

UN rapporteur links Canada's temporary foreign worker programs to "modern slavery"

Ontario's fruit and vegetable growers are pushing back against comments linking Canada's temporary foreign worker programs to modern-day slavery. The statements were made by Tomoya Obokala, the United Nations Special Rapporteur on Contemporary Forms of Slavery following a two week visit to Canada in September 2023.

Every year, Ontario fruit and vegetable growers employ over 20,000 seasonal and temporary foreign workers who come to Canada legally through the government regulated Seasonal Agricultural Worker Program (SAWP) and the Temporary Foreign Worker (TFW) program's agricultural stream.

Mistreatment and exploitation of migrant farm workers

The Ontario Fruit & Vegetable Growers' Association (OFVGA) recognizes that there is a segment of migrant workers in Canada who are undocumented or lack legal work status, which makes them particularly vulnerable to exploitation. The OFVGA does not support employers who mistreat, exploit or otherwise take advantage of people in their employ, regardless of their status in Canada.

The OFVGA also recognizes that there is always more that can be done to ensure all workers have the opportunity for a positive and safe working experience while they are in Canada, but also believes strongly that spreading incorrect or incomplete information about hardworking temporary foreign farm workers and their employers is not acceptable.

Labour shortage on Canadian fruit and vegetable farms

Seasonal and temporary international farm workers form an essential part of Canada's domestic food supply chain and help Canadian growers address labour needs on their farms. Where possible, farmers always prefer to hire Canadian employees first, but there is a significant gap in the availability of local help. In fact, on-farm jobs in agriculture have one of the highest vacancy rates of any industry in Canada at 5.4%.

The labour crunch in horticulture is not new, however. SAWP's origins in Canada date to 1966 when 264 Jamaican workers arrived in Ontario to help with apple harvest. Today, the government-approved program is open to workers from Mexico, Jamaica, Trinidad & Tobago, Barbados and the Eastern Caribbean Islands.

It is largely because of the tremendous individuals who come to work on Canadian farms through Canada's officially recognized foreign worker programs that Canadians enjoy bountiful shelves of locally grown fruits and vegetables at their grocery stores.

Legal work contracts for migrant farm workers

Seasonal and temporary foreign workers apply in their home countries for the opportunity to be part of these programs in Canada and sign legal contracts when accepting employment. All contracts are subject to Canadian government audits and inspections to ensure they follow program regulations and match the job specifications that the employer received government approval for when workers were hired. SAWP contract terms also reflect decades of collaborative negotiations between Canada and the workers' home countries, which include Mexico, Jamaica, Trinidad & Tobago, Barbados, and the Eastern Caribbean Islands.

Migrant farm worker wages

Federal government regulations stipulate that SAWP and TFW program workers must receive the higher of either the provincial minimum wage rate or a federally calculated wage rate that is based on inflation,

depending on the province they work in. These wages are supplemented by other benefits paid for by their employers, including subsidized housing and travel to come to Canada for their jobs.

Workers hired through SAWP receive free housing provided by their employer and half of their airfare to and from Canada, whereas workers with permits through the TFW program pay a maximum of \$30 per week in rent for their housing and receive fully subsidized airfare. Housing is furnished and must be inspected and approved by municipal health inspectors before workers arrive. In most cases, employees also provide WIFI and TV.

Migrant farm worker rights and their employers' obligations

Canadian farmers who employ seasonal and temporary farm workers under SAWP or the TFW program have the same obligations to those workers as they do for their Canadian employees.

Government regulations stipulate that this includes government-approved wage rates; access to health care such as OHIP in Ontario; Employment Insurance and the Canada Pension Plan as well as workplace insurance coverage such as WSIB in Ontario; and coverage under provincial employment standards and occupational health and safety legislation. Farms are also required to provide every worker with a copy of the federal government's publication outlining workers' legal rights and protections to ensure they are aware of their rights.

To ensure these requirements are being followed in practice, farms are subject to frequent federal, provincial, and in many cases, foreign government compliance inspections.

Help and supports for migrant workers

Workers with SAWP or TFW program permits in Canada have access to a multilingual, 24/7 Canadian government support line they can use to raise concerns and seek help relating to their current employment. For most workers, including all SAWP participants, local liaison officers or consular personnel from their home countries are also available to provide support and address complaints related to their employment in Canada. If workers are unable to have their specific employment-related concerns resolved through these channels, an open work permit program is available for vulnerable workers in these situations.

Earlier this year, the government of Jamaica released a [fact-finding report](#) that found a large proportion of Jamaican farm workers have a positive view of SAWP, and the vast majority of Ontario farm employers using the program are operating within its legal parameters. The report made several recommendations to improve worker well-being during their employment in Canada – many of which are at various stages of implementation – but also categorically stated that no evidence was found to support claims that the program's working conditions were akin to systemic slavery. It was this dramatic allegation that triggered the independent Jamaican government investigation last year.

Permanent residency status for migrant workers

For legal temporary foreign workers in Canada who wish to stay here permanently, there are official channels to pursue permanent status for individuals who meet the federal government's immigration requirements.

Year-round migrant workers can apply for permanent residency through a national pilot program provided they have at least one year of non-seasonal, full-time work experience in Canada. And both seasonal and year-round workers can apply for permanent residency through the Ontario Immigrant Nominee Program if they have up to nine months of work experience in Ontario in the last three years.

Through both avenues, federal government rules stipulate that workers need an offer of a permanent, year-round job, demonstrate English or French language skills and have a high school education or equivalent.

The OFVGA has actively supported employers with TFWs interested in navigating the application process.

The economic impact TFWs have on their home countries

With the money they earn in Canada, TFWs are able to support their families and communities back home. There are many examples of workers who have established farms and businesses in their home countries, created local jobs and sent their children to university.

At the individual worker level, the programs have a particularly positive impact because employment opportunities in their home countries can be scarce and lacking in job security, and often they can earn more money working on Canadian farms than at home. A 2017 study¹ by Dr. Marie-Hélène Budworth, Andrew Rose and Dr. Sara Mann found that SAWP workers can earn up to five times more in Canada than they could in their own countries, which enables them to support their families, educate their children and operate farms in their home countries.

Studies have also shown that the money migrant workers bring home from their employment in Canada helps bolster the local economies of their home countries, positively impacting the financial stability of workers' families and their communities. A 2017 study showed, for examples, that SAWP workers from Mexico were sending home approximately \$174 million CDN² annually to contribute to their domestic economy.

Learn about migrant farm workers in Ontario

Through its [More than a Migrant Worker](#) initiative, the OFVGA has been giving a voice to the many thousands of seasonal and temporary farm workers in Ontario who take pride in the work they do here by letting them tell their stories in their own words, while also drawing attention to the critical role that legal international farm workers play in the Canadian food system and efforts by farmers and government in recent years to invest in worker safety, protection and well-being.

For more information

[More than a Migrant Worker](#)

[Employment & Social Development Canada](#)

For Questions

comms@ofvga.org

¹ "Report on the Seasonal Agricultural Worker Program; Inter-American Institute for Cooperation on Agriculture Delegation in Canada, March 2017, Page 62."

² Source: Wells *et al.* 2014 – as noted in "Report on the Seasonal Agricultural Worker Program; Inter-American Institute for Cooperation on Agriculture Delegation in Canada, March 2017, Page 10."