Appendix 3

The Canadian program for foreign agricultural labour[1]

Canada's Seasonal Agricultural Workers Program (CSAWP) has operated to bring temporary workers from the Caribbean since 1966 and from Mexico since 1974. In 2004, the program brought approximately 19,000 workers to Canada (85% of them to the province of Ontario) for an average of 4 months employment. The maximum stay allowable under the scheme is 8 months.

Initially CSAWP was administered by the government, via its then Department of Manpower and Immigration. In 1987, after a government review, responsibility for the scheme was handed over the private sector and the Foreign Agricultural Resources Management Service (F.A.R.M.S.) was established. F.A.R.M.S. is a non-profit, private sector agency governed by a board appointed from (and by) horticultural commodity groups. It operates under the authorisation of a federal government ministry, Human Resources Skills Development Canada (HRDC).

In theory, farmers need approval from local HRDC employment centres to certify that no Canadian workers are available to fill the jobs. However after a farmer's first year of involvement in the scheme such approval is usually automatic. In practice, farmers notify HRDC of the number of foreign workers they wish to employ at least 8 weeks prior to the start of work. HRDC approves the labour request and sends the information on to F.A.R.M.S, who then determines how many workers are needed and sends that information to government liaison officers from the Caribbean and Mexico. The liaison officers transmit the information to the Labour Ministry in their home country and details are sent to the Canadian consular officials in the relevant capital city.

Workers are selected from a pool of applicants who have received medical examination and readily available to leave for Canada. The Canadian government authorises 'designated medical practitioners' to carry out health checks. The primary concern is active TB. No HIV-testing is done for people staying less than 9 months in Canada. If a returning worker has been back in their homeland for less than 6 months after returning from Canada, then they do not need to repeat the medical.

F.A.R.M.S. charges employers a flat administration fee of C$35 (+ GST) per worker. The same charge is applied if a worker is transferred between employers after arriving in Canada, a process that requires prior approval from F.A.R.M.S. The workers' travel from their home country to Canada is organised through CanAg travel services, which is a subsidiary of F.A.R.M.S. International travel is paid in advance by farmers, with

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1 This overview is heavily informed by information contained in Peter Mares, *Submission 19*

around 40% these costs later re-couped via deductions from workers' wages. Farmers also pay for the visa up front (C$150 per worker) and this amount can be fully recouped through wage deductions. However, in recovering costs from workers, farmers can deduct a maximum of 5% of gross earnings per pay period (in the case of Mexican workers) or C$3.50 per day (for Caribbean workers).

Farmers are responsible for all domestic travel from the workers' point of arrival in Canada to their place of work and must provide the migrant workers with free housing (including meals or cooking facilities) for the duration of their employment. They must guarantee each worker a minimum of 240 hours work over six weeks at or above prevailing minimum wage rates (C$8 per hour for fruit picking in 2005). Employers must also take out workers compensation insurance to cover the migrants in the case of industrial accidents.

Farmers can specify the country from which they want to employ workers and can even request particular workers by name. In fact the majority of workers (around 80%) are 'named' in this way, having already spent at least one season in Canada and been asked by their employer to return the following year. The vast majority of workers are men, although in recent years a small number of women have also come to Canada under the scheme.

Workers enjoy the same tax free threshold as Canadian residents ($15,000 per annum for a married worker, $8148 for a single worker) but must contribute from day one of commencing employment to mandated insurance and pension schemes. Experience has been that workers rarely claim on these entitlements, as they are loathe to give the impression that they are troublemakers. Migrant workers are covered by the universal health care system while working in Canada, and make pension fund contributions (Canada Pension Plan 4.95% of earnings), but are legally prevented from unionising. Entitlements can be accessed and transferred back to their home country after workers reach retirement age. Workers pay Employment Insurance of 1.87% of earnings, but cannot claim unemployment benefits in Canada

Workers must be prepared to work long hours (11-12 hour days are not uncommon) for a six-day week at a flat hourly rate. There is no provision for overtime pay or penalty rates. Each worker is tied to a designated employer and must leave Canada at the end of the labour contract. (All CSAWP visas expire on December 15th each year)

Experience in Canada has been that the overwhelming majority of workers will return home willingly at the conclusion of the season because they want to be allowed to return to work the following year. Less than 1.5% of Canadian workers in 2004 intake went Absent without leave. Workers are able to see the advantage in staying 'legal' and being allowed to return, as opposed to becoming an 'illegal' immigrant and having little or no access to services offered by the state such as healthcare, social security, and legal recognition.