvest is gathered in time. Around dusk, when their work ended for the day, they left the farm on their bicycles to ride into town to call their families back home. Two of them never made it back.

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² This vignette, chronicling a true story, is adapted from McLaughlin (2009). *Trouble in our fields: health and human rights among Mexican and Caribbean migrant farm workers in Canada* (Doctoral dissertation, University of Toronto Anthropology).

On the long, straight stretch of highway that led between their farm and the small town of Delhi, three of the workers were hit from behind by a young local resident in a speeding car. Two of the cyclists, William Bell and Desmond McNeil, were pronounced dead at hospital. A third was seriously injured. Some media and officials portrayed the incident as an unfortunate accident for which workers' own actions and even their "dark skin and clothes" against the night sky were partly to blame. A closer examination of their untimely deaths points to a broader system of exclusion and exploitation that renders migrant agricultural workers vulnerable to harm both on and off the job in Canada.

The farm that employed Bell and McNeil is notorious for its poor treatment of workers. Family members of the deceased, past employees at the farm, and even other local residents all point out exploitative and even abusive conditions under which employees work. The workers live in overcrowded, run-down bunkhouses and are not provided with any access to a phone or safe method of transportation. They work exceptionally long days, and by the time they finish working, it is often dark. In order to call their families, to purchase items or even to socialize, they have little choice but to ride poorly-equipped second-hand bikes along the dark highway into town.

As the son of the late William Bell, Junior Bell explains, "After working a long day, my dad had to bike into town just to call my family back home. My father had been coming [to Canada] for 12 years. There were 10 of us in the house in Jamaica and my father was the only one with a good job. He spent his whole life dedicated to us. Now there's no one to support my family in Jamaica and I lost the best dad a man could ever ask for." Bell says that this accident could have been avoided if there had been an accessible phone at the farm where his father worked, or if the workers there had safe means of transportation to access the necessities of life.

While other workers were quickly flown in from Jamaica to replace the two who died, the impacts on this large family, left without a breadwinner and father, are everlasting.

 $Aziza^3$

Aziza's mother was one of the founding members of the Coopérative Féminine d'Huile d'Argan in a small village called Azro, a red clay community seemingly etched into the foot of the Atlas Mountains in Al Haouz Province of the Marrakesh-Safi region of Morocco. Though the cooperative allows her mother to support their family and stay in the community, it has not been enough to support Aziza's own family of three. Without other options for employment in this rural area, and without a high school diploma, Aziza sought out support from the Agence Nationale de Promotion de l'Emploi et des Compétences in Morocco. After finally getting her husband to agree to provide a signature for the application, she was offered a placement in the agricultural labour program that sends workers to Spain. Three years have passed since she began working in Spain's burgeoning strawberry farms. Each summer, she is separated from her children. Each summer, she is separated from the group of women pounding and blending argan seeds into fragrant creams and soaps - often ironically scented with jasmine and strawberries - to sell to tourists on the road to Marrakech. But this summer is different. Aziza is pregnant. When she arrived in Huelva time for the harvest peak, her loose Djellaba concealing her midsection, she worked quickly in order to make as much money as possible in those first few months. The clock was ticking, and she would have to tell her employer soon. And this would mean she could not expect to continue working or staying in Spain. But things quickly changed for Aziza one afternoon when she was bent over in the hot sun picking strawberries in her employer's expansive farm. Buckling over with the pain of the cramps, she nearly fainted on the spot. Her fellow worker, a woman a decade older than her 28 vears, came to her side and helped her to her feet. They both saw the blood, and instantly knew. After the hospital, Aziza's return travel to Morocco was arranged, and she was en route to Azro

³ We use a pseudonym for the vignette on Aziza. It is based on a composite of data from multiple migrant farm workers from Morocco gathered through ongoing interviews carried out between 2017-2019.

within the week. But it was the last place she wanted to go. Her husband did not know of the pregnancy when she left, and she doubted he would believe her now. Reflecting back, she says, "I thought I would be shamed. I would lose everything. What was I supposed to do?" Aziza never had the chance to find out. She lost the pregnancy later that month while staying with her aunt in another city. She says that losing the pregnancy then had been a blessing of sorts: "At least I could keep it a secret."

INTRODUCTION

THE two preceding vignettes offer a glimpse into the myriad pathways and life circumstances that shape people's experiences moving across borders as seasonal migrant farm workers. Migrant agricultural workers usually make the difficult decision to leave their loved ones for extended periods because they want to create a life of dignity for themselves and their families. Even if the farm job contracts are coercive and dangerous, migrants often evaluate them favourably against the backdrop of poverty and unemployment in their communities of origin⁴. The concept of 'flexicurity' describes the conditions of shattered social bonds and economic instability that lead workers to accept high levels of individualized risk in pursuit of a fleeting sliver of security⁵. A political-economic analysis of agricultural migration programs lays the groundwork for understanding how agrarian change and capitalist globalization structure workers' individual choices and experiences⁶.

⁴ BINFORD, L. (2013). *Tomorrow we're all going to the harvest: Temporary foreign worker programs and neoliberal political economy.* Austin, TX: University of Texas Press.

 $^{^5}$ Gertel, J. / Sippel, S. R. (Eds.). (2014). Seasonal Workers in Mediterranean Agriculture. New York: Routledge.

⁶ MASSEY, D. S. / ARANGO, J. / HUGO, G. / KOUAOUCI, A. / PELLEGRINO, A. (1998). Worlds in Motion: Understanding International Migration at the End of the Millennium: Understanding International Migration at the End of the Millennium. Oxford: Clarendon Press.

In this chapter, we draw on case studies of two distinct sending and receiving contexts: Mexican and Caribbean workers in Canada. and Moroccan workers in Spain. Our findings are informed by policy analysis and qualitative research studies with migrant workers and their families by all three authors in the Canadian context, as well as the Mexican context by McLaughlin and Hennebry, the Jamaican context by McLaughlin, and the Moroccan-Spanish context by Hennebry. We begin by reviewing trends and debates in agricultural labour migration programs globally, and then in both of our case study locations, specifically. After describing the history and functioning of agricultural labour migration schemes in the two contexts, we compare along three core themes: (1) family reunification and gender issues; (2) labour and human rights; and (3) health and social protections. Canada and Spain's migrant worker schemes diverge on certain outcomes, particularly with regard to workforce gender stereotypes, yet these stereotypes both reinforce gender discrimination. Overall, however, similarities in their premises and structures have led to markedly similar outcomes for workers7. While such migration schemes provide a hyper-flexible and deportable labour force to optimize agricultural production, the needs and rights of migrant workers and their families remain neglected.

GLOBAL CONTEXT OF SEASONAL AGRICULTURAL MIGRATION

Seasonal agricultural labour migration schemes are not new; they have been in place in some countries for well over half a century⁸. Labour migration schemes allow farm operators to hire workers from parts of the globe with less affluence and social stability on temporary contracts, and they are often adopted in response to lobbying from farmers who report seasonal labour shortages. Such shortages do not always reflect an absolute lack of domestic work-

⁷ McLaughlin, J. / Weiler, A. M. (2017). Migrant Agricultural Workers in Local and Global Contexts: Toward a Better Life?. *Journal of Agrarian Change*, 17(3), 630-638.

⁸ CASTLES, S. (2006). Guestworkers in Europe: A resurrection?. *International migration review*, 40(4), 741-766.

ers seeking employment⁹. Work permits are often 'tied' to employers, meaning that workers cannot easily change jobs without forfeiting their migration status¹⁰. When agricultural employment is designed in a way that violates many of the International Labour Organization's criteria for decent work¹¹, people within migrant receiving countries who have viable alternatives tend to decline farm jobs.

Compared to undocumented migration pathways, formalized or 'managed' labour migration programs that are couched in the language of 'protection' allow governments greater control over migrants¹². It is often these very structures of management, such as employer-tied visas, that are the cause of migrants' vulnerability, including gendered forms of oppression and violence¹³. Seasonal workers can slip between various types of precarious immigration

⁹ HENNEBRY, J. L. / PREIBISCH, K. (2010). A Model for Managed Migration? Re-Examining Best Practices in Canada's Seasonal Agricultural Worker Program. *International Migration*, 50(S1), e19-e40.

¹⁰ Petrou, K. / Connell, J. (2018). "We don't feel free at all": temporary ni-Vanuatu workers in the Riverina, Australia. *Rural Society*, 27(1), 66-79; SMITH-NONINI, S. (2013). Seeing no evil: The H2A guest-worker program and state-mediated labor exploitation in rural North Carolina. *In:* L. Allegro / A. Wood (Eds.), *Latin American Migrations to the U.S. Heartland Changing Social Landscapes in Middle America* (pp. 101-124). Urbana, IL.

¹¹ ILO. (2013). Decent work indicators: Guidelines for producers and users of statistical and legal framework indicators. Retrieved May 3, 2018, from http://www.ilo.org/stat/Publications/WCMS_223121/lang--en/index.htm

¹² ANDERSON, B. (2012). Where's the harm in that? Immigration enforcement, trafficking, and the protection of migrants' rights. *American Behavioral Scientist*, 56(9), 1241-1257.

¹³ ABJI, S. (2016). "Because Deportation is Violence against Women": On the Politics of State Responsibility and Women's Human Rights. *Social Politics: International Studies in Gender, State & Society*, 23(4), 483-507; COHEN, A. / CAXAJ, S. (2018). Bodies and borders: Migrant women farmworkers and the struggle for sexual and reproductive justice in British Columbia, Canada. *Alternate Routes: A Journal of Critical Social Research*, 29, 90-117.

status¹⁴, and researchers have underscored continuities between formal labour migration streams, informal streams, and the criminalization of migration¹⁵. In addition to ties between immigration regimes and carceral complexes, formal migrant worker programs are often entangled with private interest groups or labour recruiters who may coerce workers¹⁶.

Despite the risks migrant workers undertake, institutions such as the World Bank¹⁷ have lauded migrant remittances as an instrument to promote development in workers' countries of origin. Though remittances may substantively benefit individual nuclear households, this universal model of development can clash with culturally-specific ideas of development that prioritize well-being and coexistence for the sending community as a whole¹⁸. In some cases,

¹⁴ GOLDRING, L. / LANDOLT, P. (2012). The impact of precarious legal status on immigrants' economic outcomes. Retrieved April 17, 2018, from http://irpp.org/research-studies/study-no35/

¹⁵ KAUR, A. (2010). Labour migration in Southeast Asia: migration policies, labour exploitation and regulation. *Journal of the Asia Pacific Economy*, 15(1), 6-19.

McLaughlin, J. / Hennebry, J. (2013). Pathways to precarity: Structural vulnerabilities and lived consequences in the everyday lives of migrant farmworkers in Canada. *In:* L. Goldring / P. Landolt (Eds.), *Producing and negotiating non-citizenship: Precarious legal status in Canada* (pp. 175-194). Toronto.

¹⁶ CORRADO, A. / DE CASTRO, C. / PERROTTA, D. (2017). *Migration and Agriculture: Mobility and change in the Mediterranean area*. Abingdon, Oxon and NY: Routledge.

FARADAY, F. (2014, April). Profiting from the precarious: How recruitment practices exploit migrant workers. Retrieved June 29, 2015, from http://metcalffoundation.com/wp-content/uploads/2014/04/Profiting-from-the-Precarious.pdf

¹⁷ World Bank. (2018, March 25). Maximizing the Development Impacts from Temporary Migration: Recommendations for Australia's Seasonal Worker Programme. Retrieved April 2, 2018, from http://documents.worldbank.org/curated/en/572391522153097172/pdf/122 270-repl-PUBLIC.pdf

¹⁸ SMITH, R. E. (2018). Changing Standards of Living: The Paradoxes of Building a Good Life in Rural Vanuatu. *In:* C. GREGORY / J. ALTMAN

the benefits of poverty alleviation from labour migration are short-lived¹⁹. Further, some scholars contend that the promise of remittances-as-development downplays the costs of migration, such as the consequences of separating migrants from their families for months or years at a time, and that it ignores the realities of increased dependence on remittances²⁰. Further, labour migration as a form of development deemphasizes the economic benefits host societies derive from migrants, while depoliticizing the root causes of migration that are fundamental to contemporary capitalist globalization²¹.

The expansion of migrant agricultural worker programs is tied to the consolidation of ownership across food supply chains²². Over the past 30 years, agri-food chains have become dominated by a concentrated number of food retailers. Retailers pressure farmers to produce at low prices, high volumes, and for just-in-time markets, while input suppliers such as monopolistic seed companies can en-

⁽Eds.), The Quest for the Good Life in Precarious Times: Ethnographic Perspectives on the Domestic Moral Economy (pp. 33-55). Canberra, Australia.

¹⁹ Wells, D. / McLaughlin, J. / Lyn, A. (2014). Sustaining Precarious Transnational Families: The Significance of Remittances from Canada's Seasonal Agricultural Workers Program. *Just Labour*.

²⁰ Hennebry, J. / Holliday, J. / Moniruzzaman, M. (2017). At what cost? Women Migrant Workers, Remittances and Development. New York: United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). http://www.unwomen.org/en/digital-library/publications/2017/2/women-migrant-workers-remittances-and-development; McLaughlin, J. / Wells, D. / Díaz Mendiburo, A. / Lyn, A. / Vasilevska, B. (2017). 'Temporary Workers', Temporary Fathers: Transnational Family Impacts of Canada's Seasonal Agricultural Worker Program. *Industrial Relations*, 72(4), 682-709.

WELLS et al., 2014, ibid.

²¹ DELGADO WISE, R. (2018). On the Theory and Practice of Migration and Development: A Southern Perspective. *Journal of Intercultural Studies*, 39(2), 163-181.

²² ROGALY, B. (2008). Intensification of workplace regimes in British horticulture: the role of migrant workers. *Population, Space and Place*, 14(6), 497-510.

trench high costs²³. Many farm operators have responded to the cost-price squeeze by scaling up and shifting toward non-local waged labour - evidence of 'flexiprofity' as employers' aim to secure short-term profits amidst economic volatility by offloading costs onto workers²⁴. This trend is evident in the growth of industrial-scale, export-oriented Mediterranean enclaves of fresh fruit and vegetable production, which depend heavily on migrant workers²⁵. Any small and medium-scale family farms have tried to remain competitive by hiring migrant workers²⁶. In short, the growth of lucrative global markets for high-quality fresh food has been enabled by constructing migrant labour forces as flexible, deportable, with weak bargaining power, and under immense productivity pressures.

CANADA'S MIGRANT AGRICULTURAL WORKER SCHEMES

Canada's Seasonal Agricultural Worker Program (SAWP) was initiated in 1966 as a pilot to hire workers from Jamaica. Since then, the SAWP has expanded to include other Commonwealth Caribbean states and Mexico through bilateral agreements. Mexico is now the leading participant country, and researchers estimate that under five percent of participants are women²⁷. Employers drive the

²³ CORRADO, A. (2017). Migrant crop pickers in Italy and Spain. Heinrich Böll Foundation, June. https://www.boell.de/sites/default/files/e-paper_migrant-crop-pickers-in-italy-and-spain 1.pdf?dimension1=division ip

²⁴ GERTEL / SIPPEL, 2014, *ibid*.

²⁵ Corrado *et al.*, 2017, *ibid*.

²⁶ CORRADO *et al.*, 2017, *ibid*; WEILER, A. M. / OTERO, G. / WITTMAN, H. (2016). Rock Stars and Bad Apples: Moral Economies of Alternative Food Networks and Precarious Farm Work Regimes. *Antipode*, 48(4), 1-23.

²⁷ McLaughlin *et al.*, 2017, *ibid.* Secretaría del Trabajo y Previsión Social (STyPS) (Ministry of Labour and Social Security) (2017) "Dirección de Movilidad Laboral de la Secretaria del Trabajo y Previsión Social." Programa de Trabajadores Agrícolas Temporales, Mexico City (personal communication), PREIBISCH, K.L. / ENCALADA GREZ, E., 2010.

demand for the SAWP while the Canadian, Mexican and Caribbean federal governments administer the program. After successfully completing a Labour Market Impact Assessment showing they were unable to hire local workers, farm operators may hire migrant workers for up to eight months per year. Sending-country governments carry out recruitment by advertising, screening and selecting workers. Among their selection criteria are physical fitness, lower levels of education, aptitude for and experience with agricultural work, and ties to the home country, including familial responsibilities (*e.g.* parenting) to lessen the likelihood of visa overstay²⁸. If any conflicts arise between workers and employers, a sending-country Consulate or Liaison officer stationed in Canada is responsible for interceding.

In 2015, approximately 50,000 agricultural workers were hired through all streams of the overarching Temporary Foreign Worker Program (TFWP), of which roughly 80% were through the SAWP²⁹. While the stated purpose of the TFWP is as "a last resort

The other side of el otro lado: Mexican migrant women and labour flexibility in Canadian agriculture. Signs: Journal of Women in Culture and Society, 35(2), pp.289-316; COHEN, A. / CAXAJ, S. (2018). Bodies and borders: migrant women farmworkers and the struggle for sexual and reproductive justice in British Columbia, Canada. Alternate Routes: A Journal of Critical Social Research, 29; HENNEBRY, J. 2017. For their own good?: Addressing Exploitation of Women Migrant Workers, International Organization for Migration (IOM), Geneva. https://publications.iom.int/books/their-own-good-addressing-exploitation-women-migrant-workers

²⁸ McLaughlin, J. (2010). Classifying the "ideal migrant worker": Mexican and Jamaican transnational farmworkers in Canada. *Focaal*, 2010(57), 79-94.

²⁹ The SAWP is now one component of Canada's overarching Temporary Foreign Worker Program (TFWP). In 2002, the federal government introduced additional streams of the TFWP that allow farm employers to hire workers for up to 24 months per contract from any country in the world. These non-SAWP streams do not involve bilateral agreements or sending-country representatives to advocate for them in Canada. They also depend more heavily on non-state agencies such as private recruiters (Faraday, 2014, *ibid.*). This expansion has intensified competition for jobs between workers of various countries. ESDC. (2016). Annual Labour Mar-

for employers to fill jobs for which qualified Canadians are not available"³⁰, the SAWP has evidently become a central, long-term business strategy for Canadian agricultural employers and continues to expand, with a steady rise of workers from 1966 to the present³¹. Most SAWP migrants will return annually; one survey conducted on behalf of a growers' organization found over 40 percent participated in the SAWP for more than 20 years³².

MOROCCO-SPAIN MIGRANT FARM WORKER SCHEME

There are some clear similarities between the SAWP and the Moroccan-Spain scheme, including their bilaterally governed structures, recruitment mechanisms, duration, employer control, and numerous other features. Whereas Canadian agriculture has been made possible through ongoing settler colonialism, labour migration dynamics between Morocco and Spain are shaped by the history of Spanish (and French) imperialism. Before 1991, Moroccans commonly engaged in informal circular migration between Morocco and Spain for seasonal farm work that was not officially sanctioned or facilitated by governments but was *de facto* permitted. Border security regimes and EU immigration controls subse-

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ket Impact Assessment Statistics 2008-2015: Primary Agriculture Stream. Retrieved September 22, 2017, from https://www.canada.ca/en/employment-social-development/services/foreign-workers/reports/2014/lmia-annual-statistics/agricultural.html

³⁰ Government of Canada. (2015). Overhauling the Temporary Foreign Worker Program: Putting Canadians First. Retrieved May 5, 2018, from http://publications.gc.ca/pub?id=9.801807&sl=0

³¹ HENNEBRY, J. / MCLAUGHLIN, J. (2013). The Exception that Proves the Rule: Structural Vulnerability, Health Risks and Consequences for Temporary Migrant Farmworkers in Canada. *In:* CHRISTINE STRAEHLE / PATTI LENARD (eds.), *Legislating Inequality: Canada's Temporary Migrant Worker Program* (pp. 117-138). McGill-Queen's University Press.

³² CAHRC [Canadian Agricultural Human Resource Council]. (2017, December). A review of Canada's Seasonal Agriculture Worker Program: https://cahrc-ccrha.ca/sites/default/files/Emerging-Issues-Research/A%20 Review%20of%20Canada%27s%20SAWP-Final.pdf

quently made this mobility 'illegal' and 'irregular.' What was once relatively open circular labour migration with Spain became articulated as irregular migration in the post-EU context - thus creating a demand for managed regular labour migration. However, there are estimates of roughly 200,000 Moroccans working in Spanish agriculture, many immigrants, and many of whom do not have status³³. Since 1992, Morocco has been the main country of origin for agricultural labour migration in France and Spain.

In the post-EU context, Morocco and Spain established bilateral agreements to facilitate continued seasonal agricultural migration. They stipulated that the Spanish Embassy and Moroccan authorities would oversee recruitment and the allocation of work permits³⁴. The 2001 Agreement between Spain and Morocco Regulating Temporary Migrant Workers formalized hiring practices so that employers can nominate employees that they wish to have returned to work for them in Spain in a following season. In 2010, the Foundation for Foreign Workers in Huelva, Spain (FUTEH) and ANAPEC (Agence nationale de promotion de l'emploi et des compétences or National Agency for the Promotion of Employment and Skills) signed a Convention to continue organizing the circular migration of seasonal workers between Morocco and the Huelva region specifically. Subsequent agreements outlined specific recruitment practices and other management aspects of the scheme. In Spain, legal changes were implemented to allow employers to recruit nationals from countries with a labour agreement (often putting workers from Morocco, Poland, Romania, Bulgaria, etc., in direct competition for jobs) on condition that workers sign contracts in countries of origin prior to entering Spain. Workers are recruited for harvest time and must return to their country at the end of the seasonal contract (between three to nine months). The pre-selection of workers is carried out by ANAPEC in the 360 poorest rural communities of Morocco, and the majority of participants are women due to selection criteria discussed below. Upon obtaining their contract, the workers sign a return commitment and are then issued a temporary residence and

³³ CORRADO *et al.*, 2017, *ibid*.

³⁴ OSCE, 2014, *ibid*.

work permit valid for three to nine months for a specific geographical area and for a specific activity concentrated in strawberry farms³⁵. Typically over 10,000 workers are hired through the scheme annually, the majority of whom are women³⁶.

1. Family Reunification and Gender Issues

Providing economic support for family members is a core motivation for migrant agricultural workers, and labour migration schemes are designed in a way that capitalizes on these gendered familial ties. In the Morocco-Spain context, particularly under the Huelva agreement, officials primarily select married women migrants who are mothers. Women migrants must secure the consent of their male spouses to participate in the scheme³⁷. Such feminized selection procedures are also based on the perception that women are docile, compliant workers with delicate hands suited for small fruit³⁸. With the enlargement of the EU in 2007, women from Eastern European countries (Poland, Romania, Bulgaria) were replaced by female workers recruited in rural Morocco, with the essential

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³⁵ International Federation of Human Rights (FIDH) Importing Workers, 2012. Exporting Strawberries Working Conditions on Strawberry Farms in the Huelva Province (Spain). Retrieved from https://www.fidh.org/IMG/pdf/report strawberries eng.pdf.

³⁶ ELOUAZI, S. (2017, December 12). Spain to Hire 7,000 Moroccan Farm Workers for 2018. *Morocco World News*. Rabat. Retrieved from https://www.moroccoworldnews.com/2017/12/236207/spain-hire-7000-moroccan-farm-workers-2018/.

³⁷ HELLIO, E. (2014). 'We don't have women in boxes': Channelling seasonal mobility of female farmworkers between Morocco and Andalusia. *In:* J. GERTEL / S. R. SIPPEL (Eds.), *Seasonal Workers in Mediterranean Agriculture* (pp. 141-155). New York: Routledge.

³⁸ HELLIO, 2014; REIGADA, A. (2016). Family farms, migrant labourers and regional imbalance in global agri-food systems. On the social (un)sustainability of intensive strawberry production in Huelva (Spain), *In:* A. CORRADO / C. DE CASTRO / D. PERROTTA (Eds.), *Migration and Agriculture: Mobility and change in the Mediterranean area* (pp. 119-134). London: Routledge.

prerequisite that these women had minor-age children to care for at home³⁹. Upon returning to their rural communities, many Moroccan women workers face stigma and discrimination and are framed as promiscuous and less virtuous because of their migration⁴⁰.

Similar forms of gender discrimination and exploitation of familial ties are at play in the Canadian SAWP, but in this case masculinity serves as the preferred marker of social difference for capital accumulation. Employers in the SAWP determine the gender of their workforce. For the first two decades of the program, only men participated; since 1989 a small number of women have been requested, primarily to work in delicate fruit and flower industries. Sending country officials charged with recruiting workforces preferentially select married men with dependents⁴¹. To a much lesser degree, officials select single mothers. This highly masculinized work context leaves women's needs and risks largely unconsidered. For example, the women who participate lack control over their mobility and are vulnerable to sexual harassment and violence⁴².

In both the Morocco-Spain scheme and the Canadian SAWP, states have adopted the rationale that migration serves as a form of development, with the assumption that migrants will send remittances home and return to their countries of origin after their contracts are complete to care for their children. Workers are not permitted to migrate with their families in either Canada or Spain. Prolonged separation can take a painful toll on families, including

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³⁹ GONZALEZ-ENRIQUEZ, C. / REYNES RAMON, M. (2011). Circular Migration between Morocco and Spain-Something more than agricultural work. METOIKOS Project, Robert Schuman Centre for Advanced Studies, Florence: European University Institute.

⁴⁰ HELLIO, E. (2014). 'We don't have women in boxes': Channelling seasonal mobility of female farmworkers between Morocco and Andalusia. *In:* J. GERTEL / S. R. SIPPEL (Eds.), *Seasonal Workers in Mediterranean Agriculture* (pp. 141-155). New York: Routledge.

⁴¹ PREIBISCH, K. / ENCALADA GREZ, E. (2013). Between hearts and pockets: locating the outcomes of transnational homemaking practices among Mexican women in Canada's temporary migration programmes. *Citizenship Studies*, 17(6-7), 785-802.

⁴² COHEN / CAXAJ, 2018, *ibid*; PREIBISCH / ENCALADA GREZ, 2013, *ibid*.

alienation between children and transnational parents, strained spousal relations, and a 'double' workload for non-migrating women spouses⁴³. Geographically severing workers from family obligations makes workers more likely to consent to long, antisocial and arduous hours. This 'productive/reproductive split' is a boon to growers⁴⁴.

Long, repeated absences with limited communication options (e.g. a lack of phones and internet on farms and migrant-sending communities) contribute to profound strain on family relationships and sometimes to family dissolution. Employers tend to disallow mid-season visits where workers return to their families, and even when permitted, such visits are cost-prohibitive for workers. This is particularly difficult during celebrations, life events and crises (e.g. births, deaths, graduations and weddings)⁴⁵.

Although return migrants are separated from their families over multiple seasons, the labour migration schemes in both contexts thwart family reunification through permanent immigration. This is true of the Morocco-Spain scheme, with few opportunities to obtain permanent status, and if workers fail to return to Morocco and register with Spanish border authorities upon exit, they can be barred from the scheme and are considered 'illegal' in Spain. Likewise, Canada's SAWP does not offer a direct route to permanent immigration. In rare cases, individual employers can nominate migrants for permanent residency through competitive Provincial Nominee Programs that allow provinces to select a small number of immigrants directly, or a Canadian resident family member can sponsor

⁴³ HENNEBRY, J. L. (2014). Transnational Precarity: Women's Migration Work and Mexican Seasonal Agricultural Migration. *International Journal of Sociology and Social Policy*, 44(3), 42-59; McLaughlin *et al.*, 2017, *ibid.*

⁴⁴ PACIULAN, M. / PREIBISCH, K. (2014). Navigating the Productive/Reproductive Split: Latin American Transnational Mothers and Fathers in Canada's Temporary Migration Programs. *Transnational Social Review*, *3*(2), 173-192.

⁴⁵ McLaughlin et al., 2017, ibid.

them⁴⁶. One survey found that over 50% of SAWP workers wished to immigrate to Canada⁴⁷, yet only 2% of SAWP workers between 1990 and 2014 obtained permanent residency after 10 years of participation in the program⁴⁸.

2. Labour and Human Rights

Categorizing migrant workers as non-citizens subjects them to a distinct set of laws and practices that can undermine their human and labour rights. Consequently, researchers have analyzed the SAWP as a form of legalized unfreedom⁴⁹. Employer-tied visas mean that if workers experience workplace abuse, transferring to a new employer is often challenging or impossible⁵⁰. Living in employer-provided housing, which is often overcrowded, subjects workers to a range of extra-legal practices such as employer surveillance and bans on visitors⁵¹. Workers face numerous disincentives to reporting labour violations, racism, workplace illness or injury, and sexual violence. At any time, an employer may consult with a sending-country representative to repatriate a worker. Migrants also depend on employers for a positive end-of-season assessment and to rehire them the subsequent season. One worker

⁴⁶ Lu, Y / Hou, F. (2017). Transition from Temporary Foreign Workers to Permanent Residents, 1990 to 2014. Retrieved May 28, 2018, from Statistics Canada: https://www.statcan.gc.ca/pub/11f0019m/11f0019m 2017389-eng.htm

⁴⁷ HENNEBRY, J. / PREIBISCH, K. / McLaughlin, J. (2010). *Health across Borders: Health Status, Risks and Care among Transnational Migrant Farm Workers in Ontario*. CERIS Ontario Metropolis Centre. Toronto, ON.

⁴⁸ PROKOPENKO, E. / HOU, F. (2018, January 26). How Temporary Were Canada's Temporary Foreign Workers? Retrieved May 5, 2018, from http://www.statcan.gc.ca/daily-quotidien/180129/dq180129b-eng.htm

⁴⁹ SATZEWICH, V. (1991). Racism and the incorporation of foreign labour: Farm labour migration to Canada since 1945. New York: Routledge.

⁵⁰ HENNEBRY / PREIBISCH, 2010, *ibid*.

⁵¹ COHEN / CAXAJ, 2018, ibid.

summarizes the concerns of hundreds we interviewed: "You have to be there to do what the boss tells you...if you start to disobey him, you will no longer return. For that reason one has to accept everything. Although you know that it is not the correct thing or that they are committing injustices against you, you have to allow it"52.

The situation is similar in the case of Moroccan migrants in Spain, where workers can receive work permits for up to nine months a year. After the permit expires, they are required to return to their country of origin. To certify their return, they have to register at the Spanish consular office that issued their visa within one month after it expired. Failing to do so will cause the refusal of later applications for work permits under the scheme. On the other hand, workers respecting these obligations will be given priority regarding future job offers. Similar to the Canadian SAWP naming system, employers can hire specific individuals again the following year through hiring by name. When an individual worker is named, they bypass having to go through the selection process anew, and their contract will be with the previous employer. This further increases employer power, heightening both workers' precarity and the likelihood of accepting unsafe or exploitative conditions. In fact, employers often fail to comply with existing regulations and agreements regarding seasonal work and will disregard labour rights⁵³. Moroccans in Spain (compared to Eastern European workers such as Bulgarians) are particularly vulnerable to abuse and exploitation due to a confluence of factors such as gender and racial discrimination, missing papers, insecure or precarious legal status, and lower levels of formal education⁵⁴.

In both Canada and Spain, employers are legally permitted to select workers on the basis of their nationality and gender. Racial and

⁵² McLaughlin, 2009, *ibid*.

⁵³ CORRADO, 2017, *ibid*; HELLIO, 2016, *ibid*; REIGADA, 2016, *ibid*.

⁵⁴ PUMARES, P. / JOLIVET, D. (2014). Origin matters: working conditions of Moroccans and Romanians in the greenhouses of Almeria. *In:* J. GERTEL / SIPPEL, S.R. (2014) (Eds.), *Seasonal Workers in Mediterranean Agriculture. The social cost of eating fresh.* New York: Routledge, pp. 130-140

gender stereotypes may be used to coerce migrants into exemplifying the 'ideal' worker, while intensifying competition between workers⁵⁵. In the SAWP, competition also occurs at the level of sending-country representatives, who face pressure to maintain their country's access to the program. They may therefore privilege friendly relations with employers over workers' rights⁵⁶. In Ontario, where most farm workers are employed, agricultural workers are legally prohibited from obtaining union certification. In British Columbia, where agricultural worker unionization is possible, Mexican Consular officials were found to have legally blacklisted Mexican SAWP workers perceived as union sympathizers⁵⁷.

In Spain, Moroccan migrant workers face barriers to claiming rights, such as low levels of education and literacy, and fear of loss of current or future employment. This is particularly true for women migrant workers who are predominantly from rural areas, with high rates of illiteracy, and many only speaking the local Arabic dialect (Darija) or Berber dialect (Tamazight). ANAPEC holds pre-departure meetings for women specifically, to provide them with very general information, but such meetings barely touch upon rights in the workplace, working hours, wages, the right to join a union, the right to holidays, national health insurance, etc.⁵⁸.

⁵⁵ HELLIO, 2016, *ibid*; MCLAUGHLIN, 2010, *ibid*; PREIBISCH, K. / BINFORD, L. (2007). Interrogating Racialized Global Labour Supply: An Exploration of the Racial / National Replaceme of Foreign Agricultural Workers in Canada. *Canadian Review of Sociology*, 44(1), 5-36; PREIBISCH, K. L. / ENCALADA GREZ, E. (2010). The Other Side of el Otro Lado: Mexican Migrant Women and Labor Flexibility in Canadian Agriculture. *Signs: Journal of Women in Culture and Society*, 35(2), 289-316.

⁵⁶ BINFORD, 2013, *ibid*.

⁵⁷ VOSKO, L. F. (2016). Blacklisting as a modality of deportability: Mexico's response to circular migrant agricultural workers' pursuit of collective bargaining rights in British Columbia, Canada. *Journal of Ethnic and Migration Studies*, 42(8), 1371-1387.

⁵⁸ FIDH (International Federation for Human Rights). (2012). Importing Workers, Exporting Strawberries: Working Conditions on Strawberry Farms in the Huelva Province (Spain). Paris: FIDH.

https://www.fidh.org/IMG/pdf/report strawberries eng.pdf

While legally entitled to join a union in Spain, workers often do not realize collective bargaining rights. This is due to workers' seasonality (staying for a maximum of nine months) and the contractual nature of their work, which is typically mediated by labour brokers. Brokers are often established migrants who recruit workers, control and regulate working hours and wages, and ignore hours and wages fixed by formal contracts. In many cases workers are not even directly paid by employers, putting labour brokers and subcontractors in powerful positions to exploit and profit from this captive workforce. In Huelva, informal handlers/brokers (called manijeros) and formal temporary employment agencies, called Empresas de trabajo temporal, play an important role, and their scope of activities has been enlarged by labour law reforms enacted in 2010 and 2012⁵⁹. So far, labour conflicts in the Spanish agricultural sector have been simply 'resolved' by recruiting new workers through such embedded intermediaries⁶⁰.

Yet, in both Morocco and Canada workers have continued to engage in collective action through so-called alt-labour farm worker organizations and local grassroots initiatives such as Justice for Migrant Workers in Canada⁶¹, along with the sporadic unionization of migrant farm workers in parts of both Canada and Spain⁶². While modest in scope, some family farmer organizations affiliated with the food sovereignty movement have shown solidarity with farm worker justice campaigns⁶³.

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⁵⁹ CARUSO, F. S. (2018). Unionism of migrant farm workers. The Sindicato Obreros del Campo (SOC) in Andalusia, Spain. *In: Migration and Agriculture: Mobility and change in the Mediterranean area* (pp. 277-292). Abingdon, Oxon and NY: Routledge.

⁶⁰ Hellio, 2016, *ibid*.

⁶¹ PERRY, J. A. (2018). Images of work, images of defiance: engaging migrant farm worker voice through community-based arts. *Agriculture and Human Values*, 36(3), 627-640.

⁶² CARUSO, 2018; DIAS-ABEY, M. (2018). Justice on Our Fields: Can "Alt-Labor" Organizations Improve Migrant Farm Workers' Conditions? *Harvard Civil Rights-Civil Liberties Law Review*, 53, 1-46.

⁶³ CORRADO *et al.*, 2017, *ibid*; WEILER, A. M. / McLAUGHLIN, J. / COLE, D. C. (2017). Food security at whose expense? A critique of the Canadian

3. Health and Social Protections

The design of the SAWP magnifies the dangers of what is already a high-risk industry. Agricultural labour presents myriad hazards, including agrochemical and climatic exposures, musculoskeletal iniury from repetitive motion, awkward postures, lifting heavy loads. and motor vehicle and machinery accidents⁶⁴. Seventy-four per cent of surveyed SAWP workers in British Columbia and 59 percent of those surveyed in Ontario said they did not receive any health or safety training or information at their principal worksite; linguistic inaccessibility presents additional problems⁶⁵. While workers legally have the right to refuse unsafe work, in practice, many are unwilling to do so for fear of losing their jobs⁶⁶. Women face compounded risks of harassment and sexual violence along with challenges to protecting their sexual and reproductive health⁶⁷. In Spain. Moroccan female migrant workers' precarity and gender similarly compound barriers to accessing reproductive health care. Because they fear losing their positions, women migrants in both contexts often feel pressure to hide pregnancies, forego prenatal care, plan pregnancies around work seasons, and leave their newborns to return to work⁶⁸

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temporary farm labour migration regime and proposals for change. *International Migration*, 55(4), 48-63.

⁶⁴ MURPHY, D. J. / LEE, B. C. (2009). Critical issues facing agricultural safety and health. *Journal of Agricultural Safety and Health*, *15*(3), 203-205.

⁶⁵ HENNEBRY, *et al.*, 2010, *ibid*; 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.

⁶⁶ McLaughlin, et al., 2014, ibid.

⁶⁷ ENCALADA GREZ, 2017, *ibid*; NARUSHIMA, M. / MCLAUGHLIN, J. / J. BARRETT-GREENE (2016). Needs and Risks in Sexual Health among Temporary Foreign Migrant Farmworkers in Canada: A Pilot Study with Mexican and Caribbean Workers. *Journal of Immigrant and Minority Health* 18(2), 374-81.

⁶⁸ HELLIO, 2014, ibid; McLaughlin, 2009, ibid.

Alongside physical risks, migrant workers' mental and emotional health can be negatively affected by factors such as familial separation, workplace stress, and social isolation⁶⁹. Local social workers (referred to as "intercultural mediators") in Spain have also pointed to psycho-social distress among the Moroccan women due to family separation and the burden of responsibility for remittance sending⁷⁰.

Canadian employers are obligated to enroll migrant agricultural workers in health care coverage throughout the duration of their contracts. In practice, workers face extensive barriers to accessing coverage. For example, hospitals or clinics frequently require workers covered by private insurance to pay upfront, and employers sometimes withhold health cards⁷¹. Employers' mediating role in health care is a major concern. Long work hours coupled with limited clinic hours frequently oblige workers to request time off work to seek care. Employers often provide transportation and act as informal translators. Most workers do not feel comfortable disclosing health information to their employers. Thus, many work through injuries and illnesses rather than asking employers for care⁷². If migrants sustain a workplace illness or injury, they are often repatriated before fully recovering and may face immense obstacles to accessing workplace compensation⁷³.

⁶⁹ MAYELL, S. (2016). *Up-rooted Lives, Deep-rooted Memories: Stress and Resilience among Jamaican Agricultural Workers in Southern Ontario* (Master's thesis, McMaster University).

⁷⁰ FIDH, 2012, *ibid*.

⁷¹ McLaughlin, 2009, ibid; Preibisch/Otero, 2014, ibid.

⁷² Hennebry, J. / Grass, W. / McLaughlin, J. (2016). Women migrant workers' journey through the margins: Labour, migration and trafficking. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women). Retrieved from http://www.unwomen.org/en/digital-library/publications/2017/2/women-migrant-workers-journey-through-the-margins

⁷³ McLaughlin, *et al.*, 2014, *ibid*; Orkin, A. M. / Lay, M. / McLaughlin, J. / Schwandt, M. / Cole, D. (2014). Medical repatriation of migrant farm workers in Ontario: a descriptive analysis. *CMAJ Open*, 2(3), E192-E198.

Although SAWP workers' wages are automatically deducted for social benefits programs, they often cannot access social protections such as the Canada Pension Plan and Employment Insurance benefits⁷⁴. In summary, there is a severe gap between migrant farm workers' health and social protections on paper and in practice⁷⁵.

All migrant workers in Spain are legally entitled to free health care regardless of their immigration status⁷⁶. As in Canada however, language and cultural barriers, transportation and employer control all mitigate workers' health care access. Workers in Spain may be reluctant to go to health care centres or inform their employer when they are sick⁷⁷. Health care practitioners have responded to some of these barriers with a number of initiatives. For example, during the strawberry season there is typically one female cultural mediator at local hospitals in Huelva to assist the workers. Some local health centers have a 'strawberry doctor' that works in the afternoon, so that workers do not need to miss a day of work (they normally work until 5pm)⁷⁸. The existence of such initiatives

⁷⁴ RAMSAROOP, C. (2016). The case for unemployment insurance benefits for migrant agricultural workers in Canada. *In:* A. CHOUDRY / A. SMITH (Eds.), *Unfree labour? Struggles of migrant and immigrant workers in Canada* (pp. 105-122). Oakland, CA.

UFCW (2014). The great Canadian rip-off. An economic case for restoring full EI special benefits access to SAWP workers. http://www.ufcw.ca/templates/ufcwcanada/images/directions14/march/142 0/The-Great-Canadian-Rip-Off-An-Economic-Case-for-Restoring-Full-EI-Special-Benefits-Access-to-SAWP-Workers.pdf

⁷⁵ 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*, 2-16.

⁷⁶ Junta de Andalucía. (2007). Manual de Atención Sanitaria a Inmigrantes. Sevilla: Consejería de Salud.

⁷⁷ FIDH, 2012, *ibid*.

⁷⁸ GAATW (Global Alliance Against Traffic in Women). (2009). Female Temporary Circular Migration and Rights' Protection in the Strawberry Sector in Huelva, Spain. Bangkok: GAATW International Secre-

is not widespread, however, and their effectiveness does not address the structural factors that mediate access. In the end, realizing workers' right to health care depends greatly on employers.

Seasonal migrant workers in Spain pay 60€ every month for retirement and unemployment insurance, but they can never receive these benefits. Even though seasonal migrant workers make the same social security contributions as other workers in Spain, they are not entitled to unemployment support (which requires a minimum of 270 days contribution), retirement or maternity benefits⁷⁹. Under a Moroccan-Spanish agreement from 1984, spouses and children are eligible for health insurance during the period of the contract. ANAPEC, the National Social Security Fund of Morocco, and the Spanish authorities sought to implement this insurance in 2009. The difficulties are numerous, however, including employers under-reporting the number of days worked to avoid social security payments (*ibid*).

CONCLUSION

Bilateral agreements enabling the 'regular' and 'orderly' flows of circular migrants have been the dominant and even celebrated approach to governing agricultural labour migration. When higher-income nations militarize their borders and tighten immigration restrictions, they often use labour migration schemes as a tool to formalize the movements of low-wage workers across their borders. Despite their distinct geopolitical histories, both the Canadian and Spanish labour-migration schemes include features that have cast them as examples of 'best practice,' such as bilateral agreements between governments and formalized rules for employer hiring practices. In both cases, however, legalized migration pathways, the provision of certain migrant rights on paper, and bilateral agreements, are insufficient in addressing the well-documented violations of workers' human and labour rights. Workers' vulnerability to

tariat. http://www.gaatw.org/publications/Female_Temporary_Circular_Migration in Huelva.pdf

⁷⁹ FIDH, 2012, *ibid*.

exploitation is not an anomalous side effect; such schemes are so popular among employers and states precisely because they construct workers as deportable and with weak bargaining power.

Embedded into formal labour migration schemes is the logic of migration for development, and the often touted 'triple-win' of such circular regimes, benefitting workers, sending and receiving states⁸⁰. But the triple-win fails to account for the costs borne on migrant workers and their families, and it has also not yielded strong evidence of long-term development for sending countries⁸¹. In both contexts, these labour migration schemes are designed in a way that powerfully exploits migrants' ties to their families and children while preventing family reunification through permanent immigration. Further, such schemes allow governments to sidestep the material obligations and political consequences of welcoming agricultural workers and their families for permanent settlement⁸². Receiving countries benefit by preventing visa overstay, and employers benefit by having a workforce that is distanced from everyday familial obligations and available to work long and flexible hours. Workers bear the costs of painful and prolonged familial separation, and employers glean the benefits of a readily available and controllable workforce

When comparing these two schemes, gender plays a key role in terms of both workers' experiences and the way they are governed⁸³. While the migrant workforce in Morocco-Spain scheme is highly feminized and in Canada it is highly masculinized, the two cases show how employers and governments mobilize gender stereotypes and socialization in ways that benefit capital accumula-

⁸⁰ CASTLES S. / OZKUL D. (2014). Circular Migration: Triple Win, or a New Label for Temporary Migration? *In:* G. BATTISTELLA (Ed.), *Global and Asian Perspectives on International Migration*. Global Migration Issues, vol 4. Springer.

⁸¹ HENNEBRY et al., 2017.

⁸² PACIULAN, M. / PREIBISCH, K. (2014). Navigating the Productive/Reproductive Split: Latin American Transnational Mothers and Fathers in Canada's Temporary Migration Programs. *Transnational Social Review*, *3*(2), 173-192.

⁸³ HENNEBRY et al., 2016, ibid.

tion. In the SAWP, employers also draw on arbitrary ethno-racial stereotypes in ways that promote competition and prevent solidarity between workers, in a race to the bottom for rights and social protections⁸⁴. Canada is clearly not alone in this regard, as worldwide there are more than 317 bilateral labour migration agreements in place. Rarely do these agreements address human rights or social protection measures, particularly in the case of migration categorized as 'low-skill'⁸⁵.

Amidst an increasingly competitive global agri-food market, many countries rely on non-citizen workers with weak bargaining power to produce competitively priced agricultural goods. Humanity's need to feed itself is a given, but the expansion of unfree labour schemes in fields and greenhouses across the globe is neither natural nor inevitable. Economic migration "lies less in the personal motivation of the individual who migrates and more in the asymmetries between countries"86 (Ceriani-Cernadas, 2016, p. 103). Labour migration schemes are both a product of and a contributor to such asymmetries. While there have been many tweaks and modifications of such programs, often in response to public or civil society pressure, the structural-level changes required to align such programs with international human rights frameworks have not occurred. To address the globalized inequality that underpins much labour migration, it will be necessary to think beyond these schemes and address core reasons why food and farm workers are treated as cheap. Such rethinking is necessary, for instance, if states wish to meet their targets for the United Nations 2030 Agenda for Sustain-

⁸⁴ Preibisch / Binford, 2007, *ibid*.

⁸⁵ HENNEBRY, J. (2017). Securing and Insuring Livelihoods: Migrant Workers and Protection Gaps. International Organization for Migration (IOM), Geneva. https://publications.iom.int/system/files/pdf/securing_ and_insuring.pdf

⁸⁶ CERIANI-CERNADAS, P. (2016). Language as a migration policy tool: Critical remarks on the concept of "economic migrant" and how it leads to human rights violations. The Sur File on Migration and Human Rights, 13(23), 97-111. Retrieved from http://sur.conectas.org/wp-content/uploads/2016/09/8-sur-23-ingles-pablo-ceriani-cernadas.pdf, p. 103.

able Development regarding gender inequality, decent work for all, and numerous goals related to migration (*e.g.* Goals 5, 8, 10)⁸⁷.

It is time to move beyond these stale schemes and traditional approaches to labour migration governance, and to recognize that workers' rights are human rights, regardless of sector or country of employment and origin. Change also requires new thinking informed by the 2030 Agenda about the relationships between the global food system and global migration governance. Otherwise, the human costs of fresh food will remain unconscionably high for migrant workers, their families and communities.

⁸⁷ HOLLIDAY, J. / HENNEBRY, J. / GAMMAGE, S. (2018). Achieving the SDGs through the Gender, Migration and Development Nexus. *Journal of Ethnic and Migration Studies*. Online First.