

EMBODYING AND RESISTING LABOUR  
APARTHEID: RACISM AND MEXICAN FARM  
WORKERS IN CANADA'S SEASONAL  
AGRICULTURAL WORKERS PROGRAM

by

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## **Abstract**

Contrary to government official discourses that present the Seasonal Agricultural Workers Program (SAWP) as a ‘human and just’ labour migration model, in this paper, the SAWP is presented as a migrant labour regime that functions as labour apartheid system of discipline and control, which is in place to satisfy the needs of capitalist development in the Canadian agricultural industry. By identifying the parallels and similarities of the differential treatment of Black migrant workers under South African apartheid with the differential treatment to which migrant farm workers are subjected under the SAWP, I explore how coercive migrant labour regimes of work function today in the context of heightened neoliberal hegemony and state multiculturalism. Through empirical evidences and theoretical claims, I identify main constitutive elements and forms of governance that cause workers to living and experiencing apartheid conditions; I explain how these forms of governance actually work on the ground, and how are they embodied, lived and contested by migrant farm workers participating in the program. I also delve in workers’ politics and their expressions of resistance and contestation to such system as they speak directly to the ways they experience apartheid conditions and the particular forms of how racism is inflicted over them. The SAWP presents an interesting opportunity to closely examine the ways in which colonialism works, how it is manifested today through labour and immigration schemes, and how these regimes are contested and challenged through migrant farm workers’ political subjectivities. In this respect, this paper paves the way for future movement-related research study of seasonal agricultural workers, which can generate collective insight and knowledge to support the organizing efforts of the precarious migrant workers in Canada.

## **Preface**

This thesis is original, unpublished, independent work by the author, Paz Ramirez, Adriana.

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## Dedication

This work is dedicated to:

- ❖ The memory of Delia Solano, a sugar cane plantation worker who laboured in the borderlands of Argentina and Bolivia as migrant labourer since her childhood. Her spirit of resilience and resistance persisted throughout four generations. She was also my grandmother.
- ❖ The countless farm workers and their families whose stories of struggle, sacrifice, courage and love grounded my work throughout the years and made possible for me to call this country 'home'.
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- ❖ The Justicia for Migrant Workers (J4MW) collective, for being a space where I can bring my skills and organizing traditions from the Andes; for being a site of radical reflection, transformative action, intellectual grow, and personal inspiration. For being a community of hope, support, solidarity and camaraderie through the hardships and joys of grassroots organizing

## I. Introduction

*Canada treats us like garbage when we cannot longer work [because of illness or workplace injury].*

*There is no justice for [migrant] farm workers.*

(Jesus, migrant farm worker interview, May, 2012)

The rise in popularity in developed countries of the use of state-sponsored migrant labour programs has been associated with capitalist global expansion and to despotic neoliberal practices that aim to lower labour costs, create ‘flexible’ labour, increase corporate profit-making, and enhance access to global labour markets under the pretext of alleviating domestic labour shortages (Ness, 2011). The case of the Canadian agricultural industry and its long-term dependency on cheap migrant labour is illustrative of this trend. Since the creation of Canada’s first guest worker program in the 1960s, the Seasonal Agricultural Workers Program (SAWP), the agricultural industry has used “immigration policy to restructure labour-capital relations within borders” to maintain its favoured position in increasingly competitive global markets (Preibisch 2010, 432). While heightened market competition has intensified demands for greater labour flexibilization, the overarching focus on global economic pressures masks more fundamental aspects of Canada’s embrace of cheap flexible migrant labour. Temporary migrant workers programs that considerably restrict social, economic and political rights to specific ethno-racial groups rely on logics of economic exploitation that are thoroughly imbricated in neoliberal capitalist relations. By subjecting temporary migrant workers to multiple forms of political, cultural and spatial exclusion, state-sponsored migrant labour programs exercise racialized forms of labour discipline and control that seek to transform displaced groups of migrant workers into disposable populations of cheap labour. Racialized forms of labour discipline and control

not only operate through the political arm of the state and its legal apparatuses, they also gain efficacy and traction through discourses of economic benevolence and the needs of the labour market. In Canada the SAWP has been touted as beneficial to Canadian agricultural employers, (Woodward 2006) migrants, and their families for providing much needed opportunities to work (Freeman 2006); the program is usually portrayed as a win-win program since it alleviates labour shortages in agricultural industry and offers job opportunities to peasants and farmers who are otherwise unemployed and face poverty in their home countries. Internationally, commentators have also praised the SAWP as a 'best practice' of managed migration model (Martin 2003) as theoretically the program grants and treats migrant agricultural workers the "same as Canadians" and gives them the benefit of earning salaries in Canadian currency.

The reality for migrant workers in Canada is often a far cry from these positive proclamations. Migrant farm workers who enter in Canada to work under any program of the Low Skill stream of the Temporary Foreign Workers Program<sup>1</sup> are subject to differential treatment under labour and immigration laws, they are also denied access to political rights and social entitlements by virtue of their immigration status as temporary workers. Nandita Sharma (2006b) describes the development of the SAWP and the creation of the migrant worker category whose permanent and labour mobility is restricted through laws as a form of apartheid. She writes "like past forms of apartheid , its global manifestation is not based on keeping differentiated people apart but instead on organizing two (or more) separate legal

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<sup>1</sup> Canada has the Temporary Foreign Workers Program that allows foreign workers to work on a temporary working-visa in selected industries and occupations that are categorized as 'low' and 'high' skill. Occupations corresponding to the 'high' or 'skilled' category according to the National Occupation Classification (NOC) correspond to A and B categories such managerial positions and occupations requiring post secondary education. The second one is for "low skilled" workers, which in the NOC correspond to category C, these occupations include farm work, domestic and home care, fast food, restaurants and tourism industry and trades.

regimes and practices for differentiated collectivities within the name nationalized space” (2006b, 1250). Other scholars such as Satzewich (1991), Thomas (2010) and Preibisch (2007) agree with Sharma and indicate that the logics and mechanisms of the incorporation of workers into the Canadian agricultural labour market take place at the intersection of race, ethnicity, citizenship and the capitalist economy. As a result workers in the SAWP are incorporated as an *unfree* labour force within the dominant relations of production, which are based on dominant notions of labour mobility and citizenship.

Aside from the racialized and capitalist economic logics of incorporation of agricultural workers into the labour market, the SAWP relies on racialized forms of governing and disciplining of migrant labour through legal and extra-legal mechanisms of labour control and coercion. In this paper I contend that the SAWP is a migrant labour regime that functions as an apartheid system of labour control and discipline that entails active involvement of the government in its policy design, implementation and management. Although the SAWP does not explicitly contain race based exclusions and restrictions on rights and entitlements of the program’s participants, following a guiding policy in line with the official de-racialization process of the Canadian immigration system since 1960 (Shakir 2008) adopting a ‘raceless’ legal framework. This does not mean that workers in the program do not experience systemic social and legalized forms of racism and discrimination. The ‘raceless racism’ of the structure of the program and its governance mechanisms are felt by workers on a daily basis and in multiple dimensions of their lives.

My purpose here is to examine *how* the SAWP work as a labour apartheid regime; and to examine the logics that inform its foundation, the main constitutive elements that organize and govern this system, and the forms of governance and contractual mechanisms of control and coercion, exploring how they actually work on the ground, and how are they

embodied, lived and contested by migrant farm workers participating in these programs. To achieve this task I bring into relief perhaps the prime example of a labour apartheid model, which is the South African use of Black migrant workers in the mining industry. I use this example as a framework of reference in my exploration of highly repressive systems of migrant labour management. Comparing and exploring how coercive systems of labour control worked in the past and how they contrast with present models of labour control enables us to recognize patterns and mechanics of such systems, and to see how and when colonial legacies get translated into the present, as historical colonial continuities fade in and out in certain moments and in concrete sites of intersection between political ideologies and economic systems. The significance of my case study resides in the opportunity it provides to engage in close examination of:

- 1) The ways in which colonialism and racism work and how are manifested today through contemporary labour and immigration schemes such as the SAWP;
- 2) The kinds of expressions and relations of (colonial) power that are reproduced and re-inscribed in different arenas of workers' lives under contemporary labour apartheid regimes; and
- 3) The ways in which these regimes are contested and challenged through workers' political subjectivities and workers' expressions of resistance.

In the following sections I first discuss the roles and functions of migrant labour systems as a constituent feature of labour apartheid and provide background on the SAWP. Second, I present the research methods that have been used to approach my empirical case study, as well as an overview of the research study's participants and some of the study's challenges and limitations. Then I move onto my empirical discussion which is divided into two parts; the first looks at how workers experience and embody labour apartheid on

Canadian farms and the second at how workers challenge and contest labour apartheid conditions in their daily lives. By using empirical evidences and theoretical claims I explore and illustrate how relations and expressions of power are re-inscribed in different arenas of workers' lives under the SAWP as a regime of labour control. I identify four major themes that allow us to perceive the forms of governance that result in workers' to living and experiencing labour apartheid conditions in particular forms: a) Corporeal Control, b) Compression of Time and Space, c) Spatial and Residential Segregation, and d) Transnational Webs of Control and Domination. In the second part of the empirical discussion I explore workers' political subjectivities and workers' resistance; I categorize workers' forms of contestation that speak directly to the ways in which they experience labour apartheid into three groups: a) Those that create spaces of socialization, b) Those that develop networks of solidarity and ethics of community care, c) Those that restore and connecting intersectional identities.

My analysis in this paper aims to further the discussion of how race and racism is manifested and experienced today by migrant agricultural workers, and how we can understand racism today in the context of migrant labour regimes. This paper also seeks to contribute to a discussion about the possibilities of a migrant farm worker-led movement in Canada that organizes from and around migrant and racial justice perspectives. Like other (im)migrant communities in this country, the migrant farm worker community has not only been 'subject to' but also 'subject of' the creation of a counter narrative to the hegemonic official discourse of the liberal welfare state that portrays Canada as benevolent and inclusive, and that celebrates 'difference' and multiculturalism. By bringing migrant workers' particular forms of resistance into conversation with alternative forms of grassroots organizing that fall outside and at the margins of traditional organized labour struggles, this

paper ultimately seeks to *name* the agency of migrant farm workers; their acts of labour, resistance and courage, and their survival mechanisms and expressions of political subjectivity that emerge from displacement and disenfranchisement in the context of migrant labour apartheid regimes.

## II. Literature Review

### Migrant Labour Regimes, Labour Apartheid and Capitalism

Migrant workers today are the back bone of capitalist economies of countries in the global North. These workers are the hidden force that promote the economic growth of global capitalism; however as their presence in the contemporary global labour market increases, so do concerns about social, economic, political and labour rights as well as the labour mobility of the workers. Migrant receiving states have used different approaches to regulate the entrance of workers in their national territories. In the United States and Japan the use of undocumented workers is tacitly tolerated, whereas other countries like Britain have liberalized their immigration policies to the point that in 2004 the United Kingdom has granted permit-free access to its labour market to workers from eight countries from the European Union (Preibisch 2010). In North America, Canada and including the United States have turned to the use of Temporary (or Guest) Workers Programs (TWP) to manage the flow of workers. In general these programs are tailored to the demands of the specific sector they try to target; this is made evident in the differential criteria for admission and in the rights and protections afforded to workers who will fulfill labour shortages in occupations requiring 'high' or 'low' skill levels of training, as determined by the receiving state. Usually highly skilled workers have fewer restrictions on their mobility within the labour market, they can often can bring their families to the country of work and eventually may have access to a pathway to permanent residency. Low skilled workers, on the contrary, have more restrictions and *some*<sup>2</sup> have the opportunity for applying for permanent residency.

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<sup>2</sup> Workers under the Live-in Care Giver Program that brings Filipino domestic workers and nannies are allowed to apply for permanent residency status after completion of the requirements requiring a work period of 24 months within a three years period. Similarly, workers under the Low Skilled Pilot Project are technically eligible to apply for permanent residency after completion of their work permit visa through the Provincial Nominee Program (PNP) if and only if they find an employer that will sponsor them in a joined application to

These forms of incorporation have created and accented structural divisions within the labour market among high-skilled versus low-skilled workers; citizens versus (im)migrant workers and also among migrants themselves (Thomas 2010). In the case of migrant or temporary workers, several scholars have argued that labour market segmentation is directly connected to the role of the state in creating and regulating temporary worker programs that provide avenues for differential integration of these workers into the workforce structures of the country where they work (Thomas 2010; Preibisch and Bindford 2007; Trumper and Lloyd, 2007). In the case of Canada, Thomas highlights four different forms of incorporating (im)migrant workers into the dominant relations of production based on notions of citizenship and labour mobility. As a result, according to the author, we have free/unfree immigrants and free/unfree migrants. The distinction of free versus unfree is based on labour mobility; and the distinction between immigrant versus migrant is based on citizenship rights. Thomas considers the case of the Canadian Temporary Worker Programs (TWP) as a key example of the intersection of a) increased international labour migration, b) labour market segmentation, and c) the regulation of migrant workers by the state in its attempt to address concerns of labour shortages.

Depending on the *kind* of workers, deemed by the state to be either 'low' or 'high' skilled and in their forms of incorporation into the labour market, whether this is with open or closed work permits, whether their identities are racialized or not, there are also different types of migrant labour regimes -some more coercive than others. The primary example of one of the most coercive labour regimes is the apartheid-like system of control and domination over workers participating on it. Conventionally apartheid has been regarded as

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the PNP. However there are very few employers that actually support the PNP application of their employers as many of them find more convenient to employ workers who have temporary status as they are more economic in the sense that they are afforded less rights and labour protections (Nakache, D and Kinoshita, P 2010)

an intensification of segregation policies as a result of racist ideologies; however, while the role of racial supremacy was a prominent element in the formation of apartheid, it cannot be reduced to racial domination alone. Wolpe (1972) when describing South African apartheid points out to the multidimensionality and complexities of apartheid as an entire structure of domination in which race was used a way of governance—not merely an ideology—that organized modes of production and labour market and that intertwined within the economic system at large, political practice, ideology and historical conjunctures. According to Wolpe (1972), politically, apartheid means an increase of power in white domination by managing differential access to material resources (education, housing, and health care), territorial movement and political rights. Economically, it functions an extreme mode of controlling labour and maintaining a high rate of exploitation by using a system of migrant labour that guarantees the conditions for reproduction and maintenance of cheap labour power as a way to respond to the needs of capitalism (Wolpe 1972, 431).

A system of labour apartheid has different functions and roles and, above all, is essential to the functioning of a capitalist economic system. Some of its functions are to reproduce and maintain cheap sources of labour and to maintain the conditions that produce cheap and powerless labour, here there is an active involvement by the state in facilitating the reproduction and constant supply of migrant labour through policy design, legislation and monitoring mechanisms. In the case of the migrant labour regimes under South African apartheid, state policies included: a) the regulation of workers' entry and territorial movements, which often required the separation of workers from their families and their return back to their communities once their work contract expired, b) restrictions on occupational mobility by being tied to one single employer in one single sector or occupation, and c) the creation of powerlessness among migrant labourers by erecting

restrictions and limitations to prevent workers from making effective changes to their conditions of work. (Burawoy 1975; Wolpe 1972).

At the global level and in the context of international labour migration, immigration scholars have coined the term “global labour apartheid” to refer to the restriction in mobility that is imposed on mostly racialized and poor people from the global South by states and global institutions. Salih Booker and William Minter (2001, p.12) refer to global apartheid as “ [...]an international system of minority rule whose attributes include: differential access to basic human rights; wealth and power structured by race and place; structural racism, embedded in global economic processes, political institutions and cultural assumptions; and the international practice of double standards that assume inferior rights to be appropriate for certain ‘others,’ defined by location, origin, race or gender.” In this sense, international migration is the consequence of histories of colonization and a product of global capitalism that causes the displacement of people and workers from the Third World into the First World.

Migrant labour systems in this regard have been characterized as systems of indentured labour that allow access to a supply of a workforce that is cheap, disenfranchised and politically repressed among other factors (Sharma 2006a). Global apartheid, which is also manifested within borders and at the regional level, legitimizes difference and tangibly affects access to material resources, wages, means of survival, rights of mobility and citizenship. The way contemporary systems of migrant labour for so called ‘low skilled’ workers through TWP schemes are set up today in Canada reinforces a logic of inequality among migrant workers from the global South as it mirrors the reproduction of labour and immigration systems of apartheid (Sharma 2006b). The intersection of race and ethnicity as a governmentality, coupled with a capitalist economic system, explains and justifies the

foundations of migrant labour systems which oblige: 1) separation of workers from their families, 2) restrictions on geographical and occupational mobility, 3) flexibility requiring workers to be ready to work when needed and to be gone when not needed, and 4) workers' powerlessness and subordination in the place or country of employment and in the global labour market. Colonial capitalism, flexibilization of labour, immigration policies, citizenship regimes and migrant vulnerability are inextricably linked in the controlled and coercive labour systems currently in place (Wolpe 1972; Thomas 2010).

### **The Canadian Seasonal Agricultural Workers Program (SAWP)**

The Canadian SAWP is one example of a highly controlled and coercive migrant labour system that operates as a labour apartheid-like model in at least two aspects identified in this paper. The first aspect is related to the differential treatment that migrant workers are subjected to in employment relations and immigration matters. Migrant workers under the SAWP are governed by a distinct set of labour and immigration rules than those applied to the rest of Canadian workers who have permanent residency or citizenship status; the distinct regulations are applied to them by virtue of their non-citizen status. In other words, through a dual strategy of a combined labour and immigration policies, temporary worker programs (such the SAWP) have created a two-tiered legal system that severely weaken the rights, mobility and opportunities of the temporary migrant workers participating in such programs (Basok 2004; Becerril 2007; Preibisch 2004, 2005, 2007; Encalada and Preibisch 2010). The second aspect is related to the structure and policy design of the program. The SAWP has its own contractual and extra-legal mechanisms of coercion, control and disciplining of program participants (Encalada and Preibisch 2010; Ramsaroop 2008).

The history and background of the Seasonal Agricultural Workers Program provides useful insights to understand the program as a response to the needs of securing constant

disenfranchised labour from the global South for the Canadian agricultural industry. The SAWP is the oldest Canadian Temporary Workers Program that has operated continuously since 1966. It was instituted as a response to a perceived shortage of labour in the horticultural industry and first implemented as a temporary solution (Basok 2002). It started as a Memorandum of Understanding (MOU) between Canada and several Caribbean countries to allow entrance of workers from these countries to work on Canadian farms under a work permit visa based on the demand for labour and for the time periods sought by Canadian employers. Mexico was incorporated in 1974. Indigenous Maya Quiché farm workers from Guatemala were recruited to work in Quebec for the first time in the summer of 2003 through a "Low Skilled Pilot Project" (LSPP), another type of guest worker program. The SAWP operates in Alberta, Quebec, Manitoba, Ontario, Nova Scotia, New Brunswick, and Prince Edward Island, supplying labour for 20 per cent of seasonal farm jobs in vegetable, fruit, and tobacco farms and greenhouses. British Columbia was incorporated in 2004. In its first year, the SAWP brought 264 Jamaican workers to the province of Ontario to work on tobacco plantations. Forty-six years later, although still referred to as a temporary labour program, the SAWP brings approximately 30,000 farm workers annually to harvest the majority of fruits and vegetables consumed by Canadians (Institute on Research for Public Policy 2012). It has been suggested that these numbers show that the program has become a structural necessity for the Canadian agricultural industry, therefore undermining the 'temporary' nature of the program since workers are brought in all year round (Basok 2002).

Similar to other migrant labour regimes described by Wolpe (1972) the SAWP requires participants to leave their families in their home countries as a condition of work contract; it imposes restrictions of mobility in the labour market as well as geographical ones. It also

requires workers' to be ready to work when they are needed and terminated (and consequently sent back home) when not, workers under this program have significantly less labour rights and protections than local workers do. The elements that make the SAWP resemble and function as a labour apartheid system of labour control lie in how the program exerts mechanisms of control and coercion that are applied to the work sphere and beyond through an array of legal and extra-legal strategies that are internalized by workers to varying degrees.

The complex governance of multiple aspects of workers' lives under Canadian labour migration programs highlights the active role of the Canadian state in the management and functioning of Canadian TWPs. Canadian government offices work with employer and business associations on policy design, administration and the enforcement of rules. These include the Ministry of Human Resources and Services (HRSDC) in partnership with private industry association organizations such as Western Agricultural Labour Initiative (WALI) in British Columbia, Foreign Agricultural Resource Management Services (FARMS) in Ontario and Nova Scotia, and FERME in Quebec, New Brunswick and Prince Edward Island (Justicia for Migrant Workers, 2011). Sending countries also participate in migrant worker recruitment and hiring by coordinating the administrative placement of workers with HRSDC, FARMS, FERME and WALI, including processing the paperwork. Under this system, there are no private labour brokers or independent recruiters that act as intermediaries between workers and employers. Seasonal labourers under the SAWP are not technically in a situation of labour bondage with the recruiters or the employer for the first years of work

To assist my examination of the SAWP as a coercive migrant labour system I bring into relief the South African labour apartheid model as a frame of reference to look at the

treatment of migrant workers under coercive labour regimes of the past as compared with today's regimes of migrant labour in the context of neoliberal economic hegemony and state multiculturalism policies. Although the South African apartheid system -viewed as an entire structure of political, economic, ideological and racial domination- cannot be equated to the SAWP, we can nevertheless see similarities between both systems in regards to governing strategies, and practices and mechanisms of control and regulation of migrant labour population that cause workers under this program to *feel* and to *experience* labour apartheid-like conditions in their everyday lives while working on Canadian farms. Using a framework that refers to labour apartheid system of the past helps us to illuminate *how* and *when* historical and colonial continuities come in and out into the present posing questions such as: What kinds of historical continuities and patterns of colonial domination from the past get translated into the present and how? In which moments do these patterns and forms of colonial power from the past intersect with the present? How are these patterns different and how are similar in terms of the mechanics of their functioning and foundational premises?

In order to facilitate an overview of the main features, constitutive elements and functioning of South African labour apartheid model and the Canadian SAWP as systems of migrant labour, I identify ten comparative themes that support a systematic observation of two-tiered legal systems and practices that cause workers under the SAWP to experience apartheid-like conditions. These are 1) denial of political rights, 2) denial of citizenship, 3) spatial segregation, 4) justification of restriction of rights and freedoms, 5) restrictions on territorial movement and movement within the labour market, 6) family separation, 7) economic discrimination, 8) public health, 9) education, 10) sexual relations.

**1) Denial of Political Rights:** Temporary migrant workers do not enjoy the same political citizenship rights and social benefit programs afforded to Canadian citizens or permanent residents. For example SAWP workers are excluded from some schemes of provincial employment standards legislation. By virtue of their temporary immigration status and their occupation as farm workers they are excluded from many protections and entitlements of the Employment Standards Act (Fairey et al 2008).

**2) Denial of Citizenship:** The program does not grant or contain policies for family reunification or paths to eventual regularization on an individual basis regardless of how many years workers have been coming to work in Canada and regardless of the ties they develop in local communities. The program is designed to prevent permanent settlement of these labour groups. One of the program's contractual mechanisms stipulates that the Canadian government has to oversee that migrant workers do not overstay after their contract finishes. This is done through the AWOL (Absent Without Leave) recourse, which allows employers and government officers from the CIC (Citizenship and Immigration Canada) to keep track of the number of workers who overstay in Canada (Verma 2003). If workers overstay their work visas the jeopardize their ability to meet eligibility criteria to return to the program the next year, as one of the conditions for re-hiring is to have returned to the home country at the end of the contract and to have reported themselves to the ministry of labour in their country (Bolaria and Li 1988; Sharma 2006).

**3) Spatial Segregation:** In combination with contractual mechanisms, extra-legal coercive strategies are applied simultaneously to manage and control workers' lives outside their worksites; housing provision is one of them. The contracts establish that workers must live on or nearby the places where they work in accommodations provided by the employer. Program housing provision shapes oppressive relationships of power and domination among

workers and employers. Workers are housed in accommodations provided by the employer, which are often cramped and substandard. This extends the reach of employers' control over the lives of workers beyond the sphere of work including restrictions on socialization and spatial mobility. These living arrangements also facilitate the availability of workers to work as needed outside established work hours; workers are sometimes asked to wake up from bed to work at three in the morning to unload farm produce without considering these as work hours towards their pay cheques. Workers' everyday lives revolve around their work and the farm, contributing to conditions of geographic and social isolation and paternalistic and exploitative relationships between employers and workers. Workers depend almost entirely on their employers for the most essential things such as visits to the doctor, transportation to and from the farm, groceries, banking, and so forth (Basok 2002; Becerril 2007; Preibisch 2004). Employers are able to dictate and regulate the workers' private and personal matters; for instance, an employer decides when they have time off, what they do in their time off and what kind of social relationships they are allowed to establish (Paz Ramirez, 2008; Preibisch, 2007).

**4) Justification of Restriction of Rights and Freedoms:** In addition to being excluded from some from labour protections workers are also excluded from social benefits programs and safety nets such as Employment Insurance despite their contributions into this fund. This is justified by their temporary status and by their employer-specific work permit which makes them unavailable for work once their work contracts expire (Nakache and Kinoshita 2010). Their closed work permit and their temporary immigration status generate a series of restrictions to their rights and freedoms and have implications for workers' ability to challenge labour exploitation and economic marginalization. Although SAWP workers are technically and theoretically free, many workers make references to slavery when describing

their experiences working in Canadian farms, such as the worker in the documentary *El Contrato*<sup>3</sup> who stated: “in my mind slavery has not yet disappeared.”

**5) Restrictions on Territorial Movement and Within the Labour Market:** Under the SAWP the employer dictates the terms of the contract, which outlines strict regulations on both employment and migration. A farm worker comes with a temporary work permit visa tied to one single employer for periods of up to eight months, one of the characteristics that make it a “forced rotation” program (Wong 1984) which means that workers must return to their home countries at the end of their contracts in order to be eligible to participate in subsequent years. Before leaving their home countries, workers must sign a contract with their employer specifying wages and terms of employment, thereby signing away the right while in Canada to seek better working and living conditions. Furthermore, program grants employers the ability to specify the sex, age, and nationality of the workforce they are seeking, a practice that is in conflict with human rights legislation at federal and provincial levels (Preibisch 2010; McLaughlin 2010).

Work permits are issued for a specific employer, meaning that workers are *only* entitled to work for the employer that has been assigned; looking for job outside their contract is illegal for them. The fact that SAWP workers are tied to one single employer and therefore lack labour mobility is what essentially constitutes these workers as an ‘unfree’ labour force as they are not able to sell their labour force in the labour market. Workers’ lack of labour mobility creates structural vulnerabilities for them at the same time that it grants employers great power to exert mechanisms of labour control, including the ability to repatriate workers when they are not longer needed, if they fall sick or are injured or if they exhibit behaviour deemed undesirable or are deemed to lack a disposition to work. Legal analysts

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<sup>3</sup> Canadian National Film Board documentary that follows the lives of a group of Mexican migrant farm workers during their stay in the town of Leamington, Ontario.

have taken issue on the broad language contained in the SAWP contract outlining reasons to terminate workers' employment " for non-compliance, refusal to work, or any other sufficient reason to terminate the WORKERS employment hereunder and so cause the WORKER to be repatriated" (Verma 2007 in Preibisch 2010, 414; HRSDC 2008). In other words, employers can act as de-facto immigration officers and decide whether a worker stays in Canada or not on the basis of employment.

**6) Family Separation:** One of the requisites of eligibility for SAWP participants that come from Mexico (this is not the case for Caribbean workers) is to be married and have children; and one of the conditions of work under the contract is to leave their families behind as program has no provisions for family members or spouses to come to Canada (Basok 2004).

**7) Economic Discrimination:** Wages under the SAWP are fixed and subject to federal and program deductions. The only way workers have to increase their income is to work longer hours. Overtime benefits are not available to farm labourers. Workers can work up to eighteen hours per day seven days a week for several months, their ability to refuse work is weakened by contractual and coercive measures. Program recruitment policies also give employers the possibility to exert coercive extra-legal mechanisms of control over migrant labour; hiring and recruitment mechanisms focus on third world workers who are unemployed or underemployed, constructing them as a mobile mass of disenfranchised workers who are highly appreciative of the opportunity to increase their income by coming to work in Canada (Preibisch 2008). Moreover, the program constructs these workers as vulnerable subjects whose perception of retaining work and make a living relies heavily on their performance and in their acceptance of substandard working and living conditions as well as abusive treatment. In order to maintain their jobs and spots in the program workers

are constantly pressured to demonstrate high levels of performance even though they often have little or no training and are forced to work in unsafe environments (Preibisch 2010; McLaughlin 2008).

**8) Public Health:** In theory, migrant farm workers under the SAWP are eligible to use the health care system of the province where they work. Because health falls under provincial and each province has their own rules and guidelines to grant medical care to immigrants and migrants, in some province like in British Columbia migrant workers must wait a period of three months before becoming eligible for the medical provincial plan. In the meantime workers pay to a private health insurance that in some cases has insufficient coverage, especially when workers have serious injuries or diseases such as kidney infections, cancer or cardiovascular complications, which unfortunately are common. In British Columbia the vast majority of workers are enrolled in the MSP (BC medical services plan) plan even after their three months of residence in the province. In my years of interactions with workers I have not met one single worker that has the MSP care card. As result, when workers arrived to the hospital with serious illnesses they do not get treated because their insurance does not cover the expenses. In this cases most, if not all, of the times the worker in case ends up in plane back home as neither the employer nor the Mexican consulate would pay for the medical costs.

**9) Education:** Workers under the SAWP do not have access to any type of education programs or English Language Literacy classes provided by government. Aside from program policy restrictions on access to education, workers' schedules do not leave much free time for workers to engage in activities outside work. Many work related documents, job instructions and employment standard information are not available in the workers' native language.

**10) Sexual Relations:** Another extra-legal mechanisms of control in the SAWP include curfews, prohibition of visitors from the opposite sex, a requirement to inform their employers of their whereabouts when outside the farm, surveillance cameras outside and inside workers' houses, and peer-to-peer anonymous reporting behaviour mechanisms to the employer and to the Mexican Ministry of Labour officers are powerful forms of control and governance in the Foucauldian sense, serving as multiform tactics to exercise power beyond legal contractual mechanisms of domination. Many workers have lost their places in the program for not complying with these rules and were not able to return the following year as they were not 'called back' by their employers. Once a worker has lost his/her employer in Canada it is very difficult for them to become eligible again and to come back into the program the subsequent years.

The power that employers have to call workers back for next season (or not) is one of the most effective mechanisms of power and domination in the SAWP along with employers' ability to repatriate workers earlier before finishing the work contract. Many workers have been repatriated for becoming ill or being injured, for refusing work, challenging abuses or getting pregnant. The threat of repatriation and the possibility of not being called back by their employers the next season are effective instruments of control, regardless of their actual exercise or if they are just a possibility, they constitute a reality that workers must deal with in their everyday lives. Due to this complex power dynamics enacted by housing and working arrangements for SAWP workers the loss of their job also means loss of residence and residency in the host country (Paz Ramirez 2008; Preibisch 2007).

Although the implications of identifying key features and similarities between the SAWP with coercive systems of labour apartheid can serve as grounds for public opposition and contestation to the SAWP as an oppressive system of labour control; pointing out key

differences has equal importance since it allows us to identify how oppressive structures are transformed and (re)inscribed throughout time. This exercise can also assist us in tearing down official discourses and narratives that obscure the underlying logics that perpetuate social inequalities and injustices. In the case of the SAWP I refer in particular to the official narrative that portrays this program as a “safe and humane” benevolent gesture in the form of opportunity granted to men and women of the global South to work in farms (Martin 2003; Woodward 2006). Instead I argue that SAWP functions as labour apartheid regime regulating migrant labour (as is experienced as such by workers participating in the program) that is put in place to assist the Canadian agricultural industry in its profit making.

**Table 2.1. Differential Treatment of Black Workers under South African Apartheid and Migrant Farm Workers under Canadian Migrant Workers Program**

	<b>South African apartheid</b>	<b>Canadian Seasonal Agricultural Workers Program</b>
<b>Denial of political rights</b>	Only those classified as ‘Whites’ could vote and participate in law and policy-making process	Denied effective means to participate in political/civil life and influence changes in the work contract
<b>Denial of citizenship</b>	Race-based exclusion	<b>Program-based exclusion:</b> migrant farm workers forbidden to apply for landed immigrant or citizenship status.
<b>Spatial segregation</b>	Bantustan system of separate settlement/housing for Black people	Work contract mandates that migrant farm workers live on the employers’ property or close to the worksite. Municipal migrant housing bylaws impose spatial and territorial restrictions.
<b>Justification of restrictions of rights and freedoms</b>	Bantustan system denied citizenship rights on the grounds that Black workers were merely temporary migrant workers	<b>Program views</b> racialized agricultural workers as no more than mere temporary foreign workers.
<b>Restrictions on territorial movement and within the labour market</b>	Blacks had to carry a ‘passbook’ at all the times. A pass was issued only with approved work and employers had to sign it monthly, otherwise Black workers could be removed.	Migrant workers enter into the country only with working visa, and are tied to a single employer <sup>4</sup> . If workers lose their jobs, they also lose their right to stay in the country and are immediately deported.
<b>Family separation</b>	Black workers were not allowed to bring their spouses and family to the workplace from the Bantustans	Migrant workers are not allowed to bring their families from their home countries
<b>Economic discrimination</b>	Labour laws mandated discriminatory treatment in favor of Whites over non-whites. This translated into lower wages, work rules, benefits, entry qualifications and union certification <sup>5</sup> .	Migrant farm workers are excluded from some labour laws and protections by virtue of their non-citizen status and occupation (farm work). They are denied some benefits, and receive lower wages.
<b>Public Health</b>	Hospitals and ambulances were segregated. Hospitals for whites had high quality services and had more funding than hospitals for Blacks, which were terribly underfunded	Migrant farm workers pay for private health insurance coverage that is often insufficient and substandard <sup>6</sup> . Workers depend entirely on their bosses to visit the doctor because of language barriers and geographical isolation.
<b>Education</b>	Racially-segregated schools for blacks under the Bantu Education Act that restricted teaching to basic skills relevant to perform work for Whites.	Migrant workers do not have access to any type of education or English language literacy courses. Work-related information is often not translated into workers’ native languages.
<b>Sexual relations</b>	Prohibition of mixed marriages and criminal offence for a White person to have sexual relations with a person of different race	Employers and sending countries government officials establish their own ‘codes of conduct’ for farm workers that prohibit them from developing romantic relationships. <sup>7</sup>

<sup>4</sup> As soon as the work contract expires, workers must return to their home countries.

<sup>5</sup> The result was that Blacks were restricted to low skilled and menial jobs.

<sup>6</sup> In some provinces there is coverage by universal health care plan but not in others.

<sup>7</sup> Many migrant farm workers have been deported and banned from the program for not following this rule

Ironically, the SAWP has been touted internationally as a best practices model of managed migration (Martin 2003), given its success it has served as a model for the further expansion of temporary labour migration in Canada through the Low Skilled Pilot Project (LSPP) in sectors including construction, tourism and hospitality, fast food, and also agriculture. The SAWP has been a topic of research study for a handful of academics since the early nineties; since then the production of research studies on the program has increased considerably over the last decade. Most literature has tended to focus on theorizing unfree labour from a policy and legal perspective, on citizenship issues, and on documenting migratory experiences and impacts on sending and receiving communities (Basok 1999, 2000, 2002; Binford 2002; Preibisch 2000, 2004; Sharma 2006; Griffith 2009 among others). Some of the more recent work focuses on workers' health and safety, impacts on mental/physical health, transnational families, gender divisions and gender as a dimension of power in North-South relations (Preibisch and Hermoso Santamaria 2006; Preibisch and Otero 2008; Preibisch and Encalada Grez 2010; McLaughin 2010; Hennebray 2008). Surprisingly, the literature on migrant farm workers in Canada has not explored racism and the processes of racialization to a significant degree. Although it is important to note Satzewich's (1991) ground-breaking study that presented compelling evidence of the centrality of racism in the creation and organization of labour in the Canadian agriculture as well as other important contributions related to the centrality of racism in defining the demographics of the labour market in the Canadian agricultural sector (Preibisch and Bindford 2007; Perry 2012). However, what remains generally unexplored in the Canadian migrant farm worker and TWPs literature is the topic of migrant farm workers' subjective politics and grassroots resistance and organizing from a critical race and transnational perspective. Some of the questions I reflect upon are a) how contemporary labour apartheid

regimes work today, using the SAWP as site of exploration, and how colonial power and race and racism are re-inscribed and are applied in the context of official state ‘multiculturalism’ and a ‘raceless’ legal framework b) how labour apartheid is lived, embodied, contested and challenged by migrant farm workers today, c) what are the kinds of productive politics are generated under the program; and, d) what are the ways and in which circumstances workers re-generate and assert their agency, power, and their political subjectivities?.

I highlighted ten comparative themes of labour apartheid regimes summarized in Table No.1 (see pg. 22) in the first part of my empirical discussion, uncovering the ways in which workers live, embody and contest labour apartheid like conditions by identifying four concrete forms of governance of the program that make it function as an apartheid regime of migrant labour: a) Workers’ Corporeal Control, b) Compression of Time and Space, c) Spatial and Residential Segregation, and d) Transnational webs of control and domination. In the second part of my empirical discussion I examined the ways in which migrant farm workers contest and challenge the restrictive and oppressive mechanisms of the SAWP. In order to do this I explored migrant workers’ political subjectivities and identified four main strategies of resistance that respond to the ways in which workers experience labour apartheid: a) Creating spaces of socialization, b) Developing networks of solidarity and ethics of community care, and c) Restoring and connecting intersectional identities.

### III. Methodology

Some autobiographical details are necessary here to locate myself as knower and knowledge producer in both the data generation process and discussion of my research topic. My interest and connection to migrant farm workers struggles is personal and political. My grandmother was an undocumented migrant farm worker in sugar cane plantations in Argentina. When I emigrated from Bolivia to Canada in 2003 I had no English language training and my first job was in a tomato greenhouse in Ladner, Delta, which was the first greenhouse to bring migrant farm workers from Mexico under the SAWP to the province of British Columbia. This experience impacted me in fundamental ways as it gave me first-hand knowledge and experience about the working and living conditions of migrant farm workers. Working for many months in the greenhouse also gave me access into a world that it is virtually invisible to most Canadians. I witnessed firsthand the sense of competition, stress, pressure and fear that are instilled to workers; as well as the logics and rationales that inform growers, supervisors and managers' ways of thinking and relating to workers inside the workplace environment. In 2005 along with other friends, I co-founded *Justicia* (Justice) for Migrant Workers-BC (J4MW) a grassroots volunteer-run collective that organizes and advocates for migrant farm workers' rights<sup>8</sup>. Through this work I gained a broader perspective on issues facing migrant farm workers across the country. During this time I interacted with different community-based groups and labour activists working on migrant justice and met with government officials and bureaucrats from the Canadian (federal, provincial and municipal levels) and Mexican governments.

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<sup>8</sup> J4MW is volunteer-run collective with groups in Toronto, Ontario, and Vancouver, British Columbia. In Ontario and British Columbia we strive to promote the rights of migrant farm workers irrespective of their immigration status. J4MW was born out of the result of migrant farm workers' 'wild cat' strikes. The first one took place in Leamington, Ontario in 2001 and the second on a blueberry farm in Pitt Meadows, BC in 2005. For more information visit [www.justicia4migrantworkers.org](http://www.justicia4migrantworkers.org).

I have spent almost every weekend of the last seven years driving around the Fraser Valley (Langley, Surrey, Abbotsford, Pitt Meadows, Maple Ridge, Chilliwack, Delta and Mission), visiting Mexican and Guatemalan farm workers in their houses and in their workplaces. I have assisted them in a range of needs and circumstances such as doing paper work to get them access to social benefits and entitlements; attending to emergency crises like deportations and work accidents, ferrying workers from their farms to the hospital at midnight, providing translation and teaching English, and accompanying and offering logistical support during strikes, press conferences and confrontations with employers and consular officials. I have also shared spaces of camaraderie and friendship in workers' parties and social gatherings, as well as witnessed important (sad and joyful) moments of their personal lives. I have also met many of their families in person or through phone calls and email. I have learned English with them. In other words, the migrant farm workers community was the first community that I met and engaged with after my arrival to Canada.

Through my unpaid community organizing work and my role as ally, I have been able to establish (and to sustain throughout the time) strong personal relationships and political connections with migrant farm workers and their families in Mexico and Guatemala. The level and scope of access that I was able to have for this research is based on years of trust and friendship, which allowed these men and women to open up and to share with me sometimes very personal details, precious experiences and insights about their transnational lives. I am aware that workers do not give their trust and share openly their experiences on the program and much less their daily acts of resistance with anyone that visits them just a few times on the farms. I do value their trust in me immensely and feel extremely privileged for all these experiences that gave shape, meaning and depth to my academic work, my

activism and my personal growth. Aside from feeling privileged and grateful, as a researcher and community organizer I feel accountable to this community.

In addition of drawing from insights from my community organizing experience, this study also has a formal research component. The project draws from primary and secondary sources such research archival from government, industry, labour advocates' reports and newspapers archives. The primary methods for data generation have been participant observation, focus groups and in-depth interviews. During my course work in the MA program I took an ethnographic field school course that allowed me to incorporate academic reflection into my community work by gaining hands-on experience in conducting ethnographic research. I spent six to eight hours per week for five weeks conducting ethnographic field work at workers' houses, workplaces, churches, restaurants, shops, soccer games and dance places<sup>9</sup>. In addition I conducted five in-depth interviews and four focus groups; a total of 37 workers participated in the focus groups including 32 men and five women from Mexico and two women from Guatemala. Five workers participated in in-depth interviews. Workers ages ranged from 22 to 50 years and all workers were recruited under the SAWP with the exception of two participants that were participants of the LSPP, another Canadian Temporary Worker Program that brings in workers for agriculture (See appendix B and C for more information about research participants).

The focus group modality attempted to address the time constraints of conducting individual interviews with migrant farm workers since most of these workers work six or seven days a week for long hours. The focus group format also allowed workers to share and exchange their experiences and insights in a collective setting. Farm workers were recruited

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<sup>9</sup> I am deliberately vague about exact locations and names of the farms and the places where I conducted research in order to preserve the anonymity and safety of the workers. I changed individual's names out of respect and confidentiality of the workers.

through migrant rights groups such as J4MW and the Langley Farm Workers Support Group. Workers received an honorarium of \$30CAN each in recognition of their time and contribution to the study. Focus groups and interviews with farm workers were conducted in Spanish and interviews lasted between 90 and 120 minutes. Topics explored in focus groups and interviews were about workers' experiences living and working under temporary worker programs, common problems, barriers and challenges migrant workers face on the job and while living temporarily in Canada and some of the options and avenues available to them to resolve problems and labour disputes. The data was digitally recorded, with the permission of the participants, transcribed and analyzed inductively looking for key themes that emerged during the interviews and focus groups.

## IV. Empirical Discussion

### Experiencing and Embodying Labour Apartheid: Forms of Governance

As argued in this paper the SAWP functions as a system of migrant labour apartheid with particular forms of governance through a combination of contractual and coercive strategies. Governance is understood here as “the ensemble formed by the institutions, procedures, analysis and reflections, calculations and tactics that allow the exercise of this very specific albeit complex of power, which has as its target population, as its principal form of knowledge political economy and as its essential technical means apparatuses of security” (Foucault 1991, 244). In this vein, this segment refers to both legal and extra legal mechanisms, tools and strategies to exercise power and domination. I am particularly interested in the disciplinary tactics deployed by employers (which are enabled by policy legislation and contractual agreements of the program) as forms of governance in the sense of “the management of population in its depths and its details” (Foucault 1991, 243). In addition I explore the ways that workers live, embody and ‘govern’ themselves under apartheid like conditions. For this I have identified four different dimensions a) Workers’ Corporeal Control, b) Compression of Time and Space, c) Spatial and Residential Segregation, and d) Transnational webs of control and domination.

#### Workers Corporeal Control

*“Look ... basically we [migrant farm workers] are treated like machines, but machines that are not even allowed to break [...] because if you do then they [employers] send you to Mexico [...] that is why many of us go to work even in pain or high fever so you are not sent back [to Mexico]”.*

(Martin, interview. Langley, BC May 2011)

The above quote was spoken by a migrant farm worker, Martin, while we were in our way to the pharmacy to buy pain killers for lower back pain so that he could go to work the next day. Martin did not want to ask his employer to take him to see a doctor or to take time off work half a day to rest or file a workers' compensation claim, he was afraid he would be perceived as 'problematic worker' or 'lazy' on the eyes of his employer and be sent back to Mexico or that asking would contribute to a negative file that would prevent him from returning to work in the same farm the following year. Martin had grounds to think this way, as in the past he had seen his employers sending workers back when they were injured or no longer able to perform their job. By the end of the season (five months later after our conversation) Martin was diagnosed with hernia in his lower back and required a surgical procedure as result of his repetitive job of lifting 60 pound sacks of potatoes for ten hours a day, six days a week. It was most likely he would have the surgical procedure back in Mexico.

The SAWP is a contemporary migrant labour regime that exercises power and control through a system of labour apartheid using a mix of legal and extra-legal strategies of control and discipline that are deeply internalized by the workers to the point that they police themselves and find survival strategies to help them succeed in the program. One of the ways in which workers internalize self discipline is through the management of their bodies, which are their main instruments for performing strenuous and back breaking work for long hours throughout the months of the work contract. During my years of interactions with migrant farm workers and through interviews during my field research I found a pattern of three common strategies workers use: **a) avoiding seeking medical care, b) muting bodily signals of tiredness or symptoms of sickness, c) marking of their bodies with symbolic and physical identifiers.** Each one of these survival mechanism of corporeal control speak to the myriad of legal and extra-legal mechanisms of labour control, power

and coercion that is exerted upon participants. These strategies provide accounts of how colonial power is re-inscribed and manifested in contemporary times in the context of the SAWP. They also they illuminate historical continuities between racialized labour market segmentation and the treatment of migrant labour in Canada's history as a white settler society.

Martin's above example characterizes one of the most common embodied experiences that program participants endure while working under the SAWP; his decision to **not seek medical care** even in times of great need (and despite the fact that he *was* entitled to use the health care system through his private health insurance) lies in workers' limited *access* to health care and because of the sense of pressure to keep up with the pace of work and demonstrate an impeccable job performance, even while in pain. Most workers depend on their employers and supervisors to take them to see a doctor since they require somebody to drive them to the clinic as they live in geographically isolated areas with little to no access to public transportation; in addition they generally need translation services due to language barriers. Most workers state that their requests to go to see a doctor are usually not met by their employers who are usually busy and do not have time to drive them to the nearby walk-in clinic or hospital. Many workers feel that these types of requests bother their employers, the last thing they want is to be perceived as a 'problem element' in the eyes of their supervisors since they are looking to build a clean work record that will grant them the *possibility* to be called back to work in the same farm for the following year. Participants who have been in the program for many years can anticipate these sort of situations and hence come prepared with their own medications and remedies from their countries, they already know that if they get sick they will have to continue to work bearing pain, fever or otherwise. Others who did not anticipate such situations solve the problem by requesting that their

families in Mexico to mail them the medication they need so they are able to continue working until the end of their work contract. It is not surprising that quite a few workers ended up having medical procedures and surgeries once they are back in Mexico where the welfare system is often unable to support their medical expenses.<sup>10</sup>

Migrant farm workers operate in an industry that is considered of the most dangerous occupations, as workers operate heavy machinery, are constantly exposed to pesticides and perform back breaking repetitive jobs at a fast pace. Accidents and injuries in the agricultural industry are very common. Added to this, regulatory frameworks of provincial labour legislation in regards to occupational health and safety measures are very lax and lack adequate reinforcing and monitoring mechanisms favouring farm labour precariousness in the entire agricultural industry (Preibisch and Otero 2008). Coupled with lax and insufficient occupational health and safety legislation, farm workers irrespective of their immigration status are excluded from some sections of the Provincial Employment Standards Act with regards to benefits and protections (Fairey et al, 2008).

In a highly competitive industry with insufficient labour protection legislation and under a system of labour control that exerts power through a myriad of legal and extra-legal strategies, workers feel constantly pressured to keep working and producing at maximum capacity. To achieve this they learn to **mute signals of tiredness or symptoms of sickness** in order to continue working at the pace required by employers. Workers are well aware of the repercussions of not being able to continue to perform work or for taking time off: they do not get paid, and risk losing their job as well as their place in the program for the following year. Even when this is just a *possibility* and not always real, it acts as a constant

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<sup>10</sup> In Mexico the public health care system is granted through one's conditions of employment; since SAWP workers do not work in Mexico for most of the time they do not enjoy any sort of health insurance benefit, which in consequence leave their families without health care too.

threat that workers live with during the entire season, causing them stress and anxiety. The pressure to keep working, even while in pain or suffering illness is corroborated by another worker, Audi, who recalled going to work to blueberry fields with pneumonia, “even under the rain I was there working on the blueberry field, even though I could not breathe anymore. Despite they [employers or supervisors] can see you are in bad conditions still tell you to keep on going. I wonder if do you have to die there [on the fields] so they bring you to the doctor or don’t think you are lazy?” Audi came to work to British Columbia for two consecutive years (2009 and 2010) under the program, in his second year he got very sick with pneumonia and despite of his repeated requests to farm supervisors to go to see a doctor, his employer never took him to the clinic. As consequence his health deteriorated to the point that he could not go to work for about a week. About one week after the week he missed work, Audi was presented with a return airfare ticket to Mexico from his employer, who told him that since he was unable to work due his health conditions then there was no reason for him to stay in the farm, nor, therefore, in the country. Unfortunately in Audi’s case the threat of repatriation was real.

Audi and Martin’s examples are illustrative of the ways in which the SAWP creates and manages a disenfranchised workforce that is highly vulnerable, highly flexible and highly disposable. The ways in which the program constructs workers’ systemic vulnerability is through contractual and coercive mechanisms that are designed, supervised and reinforced by sending and receiving countries through a bi-national agreement formalized in a Memorandum of Understanding (MOU) (Verma 2003). The program carefully manages the flow and influx of migrant farm workers coming into Canada by bringing precise numbers of workers for the exact lengths of time required by Canadian employers, no more and no less. Furthermore, program grants employers the ability to specify the sex, age, and nationality of

their workforce, a practice in conflict with human rights legislation at federal and provincial levels. The SAWP grants a work visa with a maximum length of eight months, one of the characteristics that make it a “forced rotation” program (Wong 1984) which means that workers must return to their home countries at the end of their contracts in order to be eligible to participate in subsequent years. The fact that SAWP workers are tied to a single employer and therefore lack labour mobility is one of the main aspects that constitutes these workers as an ‘unfree’ labour force. However, Galabuzzi (2012) suggest that the ‘unfree’ nature of migrant farm workers does not *only* derive from their inability to sell their labour within the labour market but from a combination of other elements such as a) their racialized identities, b) their restrictive immigration status, c) their occupation as *farm workers*<sup>11</sup>, and d) their ‘unfree’ conditions in the labour in the labour market (which is their inability to sell their labour in the labour market). All four elements combine together to structure the ‘unfree’, flexible and vulnerable nature of this labour group in unique ways that threaten their health and safety in the workplaces and beyond.

Workers’ structural vulnerabilities and contractual mechanisms grant employers great powers to exert mechanisms of labour control, including the ability to repatriate workers when they are not longer needed, if they fall sick or get injured or are deemed to show ‘lack of disposition to work,’ such as the case of Audi who missed work for one week due to sickness. Legal analysts have taken issue over the broad language contained in the SAWP contract with regard to reasons to terminate workers’ employment “ for non-compliance, refusal to work, or any other sufficient reason to terminate the WORKERS employment hereunder and so cause the WORKER to be repatriated” (Verma 2007 in Preibisch, 2010, pg. 414; HRSDC, 2008Marino, a former participant of the program and an injured worker

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<sup>11</sup> Farm workers irrespective of their status are exempted from some labour protections under the Employment Standards Acts (ESA)

that I met during a house visit, was forceful in describing his experience of being injured at work. “Canada treats us like garbage when we can no longer work [because of illness or workplace injury],” he said. Marino had suffered an accident on the highway while he was riding his bicycle on his way to the farm, as result of his accident he dislocated his hip and was unable to perform work in the greenhouse. Unable to continue to work he was terminated from the program by his employer (the SAWP), and consequently lost his Social Insurance Number and his worker’s compensation benefits. Marino refused to go back to Mexico and instead decided to stay in Canada to seek medical attention since in Mexico he would not have access to medical treatment. Marino was deemed as AWOL (Absent Without Leave) by his employer and the program. Assigning AWOL status is a mechanism within the SAWP that allows farmer owners and government officials to track (and to certain extent to prevent) the number of workers that overstay their working visas in Canada (Verma 2003). Being designated AWOL is one of the contractual mechanisms of the program that denies workers the possibility of being re-hired within the program in the future.

Marino’s example tells us about the consequences that workers risk when they decide to confront their employers and the SAWP system. In Marino’s case, voicing and demanding attention his physical needs and seeking medical care resulted in one-way ticket home and not be able to enter into the program again –although he eventually managed to come back to Canada by his own means, outside the program. In Audi’s case, not voicing his need for medical treatment ironically also resulted in one-way ticket home, as he got to the point that his body broke down and he was no longer able to perform his job. In the case of Martin, his strategy of not seeking medical care has helped him to succeed at least until the end of his contract.

Program recruitment policies also provide employers the possibility to exert coercive mechanisms of control over migrant labour. Hiring and recruitment mechanisms focus on third world workers who are unemployed or underemployed constructing them as a displaced and mobile mass of disenfranchised workers. Moreover, the program constructs them as vulnerable ‘third world’ racialized subjects whose perception of retaining work and make a living relies heavily on their performance and in their acceptance of substandard working and living conditions as well as abusive treatment. In order to maintain their jobs and places in the program workers are constantly pressured to demonstrate high levels of performance even though they were given little or no training and were forced to work in unsafe environments. This condition of disenfranchisement is illustrated by a conversation with José. “Bosses know that they are bringing people that is in great need of job, that do not know anything [about the Canadian system], have little education, cannot speak the language, come with a closed work permit and cannot leave or change farms. They like that because they can make more money with us ... and us [migrant farm workers]... well, we need the job, right?” Wages are another element that reinforces workers’ vulnerability. Wages in the SAWP are fixed and subject to federal and program deductions, the only way workers have to increase their income is to work longer hours as overtime benefits are not available to farm labourers (Preibisch, 2010). Workers can work up to eighteen hours per day seven days a week for several months, and their ability to refuse work has been greatly weakened by contractual and coercive measures explained earlier.

In the same way that workers find strategies to succeed to maintain their jobs and spots in the program by learning to mute bodily signals of tiredness and sickness or avoiding to seek medical treatment and instead endure pain, workers desiring to participate in the program for first time also learn strategies of corporeal control that help them to fit within

the prototype of the ‘ideal’ candidate that the Mexican government, recruiters and Canadian employers are looking for. This strategy as narrated by the workers entails the **marking of their bodies with symbolic and physical identifiers**. Ricardo, a migrant worker participating in the SAWP for three years, shared in a focus group his experience in applying for first time to the program in Mexico at the Ministry of Labour brunch (where SAWP workers are recruited in Mexico) He said that during the interview at the Ministry of Labour in Mexico he had to *look like* a peasant and to show evidence of physical marks on his hands to prove that he is a peasant and has recent experience working the land. “You feel like livestock having to show an imprint in your body to be able to get into the program [...] You also have to *look* dirty and underdressed otherwise they [Ministry of Labour officers] tell you that you don’t look like a *campesino*,” he told the group. Other workers in the focus group laughed and corroborated this experience as a similar one for them when applying for the program. The requirement to hire workers with a peasant background and from rural areas responds to the needs of the Mexican and Canadian governments. In one hand the Mexican government uses the SAWP as a mechanism to provide jobs for people from economically depressed and poor regions, which are usually rural areas. On the other hand the Canadian government seeks to fulfill the labour needs of employers in the agricultural industry who prefer workers from a peasant background and with experience working the land (McLaughlin 2010).

Nevertheless, Ricardo’s testimony provides an account of the embodied experience of workers under the SAWP, and the discriminatory hiring and recruitment practices that that degrade workers to a less than human or non human condition. Such practices under a migrant labour regime aims to (re)create a “quintessentially flexible worker” in Galabuzi’s words (2012, 4) whose body has been submitted to a process of racialization and that has

been constructed as ‘third world’ subject within the Canadian labour market through mechanisms of recruitment, conditions of work and conditions of re-hiring explained in earlier paragraphs. Such discriminatory hiring and recruitment practices strongly resonate with hiring practices from past migrant farm labour regimes such as the Bracero program in the US (1942-1964) that was highly controversial because of the overt racism embedded in them as well as the magnitude of abuses and labour exploitation to Mexican farm workers in US fields. The ways in which selected aspirants had to perform physical exercises that will prove healthy and strong bodies has been well documented. Similarly, SAWP’s discriminatory hiring practices in resonate with the more coercive migrant labour system of Black migrant mining workers in South Africa under apartheid times. Migrant Black workers in the mining industry were also submitted to derogatory practices in which their bodies were subjected to processes of racialization and racial discrimination.

Workers’ experiences of corporeal control in relation to the treatment of their bodies as condition for work eligibility, desirability, job performance, disposability and displace(ability) in different stages of the migrant worker cycle (hiring, placement and re-hiring) must be understood within a larger context of racialized (im)migrant workers in Canada with whom, irrespective of their legal status, they share a history of marginalization and differential treatment inside and outside the labour market (Galabuzi 2006). The fact that the primary sources of migrant farm labour for the SAWP are impoverished countries from the global south and especially from Latin America and Caribbean countries, and the restrictive ways in which these workers are incorporated into the farm labour market, mirrors the experience of incorporation into the Canadian labour market of other racialized workers in Canada historically such is the case of Chinese salmon cannery workers in British Columbia (1871-1921), Chinese railroad workers building the Canadian Pacific Railway

(1881-1884), and South Asian farm workers in British Columbia. (Walia 2010; Tobani 1999; Mawani 2009; Galabuzzi 2008)

There is a tradition of discriminatory and differential treatment of migrant labour in Canada; the SAWP can be understood as a continuation of an on-going colonial project. According to Satzewich (1991) race and racialization are central to the creation of unfree labour groups, which are subject to hyper-exploitation. Although Canadian immigration policies went through a formal process of de-racialization starting in 1960, the introduction of the SAWP in 1966 was articulated as an 'exception' which would allow non-immigrants to enter the country in order to perform agricultural work. Satzewich further states that the SAWP was largely based on differential incorporation and exploitation or in Sharma's terms, on 'differential inclusion' (year). In this sense the legal framework of the SAWP does not explicitly outline workers' restrictions in the labour market, their exclusion from labour, political and citizenship rights (exclusions from provincial labour legislation protections, exclusion from social programs and benefits, and denial of citizenship, family separation) or overall differential treatment with regards to working and housing arrangements (spatial residential segregation and restrictions on mobility) linked to ethnicity or race. In other words it operates under a color blind raceless framework. Nevertheless workers' experiences of corporeal control speak to and respond to a legal and extra-legal set of restrictions, limitations, exclusions and discriminatory treatment; workers live and embody the effects of discriminatory and racist treatment, which tells us that race and racism *are* central tenets in the program. Goldberg's concept of raceless racism is an appropriate and accurate one to understand the legal framework of the SAWP that in the one hand apparently operate under color blind, raceless legislation but on the other hand the experiences of the workers tell us

about overt and subtle expressions of racism inflicted on that particular group of workers (1993).

Sharma (2006b) states that the creation of the non-immigrant or migrant worker category in the Canadian immigration system has allowed the *legal* application of a differential set of laws aimed to regulate labour mobility in restrictive ways as a form of apartheid. Sharma writes “like past forms of apartheid its global manifestation is not based on keeping differentiated people apart but instead on organizing two (or more) separate regimes” (2006b, 1250). Workers’ experiences of **corporeal control** in the SAWP provides account for one of the ways in which this separate labour system works on the ground through legal and extra legal rules applied *only* to workers under this program. Corporeal control experiences speak directly to a) discriminatory recruitment and hiring practices and procedures, b) restrictive immigration status dependent on their conditions of employment, c) systemic vulnerability based on workers’ ‘unfreedom’ within the labour market and beyond, and d) systemic vulnerability in relation to occupational health and safety in workplaces that renders workers disposable and replaceable. Given this reading, the SAWP can be understood and theorized as the creation of a labour apartheid system that uses a ‘raceless racism’ legislative framework put in place to meet demands for (cheap) labour in the agricultural labour market and that finds historical and present day resonance in an on-going colonial project of racial subjugation and domination.

### **Compression of Time and Space**

*“... I had no form to make distinction between Sunday or Monday, only when they [farm supervisors] drove us to town for groceries I would realize that today was Friday”*

(Erie, migrant farm workers focus group Pitt Meadows, November 2011)

The SAWP mandates that workers live in or nearby their workplaces, this defining the range and possibilities of migrant workers' interactions with 'host' communities. This compression of spaces (public/private; home/work) contributes to experience a sense of compression of time as well. For farm workers, perception of time is one of the first things that get blurred as consequence of the non-separation of the places where workers live and the places where they work. With no family connections, few community interactions, little to no English-language literacy, and with physically hard and repetitive jobs lasting up to 12-20 hours per day, six or seven days a week (depending on the season), farm workers are socially and geographically isolated, their lives are solitary and revolve around the farm. Workers normally do not engage in recreational, intellectual, cultural or social activities since such activities and *access* to those activities is restricted to them because of employer's restrictions on their mobility/sociality and because social programs and settlement services such as membership to community centers, free ESL classes, use of the public library or other activities are not available to them because of their temporary immigration status.<sup>12</sup>

Some of the ways in which workers cope (and challenge) this compression of time-space in their lives is through mechanisms of time distinction in the sphere of their private lives; these are a) **using time markers**, and b) **making the 'ordinary' into an 'extraordinary' event**. This experience is shared by Erie in his recollection of his early years in the program:

I think they [employers] want us to be a guaranteed *investment* so they make us work harder and harder. In my third season I was working seven days a week for 14-16 hours [a day] or so. I honestly lost track of the days, weeks and months. I had no way to make distinction between Sundays or Mondays, only when they [farm supervisors] drove us to town for groceries I would realize that *that* day was Friday.

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<sup>12</sup> There are social programs where prove of permanent residency is not required however these programs are usually available only in large urban centers.

Going out to town to do groceries and banking every two weeks, usually for a limited length of time defined by the employer and accompanied by a farm supervisor who drives them in a bus, become a time maker events. Other **time markers** events for migrant farm worker' lives are the days they call or, in the case of the younger ones, when they Skype with their families back home. "In this manner the separation does not feel too long and too sad," said Griseldo who lived alone for eight months in a trailer truck in Pitt Meadows. "My only companion is the TV that I turn it on at nights when I am back from work, but I cannot understand anything because it is all in English ... anyhow, at least it makes some noise and do not feel too alone. I hope that slowly, slowly my ear will get use to English language and maybe some of these days I will be even able to understand a bit more [laughs]."

'Extraordinary' events that disrupt their routine are usually workers' strategies to find separation of time, to break the monotony and to ease boredom and solitude as result of not having any social or community interaction, the absence and separation from their families, and limited mobility and restrictions about the places where they can go and when they can leave the farm/house. It is important to note that this lack of migrant workers' community and family commitments and interactions is one the 'advantages' that employers value in migrant workers over local or permanent residents, as workers are "not distracted and are here solely to work," as stated by a greenhouse manager in Ladner (ethnographic field notes).

Imposed restrictions on mobility, working schedules and the effects they have on distortion of time/space as well as the ways workers cope and challenge them are all testimonials of a labour regime that brings labourers and not persons. The fact that workers compare this compression of time/space on the farm with "an open jail" tells us about their

embodied and sensory experience of their condition as ‘unfree’ labour within an apartheid labour system. As stated by Galauzzi (2012) workers’ condition of ‘unfreedom’ must be considered beyond the realm of the work sphere and labour market (in which they are unfree to sell their labour) by looking at a combination of elements such as their racialized condition, limited and precarious immigration status and their occupation that create conditions of unfreedom and vulnerability in the social, political, and economic spheres of their lives.

Another strategy workers use to mark time and to ease isolation **is turning an ‘ordinary’ event into an ‘extraordinary’ one.** For a group of workers in Langley, baking Mexican style bread became an extraordinary and special event that they would look forward to every fifteen days. This group of workers organized themselves to bake their own bread as they found the bread they buy at the supermarket was “a bit expensive and not very tasty.” However there were reasons other than thrift; baking and preparing Mexican traditional food became a way of keeping the connection with ‘home’, with themselves and with who they are back home. As Don Cosme explained to me, “Back in my town in Puebla I am a baker. My father taught me to bake since I was 10 years old; I have always baked, along with other things of course, to make more money. That is what I am, and when I come to Canada I keep baking. I proposed to my *compañeros* to teach them to bake. It is a good way to save money, organize our food and spend time together just having a good time. Some of them learned quickly and ask me to teach to do other kinds of bread. Now we are all ‘bakers’ and *paisanos* from other farms want to buy our bread [laughs]”. What was a routine activity for Don Cosme in Mexico as part of his family tradition and later one of his occupations<sup>13</sup> was

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<sup>13</sup> Although one of the eligibility requirements of the SAWP is to have farm worker background, most workers even though they are peasants and know how to work the land, are not farmers or farm workers any more due to the economic dismantling of small scale agricultural as consequence of the North American Free Trade

turned into an extraordinary event in this life and in the lives of his transnational migrant co-workers once in Canada. After a couple of months of doing house visits to this farm, communal baking also started to become an ‘event’ that I would look forward during my community and research fieldwork.

Domestic activities like cooking together, sharing a meal at home or inviting friends to come to visit are ordinary events in most people’s lives; however in the case migrant workers who live in closed quarters and under controlled schedules for long periods of time these events are indeed uncommon and extra ordinary in their lives. Furthermore, activities related to food especially can come to be healing practices that they organize for themselves in the midst of their transient lives and experiences of displacement as temporary migrant workers. “We like having friends visiting us, so we do not feel too forgotten,” said Federico when I was about to leave the house after a farm visit in a Sunday night.

Moments of interaction and socialization outside the workplace are among the few spaces and instances where workers feel that they are in position to offer something to others and open their houses to outsiders (usually community organizers, researchers, church volunteers and tortilla or phone card vendors are the people they interact with). Social situations, sharing and exchanging with somebody else besides themselves or farm supervisors give workers a sense of wholeness as social beings with social roles and that are part of a community. It also brings up the opportunity to re-connect and recover some aspects of their multifaceted identities that once in Canada are vanished or reduced to a single one: a generic worker or members of a generic workforce –not the fathers, mothers, uncles, aunts, healers, artisans, bakers, and community members and leaders that they are in their countries. In addition, these social moments and spaces are some of the few instances

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Agreement (Bacon 2008). Many participants of the SAWP work in occupations such as construction, transportation, informal trading, etc.

where they can feel they are in control over some aspects of their lives while working under the program, since most of the time their lives are strictly controlled with set schedules for doing laundry, cooking, going to cash their cheques or buying groceries in the nearest town – ordinary and restrictive activities that nevertheless break down routine and isolation. Compressed perceptions of time and space as well as the mechanisms workers use to counterbalance such sensorial distortions (caused by their work regime and living conditions) provide us testimonies and insights about how is the life of a migrant workers under the SAWP and why they use the metaphor of “an open jail” to describe what I call a labour apartheid system.

### **Restrictive Spatial Mobility and Residential Segregation**

Restrictive spatial mobility and residential segregation conditions of living for migrant workers in the SAWP are both explicit (in the case of residential segregation) and implicit (in the case of spatial mobility) hence these restrictions are enacted and reinforced through contractual and coercive mechanisms and respond to the demand for capital accumulation by the Canadian agricultural industry.

According to Burawoy (1975) a system of migrant labour has myriad functions and roles but above all it is essential to the functioning of a capitalist economic system. Some of its functions are to reproduce and maintain cheap sources of labour as well as to maintain the conditions that produce cheap and powerless labour. The reproduction of cheap labour however must be done outside the national boundaries, in the places where the production of labour takes place. Burawoy (1975) explains the meaning of ‘reproduction of labour’ in the context of systems of migrant labour. The reproduction of labour pre-supposes the existence of what has to be reproduced; however he notes “nothing which exists is natural [...] but rather exists because of the existence of certain conditions, whose disappearance

cannot remain without consequences.” (Gramsci 1971, 158 in Burawoy 1975, 1051). In this sense, socio-economic and political relations of power, social structures and interlocking systems of oppression that produce exploitation and social inequalities – ‘certain people’ working in ‘certain occupations’ – have to be reproduced over and over. While the conditions of reproducing labour vary between societies and throughout time, Burawoy points to the active role and intervention of the state in maintaining and organizing the conditions that facilitate the reproduction of migrant labour by enacting and enforcing policy and legislation. In the context of the SAWP as a migrant labour regime, the reproduction of the labour force takes place in the sending countries where workers come from, in this case Mexico and Caribbean countries. In the SAWP the **residential segregation** policy implies **family separation** as a condition of work for program participants; this condition is explicitly stated under the Memorandum of Understanding (MOU) between Canada and sending countries. As mentioned in a previous segment on workers’ *Corporeal Control*, the ways that the Canadian government ensures migrant workers do not overstay after their contract finishes is through the AWOL (Absent Without Leave) mechanism, which allows employers and government officers from the CIC (Canadian Immigration and Citizenship) to keep track of the number of workers who overstay in Canada (Verma 2003). If workers overstay their work visas then risk to not meet the eligibility criteria to return to the program for next year, as one of the condition for re-hiring is to have returned to the home country at the end of the contract and report themselves to the ministry of labour in their country. As stated by Wong (1984) this is one of the characteristics that make the SAWP a “forced rotation” program.

As stated above, the residential segregation program’s contractual mechanism translates into workers’ family separation as work contract condition. For employers this

means committed, reliable and dependable labour; for workers, their families and communities back home this means first of all a) disruption of their lives and the lives of their families as the fabric of relationships and communities are strained; b) unbalance in their personal lives as they become ‘workers’ -not husbands, mothers, fathers, sisters, or brothers with emotional needs; and c) transient, sometimes unable to settle here or there after decades of living eight months here and four months there.

When asked what is the most challenging aspect of living a transient life, most participants on the focus groups responded “solitude and separation of families”. Anselmo describes his experience as follows:

The work is hard and it even causes physical pain sometimes, but what is most painful is *la soledad* [solitude]. During the day you kind of get away working in the fields but at night when you are alone in your bed is when the sadness and thoughts about your children and wife haunt you. Sometimes you know they are going through hard times and it feels pretty horrible to not be able to be there.

This pattern of family separation for many years has in some cases provoked the destruction of marriages. In an interview, Marino says:

It is ironic that first I came to Canada to be able to send money to my wife so she can raise and take care of the kids but after many years of coming back and forth in the meantime she found another man [...] she says that she felt too lonely and needed somebody to be with her. The program [SAWP] allowed me to make some money but I lost my family.

The denial of citizenship, the residential segregation contractual policy and, in turn, the inability to settle in and establish themselves in one place alienates workers from their communities and their cultures. Furthermore, it alienates workers from themselves and the different aspects that comprise their humanity. The social, emotional, sexual and spiritual

dimensions of their beings are cut off by a system that erases and negates the possibility of fulfillment of the various needs and dimensions of their lives. Instead they are deemed and managed as dispensable, displace-able and exploitable bodies.

In regards to **Restrictive Spatial Mobility**, in general, living on the same property where they work and under surveillance of their employers further workers' social and ethnic marginalization as well as workers' dependency on their employers. It also increases workers' condition of labour flexibility by making them 'immediately available' to perform work at any time and day as required by their employers since there is no separation from work and 'home'. During my field research I gathered three particular dimensions that restrictive mobility impacts on workers' lives: a) **social and physical mobility**, b) **access to health care and other services**, and c) **housing conditions**.

First, spatial segregation has significant implications on **social and physical mobility** of migrant farm workers as these basic entitlements are subject to partial concessions and negotiations under each set of 'farm rules,' as exemplified by Oscar's experience at an apple farm in Ontario last year:

My former employer in Ontario wanted to make sure that we will not get in trouble on our days off, so he [employer] wrote down on a paper how far away from the farm we were allowed to go. I don't remember exactly how many meters was the distance we were supposed to circulate around. He even gave us the instructions written in Spanish and put them on the wall in the living room. You feel like the house is a prison with no bars.

Individual work arrangements and farm rules are arbitrary and can vary significantly from farm to farm depending on individual employers. Unlike Oscar's employer, according to Angel some employers do take into account workers' social, recreational and spiritual

needs and try to organize activities for them with, and from, a paternalistic sense. These activities range from soccer tournaments and bible study groups to barbeques and pot-lucks.

Second, spatial and residential segregation (combined with others factors such as language barriers and a lack of information about workers' rights) also have implications for **workers' access to health care and other services**, as they depend on their *patron* to get from and to (as well as off) the farm. In a conversation, Nicolas recalls how he could not get immediate health care after a work accident because he depended on this employer to get to the clinic. He fell down from a greenhouse picking cart and injured his left hip:

I was in a lot of pain and could not keep working. I was unable to walk or be standing on my feet. During the break at around 3-4pm, more or less, I asked the supervisor to drive me to see a doctor before the [health] clinic closes. Her response was 'I have to wait until at least one more [worker] needs to see a doctor, I can't be driving back and forth [to town] just for one person'. I think that response is very bad on her part. Does she want us to all fall down or get sick at the same time?

Third, it has considerable **effects it has on the type of accommodations and housing conditions**. The SAWP work agreement in British Columbia establishes the obligation for employers to provide accommodations for migrant farm workers they hire on the farm-site or nearby. All on-farm housing is subject to approval by either a municipal government inspector responsible for monitoring migrant workers' housing by-laws or by a private inspector hired by employer's association (Otero and Preibisch 2008). Workers pay a total of \$550 per season for housing. The types of housing available include trailers, new and converted houses on farm property, and motels and low-income apartments that are often infested by insects (J4MW-BC Migrant Farm Workers Housing Report 2007). In 2005, leading Mexican and Canadian newspapers reported that over forty Mexican workers lived in a dilapidated, two-story house on a BC blueberry farm, with cement floors and four to five

men crammed into each room. The rest slept in unheated trailers and all of the workers shared two bathrooms outfitted with a plumbing system that was about to collapse, with two stoves for all of their cooking needs. Workers staged a work stoppage demanding an improvement in living conditions (J4MW archives 2005). In 2006, thirty two Mexican workers employed at a blueberry farm wrote of public letter exposing the deplorable housing and working conditions to which they were subjected to the Canadian public. Among the list of complaints highlighted in the letter were: an absence of toilets in the fields, insufficient cooking utensils, inadequately equipped and poorly furnished rooms, and a broken sewage system. These brave actions by workers on two different blueberry farms in 2005 and 2006 resulted in the deportation of most workers back to Mexico, serving as a way to discipline the workers and discourage further actions (J4MW archives). During one of my house visits during my field research (2011) I encountered a group of workers who were drinking milk or Coca-Cola at nights because the drinking water was contaminated. A worker from that house told me “it seems that Canadians like dogs better than Mexicans,” while he was showing me his house and explaining the issues with the drinking water.

The existence of deplorable and undignified housing conditions is indicative of more than a simple lack of adequate regulation and enforcement of housing standards for migrant farm workers. Instead, there is an entrenched notion of liberal morality and superiority/inferiority (Goldberg 1993) held by employers when defining the parameters of what is deemed ‘acceptable housing’ for migrant labour. From the employer’s perspective workers from impoverished countries should be grateful for the opportunity to work in Canada. A farm owner who was in the midst of making arrangements to house sixty workers on his property demonstrated this attitude to me when he asked me if I thought it was “OK” to buy futons instead of beds to put on the floor so workers could sleep on them.

When I answered him with his same question but slightly reframed - if he thought it would be “ok” for him to sleep on futons on the floor for eight months - he answered back with a smile, saying “is that a Ché Guevara kind of question?”<sup>14</sup> By his answer I understood that liberal concepts of ‘equality’ and ‘fairness’ are socialist and revolutionary when applied to racialized bodies.

Community and labour groups such as Justicia for Migrant Workers (J4MW) have challenged the naturalization of (im)migrant farm workers’ exploitation based on *who* they are (linked to their ethnic identity) and on their *occupation* (as farm workers). In a letter to the editor of a local newspaper, J4MW activist Gil Valencia noted:

It is not by accident that housing conditions for migrant and Indo-Canadian workers in the Fraser Valley resemble those of slums. The industry demands such conditions and the community is happy to pretend this is ‘normal’. The fact that the farm workers are almost exclusively from racial minorities strongly suggests an undercurrent of racism and discrimination. It's an understood fact that farm work is below white folk, just as is the housing for farm workers (Valencia 2008).

Valencia’s editorial makes reference to the historical social exclusions of racialized communities regardless of their immigration status, such as the case of South Asian farm workers who are permanent residents or Canadian citizens and whose presence in the country goes back to a century ago. In the words of Grace-Edward Galabuzzi “while Canada embraces globalization and romanticizes the idea of multiculturalism and cultural diversity, persistent expressions of xenophobia and structures of racial marginalization suggest continuing political and cultural attachment to the white-settler society,” (2006: xi).

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<sup>14</sup> This incident occurred during my time working in a tomato greenhouse in Delta in 2005. This anecdotal reference is not part of official generated data; it is rather a personal recollection that provided me with additional insights and reflection.

Post colonial scholar Sunera Thobani (1999) agrees with Galabuzzi's reading of Canada's multiculturalism policy, she further states that this state's policy has functioned as means to disguise deep seated traditions and colonial histories of racial marginality and discrimination manifested most notably in immigration policies and practices. In this sense, despite Canadian state's official process of de-racialization in the immigration system adopted during the 60's -hence adopting a legal framework of 'raceless racism'- in which in policy legislation claims to be color blind in application yet the effect of them it is not. Testimony to this are the countless past and present experiences of marginalized (im)migrant communities of colour and of course the story of First Nations people (Thobani 1999; Galabuzzi 2008; Mawani 2009).

The SAWP program then it is not an exemption of this "raceless racism" policy framework. Its contractual and coercive mechanisms of labour control also mirror and find historical resonance with other oppressive systems of labour control from the past such as the South African apartheid with regards to the treatment of Black migrant mining workers. In the case of the migrant labour system under South African apartheid, state policies included: a) regulation of workers' entry and territorial movement (separation of workers from their families and conditions requiring them to return back to their communities once the work contract expired), b) restrictions on occupational mobility (workers tied to a single employer in a single occupation), and c) conditions of migrant labour powerlessness (inability of workers to make effective changes) (Burawoy 1975; Wolpe 1972). One of the main characteristics of South African apartheid was territorial and residential segregation. Thirteen per cent of South Africa was divided into ten 'homelands' (or Bantustans) for Blacks (who comprised more than 70 per cent of the population). Homelands were patchwork territories scattered across the country that could hardly be described as viable

independent territories, some were very small and with precarious infrastructure and lacking basic services such as water, electricity, etc. Blacks were allowed to live outside the homelands only as temporary migrant workers. Residential segregation in urban areas was enacted through the Group Areas Act (1950) which was a cornerstone of apartheid policy. The country was partitioned into different areas allocated to different racial groups. Non-whites were restricted to designated living areas in every urban center (Schaefer 2008).

In the case of migrant farm workers in Canada, the SAWP establishes that workers live on, or near their farms in accommodations provided by the employer. In this sense the program restrains the kind of interactions that the worker will have with the host community and implicitly imposes residential segregation. Some of the key differences between the SAWP and other more explicit and coercive systems of racial apartheid such as in South Africa are: a) legislated versus de-facto differentiation; and b) implicit/explicit territorial and residential segregation. In regards to the legislated versus de-facto component, in South African apartheid the race-based segregation and differentiation was an official policy legislated and administered through apartheid institutions; while in the Canadian case the segregation, exclusion and 'differential inclusion' of migrant workers is done through 'exceptions' to the law based and justified by workers' immigration status (and in the case of farm workers, based on their occupation). Thus in the SAWP case, instead of segregation and differentiation being blatantly articulated on race, a dual strategy of precarious labour laws (for farm workers) coupled with racist immigration laws determine the precarious nature of migrant workers and create differential conditions for migrant workers as opposed to Canadian workers.

In regards to territorial and residential segregation, whereas South African apartheid had specific spatio-territorial segregation policies through the Bantustan system (or separate

development and housing) for Black communities; the SAWP operates implicitly as a means of spatial isolation and residential segregation, both in terms of production and reproduction of labour. In terms of production migrant workers are allowed to reside in the country as long as their presence is useful to the needs of capitalist colonial state. In this sense, the work contract mandates migrant labour to be housed on the employer's property and reside in farming towns for specific periods of time. The residential segregation and spatial dimension of isolation of workers from local communities in Canada is both implicit and explicit. In terms of reproduction of labour, the spatio-territorial dimension of isolation in the SAWP are implicitly designed to isolate migrant workers from their families and communities since workers are not allowed to bring and live with their families in Canada.

Establishing a dialogue to between the ways in which labour apartheid systems of today (such as the SAWP) and past ones (such as the South African example) helps illuminate historical colonial continuities. This exercise is of importance as it could serve as grounds for public opposition and contestation to the SAWP as regime of labour control. Pointing the key differences is important since it allows us to identify how oppressive structures of power are transformed and (re)inscribed through time. In addition, examining key differences can help us tear down official discourses and narratives that obscure underlying logics which perpetuate social injustices and oppression.

## Transnational Webs of Control and Domination: Fear, Uncertainty and Anxiety

*We cannot get sick, if you are [sick] you have to keep working or there are not enough work hours or treat you bad you have to keep working. You cannot say 'I am going to look for another farm that gives me more work hours and pay me better'. This is not allowed to us. It is not right [...] it is fear what stop many of us from speaking up, it is the fear of not only losing our job and not coming back".*

(Focus Group, Pitt Meadows, May, 2011.)

This section deals with the emotional effects and the psychological environment that is created and how workers navigate in and out specific legal and extra-legal forms of labour control and discipline that govern the SAWP. It also explores the consequences of these forms of labour control on the everyday lives of workers and their families back home.

Enforced **ethnic divisions, fear, uncertainty and anxiety** are forms of governance that discipline, control and organize production; combined they create a container of domination and control where power is orchestrated and then (re)inscribed. It is within this container that workers' relations, interactions, performances and exchanges take place. I will show how these methods of governance operate and how in turn, these impact over the lives of workers and that of their families. Achieving this end requires the application of the three main basic sites of colonial violation: community, body, and spirit defined by Perry (2012).

Testimonies of workers provide accounts of how **ethnicity** is used by farm owners as a form of a) organizing production process by creating 'ethnic divisions'; and b) a tactic for disciplining workers. A usual tactic that farm supervisors use is to organize teams or crews on the fields or greenhouses divided by ethnic group, e.g., South Asians, Filipinos, Mexicans and Guatemalans. The supposed rationale behind this separation is grouping skills and abilities that employers attribute to workers' ethnicity and not to that of individuals. At the

same time, ethnicity and nationality are used to create rivalry among workers in order to increase productivity levels. This is illustrated by workers during a group interview when sharing workplace experiences in a greenhouse,

The supervisor goes to [the work section of] the Indianos [the term Mexican workers use to refer to South Asian workers] and he tell them that we [Mexicans] are working faster and making \$12 per hour in wages, which is not true! He tells them that if they don't work to our pace for next season the boss will replace them with Mexicans in the entire [greenhouse] operation. Then he comes to us [Mexicans] and repeats the same tale, that the Indianos are faster than us and for next season the boss will not bring Mexicans anymore. We have realized what he was doing after months of being fooled with his approach [...] now we know these are tactics to force us into working harder while making us believe that if we work harder we could have a wage increase and earn what South Asians earn [...] and the true is that both of us [South Asians and Mexicans] only get minimum wages.

From the perspective of the workers, the employers' tactic of promoting division and competition amongst them is successful because most workers want and must please their employers in order to secure a job for the following season. Another motive that makes this tactic effective is the pride workers feel in their ability to work faster, proving that Mexicans are indeed 'good workers'. Anselmo reflects critically on the latter cause stating, "Unfortunately many comrades do not realize that this [working harder] only brings benefit and profit to the *patron* [boss] and they kill themselves working hard. I think that we come to Canada to make a living, we did not come to lose our lives and health on the job." While for some workers it is an option to not fall into employers' trap, for others it is not, they face great financial pressure and need to secure a job by pleasing their employers at all costs. Moreover, workers from different nationalities are also prevented in getting together to share common spaces, such as breaks or at lunch, where spontaneous socialization could be

potentially initiated. My former employer at the greenhouse explained it to me as follows, “It is better that they [workers] do not mix up too much because it is then when all problems start.”

Workers’ testimonies reveal techniques of control, such as this divide and rule, which are mediated through ethnic and racial divisions applied during everyday experiences and aimed at maximizing production. Hesse (2007) remarks that race and racial ideologies are pertinent to this discussion when he points to the importance of reframing race not simply with reference to a matter of body-phenotype, color, or ethnicity-based markers (as it has been traditionally presented by modernity studies) but with reference to a repressive structure of power. In his argument, Hesse rejects the dominant understanding of race as ideology, instead he sees race as a form of governmentality, which organizes the labour force and capitalist production as shown above within the context of agricultural production.

A second and powerful form of governance in the SAWP is **fear**. Workers in individual conversations and in house meetings have accurately described the SAWP as a “fear regime.” They call it a ‘regime’ because it permeates the entire experience of being temporary migrant workers; it also permeates different dimensions and many facets of their lives, in the public and private spheres, inside and outside their workplaces, in their houses and other social spaces, such as churches and social gatherings. Whether this fear is real or subjective does not matter, what is relevant is that it is a feeling workers must learn to live with. Labour relations at the workplace, both among workers and between workers and their employer are mediated by and based on fear. This results from the pressure to work harder and faster, and increases the uneven power of the employer. Alfonso illustrates this when he described a routine event at the workplace: “Whenever the employers come [into the greenhouse operations] we all know we have to work faster, he doesn’t have to say a word

[...] he doesn't need to [speak].” On the other hand, Oscar, an inexperienced youth in the program, shares how he feels insecure and unsupported by older workers who have more experience than him in the program: “There are some co-workers that can see you struggling pruning plants and they do not give you any advice on how to do it better or faster. Even if you ask them, they won't tell you.” Both Alfonso's powerful analysis about the complete control the employer has on workers, and Oscar's telling experience about the relationship between younger and older workers in the program illustrate that colonialism isn't only system that is brought from metropole to colony and exercised from colonizer to colonized. Instead, workers' testimonies reveal the dynamics of how power is (re)inscribed in everyday practices fostered through interactions and exchanges that take place between colonized people in the context of colonial settings (Fanon 1963).

Fear permeates the private lives of all these workers. Most of the time employers are the workers' landlords, a dual role grants them almost complete control over the workers' private sphere. This control regulates who is allowed or not to enter into a workers' house, and extends to setting up curfews and carrying out direct surveillance, e.g. installing video cameras inside these houses. Further, employers believe themselves entitled to enter into workers' houses without notice, as would be the case of a landlord with his/her tenants. I witnessed such an instance during a house visit I was making to a group of Guatemalan women workers. The employer was inebriated and entered into the house without knocking or asking permission. Women in the program are exposed to sexual harassment from their employers, supervisors and also their own co-workers. Most of the time, these cases are not taken seriously, go unreported or remain concealed by silence.<sup>15</sup> Gender relations and in

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<sup>15</sup> For more information see the Presteve case in Ontario. The Canadian Automobile Workers (CAW) and Justicia for Migrant Workers (J4MW) on behalf of a group of migrant farm workers filed a complaint to the Ontario Human Rights Tribunal accusing the employer and owner of the farm of sexual assault committed to

particular the gender vulnerability faced by female workers in the program is a broader and more complex topic, which will not be covered in this paper.

Control of workers' private lives can be taken to extremes, such as when surveillance cameras are installed in workers' houses and at their workplaces. On one occasion I was invited to the house of Mexican women farm workers, they wanted me to explain to them the deductions that were taken from their wages, which employers and/or supervisors had not explained to them. Once I was inside their house and before I started to go over their paystubs, one of the women increased the volume of the music they had on while another woman made a head gesture towards a video camera installed at the corner of their living room. I understood her cue and placed myself with my back to the camera so whoever was watching would not realize we were talking about workplace concerns. We pretended mine was a 'social' visit (field notes, 2010).

Social spaces and public places can also become sites of control or 'unsafe' spaces. Such additional control over workers' public lives become an even greater risk to those workers who participate or would like to participate in educative, political and organizing activities, such as meetings, gatherings, rallies or demonstrations for migrant workers' rights. This is illustrated in the statements made by migrant rights activists, quoted in a newspaper article about a vigil organized to commemorate the tragic death of ten migrant farm workers in a traffic accident in Hampstead, Ontario,

Chris Ramsaroop, an organizer with J4MW, said he received calls from some migrant workers who had intended to come but were told by their employers to stay away.

Those who were present did not inform their employers [...] several migrant workers attending [to the vigil] did not want to be identified, fearing reprisals from their

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female migrant farm workers

<http://www.canlii.org/eliisa/highlight.do?text=presteve&language=en&searchTitle=Search+all+CanLII+Databases&path=/en/on/onhrt/doc/2012/2012hrto1448/2012hrto1448.html>

employers for speaking out about working conditions. They were concerned that they would be sent home, and not be allowed to back in Canada. However, they wanted to be present in solidarity with those who died (Metro: 2012).

In addition to being fearful of exercising their basic civil rights and freedoms, as illustrated above, these workers are also afraid of accessing social services or claiming benefits available to them, including parental benefits, income tax return, and workers' compensation in case of work related accidents or illnesses. For the majority of these workers, accessing services or claiming benefits may mean risking not to be 'called back' by their employers. According to them, usually their employers do not 'like' when workers form outside connections in the community, which could help them navigate the system or assist them in getting their benefits (fieldnotes, May 2011).

A no less important form of governance in the SAWP is **uncertainty**. While participating in the program, uncertainty rules in several ways over these workers' private and working lives. First, workers under the SAWP do not have job security. If workers return year after year, it is because employers request they come back to work with them. Some workers described this procedure as a 'lottery system'. Second, individuals never know how many hours of work they will have even though their contracts establish that employers must guarantee at least forty hours per week. In fact working hours depend on the weather conditions and on the farm's financial situation. Some workers work as little as twenty hours per week in the off-season, creating pressure on the workers' families' financial situations back home. On the other hand, during peak season they can work up to 18 hours per day, or 126 hours per week, which puts their health at great risk. Third, workers do not know for how long they will stay in Canada, since the length of their contract is arbitrarily dictated by the needs of the employer instead of being established by the contract itself. Finally, in the

case of work related accidents or illnesses, workers find themselves in a very uncertain and stressful situation. They generally cannot tell whether they will get adequate medical attention or whether they will be deported. In summary, uncertainty and fear rules workers' lives because their employers control and monitor nearly each and every one of their activities and behaviours whether private or public. Apparently exerting their rights, such as accessing benefits, going outside the farm to the 'wrong' place or during the 'wrong' day, places workers at risk of losing their livelihoods, by being labelled by their employers as a 'trouble maker' or as a 'undisciplined worker' – both of which go against the standard of an 'ideal' candidate for the SAWP.

Living under constant pressure to work harder during long hours and sometimes work in isolation, as well as dealing with fear and uncertainty generates great physical stress on their bodies but also creates **anxiety**, depression and other mental health disorders. This is was conveyed in a compelling and powerful way by Alfredo's account of his own experience with a nervous breakdown:

In Ontario once I had a very deep depression... very deep ... it was during the first years [of coming to Canada under the program]. I have ten seasons of coming to Canada, and if I remember well, it was on the second year here that I had that terrible depression. It was terrible ... hummm... I was working in a farm. That farm was five times bigger than this one, so they [his supervisors] used to put us alone in different sections, not like here where we work all together, together we go cutting the plants, we go pruning and we go all together at the same time ... but there [other farm in Ontario] was not like here. We were placed more or less 50 meters away from each other. We had no chance to talk with each other at all so I fell into a depression during the third month of the contract.

The production processes in the agroindustry are dehumanizing experiences that demand workers to detach themselves from basic needs such as rest, human interaction, and

social stimulation. Some workers endure this pace for almost the entire duration of the contract. However it does not mean that there are no ruptures in the process that lead to more profound wounds in their psyche and sense of humanity. Alfredo continues,

I don't remember exactly, but I was clipping some plants and suddenly I saw my hands [my own emphasis] and thought I was going crazy, like in the movie *Cast Away*, have you seen it? The one where the guy is talking to the ball because he is alone on that island. At that time I had not seen the movie, but when I watched it I saw myself in it; because that was what happened to me. So, I saw my hands ... and said to myself : 'What am I doing here, what I am doing [my own emphasis]. I know I can do more than this, I know I can do better than this, I can do something else... instead I am here'. I know I do this out of necessity and because I don't have other employment options. So I said to myself: 'What is going on, I am going crazy here, I could not believe I was there, so I stopped the electric car ... I had a nervous breakdown... it was loneliness, it was anxiety. I got out from the electric car and I started to walk through the pathway, I knew I shouldn't do it, but I wanted my supervisor to see me so he would reprimand me, so at least somebody would talk to me and I could feel that I was alive.

Alfredo's is not only a physical and mental breakdown, but a breakdown of his dreams. However, the fact that he looks at his hands and refuses to reduce them to 'unskilled' labour power it is a contestation against accepting the official category that the state assigns to him as "low skilled worker", who is valued in the labour market as long as his muscles are able to provide labour power to Canadian capital. On the contrary his rupture was also a call for Alfredo to regain his dignity as a creative and talented human being – not the machine that capitalist production constantly needs him to be. The SAWP as an oppressive structure of power governed by fear and anxiety generates a type of structural violence that shapes workers' their lives inflicting profound wounds at different levels of workers' lives – Alfredo's testimony illustrates this. However, this oppression does not end

when the workers' contract finalizes, and it stays behind in the Canadian farms. It is absorbed into the workers bodies, minds and souls. It travels back and forth along with them and it remains within them all the time. The violence incubated as result of this labour apartheid regime acquire transnational dimensions and it spreads out over the workers' families and their communities back home. Griseldo, a Mexican worker who has participated five years in the program, spoke about his experience of embodying structural and transnational violence

When I come back [home] from Canada I am happy, being with my family, my kids... but I also feel tense and I'm irritable, there are many things that happened to us [here] and it is not easy to leave it all here. I remember one year I was in a [tree] farm where the employer was a very despotic person... one day he took up on me and yelled at me. He got very close to my face and yelled at me in English. I didn't know what he was saying exactly, but he was furious [...] He humiliated me even more and threw a tree on my back. At night I could not feel my arm, it was numbed ... I had a lot of *coraje* [anger], but the next day I had no other option than to show up and to work faster to please him. It is not easy. [In Mexico] I was like angry and aggressive all the time with my family.

Living and working under oppressive and restrictive conditions or attempting to escape or change such oppressive conditions, from a place of vulnerability, generates fear, anxiety and uncertainty –which are precisely the forms of governance that rule the SAWP. However, there are breaking points in which workers regain a sense of power to challenge and to resist. For some workers breaking points also occur when they experience intense stress at work (a was the case of Alfredo) or a deep sense of 'betrayal' from their employers despite of their years of loyalty to *el patron*, commitment and hard work they gave during their time in the program. Such instances typically happens when they are easily discarded by their employers because they fell sick or injured or not being paid for long periods of time.

How do these ruptures happen? How does power get regenerated? Under which circumstances does resistance take place? And what does resistance look like? These are some of the questions I explore next.

### **Resisting Labour Apartheid: Migrant Farm Workers' Politics and Everyday Expressions of Resistance**

While control, fear and coercion are undoubtedly the main features that define the migrant farm workers' experience under a labour apartheid regime such as the SAWP, their accounts are not *solely* tales of suffering and exploitation. Their encounters in Canada are also examples of resistance and struggle to push back against the powers that constrain their daily lives. They are attempts to take back their dignity and humanity, essential aspects that the SAWP regime denies them in different ways and through myriad strategies of control and domination explored in the previous section. While most of the literature about migrant farm workers in Canada suggest that workers consent to their own oppression and engage in 'performances of subordination' as a survival strategy to succeed in the program (Basok 1999; McLaughlin 2010) and while that assertion it is partially true from a liberal understanding of freedom under the rule of law, here I contend that workers *do* resist against powers that oppress them. However, they do so in ways that are not usually recognized as resistance. Resistance has typically been recognized in two forms, either as open acts of defiance and confrontation against employers or participation in organized forms of collective opposition such as strikes and union campaigns, SAWP workers' resistance does not fall neatly into either category. Migrant farm workers return to Canada to work year after year as part of the SAWP program, most of the times with the same employer.<sup>16</sup> It could be

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<sup>16</sup>SAWP workers are considered to have strong attachment to the agriculture's labour market; great part of the success the program is because of its low rates of dropouts (Basok, 199; Preibisch, 2010)

said that they ‘choose’ to return and at least in appearance they consent to an oppressive system of labour control. Nonetheless, this does not imply nor should mean that workers do not resist and challenge and push back against labour apartheid conditions. It does mean that we need to engage deeper into their lives and to reframe our notions and ways of measuring resistance. In spite of close control and harsh restrictions against their agencies, migrant workers still manage to assert dignity and respect.

Resistance and domination have always co-existed, both have been expressed and fought in terrains that are both material and symbolic. To better understand migrant workers’ politics and everyday forms and strategies of resistance, I draw on James C. Scott’s (1990) concept of hidden transcripts. Unlike public transcripts that are open and loud manifestations of opposition to power, hidden transcripts are unspoken critiques, veiled and disguised forms of resistance that cannot be openly expressed or articulated because of the extreme imbalances in power between the dominant and oppressed. Paying closer attention to these hidden transcripts give us a new ways of understanding resistance as well as sharper and broader appreciation of how power works and is re-inscribed in different structures of domination throughout time. By exploring SAWP workers’ hidden transcripts of resistance I set out to illuminate the extent and the ways power relations and dynamics play out for workers in different spaces and circumstances, as these acts of resistance speak directly to ways they experience and live labour apartheid. In order to identify hidden transcripts of migrant worker resistance I explore the realm of workplace and community ‘infra-politics,’ a concept used by Kelley (2010) and Scott (1990) to name the different patterns of political dissent that emerge in the spaces of daily life and in casual conversations. For Kelley, workers’ infra-politics are the equivalent of x-rays of power that teach us the inner workings

of domination. They help us decode how power works and gauge the impacts and consequences it has over workers' psyches and bodies.

The lack of research and literature on migrant farm workers' resistance suggests that their daily struggles to restore some basic aspects of their humanity have not been taken seriously or been acknowledged as acts of resistance. To develop a more nuanced understanding of migrant farm workers' politics and accounts of resistance, the following section examines the concrete ways in which migrant workers resist the dehumanization, isolation and competition that pervade their everyday lives as participants of the SAWP program. Several key questions guide my analysis: What does resistance mean and what does it look like for migrant farm workers in the context of labour apartheid? How do they signify and understand their own acts of defiance and rebellion? How does solidarity get created and under what specific conditions and circumstances? What are the limitations to, and of, these acts of resistance? And finally, how can these daily acts of 'unnoticed' resistance (re)shape the nature of the struggle and inform a new political vision for social movements?

In general, the expressions and strategies of resistance that workers engage in are multiple and varied; they range from individual small scale acts of rebellion of their own invention to organized collective actions like wild cat strikes, issuing public statements to the media or claiming wages back collectively using direct action strategy. These acts of rebellion first speak to the specificity of their circumstances and conditions of oppression (time, space, locality, particular forms of powers that they confront, racism and the particular ways they experience it) and second are culturally specific to their identities. Workers exercise subtle forms of resistance such as 'stealing' products of the farm produce to give out to friends or to exchange, filing workers' compensation claims, parental benefits or even visiting a doctor

against their employer's wishes. Such expressions of resistance and rebellion go unnoticed and are even discounted as such because they fall outside the traditional repertoire of resistance strategies that take place within the framework of the organized labour movement and/or are not linked to an effective political movement. Here I grouped these resistance strategies into three main categories that respond to and account for the ways in which they experience labour apartheid: a) Creating spaces of socialization, b) Developing networks of solidarity and ethics of community care, and c) Restoring and connecting intersectional identities.

### **Creating Spaces of Socialization**

One of the main tactics of labour control in the SAWP program is the restriction of social and intimate relations between workers, especially between men and women. Workers under the SAWP and the LSPP are forbidden to establish relationships with the opposite sex to prevent 'romantic' relationships from flourishing between them. Some employers have very restrictive rules about who is allowed to visit workers in their houses; in some farms there are curfews and women are not allowed in the male workers' houses and conversely men are not allowed in women's houses. They are not supposed to interact with one another, much less organize social and recreational activities outside the workplace, if they do so they can be sent back home for breaking this rule.

Despite strict rules about social interaction, migrant farm workers fight and rebel in terrains that are subjective and rooted in their cultural identities mixing fun and pleasure while asserting their dignity and agency. They seek out opportunities to enjoy sensual pleasures of food, drink, dancing and dressing up as an important reclamation to take their bodies back and (re)assert a sense of dignity that is often taken away in the context of a workplace environment and an exploitative industry that commodifies their racialized

bodies. In some houses, workers organize social gatherings and parties against the rules of the employer/landlord. They invite other farm workers, friends, and supporters to eat their traditional food cooked with special ingredients they bring from their countries and share it *during* special occasions and with people they appreciate.

On one occasion, I met Paulina and Rosario, migrant farm workers from Guatemala, in a party hosted by Mexican workers in their house. When I asked them how they met the Mexican workers this is what followed: “Well, we are not supposed to meet them [laugh] but we know them [Mexican farmworkers] because we work in a farm nearby packing the plants that they grow here [in this greenhouse] so we became friends. Our bosses told to the two groups [Mexican male workers and Guatemalan female workers] to not engage in any exchanges [...] but today we managed our way to come here to visit our friends [laughing],” said Paulina. Rosario and Rafael corroborated saying “that’s right, when there is party nobody can stop us from dancing, right? [laughing] Salud, salud [cheers].” Soon after Rosario asked the ‘DJ’, Oscar, the youngest worker of the group, to play her favourite salsa song “Life’s ways are never how I expected them to be,” with the first note of the song we all went out to the dance floor.

Workers also celebrate their birthdays or religious and national festivities by organizing gatherings and meals in their houses. They organize and coordinate visits to Vancouver in order to spend the day together and meet up with Mexican workers from other farms. Social gatherings, dinners and parties are not just ways to ‘escape’ from boredom and work routine but rather are ways to create spaces where they can unwind with people who have a shared knowledge of these cultural forms. These social spaces are opportunities and moments in which workers can relate to each other without the pressure and competition of their work environment. By changing the *ways* they relate to each other they (re)configure the logics and

rules of their social interactions so they can see themselves in the multiple aspects of their identities as men, women, young people, co-nationals, artists, singers, etc

Such are the spaces of resistance in which workers' hardships and grievances as well as dreams and hopes are expressed. As highlighted by Kelley (1996), rethinking resistance from the perspective of the workers broadens our understanding about their lives and struggles. Placing race, culture, gender and identity at the center of our analysis of their struggle helps us to understand and appreciate the complexity of their beings that makes them much more than just 'working people.' Kelley points out the importance of learning to "make sense" of people and connect with them where they are at in order to be able to connect their everyday struggles and acts of defiance to 'formal' politics. In the same line, Kelly (1996) advocates for an expanded definition of politics "politics is not separated from lived experience or the imaginary world of what is possible; to the contrary, politics is about these things" (1996: 10). Knowing what happens in these spaces of pleasure can help us to understand how solidarity is created among workers and how sociality then becomes the basis for later collective action.

Creating spaces of socialization on their own terms is one of the ways in which workers refuse to conform and comply with restrictions they face in regards to their sociality, spatial and territorial segregation. Moreover, workers take risks in organizing and participating in the creation of their spaces of socialization, because they are going against coercive rules enacted by their individual employers. This speaks to and reveals the specific ways in which these workers live, experience and contest the labour apartheid regime that is applied to radicalized workers. If we compare other migrant labour systems such as the LSPP (Low Skill Pilot Project) for occupations A and B, we do not find the same restrictions in spatial and territorial mobility or in socialization. Foreign trained professionals such as

doctors, information technology workers or even hotel and restaurant workers under the LSPP do not face the same restrictions as do migrant farm workers under the SAWP. Understanding that creating spaces of socialization can cause workers at the end of the season to get a negative report from their employers (hence possibly losing their place in the program) gives us an appreciation of why we should recognize these spaces as forms of resistance to the powers that restrict workers from a fundamental aspects of their humanity and agency, including free social interaction without fear of losing the source of their livelihood.

### **Developing Networks of Solidarity and an Ethic of Community Care**

Gender, ethnicity, race and cultural specificity shape and inform migrant farm workers' resistance repertoire. Their actions are sometimes individual, unorganized and subjective and other times are collective and organized. Their actions relate to specific aspects of their identity and to the particular systems of oppression they confront based on those aspects of their identity. Sometimes their actions are directly linked to labour processes, gender conventions and class status. For example, a group of Mexican farm workers in Chilliwack shared how they struggled to maintain a sense of group unity, ethnic identity and class solidarity at the workplace against the employer's attempts to the create division and competitiveness among different groups of racialized workers. They expressed how their supervisor pits workers against each other based on ethnic backgrounds of ethnic divisions and nationality in order to increase production in the greenhouse. One worker explained, "the supervisor is always finding ways to make us to compete with the South Asian [workers] since we found out and understood his strategy, we decided to slow down the pace and we agreed that none will 'run' anymore because that only benefits no one else than the *patron* [boss] while we break our backs," (Migrant farm workers group interview,

April 2011). Controlling the pace of work and slowing down production are well-used historical forms employed by workers to regain terrain and to develop a racialized working class consciousness that generates bonds of solidarity and protection.

As noted by Lowe (1996), class solidarity in the case of racialized workers is often mediated and articulated through race, gender and place of origin, opening the potential for cross racial and multi-lingual alliances among workers engaged in solidarity and resistance strategies. This was the case for Bonifacio, a Mexican worker whom I meet in a farm in the Fraser Valley who called me one night to let me know that he was back in Canada but this time in the province of Alberta. The main reason of his call was to ask for advice and contacts in Alberta to support Guatemalan farm workers. He explained, “Guatemalan workers are in very bad conditions, they are treated very badly. Their house is awful, worse than ours [Mexicans], it is really sad to see how they have them living in there. We [Mexican workers] want to help them but don’t know what to do or who could provide support in [the province of] Alberta.” Bonifacio, as an experienced worker in the program, knew that a strategy in place involving outside supporters was needed in order to support Guatemalan co-workers and also to protect themselves (the Mexican cohort) from employer or consular officials’ retaliation. Similarly, in the first Mexican workers’ wildcat strike I witnessed in 2005, South Asian farm co-workers shared food as a gesture of sympathy with Mexican workers during the days of the conflict. As a Mexican worker told me “it seems that they [South Asian workers] are supportive [of their situation and strike], these days they have been bringing us Indian tortillas [chapatis] for dinner” (J4MW archives 2005). Even though these solidarities are not strictly expressed or articulated necessarily in terms of class identity and can be sporadic, nevertheless they point to the recognition of intersections of class and race based economic exploitation. Based on practices and networks solidarity that are mediated

through aspects of their identities such as race, class and nationality, workers develop ethics of community care for each other that become very evident in cases of aggression or overt inhumane treatment from the employer.

Ethics and community care are an expression of networks of solidarity that come to light in instances of sickness, injuries and fatalities. Such is the case of Reynaldo Lopez (RIP) who died last year of leukemia, an illness he developed as result of pesticide exposure during the eight years he worked in a tomato greenhouse in Ladner. Reynaldo was sent back to Mexico as soon as his medical insurance expired in Canada. When his co-workers from Mexico and India learned that he was in need of money to pay for his chemotherapy treatment in Mexico, they were able to fundraise approximately \$3,000 Canadian dollars on two occasions. Reynaldo's employer donated \$100 on behalf of the company every year for eight years, which is one of the leading tomato companies in BC. When Reynaldo died a few months later, his co-workers collected money once more, this time to send it his widow to help her cover the funeral expenses. Nicolas, a good friend of Reynaldo's who coordinated the fundraising told me "when we are here far away and alone we only have to each other, we have to be like family because there is no other way for us" (interview May, 2011). The case of Reynaldo's death not only tells us about a strong ethic of care that workers have towards each other, but it also reveals that their support for each other goes beyond the individual and is extended to the workers' families. It also tells us about the kinds of networks and systems of support they set up for themselves and for each other's families in the absence of social program benefits and support from the respective government's countries where they work and live. The fact that workers were able to send money to an isolated community in rural Mexico speaks to the transnational network of their organizing,

something that can easily go unnoticed if we do not acknowledge workers' capacity to mobilize resources and support by and for each other at transnational level.

An ethic of community care and networks of solidarity can be also found in the context of worksites, which when activated can have the capacity to affect labour processes. This is illustrated in the case of Mariano, a Mexican worker accused of theft by his employer and consequently intensely harassed and intimidated. Mariano entered into a state of panic because of his employers' accusation about him stealing farm produce. To understand Mariano's anxiety is important to note that the SAWP has no neutral appeal mechanisms in place to deal with conflicts between workers and employers, or between workers. With no mediation or fair appeal mechanisms to allow workers to tell their side of the story, workers do not have any chance to confront the power of their employers. Out of despair Mariano left the farm in hopes of looking for external support and provisional shelter, when the employer noticed Mariano's absence he sent dogs to follow "and catch him as a dog to bring him [Mariano] back to the farm, as if he were a criminal, a slave," as narrated by Ruben. When Mariano's co-workers learned what had happened, they organized an impromptu work stoppage demanding the employer to stop the persecution of Mariano because "he was not a criminal, he was our *paisano* [fellow co-national]," in Ruben's words.

Mariano's example speaks in a compelling way about the repressive mechanisms of the program. It also highlights how labour apartheid is experienced by the workers through forms of governance such as fear, control and coercion and restrictions on their freedom. This example also shows us how workers organize themselves in a collective way to a) challenge and resist employers' abusive treatment, b) to recover their subjectivity as human beings that is free and not enslaved, and c) to reject the coercive and extra-legal mechanisms that the program utilises to exercise power and control and strip away workers' dignity.

By developing networks of solidarity and ethics of community care, workers not only refuse to engage in ‘divide and conquer’ dynamics instigated by employers to create competitive and stressful work environments in which workers see each other as potential enemies fighting on their own to keep a place on the program. This strategy allows workers to counteract and manage to revert individualist and selfish capitalist values, and instead allows them to restore values of collective care and solidarity based on the racialized working class consciousness they have fostered in the common spaces of socialization that they created.

### **Connecting Intersectional Identities and Overlapping Oppressions in a Transnational Context**

The oppressive mechanisms and forms of coercive governance entrenched in the SAWP have emotional impacts on workers participating in the program. Emotional impacts can sometimes become an entry point to establish broader connections with other types of oppressions, such as gender oppression and violence. By establishing connections between different forms of oppression that are rooted in aspects of identity but that nevertheless generate a similar sense of powerlessness, power can in turn be generated as a result of the process of mirroring oppressive experiences. This is perhaps what happened in the case of Octavio and another twenty workers in the blueberry farm in Pitt Meadows who received \$80,000 worth of two months of unpaid wages as result of a collective action.

This money, of course, was not easily won. Workers stated that, after two months of of frustration and without pay, feelings of helplessness and hesitation transformed into taking action to recover their wages. The workers (re)gained a sense of power when watching a soap opera about the oppression and the struggle for dignity of a battered woman. Mirroring the experience of their own oppression with the situation of domestic

violence in the soap opera allowed them to connect with feelings and experiences of powerlessness. This led to a refusal of self-victimhood and instead (re)generated a will to challenge and transform their situation.

It is not surprising that the experience of a battered woman, even as a fictitious character, provoked a powerful identification with workers. The situation of a battered woman impacted daily by structural violence in a complex relationship of dependency with her oppressor in many ways mirrored the economic dependency and fear and anxiety that migrant workers feel in Canada. Not unlike a battered woman who feels trapped in an abusive relationship and cannot find a way to get out of her situation because she does not have the economic means to sustain herself and her children; workers feel trapped in abusive and exploitative relationships, which nevertheless represent a way to secure a livelihood for their loved ones. Living under oppressive and restrictive conditions as well as attempting to escape or change such oppressive conditions, generate fear, anxiety and uncertainty –which are precisely some of the main forms of governance of the SAWP. But in the case of Octavio and his co-workers, there are breaking points or ruptures during which workers regain a sense of power and the ability to challenge and to resist oppression.

The way workers frame and make sense of their acts of resistance differs from the typical ‘labour disputes’ that are mediated through labour unions or political institutions. For racialized migrant farm workers these acts of resistance are viewed as ways to regain control over the conditions of their lives and their relationships with one other more, rather than being about a ‘working class struggle.’ Most of the time migrant workers do not identify themselves as part of the Canadian working class because their struggles are specific to their conditions of ‘temporariness’ and the intersections of race, gender, immigration and employment status that prevent them from enjoying essential freedoms. Unionized or

organized (white) workers' struggles often revolve around better wages and benefits under union collective agreements. For migrant farm workers these are not the primary concerns. From their specific localities (in the metaphorical and literal sense of the word) their salaries are actually good salaries and are precisely the reason why they want come to Canada in the first place. This was articulated by a group of workers who were invited by city labour activists to consider joining the "Living Wage Campaign"<sup>17</sup> led by the Hospital Employees Union (HEU). "It would be good to have higher wages but to begin with it would be good if employers would start by following the contract as it says that we [SAWP workers] enjoy same rights as Canadians; that we can refuse unsafe work, have vacations to visit family and so on [...] that is not true. Our contract is a dead letter, a dead paper. Nobody follows it. We are imposed under each employer's rules," said Juan XXX (J4MW archives, 2009). Sure, workers have expressed they wished could earn higher wages because of the hazards and risks their jobs involve and because of the absence of overtime and severance payment. Their concerns generally have more to do with health and safety issues, living conditions, lack of access to health care, unpredictable work hours (sometimes too few, sometimes exhausting long work with not breaks) and long periods of family separation.

It is striking to note that most workers I met have been engaged in one way or another in struggles in Mexico; either against land privatization, displacement and other 'structural adjustment' economic measures as result of neoliberal economic policies and free trade agreements such as the North American Free Trade Agreement (NAFTA). Erasmo, a worker that has worked for fourteen years in the program, explained with an eloquent and illuminating clarity that for him, "Coming to Canada yes is a relief for the economy of the

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<sup>17</sup> According to the "Living Wage Campaign" website, the living wage for Metro Vancouver is \$19.14 an hour. SAWP workers wage is the minimum wage \$9.25 an hour before government deductions, housing, health insurance and passport and visa fees.

family, but also here we find ourselves exploited and struggling. Not always have the luck to be in a good farm, have good house, no, no ... I say to you comrades: *estoy cansado de que nos chinguen alla y nos chingen aqui!* [I am tired of being screwed there [Mexico] and being screwed here too!]" (field notes November 2011). As transnational displaced workers their struggles also take a transnational dimension as they are at the mercy of the whims of global capital and global border regimes that restrict the movement of impoverished peasants from the global South. Transnational displaced racialized workers do not know when or if their struggle(s) are ever going to end.

### **Reframing ‘Victories’ and ‘Failures’ under Labour Apartheid**

Engaging in the task of (re)framing and troubling formulaic conceptions of ‘working class resistance’ and mapping out migrant farm workers’ daily struggles offers insight into how power intersects and plays out on the ground for these workers. Their actions teach us how complexities are navigated and confronted by migrant workers. In addition, their daily strategies of resistance and survival do have an impact and sometimes (although not always) do have consequences on power relations and (re)shape the nature of the struggle. If I would have not paid attention or disregarded the Mexican soap opera (that infused Octavio and his workers a sense of courage to engage in bold resistance) as an anecdotal story, I would have missed out two crucial elements for a community organizer and for a scholar. First, the infrapolitics of migrant farm workers’ resistance gives meaning and depth to their struggles and provides a diagnosis of the powers they confront. Second, the complex interworkings of power that underpin the SAWP and constitute it as a structure of domination and labour that renders workers unfree and unprotected -yet not completely unable to generate cracks of resistance to such labour system.

In the same way that resistance must be reconceptualised because it so often departs from the dominant labour conception based on the way workers express it in subjective ways; the notion and meaning of what constitutes victory and failure must also be reconceptualised. Despite the stakes and risks workers confront when they challenge oppressive structures, in many instances for migrant workers victories do not always mean they get what they want or to effectively change a concrete situation. Of course workers want to improve their conditions and to meet their immediate needs; however, many of their victories have to do with the possibility of creating some cracks where resistance can come to the surface by making a subjective statements in direct or indirect ways. As stated by Kelley (1996) in his expanded definition of politics “[...] Politics comprises the many battles to roll back constrains and exercise power over, or create some spaces within the institutions and social relationships that dominate our lives” (1996: 10). In the context of transnational migrant farm workers, what ultimately matters to them is to preserve a sense of dignity and to regain their humanity. For example, as in the blueberry workers wildcat strike, twenty workers ended up being deported to Mexico by their employer with the assent of the Mexican consulate. Workers’ demands to improve housing and working conditions were not met; however from the point of view of the workers this was considered neither a failure nor a victory. As Daniel, one of the main organizers of the strike, put it “we are going back to Mexico with broken illusions and with no money but we are leaving with our heads up and that is what we will tell to our families. We could not keep living [in the farm] as animals with no dignity” (J4MW archives, October, 2005).

Limitations and barriers to workers’ resistance are rooted in the structure of the program, the uneven power balance between workers and employers and economic necessity. Workers’ responsibility to maintain their families’ economically in Mexico is a very

powerful deterrent to workers' resistance. This fact is corroborated by Alfredo, a worker who has participated in the program for over 10 years. He first enrolled into the program when he was single and had no family obligations, now he is married and has children. Alfredo participated in the historic wildcat strike in Leamington, Ontario in 2001 that sparked the beginnings of a migrant justice movement in Canada (Encalada Grez 2005).

Alfredo states:

When I was new and didn't have family and kids I used do everything, I used to say 'let's do it and see what happens' I had no fear, not even afraid of losing my job because even though I had no money or job in Mexico I had no other mouths to feed. In the Leamington strike when twenty of us got deported [back to Mexico], one *compañero* [comrade] cried because he lost his job and he had family; at that time I told him we all must face the consequences of our [direct] action because we all have difficult lives in Mexico, [and that] he was not the only one [financial] troubles ... but it is only up until now that I understand his pain of losing his job. Now that I also have family it is different, when I see something that is wrong I don't do or say anything and try stay away from problems. That is why the [Mexican] consulate wants married men.

In other circumstances family can be a powerful reason to engage in struggle and resistance; for example in the case of Octavio and his co-workers who protested after they were not paid for two months, which for them also meant two months of not supporting their families in Mexico.

As mentioned earlier, most workers I met with were previously involved in different types of struggles in their home country. Workers' understanding of the oppressive nature of the Mexican state begins with their struggles before working in the program; these

experiences shape the way they think about engaging (or not) in political struggles once in Canada. Workers have expressed awareness about the oppressive tactics of the Mexican government against SAWP workers, such as ‘blacklisting’ workers who engage in political activities. This example reveals how the Mexican state continues to discipline and control workers outside its national borders. Workers’ resistance on Canadian farms is another area of potential conflict between the neoliberal Mexican state and its citizens, with the state calling on an arsenal of tactics to suppress workers’ resistance. More research is needed to understand how exactly Mexican workers perceive the Mexican state. In my field notes and interviews I felt that I had just started to grasp the surface of workers’ perceptions and experiences of struggle and resistance back home. To clarify, it is definitively true that the uneven power balance between workers and employers and the Canadian and Mexican state tremendously disempower workers and contribute to their feelings of helplessness; yet the inability of workers to change their circumstances before arrival also seem to contribute to those feelings of helplessness. So the experience of being treated as “machines” or “working tools” by the employers and the state is not a new experience for workers; it is instead conditioned by their previous experiences in their home countries.

When reflecting about daily strategies of resistance Kelly (1996) points out to some of their limitations that can act as a “double-edge sword” (1996: 231) meaning that some of these strategies do not necessarily alter social relations at work or can actually benefit the employer. In the case of migrant farm workers some of these strategies include working harder or striving for a flawless work ethic. As one worker stated, “we must endure the conditions of the job so we do not give them [employers] reasons to not call us back.” However, as noted by Kelly, the limitations of these acts of resistance must also be

understood in the context of specific circumstances instead of disregarding them as futile acts of rebellion.

Along the same lines, Kelly cautions and clarifies that the importance of daily acts and strategies of unorganized resistance do not reside in the strategies themselves. Rather their importance lies in the fact that they provide opportunities to step into the complicated maze of the multidimensional lives and multifaceted experiences of workers. By looking at the complexities and contradictions of what constitutes workers' humanity, we can avoid falling into clichés of portraying workers as solely victims of racism, exploitation or sexism. This type of deeper engagement allows us to meet people where they are rather than where we would like them to be. By having a holistic appreciation of their complexities as human beings we can see them as workers, consumers, city/slum dwellers, mothers, fathers, sons, daughters, grandparents, transnational and displaced peasants who are tired of corruption and injustices, and who are creative people full of projects, dreams and desires. By engaging with migrant workers on multiple levels of their lives and identities we are better able to understand why they do not engage in certain activities, campaigns (like the Living Wage Campaign) or why they remain outside of established organizations or political movements. Similarly, we can also better understand the avenues they have chosen in order to voice their grievances and frustrations.

## V. Conclusions

Contrary to official government discourse which portrays the SAWP as a just and humane labour migration scheme that matches foreign workers needing jobs with Canadian employers needing workers, this paper instead presents the SAWP as a migrant labour regime that functions as a labour apartheid system. Working through multiple strategies of control and domination, SAWP exerts influence through legal and extra-legal mechanisms. The mere existence and the legal continuation of regimes of differential inclusion/exclusion such as the SAWP illuminates a significant history of Canada's record of inequitable race relations rooted in coloniality.

As argued in this paper, migrant labour systems are places where political ideologies and the capitalist economy intersect; and the labour market is organized and classified to serve the needs of the political ideology and the economic system in place. In an age of neoliberal economic hegemony the SAWP is often articulated and justified by Canadian bureaucrats and industry representatives as a structural necessity of the agricultural industry, necessary in order to be able to keep up with the pressures of highly competitive global markets. In an era of state multiculturalism where overt racism has been eliminated from immigration policy legislation and replaced by the discourse of diversity and multiculturalism, the social and political exclusion of SAWP workers and their incorporation into the labour market has been articulated as an exception to the standard citizen track in the immigration system (Satzewich 1991; Perry 2010). Both neoliberal and multiculturalism discourses facilitate the erasure of power dynamics, inequitable race relations, and our understandings of race and racism (Bannerji 2000; Thobani 2007).

In the Liberal democratic societies of many European countries, Canada and the United States, where political ideologies are premised on values of justice, equality,

citizenship and ethnic pluralism, migrant workers are granted -at least in appearance - certain protections. However, in practice what happens is quite the opposite as has been explored in this paper. A moralist liberal commitment to equality erases differences between individuals with rights and those without, so race becomes an irrelevant category. Instead, this is transferred to the individual terrain where “moral subjects must avoid choices that appeal to those contingencies [such as race] which set men [and women] at odds and allow them to be guided by their prejudices” (Goldberg, 1993. p6). In the words of Goldberg, this is what sustains the liberal commitment to the principle of color blindness. In the case of the SAWP we can see this liberal moral commitment in action in the official narratives of the program that insist that migrant workers are treated the same as Canadians and that Canadian laws are neutral in application and colorblind in effect. It is this seeming neutrality that must be questioned, challenged and ultimately abolished. In this paper I sought to identify the different contractual and coercive mechanisms of the program that make it function as a labour apartheid regime in which racialized forms of governance are exercised over workers’ bodies and minds. Through the findings of my research study I identified how the program is experienced by the workers as an apartheid regime of control, and how this regime is embodied and also challenged by the participants of the program. The SAWP as a system of labour exploitation has four dimensions through which we can identify specific forms of coercion and governance: a) Corporeal control b) Compression of time and space, c) Spatial and residential segregation, and d) Transnational webs of control and domination. These forms of governance, which operate through legal and extra-legal methods, generate a system of structural violence that is inflicted over workers’ bodies, minds and extends beyond borders by affecting workers’ families and communities abroad.

The biases in these seemingly neutral laws favour permanent white residents and do not take into consideration the experiences or every day conditions that migrant workers face in Canada. While labour laws may provide some minimal standards for temporary foreign workers, as seen in this paper these same regulations do not take into consideration the various systemic and colonial practices that discriminate against the migrant population. These laws do not account for the ways in which workers' bodies are racialized by being subjected to back-breaking work enduring long hours in harsh weather conditions and with minimal protections for occupational health and safety. The laws do not account either for the constant fear of repatriation that workers face if they complain about their working and living conditions, or if they are injured at work. If labour disputes arise, many of these workers likely will be deported without the chance of fair treatment under the law. Their deportation will also prevent equal access to healthcare, adversely impacting their ability to receive adequate treatment and adequate compensation. Restrictions that segregate workers from their families further entrench their vulnerability and isolation. In this regard my examination of the SAWP challenges the ways in which colonialism works, and how race and racism are understood (or erased) today. How do we need to understand racism in a context of state multiculturalism and self-proclaimed color blind legal frameworks? If racial discrimination and subjugation are not evident in official narratives and racial discourses have been erased from language, does it then mean that they do not exist? Where should we look to find the ways in which pervasive forms of racism are a tangible reality for displaced, racialized communities? In the second half of my empirical discussion I focus on workers' infra-politics and every day forms of resistance in order to a) get a better understanding about how resistance looks like for migrant workers who experience labour apartheid

conditions, and b) to gain insight into how racism and colonialism work in insidious ways today in the context of neoliberal capitalist economies and state multiculturalism ideology.

As much as the SAWP constitutes a repressive structure of racial power that disciplines and controls workers' public and private lives through mechanisms of coercion, fear and oppression, this system of labour control is contested by workers through unorganized, individual and/or collective strategies of creative resistance. Workers' particular forms and expressions of resistance however must be (re)framed and (re)conceptualized based on their direct experiences and in accordance with the specific context and circumstances that motivate their emergence. (Re)thinking resistance from the point of view of transnational and racialized workers (who struggle at the margins, outside -and in spite of- legal frameworks, state and mainstream labour institutions) also requires the rejection of formulaic interpretations of formal politics, political struggles, and romantic interpretations of working class and oppressed people to avoid turning them into either noble heroes or poor victims. Workers must be seen in the full complexity of their multifaceted and contradictory humanity.

The lack of research and absence of literature on migrant farm workers' resistance in Canada suggests that workers' daily struggles have not been taken seriously enough or perhaps not even acknowledged. Furthermore, most literature around the SAWP has suggested that workers participate and consent to their own oppression when they conform to the rules of the program. From a liberal framework of understanding freedom and the role of the rule of law (Smith 2005) this can be partially true; it is also true that workers rebel against the powers that oppress them in terrains that are subjective and centered in their own cultural identities. Although my research findings on workers' resistance are not exhaustive they nevertheless present compelling evidence and point to directions for future research on

the topic. Similarly more research is needed to explore the experiences of resistance and repression that workers bring from their own countries and how these experiences inform the workers' politics and decision to engage (or not) in future struggles once in Canada.

Workers' expressions of political subjectivities and infrapolitics of resistance provide insight into complex interworkings of power and power relations that are not evident on the surface. We must be willing to delve beneath the surface to appreciate how seemingly innocuous or futile acts of resistance *do* have an impact and can actually shape the politics of workplace struggles and beyond. If we want to engage in challenging and transforming the current racial labour apartheid regime that rules the Canadian agricultural industry we must first develop a language and vocabulary that ties the economic exploitation and socio-political marginalization of migrant farm workers to racial oppression. This implies breaking through the neoliberal discourse used by states, employers and even academic literature that analyses the program as purely a consequence of the rise of neoliberal hegemony. By creating a counter narrative that names the program as a form of de-facto racial labour apartheid, we can begin to develop cultures of resistance that connect and speak to the particular concerns, needs and demands of racialized migrant farm workers. Second, we must be willing to reflect upon questions like: Why after more than forty years of migrant farm workers presence in the country do they remain at the margins of established political movements and organized labour organizations? How do migrant farm workers struggle outside of established organizations and social movements? What kind of impact do migrant workers' hidden struggles and daily concerns have on movements that claim (or attempt) to speak for the dispossessed? Workers' acts and strategies of daily resistance contain the seeds for a new political vision of social change; the challenge that lies before us asks how much *we* engage in

understanding and making sense of *their* struggles and meet them where they are at; instead of trying to engage workers in our visions and perspectives of their struggles?

Unlike in the US, the plight of farm workers in Canada is less known, perhaps because this country does not have a history of civil rights or immigrant rights movements mobilizing communities around racial justice issues. Yet radical left and Marxist' working class, environmental and feminists struggles have had an impact in mobilizing marginalized sectors, and have created languages and cultures of resistance. I do not want to imply that there is no histories of communities of color mobilizing against blatant social and political exclusions based on racial-ethnic subordination because in fact there are. As mentioned in my introduction, racialized communities have not only been subject to oppression and disenfranchisement but also have been (and continue to be) subjects of the creation of political and cultural organizations and have mobilized around their cultural, class, race and gender identities. Some examples of these are found in the Chinese community, who created the National Coalition of Chinese Headtax Payers to make the connection between historic exclusions and ongoing injustices against Chinese immigrants. South Asian immigrant farm workers in British Columbia carried forward a momentous struggle over decades resulting in the historic founding of the Canadian Farm Workers Union. Similar are the organizing efforts of the Filipino community that fight for a "genuine and just integration" stemming from their experiences as temporary workers under the Live-in Care Givers Program (LCP). Yet by in large, these narratives of resistance remain part of the 'hidden history' or, in the language of Foucault, stay as part of subjugated narratives and knowledge.

In any case, my point is that there are experiences and legacies of resistance against racial-ethnic exclusions in Canada. Lisa Lowe calls these experiences "sites of collective memory" (1996: 21) that act as 'collective critical consciousness' and remain sceptical of

liberal democracies' values and notions of 'fairness', 'equality', and 'citizenship'. For Lowe (1996) the act of remembering is what allows present (and future) disenfranchised communities to articulate and challenge their current exclusion from the economic, social and political spheres of the nation state.

In the context of migrant farm workers' plight on Canadian farms, there are grassroots groups who build their analysis and organizing efforts with migrant farm workers by drawing from the sources of collective sites of memory rooted in working class immigrant communities. Justicia for Migrant Workers (J4MW), a national grassroots volunteer-driven collective comprised primarily of organizers of colour, has linked the histories of indentured servitude inflicted onto immigrant communities, such as the Chinese rail road workers that were brought to build the Trans-Canada Railways, and the historic exploitation of South Asian farm workers on the West Coast, with today's migrant workers programs like the SAWP. Justicia members saw the need to stand up in solidarity with migrant farm workers and understand their plight as an intersection of class and anti-racist struggles. Their organizers take the time to approach workers in the places where they live, work, dance, shop, eat, pray and have fun. Some of their organizers have also visited workers' families and communities in their home countries and carried out small projects with migrant communities. By engaging with the workers in multiple dimensions of their lives, they have learned multiple lessons together, especially that organizing and resisting, even when they 'lose' a fight, can still make a difference.

Organizations and movements that start with the daily struggles, concerns, desires and dreams of disenfranchised communities are the seeds of a new political vision. The building blocks of their vision are workers' every day hidden transcripts of resistance, the subjugated narratives, the sites of collective memory, and the accumulated experiences found in the

multifaceted lives of marginalized (im)migrant workers. What to do next with these building blocks is the question and the challenge that lies ahead of us.

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## Appendix A: Semi-Structured Interview Guide

<b>I.</b>	<b>Demographic Questions</b>
1.	Age
2.	Number of years in the Program
3.	Place of birth
4.	Number of children
5.	Background or occupation in the home country
<b>II.</b>	<b>Introduction and icebreaking</b>
1.	Tell me a bit about yourself, your family, where are you from in Mexico and what you do there?
2.	Why did you decide to come to Canada under the program (SAWP)?
3.	How many seasons have you been working in Canada, in which provinces?
<b>III.</b>	<b>Worker's experience in working abroad as temporary/migrant labour</b>
1.	How has been your experience working in Canadian farms? (how were your employers, the working conditions, the house, la convivencia with your co-workers, etc)
2.	What are the main challenges of this working in Canada for 8 months and living in Mexico for another 4 months?
3.	In your mind what are the main requirements that a workers should have in order to be in the program?
<b>IV.</b>	<b>Knowledge about labour rights and social benefits available for farm workers</b>
1.	How much do you know about social benefits, rights and protections for farm worker (in the areas such as of employment, medical care, health and safety, others)?
2.	Who and how were you informed? The consulate, your employers, your co-workers, outside volunteers from the community, at the church, etc?
3.	How secure do you feel about your rights as a migrant farm worker? Why?
<b>V.</b>	<b>Work conflicts and pathways to deal with conflict</b>
1.	If an issue arise at work (eg, problems with work, lack of hours, problems, with house, issues with el patron, etc) what would you and your co-workers do and/or have done in the past?
2.	Have you and/or your co-workers ever made something (for example an action, etc) to try to improve working and/or living conditions?
3.	What were the outcomes of this?
4.	Were there any repercussions or penalties for the workers who brought up the complaints? If so, what kinds?
5.	Would you do it again? Or would you it different? Why?

<b>VI.</b>	<b>Role of sending countries</b>
1.	What is the role of governments, both sending and receiving countries, in addressing potential abuses from brokers/employers or when difficulties arise during the working season?
2.	What is the role of community and labour organizations in providing support to migrant farm workers?
<b>VII.</b>	<b>Wrap Up</b>
1.	Is there anything else would you like to say?
2.	Is there any question you have for me in regards to the interview and the study?

## Appendix B: Focus Group Guide

<b>I.</b>	<b>Demographic Questions</b>
1.	Age
2.	Number of years in the Program
3.	Place of birth
4.	Number of children
5.	Background or occupation in the home country
<b>II.</b>	<b>Recruitment and Hiring process, practices back home</b>
1.	What were you doing before you took job in Canada?
2.	Did you consider going to any other countries to work? Why Canada?
3.	How is the application and selection process: who recruits, how long it takes, type of requirements, type of recommendations and information given before departure
4.	How do you feel when you apply and are selected? Is there any 'prototype' that you must conform to in order to be selected?
5.	What do you think the Ministry of Labour (MOL) is looking for? Why?
6.	What do you think the Canadian employers are looking for? Why?
<b>III.</b>	<b>Experiences and challenges of being transnational labour and living transnational lives</b>
1.	How is it living (there) and working (here) under temporary workers program, what are the main difficulties, gains and losses, pros and cons, of being a migrant worker?
2.	Common problems, barriers and challenges migrant workers face (at work, in the house, and in the Canadian society in general) while living temporarily in Canada.
3.	How often do you call your family or friends in home country?
4.	What kind of things do you share with you family and friends about your work experience? your life in Canada?
5.	What things do you not share? Why not?
<b>IV.</b>	<b>Dealing with conflicts</b>
1.	What are the options and avenues available (that you are aware of) to migrant farm workers to resolve problems (housing, health) and labour disputes.
2.	When you have a problem at work, who do you call?

<b>IV.</b>	<b>Dealing with conflicts</b>
3.	Are there any risks (of jeopardizing the job or the possibility to be re-hired next season) in engaging in extra work activities or in seeking information/ assistance to access to social benefits and entitlements. What might some of the consequences of taking such risks?
4.	Have you ever been in a situation where you felt it was 'worth' it to take the risk? What made you to decide to take or not the risk at the end? (what helps and what deter to take such risks?)
<b>V.</b>	<b>Perception of roles of different actors involved in the universe of SAWP workers</b>
1.	What is your experience dealing with government officials, from both sending and receiving countries, when you had some difficulty either when working in Canada or when you are back in Mexico. What do you think they (government officials) are there for?
2.	What do you think about the role and the function of community organizations and labour unions? What kind of things they offer to you? Is this useful, dangerous, and potentially risky? Why? What type of things they don't offer that you would like to see or need?
<b>VI.</b>	<b>Taking control on how we move, live and work</b>
1.	If you could decide in the design and shaping of the SAWP, how would you do it? What would you change? What would you abolish and would add instead? Think from the beginning to the cycle (hiring in Mexico), the actual work in Canada to the re-hiring stage again.
2.	What are your main interest/rights you would like to see respected and protected by government, employers, community groups and yourself?
<b>VII.</b>	<b>Wrap Up</b>
1.	Is there anything else would you like to say?
2.	Of all the things we discussed, what is the most important to you?
3.	Is there any question you have for me in regards to the focus groups and/or the study?

## Appendix C: Participants Profile

Male Participants	Age	Years in the SAWP/LSP	Place of Origin	Number of children	Background/Occupation in home country
Alfredo	35	2 in BC	Colima	4	Garment worker and Musician
Marcos	26	2 in BC	Colima	3	Garment worker and Musician
Mauricio	39	5 (3 in Quebec, 1 in Ontario, 1 BC)	Durango	5	Peasant/farmer
Anselmo	41	4 in BC	Morelos	4	Construction worker
Erasmus	48	14 (7 in Ontario, 5 in BC and 2 in Quebec)	Puebla	5	Taxi or truck driver
Erie	41	5 (1 Ontario, 4 in BC)	Guerrero	4	Peasant/farmer
Octavio	40	4 in BC	Oaxaca	5	Juice and fruits vendor
Oscar	20	2 in BC	Queretaro	3	Graffiti Artist and painter
Ricardo	36	5 (4 in Ontario, 1 in BC)	Puebla	4	Fisherman
Federico	44	10 (4 Ontario, 3 Quebec, 3 BC)	Tlaxcala	6	Peasant/farmer
Esteban	45	12 (7 in Ontario, 2 in Quebec and 3 in BC)	Tlaxcala	5	Truck driver
Marino	28	3 in BC	Yucatan	3	Different occupations [where and when are jobs available]
Martin	34	4 (1 in Ontario and 3 in BC)	Jalisco	2	Peasant/farmer
Sergio	46	7 (3 in Quebec, 1 in Ontario and 3 in BC)	State of Mexico	5	Construction worker

Male Participants	Age	Years in the SAWP/LSP	Place of Origin	Number of children	Background/Occupation in home country
Don Cosme	48	9 (5 in BC and 4 in Ontario)	Veracruz	4	Peasant/farmer
Rafael	37	3 in BC	Michoacán	3	Peasant/farmer
Tony	28	3 (2 in Quebec, 1 in BC)	Chiapas	3	Street vendor
Nicolas	35	7 (2 in Quebec, 3 in Ontario, 2 in BC)	Veracruz	4	Carpenter
Angel	29	5 in BC	Tlaxcala	2	Unemployed
Audi	30	3 in BC	Sinaloa	1	Fisherman
Griseldo	41	13 (BC, Ontario and Quebec)	State of Mexico	5	Peasant/farmer
Bonifacio	37	9 (4 in Ontario and 5 in BC)	Zacatecas	4	Peasant/farmer
Daniel	42	11 (6 in Ontario and 5 in BC)	Puebla	5	Construction worker
Juan	43	10	Tlaxcala	4	Vendor
Hector	32	2 in BC	Yucatan	1	Taxi/truck driver
Francisco	30	5 in BC	Guerrero	2	Different occupations [where and when are jobs available]
Alejandro	28	5 (3 in Ontario and 2 in BC)	Morelos	3	Construction, farmer
Jose Domingo	29	2 in BC	Durango	2	Car mechanic, farmer
Ramon	47	12 (3 in Quebec, 5 in Ontario, 4 in BC)	Jalisco	5	Different occupations [where and when are jobs available]
Adan	33	4 in BC	San Luis Potosi	2	Peasant/farmer

<b>Male Participants</b>	<b>Age</b>	<b>Years in the SAWP/LSP</b>	<b>Place of Origin</b>	<b>Number of children</b>	<b>Background/Occupation in home country</b>
Jesus	44	9 (4 in Ontario, 5 in BC)	Guanajuato	5	Farmer, construction worker
Miguel Ángel	36	4 in BC	Nayarit	2	Peasant/farmer
Enrique	53	18 (9 in Ontario, 4 in Quebec, 5 in BC)	Tlaxcala	4	Food vendor
Gerardo	41	8 (3 in Ontario, 5 in BC)	Jalisco	3	Different occupations [where and when are jobs available]
Gregorio	50	16	State of Mexico	5	Peasant/farmer
Abel	38	7 (4 in Ontario, 3 in BC)	Guerrero	3	Peasant/farmer
Diego	43	11 (Quebec, Ontario, BC)	Veracruz	5	Electrician
<b>Female Participants</b>	<b>Age</b>	<b>Years in the SAWP/LSP</b>	<b>Place of Origin</b>	<b>Number of children</b>	<b>Background/Occupation in home country</b>
Brenda	43	2 (1 in Ontario, 1 in BC)	San Marcos, Guatemala	3	Street vendor
Paulina	22	2 (1 in Ontario, 1 in BC)	Huehuetenango, Guatemala	1	Peasant/farmer
Adelita	26	4 (2 in Ontario, 2 in BC)	Morelos, Mexico	2	House cleaning
Julia	31	3 in BC	Mexico State, Mexico	3	Garment
Rosario	21	1 in BC	Guanajuato, Mexico	1	Peasant/farmer
Andrea	28	2 (1 in Ontario, 1 in BC)	Colima, Mexico	2	Food vendor
Perla	33	2 in BC	San Luis Potosi, Mexico	2	Food vendor/child care worker