

Investigating the Needs of
Migrant Workers
in Agriculture
Working in
Prince Edward Island

The purpose of this study was to investigate how best to improve temporary foreign worker retention and satisfaction on Prince Edward Island.

This research project depended mainly on what was actually observed and heard during interviews with PEI farmers and migrant workers. We were able to have face to face interviews with more farms and migrant workers than previous studies on migrant workers on PEI, which included interviews with fifty workers at nine farms. Along with the farm interviews, every effort was made to speak with as many stakeholders as possible including governmental departments and the authors of previous studies. The primary researchers of this study have no connection to the agriculture sector and conducted the study as a fact finding mission with no inherent biases.

Our research also included a systematic review of previous studies and reports on temporary migrant workers on PEI. During this review we aimed to identify repetitive issues of concern, whether the information being reported occurred on PEI or whether it was reporting information witnessed in another province and finally we tried to separate the agricultural sector from other sectors in regards to reported situations. Whenever reviewing past research one thing that researchers need to be aware of at all times is the source of information and how often the same source of information is repeated in different studies.

One study we focused on as a resource was *Changing Hands: Temporary Foreign Workers in Prince Edward Island* authored by Josie Baker of The Cooper Institute. We also had the opportunity to interview her as source of direction in how we could better conduct our interviews and for advice on areas of concern we could be looking for. In the above mentioned paper, The Cooper Institute stated its work primarily focused on temporary foreign workers who experience a high degree of vulnerability and specifically highlighted those hired through the Seasonal Agricultural Worker Program (SAWP) as one of these programs of high degree of vulnerability. The information from the above study has been re-distributed in a few publications and the Canadian Council for Refugees issued a special thanks to the Cooper Institute for the contribution they provided to CCR in their PEI provincial report card.

Some of the areas of concern put forth in *Changing Hands: Temporary Foreign Workers in Prince Edward Island* was the need for greater provincial administration of the programs, isolation of workers, housing concerns, hours worked, language issues, and the danger of dismissal and unfair repatriation. We decided these would be good areas of focus for our study. As mentioned earlier, our findings are only based on what we witnessed from our own farm visits and are strictly isolated to the agricultural sector; we did not interview or observe activities in other sectors hiring migrant workers, nor did we research the practices of other provinces in much detail. This is meant to represent our findings on PEI only.

Housing

Changing Hands stated that despite inspections of housing by the Department of Health and Wellness before the workers arrive, “there have been reports of inadequate housing and facilities on Prince Edward Island and in fact, the SAWP across Canada is well known for poor living conditions”. In our survey we asked specific questions regarding type of accommodations the workers were living in to both the worker and the farmer to see if answers matched and also asked if the worker was satisfied with his accommodations. We also asked many follow up questions regarding housing conditions to see if we could encourage the worker to be as honest as possible in their portrayal of housing. Fifty out of fifty workers expressed they were satisfied with their living conditions. Workers who had worked in other provinces or countries were asked if the living conditions on PEI matched or exceeded other farms they had worked on and again one hundred percent of those workers stated accommodations on PEI were as good or better as those they had experienced off Island. When we tried to dig deeper to discover areas of improvement in housing we heard on a few occasions the workers would appreciate extra fridges because they are shopping only once a week and stoves because many times a number of workers are all needing to cook lunch during the same short lunch break. Another area of improvement that was stated more than once was a desire to have more privacy within the home. This is understandable in situations where a group of adult men are sharing the same house.

At the end of this report we will be outlining some of the limitations of our report and one of those limitations is the fact all interviews were voluntary, so the farms that volunteered to participate could very well be those that know they have adequate housing and good relations with their workers.

Hours Worked

This was an area that was a little difficult to examine. Looking at it through our own cultural blinders we would say many of these workers seemed over-worked. This is the case if we accept our societal norms as being correct, because we think of forty hours as a normal work week and hours above that as overtime or overworked. What we discovered in our interviews is that the happier workers were those that received closer to sixty hours and those that received closer to forty hours stated a concern of not receiving enough hours. We had a few workers in the latter position who stated it was better in other provinces because they received more hours. We also had one farmer tell us the migrant workers at his farm requested to work seven days a week but he told them that working Sunday was not an option. When asked follow up questions on this topic many workers stated that they are only here to work and want to receive as many hours as possible in the shortened work year. Because the agriculture sector is exempt from some sections of the PEI Employment Standards Act, workers are not automatically entitled to overtime pay. It is difficult to state whether it is in the migrant workers best interest to have the province create legislation to make mandatory overtime pay for hours worked above 48 hours because this could very well encourage the farm to hire an extra worker reducing hours for all

workers. It was quite clear in our visits that a vast majority of those interviewed were looking to avoid work weeks that were less than 45 hours. Precautions should be in place to make sure hours over 48 hours a week are at the request of the worker and refusal of hours above 48 hours do not negatively affect the workers year-end evaluation.

Another concern put forth by others is the idea that if migrant workers are working more hours in a week then local workers will be unable to receive enough hours, affecting their EI claims. This does not seem to be the case as there is a shortage of local workers willing to work in agriculture. Although we did not conduct interviews with local workers, and this could be part of a future study, we were assured by the farmers we asked that local workers are getting the hours they request and in many cases could receive more if the worker was interested in receiving more hours. Most farms depend on a percentage of local workers along with the migrant workers to satisfy all work commitments on the farm.

Language Barriers

As for the work itself, it was agreed by most workers and farmers that the language barrier is not a large obstacle. The migrant workers have agricultural experience and therefore are quite familiar with the tasks that need to be accomplished. Problems can arise if a migrant worker needs medical assistance. Even at farms where there is at least one individual that is reasonably fluent in both languages, they have had difficulty when medical assistance is required.

Another area of concern could be if a worker felt their rights had been violated; if that particular worker could not speak English they would really have to rely on the help of the farm or another worker on the farm which could make a difficult situation even more difficult. All Mexican workers we interviewed stated they would contact the Mexican consulate in such a situation, but it may be more advantageous if the workers had easy access to a translator whom they trusted on PEI for medical, employment standards and human rights issues.

One of the questions we asked the workers was whether they would take advantage of English lessons if they were made available, even if these lessons were scheduled at the end of a work day or on days off, a majority of respondents stated eagerly that they would welcome such an opportunity. This could be provided through online learning as well. The ability to converse in English could make for a better work environment and could possibly help the employee with better integration into the community reducing the perceived threat of vulnerability that can come from isolation.

General Overview

We found there to be a mutual benefit being obtained by both farmer and migrant worker. We heard on a number of occasions farmers stating they don't think they could continue farming without the reliable help they receive from the migrant workers and we spoke with migrant

workers, some of whom have been returning to Canada annually for over ten years, who stated that they like coming here because the amount of work that is available and the remuneration that they receive. In many ways it was easy to see similarities in the migrant workers who spend time away from their families to come work on PEI and PEI residents who spend extended periods of time working in Alberta to provide for their families.

The same as you would see if you did a sampling this large of any type of businesses, there were differences observed in work environments across the farms. Just as the morale of workers can differ between different Island companies, the work environment appeared more positive at some farms as opposed to others. At all farms the workers seemed content to have work, but the respect expressed towards their employer came through more at certain farms. From an observers point of view, clues were left as to how this greater respect was achieved. At some farms more effort was made to welcome the workers into the community, this was witnessed by the answers given in the survey and by witnessing actual interactions between the farm owner and migrant workers. Some positive examples witnessed were statements such as “We are conscious not to ask our workers not to do anything we wouldn’t do”, “I have invited the workers home some Sundays for BBQs”, “We try to make these men feel like part of our extended family”, “I realize that without them this farm couldn’t continue and the local workers also see now that their jobs are not threatened but actually saved by the migrant workers”.

Because all employers are different, legislation would help provide added safety from exploitation of this vulnerable workforce. The SAWP program does have added regulations that other low skills work programs don’t have which do seem to be helping. All workers in that program that were interviewed stated they were aware of the rights and responsibilities both that they had to the employer and that the employer had towards them. They all received the contract in Spanish and had a briefing on it before leaving to come to Canada. We even had workers show us their contract and they pointed out some clauses of the contract. At least two of the workers that showed us their contracts had areas underlined in pen showing they read and understood their contract. Of the workers we interviewed all stated they would be comfortable contacting the Mexican consulate if they felt their rights were violated and a few had stated they had actually called in the past. We also contacted F.A.R.M.S to get an opinion on whether the Mexican consulate leaned towards helping the worker, who would be a Mexican citizen or were they, more pro-farmer as we had been told by one advocacy group. We felt it necessary to do a little more research into the claim that the consulate favored the farm in the case of disputes due to the amount of money this program brings into Mexico after hearing from one worker that after his first call he felt his issue was not be handled properly by the consulate and had to call a second time which resulted in quick, positive handling of the situation. It is a high risk if a worker complains and then does not have the complaint handled by the government department in a timely fashion. It takes courage and risk of loss for a migrant worker to request help and if that request is not given the proper attention, it would prevent a future worker from seeking help.

When we contacted F.A.R.M.S we were told that the Mexican consulate is very pro-worker and does it best to resolve issues when they are presented.

Recommendations:

Education for public – One area the government and PEI Federation of Agriculture could do better is in education to the general public on the benefits of these programs. In the short time we were studying the migrant workers programs we witnessed misconceptions among Island citizens in the following areas

- 1) the working and living conditions of the workers, many people have a misconception that the conditions are worse than the reality we witnessed.
- 2) a belief that farmers receive a wage subsidy from the government to bring in these workers
- 3) that there is a willing and able local workforce ready to fill these jobs

Provincial registration – This is a concern voiced by advocacy groups and also some government departments that it is hard to protect these workers from any risk of exploitation if no one knows where the workers are located. We heard that part of the problem is lack of a data sharing agreement between the federal and provincial government. This is not a concern just on Prince Edward Island, the following is from the Globe and Mail September 13, 2013

However, provinces say the federal government isn't sharing detailed information about the workers. It means that provincial workplace safety inspectors can't proactively enforce labour laws, because they don't know who the workers are or where they're working.

"It's for us to know where these workers are, so that we can make sure their rights are being protected," Ontario Labour Minister Yasir Naqvi said, adding the province had been pushing for more information for four years. It was a request echoed by several ministers, and Dr. Leitch said she would push to improve information sharing, saying privacy issues are among the barriers.

"We are all working towards safe, fair and constructive workplaces. Nothing will grow the Canadian economy more than making sure that we are all focused on not just the creation of jobs, but also making sure that everyone who is working in Canada has a safe, fair and productive workplace," Dr. Leitch said.

This lack of data sharing could be overcome if the province enacted legislation requiring provincial registration of all foreign migrant workers on PEI. This could help alleviate suspicions of unreported abuse or help eliminate any troubles that may actually exist.

When speaking with the Department of Environment, Labour and Justice we were told the Employment Standards Act does not discriminate and is enforced equally whether the person involved is from Charlottetown, Souris, Mexico or Montague, but as stated above they need to know where the workers are and made aware of any concerns.

Ombudsman – Even though most migrant workers in the agriculture sector on PEI are from Mexico and stated a willingness to contact their consulate if they felt their rights were violated, it may be beneficial to have a part-time ombudsman or even an advocate to hear the concerns of migrant workers on PEI. This person should be able to meet with all workers upon their arrival to PEI and be informed that they have a local contact who will try to resolve any issues that may arise. Workers should not have any risk of a bad yearend report for voicing concerns or asking for help. This person could also receive and resolve minor issues that are not necessarily rights of the employee but rather small improvements that would make for a more enjoyable work environment. Some examples of these small improvements we heard that workers had expressed a solution for were;

-- more fridges in the living areas as they have to purchase food for the week and then share the limited refrigerator space

-- extra stoves because workers are all wanting to eat at the same time and have different diet needs

-- not having enough transportation for all workers to leave the field after work at the same time, this is of extra concern on long work days or after a cold rainy day; the workers said they didn't want to have to wait for the transportation to drop-off some workers and then have to drive back and pick them up

-- not having to shop at local stores which are more expensive, instead, having a shopping day in Charlottetown where there is better selection of foods, especially ethnic food, and prices are better according to the migrant workers

-- not going shopping in the evening after work, as opposed to Sunday or another day off. Some workers felt pushed for time and they felt this caused them to not be able to shop for items on sale.

As you can see many of these concerns that were expressed could be rectified with very little cost to the employer and would go a long way towards showing an appreciation towards the employee. In some cases these concerns were never expressed to the farm owner, so the farm never had a chance to make the desired improvements.

Health – With a growing number of workers coming to PEI annually, there is going to be also an increasing number of health issues that require medical attention. During our visits to the farms we heard of past experiences of migrant workers visiting Island hospitals. Two suggestions for improvement in this area are 1) meet with the province to work on an agreement that the hospital bills the insurance company directly rather than the worker or farmer paying and later being reimbursed by the insurance company and 2) making sure a qualified translator is available and on call for hospital visits.

With the introduction of the 811 Health Line and the fact it is available in over 120 languages, may help with future health questions. A reminder of the availability of this service should be given to all farms each year and also information passed along to the migrant workers.

Evaluations – Although there seems to be a reasonably fair and open evaluation system in place for workers in the SAWP program there have still been a number of articles written on the potential for an employee to be unfairly appraised and even repatriated for no reason. One recommendation to improve this evaluation system even more would be to have a cross examination of evaluations which would mean conducting a meta-analysis of worker and employer evaluations across farms to see if certain farms have a statistically significant number of unsatisfactory evaluations. From what we were told, there is already a transparent system in place for disclosing these evaluations with results being able to be viewed online. Another complaint that has also been stated is the belief that migrant workers feel compelled to give only positive evaluations towards the farmer or risk not being allowed in the program the following year. To alleviate that concern effort could be made to encourage the workers to give honest feedback and assured that they would not receive punitive actions for doing so. This would help with getting an accurate view of each farm experience.

Separating Sectors - Ask the refugee council to separate agriculture from other sectors as opposed to lumping all employers together. Most negative stories we came across in our research of articles either involved different sectors or were from different provinces. There weren't any substantiated stories of abuse connected with workers at PEI farms, nor did we witness anything of alarm during our time visiting as many Island farms as possible.

Limitations of Study - The number one limitation of our study is the fact all surveys were on a volunteer basis. This means that farms that were most confident in the quality of their housing and working conditions were most likely to volunteer to participate and speak of their experiences with migrant workers. Despite every attempt, we were unable to speak with a few of the larger farms who employ the largest numbers of migrant workers; so although we spoke with many farms, over fifty percent of migrant workers were not able to participate in this survey.

Final Word – Overall both migrant worker programs we researched on PEI seem to be mutually beneficial. We have heard from farmers, some of whom had only a small ratio of migrant workers to local workers, who stated they would not be able to keep their farms operating without the reliable help they receive from the migrant workers. We also heard stories from the workers of how these jobs are allowing them to better provide for their families and about the lack of work back home. A strong majority of workers when asked, said they would recommend working on a PEI farm to friends or family members. We also spoke with many workers who have been returning to work in Canada annually. Both of these speak towards satisfactory working conditions.

We would like to express a special “Thank You” to Giancarlo Bifulco for his translation services.

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