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Falling Short: Troubles with the Seasonal Agricultural Worker Program in Nova Scotia



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Falling Short: Troubles with the Seasonal Agricultural Worker Program in Nova Scotia

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Migrant Workers in the Canadian Maritimes

<https://tfwmaritimes.ca/>

Migrant Workers in the Canadian Maritimes is a research and knowledge dissemination platform coordinated between Dalhousie University (Halifax, Nova Scotia), St. Thomas University (Fredericton, New Brunswick), Cooper Institute (Charlottetown, Prince Edward Island) and the Madhu Verma Migrant Justice Centre (Fredericton, New Brunswick).

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Executive Summary

Falling Short: Troubles with the Seasonal Agricultural Worker Program in Nova Scotia is the third community report released by the **Migrant Workers in the Canadian Maritimes Partnership (tfwmaritimes.ca)**. The report follows the publication of *Safe at Work, Unsafe at Home: COVID-19 and Temporary Foreign Workers in Prince Edward Island* in 2021 and *Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick* in 2023.

Falling Short is based on desk research and worker interviews. Data was obtained from freedom of information requests to Employment and Social Development Canada (ESDC) and Nova Scotia's regulatory bodies responsible for work safety, employment standards, and housing. An additional 15 interviews with migrant workers in Nova Scotia employed under the Temporary Foreign Worker Program (TFWP) were also conducted. Fourteen of these workers were employed under the Seasonal Agricultural Worker Program (SAWP) stream of the TFWP, and one worker was employed under the low-wage stream of the TFWP.

Falling Short found that in Nova Scotia, migrant workers frequently encounter a **lack of regulatory implementation**. Rules exist, but governments are failing to adequately enforce them to create a safe and dignified work environment for migrant workers.

Falling Short provides recommendations to both the federal and provincial governments aimed at improving the working and living conditions of the temporary migrant workforce in the province.

Key Findings

State oversight of recruitment practices leads to better conditions for the workers

As the SAWP is administered through bilateral agreements between Canada and other participating countries, all workers entering Canada through the SAWP are recruited through their countries' labour departments. The agricultural workers in our sample were not subject to the high recruitment fees faced by migrant workers in the seafood industry (Bejan et al., 2021, 2023). Migrant workers employed under the SAWP in Nova Scotia generally felt that state facilitation of their recruitment worked to their advantage, reducing work permits fees, making them more empowered to voice complaints against their employers, and giving them the option to change employers or farms if needed (e.g., to increase working hours).

Inadequate, unsuitable, and overcrowded housing violates regulations

Despite federal regulations under the SAWP, which require employers to provide adequate and suitable worker housing and to cap occupancy rates at a maximum of two people per bedroom, workers reported substandard housing conditions, including overcrowded accommodations. Homes sheltered anywhere from 25 to 50 people, kitchen and bathroom facilities were insufficient, housing stock faced wear and tear, and living conditions were unsafe and unsanitary. Housing was often located far from workers' places of employment. Workers described long, unpaid commutes to their job sites and to the communities where they could access groceries or medical providers. Moreover, provincial government agencies charged with inspecting worker housing reported jurisdictional confusion over responsibility for this important service. An information request to ESDC on federal housing inspections of SAWP employers in Nova Scotia found that the department carried out only eight inspections from January 1, 2020 to December 29, 2023. ESDC provided no details on the nature of the violations or the outcomes of the inspections, despite our request for that information.

Occupational conditions in Nova Scotia leave much to be desired

Despite contracts guaranteeing minimum wage and standard working conditions, workers in our sample found themselves in precarious occupational conditions. These included:

- *Low wages, legalized wage theft and high deductions:* Many workers performed piecework at rates that often advantaged their employers. Employers frequently capped piece rates at amounts lower than the minimum wage or under-counted boxes of produce. Workers being paid by the hour did not always receive the same rates as Canadian workers doing the same jobs, even on the same farms. Workers were not educated on employee deductions. Many struggled to understand the acronyms on their pay stubs and the purposes of those deductions. They questioned the necessity of paying for services they did not know how to access, such as employment insurance and pensions. They also struggled with income tax remittance at the end of their employment.
- *Inconsistent hours and shortchanged wages:* Workers' hours varied week-to-week, depending on seasonal conditions. Sometimes workers laboured far beyond the standard 40-hour work week, logging as many as 72 hours per week. Workers felt pressured to put in as many hours as possible and employers sometimes coerced them into doing so. Despite the long hours, migrant workers rarely received overtime pay, with some receiving end-of-season bonuses instead. Other times, workers were unable to fulfill their contractual hours of weekly work due to external factors such as weather. This disappointed them.

- Carelessness, threats, and anger at work: Participants stated that employers and supervisors showed favouritism at work, neglected their needs, and gave ultimatums – such as threatening not to call a worker back for the following season – in order to obtain compliance.
- Xenophobia at work: Participants felt strongly that employers and supervisors treated Canadian workers preferentially, giving them better pay, more breaks, and better lunch schedules. Migrant workers experienced discrimination directly from their bosses, supervisors, and their Canadian colleagues. They attributed this difference in treatment to their status as temporary foreign workers.
- A dearth of workplace safety inspections and training: Most workers felt physically safe at work and believed that their employers were committed to their health and safety. However, fewer than half of the workers received on-the-job safety training. Many believed that they should report safety issues to their employers, while at the same time acknowledging that employers might not act on such complaints. Between January 2020 and October 2023, the Occupational Health and Safety Division of the Nova Scotia Department of Labour, Skills and Immigration conducted 103 safety inspections of workplaces with temporary foreign workers. Yet they issued no orders or administrative penalties against any of the employers.

A clean bill of health is on the boss

Workers' access to health care was beholden to the whims of their employers. Workers were medically insured through their employers; however, they were dependent on their bosses to take them to medical facilities. Employers frequently delayed taking workers for medical treatment, sometimes even suggesting they forgo treatment altogether. As days away from work were unpaid, participants often worked while sick, as their need for money trumped their health concerns.

The snowball effects of COVID-19 include expensive testing, quarantines, and discrimination

The COVID-19 pandemic came with a hefty bill for workers, including expensive PCR testing required to enter Canada; a reduced pay stipend for a maximum of 30 hours per week during their quarantine period; and, for some, costly deductions for the food provided during the quarantine, which was often culturally inappropriate and substandard. Employers downloaded these costs onto the workers, even though they received up to \$1,500 per worker in cash subsidies from the federal government to cover quarantine-related costs, including workers' wages, food, benefits, transportation, and housing. Despite the protective measures employers took at work, COVID-19 protocols were impossible to implement at home, where workers shared accommodations. Employers used COVID-19 as a pretext to restrict workers' freedoms, relying on xenophobic reasoning that treated migrant workers as vectors of disease who posed risks to Canadians.

Recommendations

The Government of Canada must:

- 1. Grant permanent residency to temporary foreign workers on arrival** to ensure migrant workers have access to the same state protections available to permanent residents and citizens, including health care and social services.
- 2. End closed work permits and guarantee the right to labour mobility** to allow temporary foreign workers the freedom to switch employers.
- 3. Revise the bilateral agreements for the SAWP to stipulate union representation as a necessary condition for the program**, as the best practical measure to protect Canada's most precarious worker population.
- 4. Hold employers liable for their failure to implement the occupancy guidelines outlined in the SAWP regulations.**
- 5. Revise the SAWP transportation guidelines to require employers to pay the full round-trip transportation costs for migrant agricultural workers** and prohibit them from recovering these costs from the workers.
- 6. Provide timely access to free tax clinics run by the government** that offer clear information about pay deductions and interpretation services when necessary.

The Government of Nova Scotia must:

- 1. Proactively inspect employer-provided residences for seasonal agricultural workers.** The province of Nova Scotia should enact, through its appropriate regulatory bodies, a continuous and spontaneous inspection schedule that monitors workers' housing conditions.
- 2. Conduct regular worksite inspections** to ensure employers provide safe working conditions. The government must also institute stiff penalties to deter non-compliance.
- 3. Make the registry of employers of temporary foreign workers public.** A public registry would improve the ability of community organizations to offer services to the workers.
- 4. Increase the provincial minimum wage to a living wage and enforce employer compliance on minimum wage rates.**
- 5. Undertake a comprehensive review of the Nova Scotia Labour Standards Code** to ensure that all farm workers are fully covered by the code, granting them access to overtime pay, piece rates that do not go below minimum wage, holiday pay, days off, and paid sick days. The code should also change the standard work week from 48 to 40 hours.
- 6. Provide immediate access to public health care to all temporary foreign workers upon arrival**, eliminating the current residency requirements for migrant workers.

List of Abbreviations

CCPA	Canadian Centre for Policy Alternatives. CCPA promotes policy alternatives that are socially and economically just and environmentally sustainable.
CMHC	Canadian Mortgage and Housing Corporation. CMHC is an arms-length Crown corporation with the stated goal of improving housing affordability.
ESDC	Employment and Social Development Canada. ESDC is the federal government department responsible for temporary foreign workers and for issuing Labour Market Impact Assessments. These assessments allow employers to hire temporary foreign workers.
IRCC	Immigration, Refugees and Citizenship Canada. IRCC is the federal government department responsible for managing immigration to Canada, refugees in Canada, and Canadian citizenship. IRCC issues work permits for temporary foreign workers and makes changes to their residency statuses as they move in and out of the country.
LMIA	Labour Market Impact Assessment. Employers of temporary foreign workers need a LMIA before they can hire a temporary foreign worker. The LMIA confirms there is a need for a temporary foreign worker and that no Canadians or permanent residents are available to fill the job.
OWPVW	Open Work Permit for Vulnerable Workers. An OWPVW allows temporary foreign workers with employer-specific work permits to leave abusive working conditions to find other jobs. The OWPVW is non-renewable and has an expiry date, generally about one year after the permit is initially granted.
RHFW	The Association for the Rights of Household and Farm Workers. RHFW is a non-profit organization advancing the rights of household and farm workers through litigation, advocacy, and education services.
SAWP	Seasonal Agricultural Worker Program. The SAWP is a stream of the Temporary Foreign Worker Program, coordinated through bilateral agreements between Canada and various sending countries.
TFWP	Temporary Foreign Worker Program. The TFWP is a federal government program that allows employers in Canada to hire foreign workers for pre-determined periods of time.

Introduction

In 2020, we established the **Migrant Workers in the Canadian Maritimes Partnership (tfwmaritimes.ca)**. This partnership mapped the working conditions of temporary foreign workers in the Canadian Maritimes region, specifically across the provinces of Prince Edward Island, New Brunswick, and Nova Scotia.

In 2021, we published *Safe at Work, Unsafe at Home: COVID-19 and Temporary Foreign Workers in Prince Edward Island*, a report that used interview data with agricultural and seafood processing migrant workers to show how the pandemic exacerbated their precarious working and living conditions. It was extremely common for these workers to be living in overcrowded accommodations provided by their employer throughout the pandemic, despite the Government of Prince Edward Island providing guidelines to employers on housing conditions, self-isolation, hygiene, and physical distancing. Seafood plant workers paid above market rent for housing, and while COVID-19 physical distancing protocols were respected at work, many migrant workers risked infection in overcrowded and unsanitary houses.

In early 2023, we released *Unfree Labour: COVID-19 and Migrant Workers in the Seafood Industry in New Brunswick*, a report that used interview data with low-wage entrants in the TFWP, mostly those working in seafood processing plants in New Brunswick. *Unfree Labour* found that migrant workers encountered much more precarity than their counterparts in Prince Edward Island. Overcrowded housing was one of the main issues in New Brunswick, where it was common for workers to reside in accommodations that housed up to 20 people. Rents were expensive at around \$150 bi-weekly – double the amount paid by those employed under the agricultural stream – and so were the recruitment fees, with workers paying intermediaries anywhere between \$1,000 and \$3,000 to secure a working contract in New Brunswick. Lastly, workers faced harassment and verbal abuse, as well as dangerous conditions at work.

As migrant workers enter Canada through different TFWP streams, they receive different treatment. Most migrant agricultural workers come through the SAWP, which is administered through bilateral agreements between Canada and participating countries, including Mexico and various Caribbean states. The SAWP is administered through participating countries' labour departments, who recruit the workers themselves. On the other hand, most seafood industry workers come through the TFWP's low-wage stream – the less-regulated stream of entry. This program does not abide by country-to-country bilateral agreements.

In the Canadian Maritimes, most migrant workers come through the SAWP or the low-wage stream of the TFWP. In 2023, 60 per cent of TFW permit holders in New Brunswick worked in fish and seafood processing, while less than 10 per cent worked on farms or greenhouses (IRCC, 2023a). In Prince Edward Island, the percentage of migrant workers employed in the agricultural sector is around 30 per cent, while the proportion of those employed in fish and seafood processing is around 50 per cent (IRCC, 2023a). In Nova Scotia, 46 per cent of migrant workers are employed in farms and greenhouses, and approximately 20 per cent work in fish and seafood processing (IRCC, 2023a). Migrant workers also work, in smaller numbers, as cooks, cleaners, carpenters, truck drivers, and caregivers, among other occupations (IRCC, 2023a).

We are releasing *Falling Short: Troubles with the Seasonal Agricultural Worker Program in Nova Scotia* upon the conclusion of this three-year long study. *Falling Short* paints a bleak picture of the treatment and occupational conditions of migrant workers in Nova Scotia. While these conditions are not as bad as we found in New Brunswick (primarily because more participants in New Brunswick worked under the low-wage stream of the TFWP, which is not as regulated as the SAWP), *Falling Short* found that in Nova Scotia, the issue is **not a lack of regulation but rather a lack of implementation**. Rules do exist, but governments do not require employers to adequately implement these rules to create a safe, dignified, and regulation-compliant work environment for migrant workers.

Context: Cheaper Workers, Higher Profits

Like elsewhere in Canada, Nova Scotia welcomes temporary foreign workers to fill labour vacancies in low-wage industries. In 2015, 1,510 workers with temporary foreign worker permits entered the province (IRCC, 2023a). In 2023, that number more than doubled to 4,155 (IRCC, 2023a). Almost half of temporary foreign workers in the province are employed as harvesting labourers (1,025), general farm workers (740), or nursery and greenhouse workers (100) (IRCC, 2023a). Most of these workers originate from Jamaica, Mexico, Guatemala, and India (Statistics Canada, 2023). The next largest group of workers (21 per cent) are employed as fish and seafood plant workers (755) or labourers in fish and seafood processing (150) (IRCC, 2023a). Other TFWP permit-holders in the province are employed as cooks (220), food counter attendants, or kitchen helpers (205) (IRCC, 2023a).

Migrant farm workers come to Canada either under the SAWP or the agricultural stream of the TFWP. Work permits for the SAWP are shorter, for a maximum of eight months, while the TFWP allows permits of up to two years. The SAWP is administered through bilateral agreements between Canada and the participating states and territories of Anguilla, Antigua and Barbuda, Barbados, Dominica, Grenada, Jamaica, Mexico, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago (ESDC, 2023a).

While the Government of Canada has tweaked the TFWP over the years – for instance, by removing the four-in/four-out rule that forced temporary foreign workers to leave the country after four years of employment and not return for four years (CBC, 2016) – the labour needs of employers have motivated most changes (IRCC, 2023b; Valiani, 2010). For instance, ongoing IRCC consultations regarding which migrant groups should have access to permanent residency pathways often ignore low-wage temporary foreign workers. Here, the impetus seems to be on responding to the perceived need of employers for a temporary, cheap, and perpetually available labour force from the Global South (Henaway, 2023; IRCC, 2023b). These cheaper workers lead to greater profits for the agri-food industry.

The Conditions of Work are the Conditions of Migration

Research has shown that temporary foreign workers regularly report wage theft, unsafe working conditions, and verbal abuse at work (Bejan et al., 2023; Robillard et al., 2018; UFCW Canada and the Agricultural Workers Alliance, 2022). Leaving a dangerous workplace is challenging for those who struggle to meet their basic needs at home or rely on their employers to call them back yearly for work (Ramsaroop, 2023).

The current protections for migrant workers in the province fall under Nova Scotia's *Labour Standards Code*, legislation primarily designed for those with the right to have rights (Arendt, 1970), such as permanent residents and citizens, the first beneficiaries of state protection. Yet migrant workers, whose ability to stay in Canada is dependent on their immigration status, are often unable to ask for rights or work protections. In 2011, Nova Scotia modified its labour code to extend some protections specific to the needs of the province's temporary foreign workers. These changes require employers to follow domestic employment standards (e.g., wages, hours of work) regardless of what is stipulated in workers' contracts; restrict employers and recruiters (mainly non-governmental bodies in migrants' countries of origins or legal representatives in Canada) from confiscating a foreign worker's property, such as their passports or work permits; and prohibit the collection of recruitment fees (Department of Labour, Skills and Immigration, 2023). While Nova Scotia has a recruiter licensing regime, this system could be further improved by making it like the system adopted in Saskatchewan (Faraday, 2014), which holds recruiters to a code of conduct, makes recruiters liable for the actions of other actors in their supply chain, and facilitates cross-jurisdictional information sharing.

Under the SAWP, which operates via country-to-country bilateral agreements, recruitment is the responsibility of each sending country's labour department. This means that the SAWP does not allow intermediaries to charge recruitment fees. Employers must use a recruiter with a provincial license (Department of Labour, Skills and Immigration, 2023). However, recruiters continue to charge exorbitant fees to secure worker contracts in the agricultural and low-wage streams of the TFWP (particularly in the seafood or meat processing industries), programs that currently do not operate through bilateral agreements (Bejan et al., 2021, 2023; Caxaj & Cohen, 2019).

There are issues with the discriminatory nature of recruitment under the SAWP, with sending states favouring younger individuals with less than high-school education and families at home (Allahdua, 2023; Binford, 2013). These attributes tend to magnify the pressure on the workers to be model employees who will thus be called back to work in future years (Dunsworth, 2023). Both Canadian employers and the sending state exert power over a worker's return to Canada for subsequent years of employment. For instance, if a participant receives a negative report from an employer, they risk a temporary suspension (of one to two years) or permanent expulsion from the program (Dunsworth, 2023). Vosko (2015) was able to determine that workers who were in contact with local unions were later blacklisted by their sending state officials and not asked to return to Canada for work.

Yet discriminatory processes represent an unavoidable part of a worker's entanglement with the commodifying logic that governs the sale of their labour across transnational contexts, themselves shaped by the unequal positions of sending and receiving states in the global hierarchy of nations. There is little doubt that the SAWP benefits Canadian employers, and indirectly strengthens the Canadian economy, much more than it benefits the migrants coming here to work, or their sending nations. After all, it is the Canadian nation that has the power to extract cheap labour from economically weaker states across the globe, hence it is the Canadian state that primarily dictates the rules of these extractivist processes, leaving the sending nations unable to fully protect their citizens, even from within a framework of bilateral international relations.

The temporary immigration status of workers makes them less inclined to ask for higher wages. Requests for more money might lead to them not being called back for work the next season. Workers would rather accept what their employers offer, fearing that negotiations may jeopardize future work (Bejan et al., 2023). Employers of temporary foreign workers are required to pay the prevailing wage of their region. The Government of Canada defines the prevailing wage as "the median hourly wage (or annual salary as published on Job Bank) or higher for the particular occupation and work location" (ESDC, 2024a). Yet a prevailing wage may not necessarily be a living wage. For example, at the time of publication, the minimum wage in Nova Scotia is \$15 per hour (Department of Labour, Skills and Immigration, 2021), yet the 2023 living wage is estimated to be much higher, especially in the more remote coastal villages where most migrant workers reside and work: \$25.40 in the Annapolis Valley and \$25.05 across southern Nova Scotia (Saulnier, 2023).

Overall, workers accept low wages and dangerous working conditions because their work permits are tied to their employers (i.e., "closed") and they lack the rights that come with permanent residency (Depatie-Pelletier et al., 2022; Faraday, 2021). Closed work permits are the subject of two class action lawsuits launched in 2023, with both alleging discrimination (CBC, 2023b; Kennedy, 2023). The case launched by the Association for the Rights of Household and Farm Workers (RHFV) seeks to ban closed work permits, arguing they breach the Charter of Rights and Freedoms (CBC, 2023b). The other lawsuit, filed by Goldblatt Partners, Koskie Minsky, and Martinez Law, argues that closed work permits imposed on Black and Indo-Caribbean farmworkers were "motivated by overtly racist policy objectives." This \$500-million lawsuit seeks reparations for the money migrant farmworkers paid for employment insurance despite not being able to easily access the benefits (Kennedy, 2023). In response to criticisms of the closed work permit system, including those of the UN Special Rapporteur on Contemporary Forms of Slavery, the Canadian government has said it is considering the adoption of regional work permits (Woolf, 2023). Regional work permits would allow workers to change employers within a region. Many migrant advocates, however, argue that regional, sectoral, occupational,

or agency-specific work permits will not end abuse, nor will such permits guarantee workers the right to labour mobility. According to the RHFV (2023), replacing closed work permits with other restrictive work authorizations fails to address the precarious occupational conditions experienced by migrant workers and would continue to keep workers tied to employers within a specific industry (or a region dominated by a specific industry), with employers retaliating against and blacklisting whistleblowers.

The federal government introduced the open work permit for vulnerable workers (OWPVW) in 2019 to address migrant worker abuse. This, however, has been called a “band-aid on a bullet wound” (Depatie-Pelletier et al., 2022). Migrant workers report that applications for open work permits are onerous to submit, requiring roughly 15 to 30 hours to complete (Depatie-Pelletier et al., 2022). While OWPVWs enable some migrant workers to leave unsafe workplaces, these permits are a temporary measure. Once the OWPVWs expire – generally up to one year after they start – the worker needs to find another workplace that will employ them on a closed work permit (IRCC, 2023c). The uncertainty over quickly finding another employer-sponsor before their residency status expires and the fear of being labeled a troublemaker lead many workers in abusive conditions to decide against applying for the OWPVW (Depatie-Pelletier et al., 2022). In 2019, an estimated ten temporary foreign workers in Nova Scotia obtained an OWPVW, a number that doubled to around 20 in 2021, and increased to approximately 45 in 2022 (IRCC, 2023d).

Health Care Delayed is Health Care Denied

When Kerian Burnett, a migrant from Jamaica, was diagnosed with stage four cervical cancer while working on a Nova Scotia strawberry farm in 2022, she lost not only her job but also her employer-provided private health insurance and housing. A Nova Scotia physician advised Burnett to remain in Canada for treatment. After two surgeries, Burnett faced \$81,000 in medical bills (Byard, 2023; CBC, 2023a). As a result of community-led advocacy efforts, Burnett was able to access the Interim Federal Health Program, which granted her public health care coverage until January 2024, when her temporary resident permit was set to expire (CBC, 2023a). On January 4, 2024, Burnett's temporary resident permit was renewed and she was granted a one-year work permit, making her finally eligible for provincial health care coverage. She received her Nova Scotia health card on March 14, 2024 (Palmer, 2024). Her case points to the structural inaccessibility of health care for temporary migrants.

Health care coverage for migrant workers in Canada varies from province to province. Provinces decide who is a beneficiary of public health insurance – a process that often requires a waiting period, proof of residency, or specific work permits for a predetermined time (Garasia et al., 2023). Public health care in Nova Scotia, known as Medical Services Insurance (MSI), is restricted to Canadian citizens, permanent residents, those with a permanent home in Nova Scotia, and those who reside in the province for at least 183 days of every calendar year (Department of Health and Wellness, 2021a). To qualify for MSI, temporary foreign workers in Nova Scotia must hold a work permit or employment contract that is valid for a minimum of 12 months. For those who are eligible, coverage begins on their date of arrival in the province or the issuance date of their work permit/employment contract, whichever is later. Workers who renew their work permits or employment contracts must reapply for MSI to maintain their coverage and sign a new declaration form, even if they have been working in the country for several years. Any of their dependents living in the province are granted the same coverage (Department of Health and Wellness, 2021b).

Employers of temporary foreign workers are required by the federal government to provide private health insurance to workers who do not have public health insurance (ESDC, 2024b). However, there are problems with this arrangement. Namely, private insurance is not as comprehensive as public health care; it provides limited coverage for underlying health conditions; and it often forces migrant workers to pay up-front and then wait for reimbursement, something that many are unable to afford (Garasia et al., 2023).

Moreover, migrant workers – many of whom are not proficient in English – are unfamiliar with how the health care systems work in Canada, especially when liaising through private insurance companies. Workers have

difficulties navigating the system and report issues with health care delivery, including language barriers, cultural differences, discrimination, the denial of care, trouble accessing workers' compensation, and the fear that accessing health care will lead to deportation. Their workplace safety is inadequate (particularly for pregnant workers), and they experience a proliferation of mental health issues, such as depression and suicidal thoughts (Garasia et al., 2023; Machado et al., 2023; Rydz et al., 2020; Salami et al., 2020; Sikka et al., 2011; Yang et al., 2023). Migrant farmworkers in Ontario during COVID-19 have also reported their employers acting as doctors, discouraging them from seeking medical help (Caxaj et al., 2022; Vosko & Spring, 2022).

The federal government counted migrants among the country's "essential workers" during the COVID-19 pandemic, seeing their presence as a solution to the labour shortages in Canada's agri-food industry (Parizeau, 2024; Weiler & Grez, 2022). However, migrant workers had no choice but to work in risky health environments during lockdowns, and were at the same time demonized as a public health threat while also being denied access to public health care (Chen, 2020, 2023; Grez, 2022; Macklin, 2020; Tungohan & Careless, 2023). Public health authorities warned from the onset of the pandemic that migrant workers were in special danger of contracting the virus because they worked and lived in overcrowded conditions (Public Health Agency of Canada, 2020), yet the state did not prioritize their health (Arora et al., 2021; Bryant et al., 2020). Only the province of Ontario extended health care coverage to all during the early days of the COVID-19 pandemic (Rodriguez & Glynn, 2022). Unsurprisingly, migrant workers were early victims of COVID-19, with nine migrant farmworker deaths recorded in Ontario from 2020–2021 (Caxaj et al., 2022).

The Warehousing of Migrant Workers

Migrant workers employed under the SAWP reside in employer-provided housing. Sometimes referred to as "warehouses" (Perry, 2018), these accommodations bred unsafe living conditions long before the COVID-19 pandemic (Caxaj & Cohen, 2019; Migrant Rights Network, 2020; Perry, 2018). Workers living in overcrowded bunkhouses at Nova Scotia farms reported excessive wait times to use shared washrooms and kitchens, insufficient sleep, and a chronic lack of privacy (Horgan & Liinamaa, 2012, 2017). While the pandemic should have been a catalyst for increased worker protections, migrant workers across the country have reported living conditions fertile for the spread of the COVID-19 virus and other illnesses: overcrowding, mold, pest infestations, insufficient heating and cooling, and inadequate access to clean drinking water and washing facilities (Bejan et al., 2021, 2023; Caxaj & Weiler, 2022; Gaitens et al., 2021; Haley et al., 2020).

Last summer, Orlando Rosas, a Mexican temporary foreign worker, blew the whistle on the Keltic Lodge in Cape Breton, Nova Scotia for housing workers in mold-infested conditions and serving them insect-infested bread. The workplace and housing conditions had made his cousin sick with pneumonia, forcing him to return to Mexico early. When Rosas' supervisor did not address his concerns, he filed complaints with Nova Scotia's Department of Labour, Skills and Immigration. Rosas' complaint process revealed jurisdictional confusion within the province regarding responsibility for housing safety. It took labour inspectors two weeks to visit the site, and their inspection was limited to the laundry room and a bedroom that shared a wall with the laundry room. They ordered the resort to create an occupational health and safety plan and to put a joint management-staff occupational health and safety committee in place by October 20, 2023, three months after Rosas had gone to the media with his concerns (Ayers, 2023). If unannounced inspections were conducted regularly, rather than relying on workers to file complaints, these issues could have been identified earlier on and addressed in a timely manner.

A 2020 survey of 453 migrant farmworkers from across Canada on their housing, conducted by the Migrant Rights Network - Food and Farmworker Working Group, noted that workers wanted more privacy and living space, the opportunity to live with their families, and permanent immigration status on arrival as solutions to their housing problems (Migrant Rights Network, 2020). Workers wanted an end to overcrowded housing and to sleeping in bunk beds in shared bedrooms. Workers also wanted their housing to include laundry, kitchen, and bathroom facilities. They wanted clean drinking water, hot water for showers, and adequate heating in winter and cooling in the summer. They also wished to live closer to amenities and services.

An Untenable Status Quo

The agricultural industry's desire to maintain or increase profits during the pandemic resulted in companies over-working temporary foreign workers, threatening to withhold their wages for unmet production targets, and denying overtime pay (Bejan & Allain, 2021; Landry et al., 2021). Moreover, complaint-based inspections, complex federal and provincial jurisdictional regimes (i.e., entry into the TFWP is administered through federal guidelines, yet workplace safety and labour standards fall under provincial jurisdiction), and loose enforcement of housing standards are failing to address violations experienced by temporary foreign workers (Marsden, 2019; Moldovan, 2015; Stasiulis, 2020; Tucker et al., 2020; Vosko et al., 2019).

While the COVID-19 pandemic made migrant workers' precarious occupational and living conditions somewhat more visible, it remains to be seen whether federal and provincial governments will revert to business as usual in terms of **using the TFWP strictly to subsidize industry**, or learn from a pandemic that exposed the need for structural changes to the TFWP as well as urgent policy reforms to ensure that the rights of migrant workers are protected.

Methodology

This study used desk research and interview data collection. As part of the desk research, we examined data from IRCC on the number of temporary foreign worker entries in Nova Scotia by sector and occupational classification. We also submitted information requests to ESDC and Nova Scotia's Department of Labour, Skills and Immigration regarding workplace and housing inspections and to Service Nova Scotia regarding housing inspections.

The Department of Labour, Skills and Immigration does not offer a public registry of temporary foreign worker employers and recruiters. Therefore, we used ESDC's list of Nova Scotian employers with positive Labour Market Impact Assessments (LMIA) from January 1, 2020 to October 23, 2023 to request information on inspections in workplaces and houses where migrants under the TFWP work and live. We also requested the same information from ESDC regarding their own inspections of temporary foreign worker workplaces and housing.

As part of our data collection, we conducted 15 semi-structured interviews with temporary foreign workers employed in Nova Scotia. Fourteen workers were employed under the SAWP program and one person (who worked in a fish processing plant) under the low-wage stream of the TFWP. Of those entering through the SAWP, one person worked on a farm performing more technical skills, and the remaining 13 migrants worked as farm labourers.

The interviews were conducted by telephone in Spanish between September 2020 and June 2023. We interviewed some workers while they were still living and working in Canada, and others after they had completed their contracts and returned to their home countries. We collected all interview data anonymously, by purposely failing to record the names and locations of the workers we interviewed. Whenever possible, we did not solicit this information from the workers, who were largely recruited using snowball sampling.

We asked participants about their recruitment and the process by which they came to work in Canada. We also asked them about their occupational conditions during COVID-19, such as social distancing measures, self-isolation, quarantine periods, and health and safety protocols during international travel and at work. In addition, we asked participants to comment on their daily work, housing conditions, and experiences accessing health care.

Each interview lasted approximately one hour. We transcribed the interviews verbatim in Spanish and then translated them into English. The first and second authors then independently coded the transcripts using the qualitative analysis software NVivo 12. The authors used these preliminary codes to construct the larger themes addressed in the report, comparing and discussing all codes and themes until there was agreement. For the most part, both authors agreed on all codes and the themes.

Demographic Profile

All 15 workers in this sample considered Mexico their home. As mentioned above, 14 workers were employed on farms in Nova Scotia through the SAWP program. One worker was employed in fish processing, arriving through the low-wage stream of the TFWP.

Most participants had extensive experience as temporary foreign workers before the time of their interview. Workers had laboured outside of Mexico as temporary foreign workers for anywhere from two to 23 years. Eleven of the participants had worked in Canada for more than five years and most had a broad range of experience across the country, including in the provinces of Québec, Ontario, Manitoba, Alberta, and British

Columbia. Nine participants had done agricultural work in the United States before arriving in Canada. Two participants had worked for only two seasons in Canada. One had worked one season in New Brunswick before moving to Nova Scotia, while another worker did not specify which Maritime province they had worked in before arriving in Nova Scotia. Four workers proudly noted they had worked for the same Nova Scotia employer for over seven seasons.

Of the 14 workers who spoke about their family, all noted they worked to provide financial support for family members in Mexico. Thirteen of the 14 participants mentioned that they were married and had children. Two of the 14 workers said they were supporting their parents. Ten workers noted they regularly sent remittances back home, generally on a bi-weekly basis, through Western Union, MoneyGram or Remitly. Some relied on specific individuals to help coordinate their remittances via WhatsApp.

Three participants detailed challenges associated with missing their families at home. They discussed missed birthdays, holidays, and other family parties. One worker stated, "I hope the employer sees what we do for their farm more than anything. Because the truth is that they bring us to work and hopefully one day they will see . . . what one sacrifices: the family."

Workers had diverse education profiles. Four participants had some elementary school education. Six completed some high school, with three others obtaining a high school degree. One worker had some university training. One did not provide information about their education.

For the 13 participants who described their English language proficiency, 12 said they had little to no ability to communicate in English, while one other participant spoke English well, having had some English language instruction throughout their life. Three participants mentioned that their English had not improved over their time in Canada, while four more believed that although their English language skills were still very basic, they had improved over their time in Canada. For participants in our sample, there was no time or opportunity to learn English. They spent most days working mostly with others who spoke Spanish and the majority of the interactions they had with English-speaking people occurred on shopping days.

Seven participants commented on how their lack of English language proficiency exacerbated their exclusion. As stated by one worker:

It is very, very, very important to know English because it is very difficult to come and not know. When I arrived here the first year, it was very difficult because I had to go to the stores. I did not know, well, practically nothing. . . It was very difficult. You had to be looking for help from someone and yes, it has been very difficult. Now I'm studying an application called Duolingo and it has helped me a lot to learn the basics.

Workers' Trajectories

Nine participants mentioned having worked in the United States prior to coming to Canada. They had worked in the United States from one to five years, most on seasonal contracts and some without documentation. One worker commented on how much smuggling fees had recently increased for the crossing from Mexico into the United States:

I paid to cross the hill illegally and every year it went up. I remember that the first year I left was in '98. Yes, in '98 I was there for the first time. Oh, I had to pay \$700. But the last time I went, it was in 2008. And there was a difference already. I had to pay \$4,000.

Another worker cited concerns about recent tensions over undocumented crossings on the Mexico-United States border, which influenced their decision to start working in Canada.

Financial need prompted participants to take up work in Canada, largely due to the lack of work and low pay in Mexico. Participants explained that their primary motivation was to improve their family's income and financially support their children's education. Others also commented on how financially difficult it was to arrive in Canada from Mexico with little to no money; they were unable to afford basic necessities for the first few weeks of employment.

Thirteen workers commented on their immigration process at the Canadian borders. None had incidents or problems at customs. The only border delays occurred during the pandemic when most travel halted. Five workers in our sample stated that they had to take charter flights directly from Mexico to Canada during the pandemic because it was much harder to travel on commercial planes.

A typical trip from Mexico to Canada involved several layovers. Most workers did not reside in Mexico City, where many flights to Canada depart, thus necessitating an additional trip (usually by bus) from more remote regions of the country. Nine workers in our sample mentioned long and expensive trips to Mexico City from their hometowns. This ground travel, which took 3.5–14 hours, cost workers between 500 to 900 pesos (approximately CA\$40–70). They paid an additional 360 pesos (CA\$28) for a taxi from the bus station to the Mexico City International Airport. Workers commented on the difficulties of traveling such long distances, often in cramped transportation. As one participant stated, "Traveling in this type . . . of truck. Well, it makes it difficult to carry 15 passengers and it makes you a little uncomfortable when you arrive at the airport in Mexico."

All participants mentioned that their commercial flights required a layover, generally in Toronto. One person mentioned that their air travel could last up to 12 hours with the layovers. Some remarked that they had little access to food over this time, lacking extra money and surviving on water alone.

One worker mentioned that travelling to Canada was the most beautiful part of their journey:

It's the only beautiful experience you have. It is very, very beautiful. Because as a farmer you can never imagine yourself traveling and flying by plane. . . it is the most beautiful thing there can be.

Participants were asked if they would like to secure permanent residence in Canada. Seven stated they would like the opportunity to do so, four were undecided, and four stated they would not like to settle permanently in Canada.

Some of those in favour of permanent residence commented they would like to bring their families to Canada, while others stated that permanent residence would decrease the cost of travelling to Canada. Some workers also believed that permanent residence would result in better treatment at work, including higher wages and the ability to change employers.

Those who preferred to go back to Mexico for the long term cited familial ties back home and the high cost of living in Canada as deterrents. It is also possible that some of the workers did not indicate a preference for securing permanent residency in Canada primarily because there is no real pathway to permanency through the SAWP. In other words, this lack of possibility structured in the design of the program may have automatically made workers more likely to state they were not in favour of permanent residency. Moreover, while permanent residency does not *require* one to settle in Canada permanently, workers might have equated permanent residency with permanent settlement when stating that they did not want to pursue permanent residency in Canada.

Portrait of the Job

Workers in our sample performed a variety of agricultural jobs. These included pruning fruit trees, planting crops, and harvesting fruits and vegetables. Some picked fruits, including strawberries, raspberries, blackberries, apples, tomatoes, and blueberries. Some harvested vegetables, including beans, cabbage, lettuce, cauliflower, and onions. Work was dependent on the farm, season, and weather. It was common for workers to switch between tasks, even throughout the day. One worker explained their various tasks throughout a season:

Now we go up to do the pruning. Once the pruning is finished, it's time for thinning. And after thinning, the cherry [season] begins. . . We have to harvest cherries, plums, and peaches. Right now. . . we have to harvest and pack elote [corn]. When we finish the elote, the apples are ready. We start harvesting apples at the end of this month.

One participant worked in beekeeping, another cleaned grapes and helped their employers raise chickens, another worked in a fish processing plant, and others worked on Christmas tree farms towards the end of the season. One worked in a more technical position at the farm despite coming through the SAWP.

Participants reported being part of large migrant workforces, with several stating that farms hosted 80 to 120 Mexicans. One worker reported that there were 150–200 Mexicans on the farm where they worked pre-pandemic. Migrants in our sample also reported working with people from other nations, such as Jamaica, Guatemala, Barbados, the Philippines, and Canada.

Findings

State Oversight of Recruitment Practices Leads to Better Conditions for the Workers

All workers entering Canada through the SAWP are recruited through their countries' labour departments. Fourteen of our participants secured their work in Canada by registering with the National Employment Service at the Mexican Secretariat of Labour and Social Welfare (Secretaría del Trabajo y Previsión Social). Most participants waited three to six months for a vacancy, and two waited for almost two years. All workers stated that they were provided with a copy of their written contract. Workers also held their own travel documents.

Because their recruitment was facilitated by the Mexican state, the workers did not have to worry about paying hefty recruitment fees to secure a work permit in Canada, although they routinely paid standard fees for their visas, passports, and medical exams. One worker explained:

I never had to use intermediaries or coyotes as they are called in Mexico. Because they are government programs, I did not have to pay a single peso, not even to the offices where I report, the offices of the National Employment Service. I never had to pay any fee. Well, the only thing that I had to pay, logically, are the expenses of paperwork, getting the passport, paying for the visa or work permit. Regarding the passport, the National Employment Service gives us a document so that they can waive half of the payment for the passport. The passport costs 2,000 pesos, and we only pay 1,000 pesos. We pay half and they give preference to all of us who are workers and who have the document. That paper is given to us by the National Employment Service. It's like a recommendation, we go and say we apply... We arrive at the passport offices, at the Secretariat of Foreign Affairs. And we arrive at 9 [a.m.] and by 2 or 3 p.m., they give us our passports. We don't have to make an appointment. I mean, they give us a lot, a lot of support in that aspect.

Yet these routine fees were sometimes too costly for the workers. Two participants stated that they had taken on bank loans to cover the expenses associated with their travel to Canada.

Some participants stated the Mexican Secretariat of Labour and Social Welfare would also facilitate an alternate placement for a worker if their former employer did not ask them back for another season, or if they were unhappy with their employer. Moreover, having the backing of the Mexican Secretariat of Labour and Social Welfare meant that some of the workers felt less afraid to voice their concerns. The workers described the ways the state supported them:

In Mexico everyone checks in [with] the Secretariat. If there is no request [for us] from the employer, well, they see if they [can] provide us with another [employer]. . . Now if it's with another employer, this job [might] even [be] in another province.

I asked for the change. . . I came to a farmhouse here in Nova Scotia and there was very little work and there were no hours, we only spent [our time] locked up. We only [worked] five or six hours a day and it was very little. . . and I only came for three months and. . . after arriving in Mexico, I went [to the Mexican Secretariat of Labour] and I said I wanted [to] change employers. . . Because as soon as we enter Canada we bring, let's say, like a law and something like that that supports us. If we feel any kind of risk or danger at work, we have no obligation to do it and we [could] even report it to the [Mexican Secretariat of Labour].

Participants were also asked to comment on any information they had received from the Mexican Secretariat of Labour and Social Welfare prior to arrival in Canada regarding their rights at work, COVID-19 protocols, or forthcoming pay deductions. Only four participants stated that they were well-informed about their rights and duties prior to arriving for work. Another four participants indicated that they were somewhat informed, “not 100 per cent, but more or less like 50 per cent,” as one put it. Seven workers stated they were not well informed. Some mentioned they were given a brochure and a brief talk in Mexico but did not learn much until they started on the job. Some had not been notified about the quarantine requirement, and also received no support when completing the ArriveCan application, which was required when travelling to Canada during the first years of the pandemic. One participant stated that the Mexican Secretariat of Labour and Social Welfare “only tells you to download it and fill it out . . . but they don’t tell you how to do it, what steps you are going to go through, what information they are going to ask you for.”

It is within this context that some of the workers emphasized the need for more information and coordination from the Mexican Secretariat of Labour:

The coordination in Mexico is not so good, but we must deal with that. Yes, [we need] more information. More than anything, more information about [available] government supports.

Seven workers in our sample said their employers transferred them from farm to farm, depending on the harvest. The SAWP guidelines stipulate that employers are legally allowed to transfer workers from one farm to another if they are approved under the SAWP and have the permission of the worker, the sending country representative, and ESDC (ESDC, 2024b). Workers seemed not to mind these transfers, provided they helped them increase their working hours. One participant explained, “Since the blueberry season is over for the company, they transfer others to apple farms, Christmas tree farms . . . other places.” Another described these transfers as “an advantage for me or for the person who wants to continue working a little more.”

Fourteen participants commented on their interactions with their sending nation, represented by the Consulate General of Mexico in Montreal and the Mexican Secretariat of Labour and Social Welfare in Mexico. Two participants stated that it was difficult to launch a complaint through the consulate. One participant said, “It is a problem for the consulate to answer you. . . . They put you on hold, and you spend years there waiting for an answer.” Two other participants stated that they had not received help for their problems after reaching out to the consulate.

Nine workers commented on the importance of having their own state perform oversight on Canadian employers. In particular, one participant mentioned that their employers reduced overcrowding in their lodging due to consulate visits. Three workers mentioned that worksite visits from Mexican consulate representatives had resulted in an improved occupational environment. One worker commented, however, that employers were selective in what they showed consulate staff, granting them access to only a few select accommodations that were in good shape and not reflective of the general state of worker accommodations.

Nevertheless, one participant mentioned that their consulate representative was able to provide them with helpful advice when one of their colleagues fell sick. Another worker remembered that the Mexican Secretariat of Labour and Social Welfare representatives were able to find him another farm to come back to when his employer did not let him leave briefly to handle a family illness.

Overall, the Mexican state intervened when working and living conditions were untenable:

The [Mexican] government. . . no longer wants to send Mexican workers [to this work site] because the housing conditions. . . and their treatment of the staff are inadequate.

Inadequate, Unsuitable, and Overcrowded Housing Violates Regulations

Participants generally paid for their lodging every two weeks, with their rent deducted directly from their paycheques. The rent amounts varied from \$13 to \$50 per week (roughly \$52–\$200 per month). Only one worker in our sample said that they were not charged any rent for their accommodations. SAWP housing guidelines state that the employer must “provide clean, adequate living accommodations to the worker at no cost to the worker” (ESDC, 2024d). In Nova Scotia, employers are allowed to deduct \$2.68 per working day to reflect utility costs, with this amount increasing annually based on the consumer price index (ESDC, 2024d). Employers are allowed to deduct for additional costs, like laundry or food (ESDC, 2024d).

Yet despite federal housing regulations for the SAWP emphasizing that worker housing must be “adequate” and “suitable” and that occupancy rates should not exceed the CMHC’s national occupancy standards of a maximum of two people per bedroom (CMHC, 2022; ESDC, 2024b), workers reported substandard housing conditions.

Ten participants indicated that they lived in overcrowded accommodations, with houses lodging anywhere from nine to 25 people. Some participants mentioned one accommodation that had housed 42 people in one year, and 56 people in another:

They had bunkbeds, but nothing more. The division from one bunk to another. . . was a sheet. So practically nothing, no rooms or anything, they were simply comfortable bunkbeds. Can you imagine, 56 people?

Overcrowded housing led to a lack of privacy as well as difficulty accessing washing machines, dryers, kitchen appliances, and bathrooms. Some workers’ food spoiled because they did not have sufficient fridge space to store it. Different workers had different perceptions of what constituted clean living in these communal spaces, which led to conflict. The workers described the situation:

When there are 23 of us it is a mess. . . And the mess is also that there are two washing machines and two dryers. . . It’s uncomfortable from the moment one showers. . . There are two bathrooms; one is only to relieve [oneself] and [has a] sink and the other one has three showers. Three showers for twelve people. And there are two toilets. . . It’s a real chaos because everyone wants to shower, everyone wants to cook [at the same time]. And apart from some being more hygienic than others, there are some that are very filthy and very stinky and therefore [it is] very uncomfortable. Some leave a mess of dishes, a mess in the kitchen, so there are a lot of quarrels, a lot of problems, a lot of conflicts in that regard. That’s what I mean by a mess.

And imagine a house, let’s assume a house that is for 14 people, and they put 22 people [in it]. There were three stoves practically. Then we all arrived together. Sometimes one wanted to cook, others wanted to eat, some had to wait, and then, when were we supposed to do the cleaning?

And in the kitchen, we couldn’t wait for everyone to prepare the food. Because for 25 people. . . until what time were we going to eat if only one colleague was cooking in the kitchen? We cannot prepare food all night. There are colleagues who take 30, 40 minutes, even an hour. . . So, if we let a colleague or two colleagues prepare their food. . . No, we don’t have time. We would be left without eating then.

We have to organize, we have to be aware of the time, in the morning and in the afternoon for the bath. We must organize ourselves so that everything goes well, because if not, there would be problems for us.

Participants also shared their concerns about the wear-and-tear on their housing, including unsafe and unsanitary conditions. One participant mentioned how a lack of light bulbs in the hallways caused them to fall, necessitating a trip to the hospital for x-rays. Another one mentioned how their mattress was in very bad condition.

It was common for participants to change their accommodations throughout the working season as they changed jobs, farms, and employers. Sometimes the accommodations improved with successive moves. However, some participants stated that the first workers to arrive for the season would take dishes and cooking utensils with them when they moved farms, meaning more recent arrivals had to buy their own kitchen supplies. Participants also expressed concerns about the lack of uniform housing standards across all farms and employers. One stated, "Not all of us have the same comfort as others."

Even those who had mostly positive words about their employers mentioned that the bosses cut corners when it came to housing, namely through packing more workers into a single house. One of the participants explained:

They don't want to spend more. . . They are not bad bosses, but they are. . . a little stingy. So then, having other houses or having more rooms means more money for them.

Another mentioned that employers completely disregarded their concerns:

Many times, employers act as if. . . they don't hear us, and we are the ones at a disadvantage. It is not that we want to have a home with a lot of luxury, no, the only thing we want is to have the basics in each home.

Two participants had contacted the Mexican consulate in Montreal directly to complain about their housing conditions. One person stated that the consulate representatives had visited their housing premises. Yet these visits seem to have remedied nothing, and workers stated that they felt uncomfortable following up on these complaints:

We were afraid to speak. . . because we knew that the consulate had already come to see. . . We were afraid of someone talking, afraid they would retaliate, well, against us.

One worker stated that employers should be required to provide better housing for the workers "so that they do not have us all piled up there." Another worker remarked, "I believe that the Canadian government should regulate [housing]. They should regulate that because I can assure you that none of the Canadian families live as cramped as we do."

Information on temporary foreign worker housing in Nova Scotia is not easily accessible. When we requested information from Nova Scotia's Department of Labour, Skills and Immigration on housing inspections, we were told to contact Service Nova Scotia, the agency responsible for residential tenancies. When we requested this information from Service Nova Scotia, they directed us back to the Department of Labour, Skills and Immigration for the information. It appeared that the provincial departments in charge of housing were unclear as to who was responsible for inspecting the housing of temporary foreign workers.

An information request to ESDC on federal housing inspections of SAWP employers in Nova Scotia found that the department carried out only eight inspections from January 1, 2020 to December 29, 2023. ESDC

provided no details on the nature of the violations or the outcomes of the inspections, despite our request for that information.

Eight participants commented on their housing's proximity to their work. Two were able to walk to work in a few minutes, four were able to drive within minutes, and two workers complained about long commutes (up to one hour each way) to work.

Those who were unable to walk to work generally commuted in a van. In two instances, participants mentioned that their employers gave them access to a car, which could be driven by those with a driver's license. Workers cared a great deal about the proximity of their lodgings to their work and shopping centres, supermarkets, etc. Workers detested having accommodations that required lengthy unpaid travel every day.

Well, the bad thing. . . right now where I live, I have to travel more than an hour a day by truck. . . and we are not paid for [that] one hour in the morning and one hour in the afternoon. . . There are other colleagues who live close to work. . . but we are far away and the bad thing is [this] travel.

These unpaid commutes violated seasonal agricultural workers' contracts, which stipulated that employers needed to compensate a worker for their driving time. Furthermore, when workers were required to relocate from one work site to another during the workday, the contract stipulated that travel time count as part of their working hours (ESDC, 2024d).

Workers also lost time waiting for a seat in the van, which was sometimes filled beyond capacity.

When the blueberry harvest comes, they bring all the workers together [to that section of the farm] and at the time of departure, it is a problem because sometimes the vans are full. Vans that are for up to 15 people, they come and put up to 20 people inside. In vans for 24 people, they put up to 30, 32 inside.

Occupational Conditions in Nova Scotia Leave Much to be Desired

Low Wages, Legalized Wage Theft, and High Deductions

Migrant workers in Nova Scotia were dissatisfied with their wages, which they determined to be too low, with some noting that Nova Scotia paid less than other provinces. Participants were paid between \$12.55 and \$14 per hour, amounts that were in line with the province's minimum wage at the time we conducted our study. They further cited concerns with the way employers tabulated their pay. For example, some were paid by weight harvested rather than by the hour. They also cited concerns with their payroll deductions.

Several participants mentioned that their wage was incommensurate with their hard work. Others commented that they wished for standardized wages across the country:

I wish that all of Canada was the same, since in British Columbia it's \$16, and in other [provinces], \$14. And others have told me that there are provinces where they pay less. Imagine that!

One worker stated that their wages were only \$10.50 per hour after deductions. Like many other workers, this participant was unsure how their deductions were calculated and what they were for.

One worker under the SAWP made more than the minimum wage, earning \$28–\$30 per hour. However, this person worked in a technical position. Interestingly, their wage was still low for an experienced technical worker in this position in Nova Scotia, where the income range is \$30–\$40 per hour (Job Bank, 2023).

Participants also commented on the discrepancies between hourly wages and piece rates (e.g., being paid by produce weight or volume). Seven participants mentioned that their employer paid them by weight, despite their contracts stipulating that they would be paid by the hour. Five of these workers found that this method of payment disadvantaged them. Those paid by weight complained that it was nearly impossible to earn the equivalent of the minimum hourly wage. One participant remarked:

Well, we came for an hourly contract. . . and [when] we arrived here from Mexico, they made us sign some documents saying that we agreed to work by piece, by box, and that we had to do a minimum [of] three [boxes] per hour, and if we could do more than three, they would pay us extra. We had to make three boxes [of 10–12 pounds each] so they would pay us \$12.55 and if we did four, it would be four dollars more. But the fields are very ugly. No one could make more than three boxes. Most made two, two and a half. Some made one. I averaged about \$10.50. There were some who [only ended up] with about nine dollars an hour.

Piecework wages seemed to systematically benefit employers. When production was in full swing, some employers set a cap on piecework, and when workers picked above a certain number of boxes per hour, employers did not remunerate them:

The manager said that we could not put in more than four boxes per hour. . . And that was when the harvest was already underway. Well now, at this point, there was a lot of fruit. And we did make [a lot of] boxes. And now they tell us that we cannot do that much because the scanner won't read more than three or four boxes per hour? We made six boxes, we averaged six boxes per hour. And then, they gave us a check with hours and boxes that the scanner read. . . and you can say they stole from us. . . So we complained and then, they told us that this is what the scanner read and well, they didn't return anything to us. They owed me about 45 boxes that were \$4.35 [each]. They [never] paid.

Paying workers by weight at a rate that works out to less than minimum wage is a mathematical artifact that enables farms to increase their profits through **legalized wage theft**. SAWP federal regulations stipulate that temporary migrant workers must make no less than the prevailing wage of the region (ESDC, 2024a). However, wage rules seem to be different for various occupations within Nova Scotia. Although the federal government stipulates that Nova Scotia must pay harvesters of fruit and vegetables \$15.00 per hour (ESDC, 2024e), Nova Scotia's labour code allows employers of workers who harvest fruits, vegetables, and tobacco to pay piece rates even if these amount to less than the minimum wage (Department of Labour, Skills and Immigration, 2023). Hence migrant workers under the SAWP earned lower wages simply because they were employed in an industry that exempts all farm workers – be they Canadian, permanent residents, or temporary foreign workers – from certain wage protections that shield workers in other industries.

One participant also mentioned that they had asked their employer to explain the breakdown of their pay, but never received a response:

When we asked them to clarify things about the salaries and the difference with the payment of the pieces or boxes of strawberries, we never really understood the system much and finally I think that they always fooled us with the payment. I would have preferred to work by the hour.

In addition to low wages and legalized wage theft, workers also faced multiple payroll deductions, including some of their flight costs, private health insurance, and utilities. Furthermore, workers not covered by provincial health coverage had to pay up front for health care and then wait for reimbursement.

Some mentioned that employers deducted wages for “groceries,” but did not provide any groceries; hence, workers had no idea what this deduction was for. Some also complained that they had to pay out of pocket for equipment like boots and rain gear, despite their contracts stating that these expenses would be covered. One worker recounted:

The contract says that they must provide us with the things we need for work. And there are times when we work in the rain and so on, but we have to buy our boots, raincoats, everything we need for work and the contract says that the company must provide it to us, but the company does not provide it to us. It is a conflict that we have discussed among colleagues. . . The raincoat cost us \$200 plus the boots, which were about \$150. [Every year] we pay for it. . . [There was only] one time, they helped us get the raincoats.

Six participants commented on their income tax deductions. They noted an increase in income tax deductions over the years, although workers stated that they received some of these funds back as refunds later. Another flagged issue was income tax filing. Participants relied either on their employers or private entities to assist with tax return filing, yet most of the companies were not located in Nova Scotia. One participant remarked:

Every time we file taxes, we do not use a local office. I think, and I don't know why, but there are very few. The offices that do tax preparation are in [Central Canadian city name]. That is a headache for me year after year. But from the beginning, I have always been very responsible, I have paid my taxes. I repeat, it is a headache. . . They put you on hold, and [you] spend years there waiting for an answer. The companies that do the tax preparation, they are a pain in the ass and I don't think it's only for me. If you ask most of my peers, I think it's everyone. That is where I believe the government of Canada or the state of Mexico – I don't know which of the two – should pay attention to those companies.

Another participant detailed how one of these intermediaries had taken the workers' information and money, yet had never filed their tax returns. They explained, “In 2012 they were even doing taxes with a company too. But that company disappeared. And they stole the money from many. And me? Well, yes, I mean, I hadn't done taxes that year.”

Eight workers commented that they were confused by the amounts deducted or that they were not provided with sufficient information on how payroll deductions worked. They only figured it out after several years of working in the country. Regarding Employment Insurance (EI), one participant stated: “Well, I do not know. This one 'E,' I don't know what it's called.” Another participant further detailed:

No, they never explained it to us. Until now, I haven't understood because they never explained [these abbreviations, these acronyms] to us. It was only some colleagues who understood that it was from unemployment insurance. So, no, no, to this day they have not explained it to us.

Only one participant stated that their employer had used a translator to provide them with accessible information on tax deductions.

Many SAWP workers never benefit from EI, as they are not able to apply for and/or access the benefits from Mexico.

Inconsistent Hours and Shortchanged Wages

All participants commented on the number of hours they worked on a weekly basis. Hours seemed to vary according to several factors, including the production capacity of the farms and the weather, with heavy rain being the primary cause of lost hours. Some worked a minimum of three hours a day, and when the harvest was in full swing during the summer, they worked a maximum of thirteen hours per day. One participant detailed:

Winter is a little quiet, not winter, but autumn is already a little colder, there is almost no fruit, and it ripens very little. Yes, but before, when it was the season, we worked from 07:00[a.m.] to 08:30[p.m.]. Eleven, 12, 13 hours. About 13 hours.

Participants averaged 37–40 hours of work per week, although several people mentioned working up to 72 hours per week. Most participants had Sundays off, although two workers reported working seven days per week, and another person mentioned having a day off every ten working days. Days off were often shopping days. Employers transported workers to the supermarkets, and participants had an average of three hours to pick up their groceries. Two participants mentioned being very close to shopping areas and being able to walk or take public transportation. Participants considered this time sufficient for their shopping. In the early years of the COVID-19 pandemic, employers only took workers shopping every two weeks, restricted them to a single store, and gave them a maximum allotted time of two hours to pick up their groceries.

Although workers were happy to earn more money, they felt some pressure from the employer to extend their work hours. One person commented that their employer threatened to send them home if they were unwilling to put in the hours:

Regarding work, they told us, "Well, you are going to work for so many hours, and if you do not work, then you go back to Mexico." So, you know, one comes with the intention of working, with desire, and practically, well, they say that you should try a little harder. Because of the pressure they put on you.

During the height of production, workers felt pressured to harvest produce quickly to avoid heat damage. Workers' breaks were generally 15 minutes every three hours, with half an hour for a lunch break. However, during busy times, the employers made workers skip their breaks. One participant explained:

There is [a break] at 10, 12, 3 [and 6]. When we are cutting the blueberries, the 6:00 [p.m.] one is not normally given to us. We have always had a complaint with the bosses about this one, the 6:00 one, and why it is not given to us. Because we [continue] to work after 6, until 8:30, 8:45. I don't know why they don't give it to us. I know that by regulation, the breaks must be every three hours of continuous work.

The guidelines in the SAWP contracts stipulate that employers must provide the worker with a meal break and at least two rest periods, in mid-morning and mid-afternoon, of ten minutes duration, in accordance with provincial labour legislation (ESDC, 2024d). Yet farm workers in Nova Scotia are again exempt from this legislation (Department of Labour, Skills and Immigration, 2023); therefore, break rules seem to not apply. Workers are entitled to one day off for each six consecutive days of work, though "where the urgency to finish farm work cannot be delayed the employer may request the worker's consent to postpone that day until a mutually agreeable date" (ESDC, 2024d). Moreover, the *Nova Scotia Labour Standards Code* exempts farm

workers from rules that state that employers must grant their workers a rest period of at least 24 consecutive hours every seven days (Department of Labour, Skills and Immigration, 2023). It is the provincial farm labour legislation that ends up placing the migrant workers outside the occupational guidelines outlined in their contracts regarding breaks and days off.

Others mentioned how external factors such as weather made them unable to fulfill the 40 hours of weekly work stipulated in their contracts. Some workers were able to transfer to other farms when work was short. Others were paid for fewer hours:

You see that the regulation [stipulates] eight hours of work. Eight hours yet they didn't give us that. For example, we didn't even put in 40 hours [per week], we only stayed at 30 hours maximum.

Although employers ignored various aspects of the contracts, they would also cite contract stipulations when they worked in their favour. Three participants mentioned having to return to Mexico to see family members who had fallen ill. In these cases, employers did not help the workers pay for their flights, leaving them to finance the trips on their own.

I have been working here for seven years. I've never made a mistake or anything like that. I've been a good worker. I told them that it doesn't seem fair to me that they make me pay again to leave knowing that I have an emergency and a need in Mexico. And they told me, "We're very sorry, but we can't help you with anything." . . . I left a little upset feeling like, uh, I've worked for seven seasons and there's never been a complaint from me. I have been a good worker. But since I didn't comply with the contract, according to them, the company made me pay for it. But I tried to explain that I wasn't leaving because I wanted to leave or because I wanted to break the contract. I was doing it out of necessity, which was an emergency. . . They told me, "I'm sorry, but these are the company rules. If you want to leave, you have to pay." Well, I told them, "But you should think a little that, well, I have sick family there and they will also need the little money that I can bring. And if you make me pay that, well I'm going to arrive without money. And then how am I going to help them?" And they told me, "Well that's your problem. If you don't want to leave, for money, then stay and work." Well, it seemed very unfair to me.

Some workers stated that employers gave certain workers preferential treatment when allocating work hours. Specifically, employers gave higher priority and more work to those with more years of experience at the same farm and those with whom they had friendlier relationships, as compared to newcomers.

Eight workers commented on overtime pay. Seven indicated that they were never paid overtime. One worker reported that they received overtime pay after 48 hours of work. Three participants mentioned that they received bonuses from their employers – two as an end-of-season bonus, and one as a daily bonus for surpassing their production quota. It is important to note that the lack of overtime pay branches out of the *Nova Scotia Labour Standards Code* which excludes all farm workers, including Canadian citizens and permanent residents, from overtime pay (Department of Labour, Skills and Immigration, 2023).

Carelessness, Threats, and Anger at Work

Twelve participants commented on workplace supervision. Workers generally had multiple supervisors, depending on the task they were performing. Four participants mentioned their supervisors spoke only English and eight said that their supervisors spoke Spanish with them. Yet participants identified many instances where their co-national supervisors treated them with animosity, offering preferential treatment to other workers or leveraging threats to demand compliance. One worker described his poor treatment:

When we said something [our supervisor] never had an answer even though he spoke Spanish. He was very arrogant, and I had quite a problem with him because he favoured some a lot and left the rest of us without jobs. . . Generally, there was not much room to talk when one had a complaint. Although the supervisor spoke Spanish, he did not respond well to complaints. He threatened us with not being asked [back] in the next season. You didn't get any solution and things always went on as usual.

Despite having six workers in our sample who stated that they were happy with their supervisors, bad employers and management staff meant such positive experiences were not the norm. Two participants cited concerns with arrogant, demanding, and neglectful behavior among supervisors and employers, with higher-ups paying no attention to worker needs or concerns. The workers stated:

I had quite a problem with [the supervisor]. . . We tried to talk to the owner, but the owner was never interested in talking to us.

They are not attentive, they demand a lot from you and they leave. And when you want to talk . . . with the bosses so that the treatment can be improved, they simply don't pay attention to you.

Three participants in our sample explicitly stated that employers and supervisors were routinely angry at them. One worker stated:

[The] supervisors sometimes are very impatient. They explain something and you don't understand them, and they get angry. . . They get upset. They tell you things in a bad way because you do not understand them, or they almost scold you.

Four participants said their bosses threatened to not call them back to work the next season. One worker detailed their experience:

Once we worked on Sunday. We worked, and by the afternoon we had already finished the work. . . And it turns out that they wanted to move us to another field, to get another job done. It was about an hour. Me and my colleagues, there were about four of us, we decided not to work. Since it was Sunday, we had to clean the house, make food for the week and all that. And the supervisor arrived and told us that if we weren't going to to work, he was going to report us to the consulate. He was going to report us to the boss, and he was not going to ask us [back] the following year. This was the mere truth. Since it was Sunday, we decided not to go, even though they threatened us.

Another worker recalled:

Practically they did not threaten us, but the fear we had was exactly that. In other words, we were afraid, because we had already seen cases, or we had also seen colleagues who, when someone wanted to defend their rights, the only thing they did was to send them back to Mexico.

Xenophobia at Work

Participants understood they were performing jobs that Canadians did not want to do. “They see you as a lowly thing,” stated one worker. They noted that employers paid wages along national lines, with Canadian workers receiving higher wages than Mexicans. For instance, employers paid Canadians by the hour but paid migrant workers by weight. One worker stated:

[Canadians] work hourly and are paid a dollar more and up to three dollars more. It depends if they are [on the job] for one year or two years. . . Yes, it is unfair.

Workers mentioned that even when Canadians received piecemeal rates, they earned up to \$6 per box, while temporary foreign workers earned \$4– \$4.50 for the same amount. This was in contravention of federal guidelines that state that “employers must provide temporary foreign workers with the same wages and benefits as those provided to Canadian and permanent resident employees working in the same occupation” (ESDC, 2023a). Canadian farm workers received higher wages despite the farm labour exemptions, but employers unequivocally took advantage of these exemptions when they were dealing with temporary foreign workers.

Canadian workers seemed to also receive better treatment at work, such as more breaks and a better lunch schedule. Employers did not require them to work outdoors when it was raining. One worker noted:

They give more preference to [Canadians] than to a Mexican, including. . . break time. Not to us. That’s why I say that it is discriminatory because we continue working without taking breaks and the Canadians take breaks for up to half an hour.

One worker talked in very self-deprecating language about Mexican workers, faulting their compatriots for not being as assertive about their rights as migrant workers from other countries:

Jamaicans know more about their rights than Mexicans. If they see something that they don’t agree with, they don’t work and that’s it. And they report everything to their consulate. But we Mexicans, we are maybe a little bit stupid, or I don’t know if the consulate doesn’t support us too much or I don’t know what it is, but overall, with the Mexicans and with the Guatemalans they do mop and sweep the floor. There is a lot of inequality in that regard.

Seven participants in our sample commented that they had experienced discrimination at work, either directly from their bosses and supervisors or from their Canadian colleagues. Workers stated that they were treated differently because of their status as temporary foreign workers. They did not complain about it for fear of reprisal:

I have not felt racism, but I have felt discrimination from the supervisor, as I have said. Because of his favouritism, which is not something that only I felt, but several colleagues. . . But since I had just arrived in the program, I did not say anything for fear that they would cut my contract.

A Dearth of Workplace Safety Inspections and Training

Twelve participants commented on occupational safety and safety training at work. Out of these 12, 10 stated that they felt safe at work and that their employer was committed to maintaining their safety, a task that included managing potential COVID-19 infections. Participants also commented on job training, with four stating that they never received training. One participant stated, "There is no training, but time gives you experience." Six other participants, however, stated that their employer provided job training and education on occupational health and safety procedures.

Twelve participants commented on workplace inspections. Nine stated that their worksites had been inspected. Two mentioned that they had not witnessed any inspections, and one was uncertain if their workplace had been inspected. Of those who identified their worksites as undergoing inspections, two participants stated that they had seen representatives from the Mexico Consulate General in Montreal on site, two identified inspectors as public health authorities, and five referenced "government officials" inspecting their worksites. One worker stated, "I don't know where they are from, but yes, they have come."

Our freedom of information request, filed as 2023-02159-LSI with the Government of Nova Scotia, asked for the number of workplace inspections of TFWP employers carried out by the Department of Labour, Skills and Immigration from January 1, 2020 to October 22, 2023. The department responded by saying that they did not keep track of records specific to employers of temporary foreign workers, so we provided a list of employers with approved LMIAs to the department. We wanted to determine the number of inspections conducted in their worksites, the number of inspections that found violations, and the nature and outcomes of the violations. According to information received from the department's Occupational Health and Safety on November 9, 2023, the Department of Labour, Skills and Immigration conducted 103 workplace inspections of employers using the TFWP over this time frame and had not issued any orders or administrative penalties. Over this same period, the same government body conducted only one site inspection of labour standards in workplaces and recorded no labour violations.

The Government of Nova Scotia keeps a registry of previously released information from requests received since 2017 (Government of Nova Scotia, 2024). However, some of the information we received on inspections is missing from this registry. Our information request on a shorter list of temporary foreign worker employers that flagged 33 inspections is found in the registry, but not the longer list of employers that noted 103 inspections. The partial information on this registry throws into question the accuracy of information tracking on workplace inspections of companies hiring temporary foreign workers.

One of our earlier requests, filed on September 19, 2023 (as 01816-LSI) revealed more information on two additional inspections. First, a complaint against Balamore Farm Nursery Ltd., a produce and nursery farm, triggered one of the inspections. The inspector's notes state that the complaint was filed on July 6, 2020, regarding "housing issues, lack of personal protective equipment at work, and health and safety information for temporary foreign workers." The inspector noted they had forwarded the housing portion of the complaint to another government department. It is not clear when the inspector visited the site, but there was a recorded re-inspection on August 14, 2020. On that date, the inspector conducted an in-person debriefing with management at the site and spoke to two temporary foreign workers, chosen at random, asking them if they were aware of and understood their rights. The file, now noted as closed, contains no other information. A lobster holding facility, Independent Fisheries Ltd., was also the subject of a complaint and inspection regarding COVID-19 safety protocols on March 24, 2021. The inspector's notes are sparse, with the file classified as closed.

Migrant workers at the Balamore Farm made the news in 2020, reporting unsafe working and living conditions (Ziafati, 2020). They also said they were not paid a few hundred dollars of what they were owed as part of their two-week mandatory quarantine period, required under the federal government's *Quarantine Act* (Justice Laws Website, 2024), and that they were instructed by a supervisor to stay quiet when a government agent

visited the farm or else face deportation. The farm owner denied the allegations and said his company treated the workers well (Ziafati, 2020). According to the Migrant Workers Alliance for Change, about 40 workers in quarantine contacted the organization after they had unsuccessfully tried to contact an ESDC tip line to report unsafe conditions on the farm. The line only accepted Canadian phone numbers and they could not get a Canadian SIM card before going into their two-week quarantine (Ziafati, 2020).

An information request we filed to ESDC asking about inspections in Nova Scotia workplaces employing temporary foreign workers revealed that 234 inspections were conducted from January 1, 2020 to December 29, 2023. Although we requested information on the nature of the violations and the outcomes of the inspections, the ESDC did not provide this. There are several Nova Scotia employers on the federal government's non-compliant list, including farming businesses (IRCC, 2024). During the period of our study, from 2020 to 2023, three agri-businesses in Nova Scotia received fines. High Point Orchards was fined \$7,000 in 2022 for not matching the pay amounts and working conditions listed on their offers of employment. Hillside Orchards was fined \$5,000 in 2021 for not providing foreign workers with accommodations that were separate from quarantined workers and for not maintaining social distancing of at least two metres between workers. Morse's Farm Limited was charged \$15,000 in 2021 for failing to provide the requested documents for inspections. This company did not pay the penalty, and is now considered ineligible for the SAWP (IRCC, 2024).

Participants in our sample were also asked to comment on what they would do if they encountered a problem at work. Five participants stated that they would report dangerous working conditions directly to their employers and three stated that they would report their concerns to the Mexican Consulate in Montreal. One participant stated that they would go to a community organization. Another worker claimed they would go to the police, and one said that they would contact IRCC. Out of those who stated they would first go to their employer, one remarked that they were unsure how their employer would react, and another stated that although their employer might listen to them, they would ultimately act as "if we had not spoken." This participant stated that the employer would "evade what they are told. All in a very polite way, but at the end of the day, they win."

One worker stated that society needed to be more aware of the situation of migrant workers in Canada, remarking "Until now, in ten years, this is the only time someone has interviewed me. . . In other words, be more aware of working people."

When participants were asked about what they would like to improve about their working conditions, they asked that their employers listen to their concerns, cover all their transportation costs, face fines when they fail to respect workers' contract hours, help set up community kitchens to support them with cooking, and/or facilitate outings or community-building events and services, such as Spanish libraries, religious services, or English classes. One worker remarked:

Well, a while ago I also suggested that they take us for a walk at the end of the season. Many companies in Ontario take you to Niagara Falls or somewhere like that for a walk, right? So, it is very enriching to the work that we come to do here in the country. Because the only thing my colleagues know about Canada is the way from the house to the countryside.

A Clean Bill of Health is on the Boss

All workers who commented on their health insurance said that they had access to a private insurer through their employer. One participant remarked that the coverage was "good, to tell you the truth," describing how they accessed Canadian health care for minor health issues two years in a row.

However, several other participants were concerned that their insurance did not cover all illnesses, treatments, and medications. Participants frequently mentioned fighting with their insurance companies, stating that their plans did not provide the coverage they needed. In the words of one worker:

I don't know about [my insurance company]. I mean. . . [our employer] give[s] us the card and everything. But we have never, ever been informed about how [insurance] works or what benefits we have. . . Some colleagues. . . have gotten sick [and] they haven't gotten their money back. Right? And every agricultural worker. . . we have insurance that [our employers] are charging us for every week with every cheque. And that money, no, I don't know what it's used for. . . The insurance. . . doesn't cover practically anything.

Another worker remarked:

There were times, there were colleagues who did have to pay for the consultation and paid for their medication and they were not reimbursed anything back.

Others explained that they wished to have insurance that covered medication as well as consultations and treatment.

Several workers described having to go through their employer to access their insurance and get transportation to medical facilities. Some noted that employers frequently delayed taking workers for medical treatment and even suggested that they forgo treatment altogether. One participant stated that it was their supervisor who was responsible for getting them to appointments and facilitating treatments and medications afterwards:

The boss, yes. Also, now, when it has been taken care of, there are times when someone gets sick just like that. The supervisor is notified and he takes us to the hospital and that's it. From there, he comes to pick up the medication.

A few participants mentioned that employers routinely delayed medical treatment for workers, sometimes not showing up to take them for medical care. In one case, an employer told a worker who had broken a bone from a fall in employer-provided housing that they did not require medical care. When the worker insisted on treatment, the employer waited for an entire day before transporting them to a healthcare facility. When this same worker was told that he would need to be off work for several weeks, the employer told him that he would not be paid, even though the state of the house contributed to the injury.

A different worker documented a troubling story of an employer's reaction to a worker's illness:

[My colleague] talked to the boss. . . or the supervisor above him. . . And they ignored him. That is, they did not pay attention to him until later, until they really saw him almost dying. That's when he was taken care of. In the meantime, they [claimed that they]. . . "did not have time right now," [stating], "you will have wait."

On one occasion, a housemate got sick. . . he was crying in pain. And we talked. . . to a supervisor who is above the foreman, and no one responded. We spoke to another supervisor. . . They ignored us. . . And a secretary who worked in the company. . . she was the one who told us, "You know

what? Don't be afraid to call an ambulance. The cost, the company is going to have to pay for it." And we even called a colleague who speaks English well to call [the ambulance]. . . It came for him, but unfortunately because that colleague was scolded, they scolded us all because we had done that. . . [saying] it was a lot of money. . . They put pressure [on us not to call].

Participants routinely noted that they did not want to take days off even when they were ill. Many took their work very seriously and believed that time off would disadvantage them, impacting their capacity to earn as much money as possible. One participant commented, "We can take [time off] by reporting sick, but since the day would practically be a lost day, well, that's why many times I don't take it, because it doesn't make sense."

Workers noted that most employers allowed time off for illness. However, time off was generally not compensated, meaning a loss in wages. In the words of one worker, "We can ask for days off if we need them, but they don't pay us if we take a day off, which is why I have never asked for days off. Even if I feel a little sick." One worker had an employer who prohibited sick days unless workers provided a medical note.

The Snowball Effects of COVID-19 Include Expensive Testing, Quarantines, and Discrimination

Employers' attempts to disincentivize sick days were especially troubling in light of the COVID-19 pandemic. All workers interviewed for this project had travelled to Canada to work during the pandemic, most for more than one year. For many, the pandemic caused inconvenience, including longer travel times as officials checked vaccine records and PCR test results. Most who travelled in the early days of the pandemic had to deal with complex travel rules, flight delays and cancellations, and difficulties accessing different government offices, including the Mexican Secretariat of Labour and Social Welfare, which administers the SAWP program. One worker recalled, "Many colleagues could not travel because the secretariat was closed." Another commented:

We were supposed to leave a month earlier and we couldn't. . . The company, well, as there were no flights directly from Mexico to Moncton – to Montreal, sorry – the company had to practically rent a private flight.

On top of these challenges, many workers had to pay for expensive testing to prove they were COVID-19 negative before travelling to Canada. Their employers would not cover the cost, and at CA\$70–\$250 each, the tests were a steep expense for the workers. Furthermore, because PCR testing was not always available in their home communities, some workers had to travel to obtain them.

Most participants commented that they felt safe and secure travelling and working during the COVID-19 pandemic. Some, however, remarked that it was a scary time for them and their families. One worker explained, "I personally came, I came with a fear that I didn't know if I was going to return [home] or not." Another described the factors that they had to weigh when deciding whether to take a contract in Canada:

The fear. The following year there was the problem of paying for the COVID test, which was quite expensive, plus the tickets, and at this time when I came to the strawberry farm, I thought about whether it was worth doing with the risk I put in coming, how expensive it was, and how I might not earn enough. It was a difficult time, luckily nothing happened on the trips. And the flights and connections worked as always.

A couple of participants struggled with sick family members at home, with one ultimately deciding to return to Mexico. One worker relayed, “My wife and my kids, the first year of COVID, they got sick with COVID, and I went back [to them]. . . But fortunately, no, it didn’t get worse.”

For the first two years of the pandemic, workers were required to undergo mandatory quarantine upon arrival in Canada. Fourteen participants commented on their quarantine periods, with the majority (10 participants) doing mandated hotel quarantines in both years. In 2020, three workers quarantined on the farms where they would eventually work. In 2020 and 2021, all workers stayed in isolation for 14–15 days. Most endured this well. However, one remarked, “Well, the first days you are comfortable, but then you start to despair and what you want is to go out.”

Employers paid workers a reduced stipend for 30 hours per week during their isolation period. Many workers complained that the isolation was challenging and that they were fed small quantities of food that was culturally inappropriate and sometimes substandard. One worker noted that much of the fresh produce they received was rotten. Several workers said that they were forced to pay for food out-of-pocket, with food costs deducted from their stipend, regardless of whether they had agreed to this practice. This was at odds with the policies for mandated quarantine in other Maritime provinces. One worker, who isolated on a farm, remarked:

We asked [the boss] if there was going to be any cost. [She said,] “The food here is not going to have any cost.” And when we left, she told us “No, there will be a cost for the food.” . . . We were going to pay, I think, \$350.

One worker commented on the complexity of working in Canada during the COVID-19 pandemic. They noted that extra expenses, such as food and travel, made their start more challenging; however, the presence of fewer workers meant more opportunities to earn money:

Because, you know, when the uphill climb starts, we arrive without money. And as soon as we start working, well no, we can’t afford the first week. We must buy most of the things that we use here. That’s when we spend the most. . . But I repeat, it wasn’t that bad, the two years of the pandemic. Personally, for me and my colleagues, I repeat, financially I did not have any problems. I think it was one of my best seasons.

Workers had a limited understanding of what would happen if they contracted COVID-19 in Canada. In most cases, employers did not instruct them on the protocols to follow if they became infected. All workers noted that they were told they would be forced to isolate from the other workers, in company-provided housing. One worker said:

We were going to be separated if we became infected, and if a group of us became [infected], then [all of us] would be separated.

Some understood that they would be financially compensated for this time, while others were unsure. One worker recalled:

Oh, they told us the first year that if someone got sick. . . they would receive a little payment, and the following year, they no longer said anything about money. Yeah, I don’t know, I don’t know why.

Most workers had mild infections when they contracted COVID-19. Some participants said that employers shortchanged them when they contracted COVID-19, as they received only a modest payment for the time they were in isolation. They also said that they witnessed employers shortchange other sick workers. One worker, whose colleagues developed COVID-19 during the mandatory arrival quarantine, was disturbed by the lack of care from their employer:

In fact, the first year. . . I think a couple of colleagues arrived with COVID-19. And when they quarantined, well, they had to put up with it. That's what I felt was inhumane. Why? Because they never gave them medicine or anything. We always bring medicine from Mexico with us for when we get the flu, diarrhea, pain, anything. So, these colleagues, with the little medicine they had, they had to face COVID.

Workers commented that aside from a required isolation period for those testing positive, there were very few COVID-19 protocols at work and in their homes. One worker mentioned that the staff were routinely tested for COVID-19 and another remarked that their employer took them for COVID-19 vaccines. However, most workers noted that they still lived with many other workers, sometimes more than two to a bedroom. Employers sometimes provided them with cleaning supplies and in one instance asked them to disinfect their living quarters regularly (a task the workers had no time to accomplish, given their work schedules). Workplaces implemented few changes to address the pandemic. One worker noted that their company was taking some COVID-19 precautions:

We noticed that when we got into the van, they had a screen that isolated the driver so that we weren't close to them. And when we got to the houses, they only allowed fewer people in each house, and they required us to clean in the morning and afternoon every day. And we were left with sanitizer for the house and to clean everything.

In contrast, another worker described a discussion they had with their employer about housing and COVID-19:

That was the disagreement we had with them. We asked them why, if the regulation demanded a distance of three metres, or two metres from person to person, why were they putting so many people in the house?

Two workers explained that their employers used COVID-19 as a pretext to restrict their freedoms. In these cases, employers attempted to keep the workers at home and away from the community. One worker remarked, "They didn't allow us. . . to go out, right?" Another noted:

We demanded from the boss, well several times so that they would give us a chance to go to town, buy our own meals. And they told us about COVID, and that there was a problem that they wouldn't let us leave. We also had some friends at the other farm. [We] communicated with them, and they had permission to go shopping under the condition that they wear masks, take precautions, keep their distance, and follow the rules of the stores and everything. In that farm [workers were able to buy] many things to go out and buy their groceries. [The boss] gave us a chance to go out when they realized that people no longer agreed.

Four workers stated that they often experienced racism and discrimination in the community. The workers attributed these attitudes to the COVID-19 pandemic, believing that locals saw racialized workers as vectors of disease. One recalled, "We would go to the stores and people would walk away from us as soon as they saw us enter. They immediately moved away from us." Another explained:

We spent 15 days doing the quarantine. . . But it was too strange because they didn't want us to go near the Canadians [after the quarantine period]. I work with Canadian colleagues. . . They were a little repulsed by me because they thought I was going to infect them with COVID, even though I went through quarantine, and it had gone well.

Some workers noted that these forms of discrimination were not just specific to the COVID-19 pandemic; community members frequently treated workers with disdain, racism and generally made them feel unwelcome. One noted, "There are people. . . who look at us and walk away, others sometimes say rude things, they stop us."

Some workers were careful to note that not all community members were disrespectful:

Yes, many times. Many times. There are many people who are very racist. In the same shopping centres, you also find very good people who thank us. They say thank you very much for coming to our country to help harvest the crops.

Conclusions

Workers in our sample were recruited via Mexico's Secretariat of Labour and Social Welfare. Because entry into the SAWP is regulated through country-to-country bilateral agreements, they did not have to pay hefty fees to secure a working contract in Canada, and the Mexican state helped investigate worker mistreatment or assisted workers in switching employers if necessary. Besides the financial advantages of working in Canada, workers also mentioned other positive aspects related to their work: the collegiality of their fellow co-workers; the fact that they did not have to pay recruitment fees or large amounts of money for rent or transportation; and the ability to transfer to another farm to fulfill their contract hours. A few mentioned that they appreciated the ability to take vacation days and go back to Mexico when and if needed.

Considering the clear SAWP guidelines on housing occupancy, it was of particular concern that **overcrowded housing conditions** were predominant amongst the workers' concerns. The federal government requires employers to abide by the two-people-per-room guideline for worker housing (CMHC, 2022). Yet two-thirds of our participants objected to their overcrowded housing conditions, which made it difficult to have adequate access to kitchen and bathroom facilities. Even when participants complained to their state's representatives, little to nothing changed. The Canadian government must find ways to ensure that employers respect national occupancy guidelines. Simply writing these requirements into the SAWP program guidelines does not ensure their implementation. Our requests to two provincial departments for information about worker housing inspections revealed jurisdictional confusion within those departments, signaling a lack of government accountability.

Our information request to Nova Scotia's Department of Labour, Skills and Immigration on workplace inspections required us to provide a list of employers using temporary foreign workers. As the inspection system is complaint-driven, it is not surprising that the province conducts so few inspections. The Department of Labour, Skills and Immigration must publicly disclose its registry of temporary foreign worker employers and conduct regular and unannounced inspections of worksites hiring migrant workers.

Some workers complained of issues associated with travel to and from work. These trips were often long and unpaid. More concerning, some workers reported overcrowded and thus unsafe transportation. Migrant workers have died during such commutes. In Hampstead, Ontario, a van carrying 13 migrant workers ran a stop sign, colliding with another vehicle and killing 11 (CBC, 2012), and an overcrowded vehicle transporting migrants in Abbotsford, BC rolled, killing three people and injuring many more (CBC, 2007).

Most workers in our sample worked for **minimum wage**, without **overtime pay**. Some of the participants earning piece rates made less than the minimum wage, while others on piece rates had their produce weights capped so as not to amount to more than the minimum wage. We have learned that, although employers generally are not allowed to pay their employees less for piecework than what they would have earned making minimum wage, provincial guidelines exempt harvesters of fruits, vegetables and tobacco from these wage standards (Department of Labour, Skills and Immigration, 2023). Yet these exemptions contravene federal regulations that stipulate that employers must pay temporary foreign workers the prevailing wage of the region (ESDC, 2023b). Such practices amount to clear examples of **legalized wage theft**. Employers also failed to pay for overtime. As farm workers, migrant face restricted rights to overtime wages; the *Nova Scotia Labour Standards Code* states that "most farm workers" are not entitled to overtime pay (Department of Labour, Skills and Immigration, 2023, p. 15).

The provincial government needs to make sure that employers respect the rules outlined by the federal government and pay workers no less than the minimum wage. To do this, the Nova Scotia government should

not exempt farm workers from the minimum wage guidelines outlined in the *Labour Standards Code* that state that piecework should not be paid at a lower rate than hourly work (Department of Labour, Skills and Immigration, 2023). This will benefit all farm workers in Canada, including Canadian citizens and permanent residents. Current labour standards reflect outdated understandings of the family farm that do not match the industrial workplaces where migrants coming through the SAWP work today (Hanley et al., 2020). Since World War II, a small number of large industrial enterprises have replaced the Canadian family farm. These agri-businesses no longer depend on family labour or local workers, but are dependent on the labour of migrant workers from abroad (Falconer, 2020). A similar lack of occupational provisions for farm workers are present across other provinces. Our work in Prince Edward Island found that the provisions outlined in Prince Edward Island's *Employment Standards Act* do not apply to farm workers, who are then legally not entitled to overtime pay (Bejan et al., 2021). The issues related to piece work pay and lack of overtime pay do not point to differences stemming from migration statuses but rather to differences stemming from conceptualizations of *categories of workers*, with farm workers perceived as not requiring the same occupational protections as workers from various other industries.

Yet disparities in pay between Canadians and migrant workers (i.e., employers paid Canadians per hour while migrant workers received piece rates) demonstrate that **the condition of foreignness** does also impact wages. The precarious temporary condition of migrant workers, cemented through the design of the TFWP, makes them vulnerable to worse treatment. Employers appear to believe that it is acceptable to discriminate against migrant workers by paying them less than Canadian workers.

The partial **flight deductions** were concerning for many workers. Although the SAWP guidelines stipulate that employers must pay for migrant workers' round-trip transportation, employers in all provinces except British Columbia can recover 50 per cent of the cost through payroll deductions (ESDC, 2023b). Furthermore, workers incurred additional transportation costs beyond their flights. These included ground transportation to regional airports, which was generally not compensated by employers and sometimes added hundreds of dollars to their trip. The federal guidelines of the SAWP need to mandate that employers cover all travel expenses for the workers with no payroll deductions.

Furthermore, workers were **unfamiliar with the Canadian income tax system**, and frequently unaware of how to file their taxes. This knowledge gap left room for others to exploit their situation, with workers hiring third-party actors to file their tax returns. In some instances, these companies simply took the workers' money without providing any tax services in return.

Workers also need **greater protections for their health**. Specifically, workers need unmediated and timely access to health care and information about how to access health care. This access cannot be dependent on the whims of their employers, who frequently delay health care treatment for workers. Employers have a vested interest in workers not accessing medical treatment, as such treatment can impede their ability to hyper-capitalize on labour. A trip to a medical centre results in lost work time, additional expenses, and paperwork for the employer. A doctor might also instruct a worker to rest, resulting in future lost work. The relation of dependency between the workers and the employer, exacerbated through closed work permits, makes workers reliant on employers as the mediators of their health care and renders them unlikely or unable to access health care on their own.

A lack of funds also impeded **workers' health care access**. Most workers' private insurance plans did not cover all illnesses, treatments, and medications. This meant that workers sometimes chose to forgo a trip to the doctor for issues they saw as insignificant, fearing upfront medical costs and large medical bills. Moreover, a trip to the doctor produced a double financial penalty, as workers not only had to pay for medications out-of-pocket but also lost wages, as most employers did not provide paid sick days. Migrant workers wished to save as much money as possible to send home to their families; a loss in pay due to time off was a strong deterrent against seeking medical support.

The state must mandate employers to provide paid sick days for workers so that workers have full, unmediated access to health care and are in the best position to care for their health themselves.

The COVID-19 pandemic exacerbated migrant workers' fragile occupational conditions. Workers incurred added costs for PCR tests and lost wages as a result of their quarantine period.

Food costs were also deducted from the pay of several workers for their two week-period of quarantine. Employers were not doing anything illegal by subtracting these costs. Yet this situation draws attention to the flawed federal guidelines for migrant workers during COVID-19 (ESDC, 2020a), which did not consider the fact that workers already had to endure reduced pay when quarantining. Furthermore, in the summer of 2020, the federal government announced \$50 million in funding for employers hiring workers through the TFWP, both on farms and in seafood processing. The federal government provided up to \$1,500 per worker to help pay for quarantine costs, including wages, food, benefits, transportation, and housing (ESDC, 2020b).

The \$1,500 amount was a direct cash subsidy from the state to the employers and likely covered the food costs and mandatory 30 hours/week of worker wages. Even if quarantine costs surpassed the subsidy, employers greatly benefited from having migrant workers on farms they would not have been able to operate with domestic labour alone. This situation raises ethical questions about employers downloading these costs to their migrant workers.

COVID-19 **exacerbated the racism, xenophobia and discrimination** already felt by workers in the Nova Scotian community. COVID-19 created separations amongst farm workers on national lines, with migrant workers seen as vectors of disease who might infect Canadians at work or in the community. This also led to employers restricting the movement of migrant workers. Clearly, it was not COVID-19 alone that prompted such distinctions. Participants had encountered racism and xenophobia in the community long before the pandemic, when shopping or conducting other daily tasks – yet COVID-19 exacerbated racist attitudes and behaviour.

Recommendations

The federal and provincial governments share responsibility for providing services to temporary foreign workers and ensuring that employers respect migrant workers' rights. However, migrant workers across the country, including in Nova Scotia, continue to grapple with dangerous working and housing conditions while being shut out of public health care and additional social services.

The federal government administers worker recruitment through ESDC and IRCC. ESDC either approves or rejects an employer's application for workers through the LMIA process. Provinces regulate workers' occupational and housing conditions, as well as migrant workers' access to healthcare provision.

While Nova Scotia implemented regulatory protections for temporary foreign workers in its 2011 *Labour Standards Code*, the ongoing challenges faced by migrant workers, as discussed in our study, are solid proof that Nova Scotia's employment standards require revision to protect all workers in the province.

Our investigation of the situation of migrant workers in Nova Scotia during COVID-19 argues for the implementation of the following reforms.

The Government of Canada must:

- 1. Grant permanent residency for temporary foreign workers on arrival.** Temporary status leads to workers being denied rights and access to services, especially health care. Granting permanent residency on arrival would ensure migrant workers have access to the same state protections available to permanent residents and citizens, including healthcare and social services.
- 2. End closed work permits and guarantee the right to labour mobility.** The Government of Canada must abolish employer-specific work permits, thus allowing temporary foreign workers the freedom to switch employers. Work permits that tie a worker to a single employer, sector, or region place these workers in captive, vulnerable, and dangerous conditions.
- 3. Revise the bilateral agreements for the SAWP to stipulate union representation as a necessary condition for the program.** This is the best practical measure to protect Canada's most precarious worker population.
- 4. Hold employers liable for their failure to implement the occupancy guidelines outlined in the SAWP regulations.** The Government of Canada must hold employers responsible for implementing the occupancy guidelines defined in the SAWP regulations, through penalties (i.e., fines) to deter non-compliance. This will improve the accommodations of temporary foreign workers so that every worker is housed safely and with privacy and dignity.
- 5. Revise the SAWP transportation guidelines to require employers to pay the full round-trip transportation costs for migrant agricultural workers** and prohibit them from recovering these costs from the workers. Such costs are part of the regular day-to-day operations of a business reliant on foreign labour.
- 6. Provide timely access to free tax clinics.** The Government of Canada should make its free tax clinics accessible to migrant workers by holding clinics in the languages the workers speak, and offering interpretation services when necessary.

The Government of Nova Scotia must:

1. Proactively inspect employer-provided residences for seasonal agricultural workers. The province of Nova Scotia should enact, through the appropriate bodies, a continuous and spontaneous inspection schedule to monitor workers' housing conditions, considering that living conditions do change over the course of a season, especially when workers change farms. Workers have the right to live in clean and safe spaces that respect occupancy regulations, with timely and adequate access to laundry, kitchen, and bathroom facilities.

2. Conduct regular worksite inspections to ensure that employers provide safe working conditions. Nova Scotia's Department of Labour, Skills and Immigration must regularly inspect the worksites hiring migrant workers. The department must also institute penalties for non-compliance, such as substantial fines.

3. Make the registry of employers of temporary foreign workers public. A public registry would improve the ability of community organizations to offer services to the workers.

4. Increase the provincial minimum wage to a living wage and enforce employer compliance on minimum wage rates. Nova Scotia's minimum wage is set at \$15/hour, yet Nova Scotia's living wage is estimated at \$25.40 in the Annapolis Valley and \$25.05 across southern Nova Scotia (Saulnier, 2023), locations where most of the migrant workers reside and work. Nova Scotia's Department of Labour, Skills and Immigration must also ensure that employers comply with minimum wage rates.

5. Undertake a comprehensive review of the *Nova Scotia Labour Standards Code*. Nova Scotia must reform labour legislation to allow all farm workers access to overtime pay, holiday pay, and paid sick days. This labour legislation will also require employers to conform to rules regarding minimum days off and minimum wages for piecework. Moreover, the 48-hour standard work week needs to be lowered to 40 hours, as in Newfoundland and Labrador (Government of Newfoundland and Labrador, 2022), Québec (CNESST, 2021) and British Columbia (Government of British Columbia, 2024). All migrant workers, including farmworkers, must be compensated for overtime hours worked.

6. Provide immediate access to public health care to all temporary foreign workers upon arrival. This includes eliminating residency requirements for temporary foreign workers. Denying health care to migrant workers contributes to the myth that they do not pay taxes and are not deserving of health care. Yet migrant workers in Nova Scotia pay taxes just like everyone else working and residing in the province. The Government of Nova Scotia must also provide accessible information about medical coverage in the languages of temporary foreign workers.

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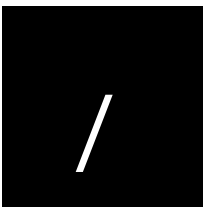
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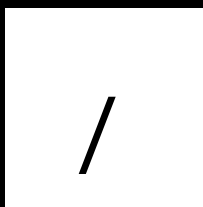
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