Essential But Disposable Labour: Chapter 7

Housing

Sarah: Hi, everyone, and welcome back. I'm thrilled today to be joined by Dr. Susana Caxaj, Associate Professor at the School of Nursing University of Western Ontario. And her area of research is focused on understanding the barriers, pathways and support mechanisms that shape the health and social well being of migrant farmworkers. Thank you so much for being here today, Susana.

Susana: Thanks so much for the invitation.

Sarah: So housing and the way in which accomodation is provided for workers and in particular, in your area of focus, agricultural farmworkers here in Canada, I'd like to give a little bit of context as to what that looks like. So workers typically arrive here in Canada, and it is part of the program that employers provide accommodation. And that can look different depending on the farm, the area, etc. So maybe for a little bit of context, would you be able to describe maybe what accommodation really entails with regards to employers here with regard to the Temporary Foreign Worker Program?

Susana: Sure. So my area of research so far has focused on Ontario and British Columbia. So I can dive in to a little bit of the differences between those two regions. But generally speaking across Canada, where migrant workers kind of come under these programs, we see housing that can be quite inconsistent, typically, in poor condition, often because it's kind of considered temporary. Housing for migrant farmworkers - we know because of reports brought out by civil society organizations, migrant workers themselves, and advocates - we've known for a long time that they have been substandard. As early as 2018, and really before then, there have been calls for national housing standards to improve housing conditions for migrant farmworkers, because this group often falls under the radar in terms of their poor housing conditions. And part of the challenge is the way that housing is overseen and the way that housing is inspected.

There are a few larger factors at play in terms of why housing is poor for this population. One of them being that the federal government often depends on employers to kind of raise the bar or ensure dignified living conditions for migrant farmworkers. In other words, they delegate that responsibility to bosses, this is really conflict of interest for employers. It's not about maligning employers specifically. But if you're running a business, you're thinking about the costs. So you're not thinking about 'how do I provide the most supportive the most quality housing?'. You're thinking 'What is the least I can do?' in a sense, right? Or 'what's the least I need to invest to be able to kind of get what I need, which is the productivity of labor?'. So it's kind of an arrangement that's flawed by design, in terms of what we're expecting of employers in terms of housing. And the other challenge is that

migrant farmworkers are not in a position to really advocate for themselves to demand better when they are precarious. They may have status, they may be documented in the sense that they come under specific migrant farmworkers that are considered legal, if you will, for the Canadian government. But on the other hand, their status is temporary, their work permits are often tied to a specific employer. So they're not only sector specific, in that that person only can work in agriculture, which is a challenge in and of itself, right?

We know agriculture is a very challenging, very hazardous work environment. But they're also tied to a specific employer. So an individual often depends on or counts on their employer calling them back for additional season so that they can return. And if their employer isn't satisfied with their performance, they will typically have to return to their country of origin. Transfers are difficult. They're theoretically possible, but they're difficult for migrant farmworkers. So there's an incentive for employers based on kind of the economic bottom line to provide the bare minimum. And there's an incentive for workers to accept the bare minimum in order to kind of be seen as less troublesome, less of a burden to their employers. So neither of those two arrangements really create conditions for proper housing. And then the last factor that really is at play in terms of housing is the limited and patchy oversight and enforcement by several levels of government. So migrant farmworkers are at a tricky position.

There are some parallels here with Indigenous populations in that they fall within the jurisdictional gap where the federal government can say housing is the provincial jurisdictional issue, and that the province can say 'no, no, these are migrant workers. So this is a federal issue.' There's that kind of jurisdictional back and forth that can create problems for workers. And what that looks like on the ground is that there's little investment in inspection and oversight. In many provinces, the province has delegated further to municipal bodies, usually public health units to inspect housing. But the list of kind of checkmarks that an inspector typically looks at is quite, quite limited, quite narrow. And it's not really going to get a lot of the issues. And then there's the issue of timing. Most migrant farmworkers, or the 50 that we've interviewed specifically about housing this past season, will tell you that announced inspections, pre arranged inspections do not work. They allow the employer to stage a house in a certain way that hides a lot of the hazardous substandard conditions that migrant farm workers are in and a lot of migrant farm workers want their employer to be found red handed, they want the conditions to be improved, but they are not in a position to themselves, be the person who comes forward and says this isn't appropriate this insufficient. They want inspectors to be able to proactively notice these things. There are other strategies that a non diligent employer might use to make the housing appear suitable when it's not suitable. For example, they may show a house that is completely not where migrant farmworkers will be housed. And that's possible because a lot of the inspections happen before migrant farmworkers are actually housed. So you may be approved to move forward with the placement of migrant farmworkers on your farm

where there aren't any migrant farm workers on your farm to actually see in practice what that looks like with that many people that many bodies in a place, but the standards, the regulations that are in place in housing, they're from a different time period. It's sad. I've had situations where I've supported migrant farmworkers who want an inspection because they find their house undignified. It's a source of a lot of mental health and stress and conflict and physical harm. An inspector may come and they may say, Well, no rules have been broken. It's very different to say no rules have been broken to say this is inappropriate, I would never put a family member of mine I would never be able to tolerate these living conditions. So that brings us full circle to the need for those national housing standards that actually uphold human health and dignity for migrant farmworkers.

Sarah: Yes, and that really leads well to my next question, which is 'what are employers legally required to provide?' Because there's also a number of regulations within agriculturally zoned areas, which limits the number of residences or the size of residences, you can build on that property, particularly in agricultural areas. So would you be able to provide a little bit of an idea of what employers actually are regulated or required to provide in terms of accommodation and housing?

Susana: Yeah, I won't be able to provide the exact ratios. But there is a certain amount of kind of cubic meters that is required for each individual, there is a certain amount of washrooms per X amount of workers, but it would be good maybe to provide those in the notes or something, but they're really still not appropriate. And when you realize too, I think these types of numbers might make more sense for a family unit, you may be comfortable sharing a washroom with your two children and your spouse and your mother in law lives with you, for example, that might be something that you can manage, even though it's difficult, but these individuals don't have a prior relationship with each other. They have different foods that they want to cook, they have different times that they want to shower, or maybe they want to shower all at the same time because they're on the same work schedule. So we often hear one of the most common complaints we hear from migrant farmworkers is a queue, like a lineup for hours to use the washroom to use the shower to use the stove. Really basic things, people staying up until midnight when they're going to work at four or five in the morning so that they can take a shower when people have been handling pesticides have been around kind of organic materials. So that might make them sick. But again, I just want to reiterate, I think when it comes to these kinds of regulations, is that they suggest that people can work to make sense as a unit in terms of how much people are sharing, sharing bedrooms, you know, so bunk beds is also a common concern for migrant farmworkers. There's no sense of privacy. There's a certain amount of storage space migrant farmworkers are supposed to get. A lot of people just don't get that. But the amount that's allotted is really kind of insufficient. When you think that someone's going to need to be changing clothes frequently because of the type of labor that they're doing. They might want to bring medicine or food from home. So it would be interesting to kind of look

at every regulation piece by piece because it really doesn't work. I think it also comes from this assumption that they just have to bear it and then they'll be gone. But the reality is that an average worker comes at least seven years. Plenty of migrant farm workers work for decades, work over 8 months of the year. Their life is really here. Their life is in these shoddy trailers, makeshift garages, really inappropriate for kind of adult men and women housing.

Sarah: Yes, and this is another important piece because I feel as though while this has been a problem for a very long time, in terms of the accommodation and housing that's actually being provided in the living standards that migrant workers are exposed to while here is the piece. And we've heard from other guests that we've spoke to on the podcast that many workers are here upwards of 270 days of the year. So that's a number that in and of itself is varying seasons, which the accommodation has to be able to accommodate whether it be very cold or very hot temperatures. But certainly the spotlight really zeroed in on accommodation for migrant workers around the time of COVID and the onset of the pandemic. And seeing that workers were deemed essential but still exposed to great harm and danger during the pandemic because none of the same regulations that were applying to other employees, or workers or individuals in Canada, were being applied to migrant workers. So you saw employers bringing workers here as they do as part of the program, taking them to farms and placing them in accommodation, which were often congregate living with very few safety precautions with regard to isolation or masking or being able to really have access to the personal protection equipment necessary to be able to keep one safe or reduce harm. And that many of these accommodations were unsafe, as they were just in terms like you said, trailer or back or garage that's been converted into a dorm style accommodation, these things were not safe living conditions by any stretch of the imagination. And then you also have the layer of this pandemic, on top of everything. So I feel as though this was pushed into the mainstream consciousness in a way that it hadn't been prior. And that typically, farms are so removed and oftentimes remote with great distances in between that the inspection of these accommodation are not as regular or as thorough as maybe they could be. And that the onus really falls to workers who really have the greatest amount of risk to report infractions or unhealthy standard of living. And so what is the path of recourse if a worker finds themselves in conditions that are unsafe or in living conditions that are not okay.

Susana: Yeah, yeah. I mean, that's, that's such a big question in another piece of that, if I can add to that is that if a worker had a concern with any other aspect of their living conditions, and it's to the point where employer might retaliate, so for example, if you were facing physical or sexual assault, if you were experiencing wage theft, and you confronted your employer about that, and they didn't want you on that farm anymore, you also lose your housing. So I just wanted to mention that as well, that the issue of speaking up, what it has to do with housing has serious consequences. But if the issue of speaking up doesn't have to do with housing, it still has to do with housing, because you may lose your housing as a

result. But to answer your question about, you know, what, what options are available to migrant farmworkers in this situation? I think that what a lot of workers find themselves doing is trying to just appeal to the discretion of the employer in a sense, you know, like maybe somebody who has one of the co workers who has a bit more trust with the employer, you know, can they convince them to fix the washing machine? Can they convince them to fix the leaky roof? But then there are other situations where either verbally or through the employers action, it's clear that the best course of action is to accept in terms of keeping their livelihood. People for example, living in the winter with no heat, try to make do with an extra blanket or a space heater from a volunteer in the community. I think that's often what happens is the power that some workers have, the energy that workers have, because they need that livelihood is to try to normalize and make peace with what's really inappropriate.

What can happen as well is that some migrant farmworkers will speak up and then they will experience verbal abuse that normalizes that poor housing. So we had an opportunity to interview a few migrant farmworkers. As I mentioned last season, and we heard some shocking stories of employers saying stuff like, 'well, you live in a tree in Jamaica,' you know, 'you're Mexican you, you're used to these kinds of conditions,' right. So sometimes migrant farmworkers speaking up, can invite further abuse, because it may invite racist assumptions or racist beliefs that kind of normalize that kind of treatment. Some migrant farmworkers have, and very few really, but when we think of the population as a whole, but some might have communication with a friend in the community, or maybe a volunteer, perhaps at a church. And those cases, those individuals might be able to facilitate either a more liaise conversation with the employer. But if the individual wants to report it to a formal channel, they do have to reckon with the fact that they may lose their job, they may lose their status in the program, they may lose hours. So I mean, it's not just about being deported or losing your job. There are other ways that farmworkers kind of experience repercussions for speaking up. So they may be rested for a few days, right so that they lose their income for some days, they may be labeled as troublesome. So maybe they won't see the consequence that season, but maybe next season, that employer will bring them back, and then they may be challenged with their conflict. And this is the majority of the folks that I speak to who come under formal programs. There's also folks who come under tourist visas or are undocumented or have lost their status in some way. And those individuals may feel like they have even less firm ground to kind of ask for better housing conditions.

Sarah: Absolutely. And I think just to put it into context, folks here would likely be familiar with the Landlord and Tenant Act. And so you have a leaky roof, you've been pressuring your landlord to fix it, if they don't, there are pathways through which you would lodge a complaint, you can call by law, particularly if the standard of living is unsafe. There are means through which you can go. Yet, even if you do dispute something with a landlord, there's typically channels that may take months, but they're still typically channels in which

you can get a ruling from local oversight. Workers don't really have access, or the time and social capital and support to be able to pursue any of those channels, even if they were available to them. And in doing so that comes at great risk. My question then becomes if advocates and organizations are working to improve the situation for these living conditions, what would be the next steps or structure that you would see making a difference?

Susana: I think there's a lot of bigger picture things that need to happen. I think for one, the federal government invested in a study to look at housing conditions. And that report outlined the need for national housing standards. And that was in 2018. And things have not changed for the better. Things may have gotten worse, as you mentioned, like the COVID 19 pandemic, not only shed a light on housing conditions, but also kind of exacerbated some health challenges faced by this group. So I think that we have to kind of keep the memory of the need for those national housing standards, dignified national housing standards. You mentioned the tenancy residential act. It's interesting looking at kind of the BC and Ontario context, because under at least the Seasonal Agricultural Worker Program, which is just a one of a few temporary foreign worker programs that agricultural workers come under, there's a bit of a nuance in terms of the BC and Ontario context.

So migrant farmworkers typically say, 'our employers pay for our flight, but we pay for our housing'. And then migrant farmworkers in Ontario under the program would say 'employers pay for housing, but we've paid for our flight'. It's not really quite that black and white. But that's often how farmworkers see it. And with that kind of idea that farmworkers are paying for their own rent, in a sense, they does open legal opportunities for migrant farmworkers to see themselves as tenants. So I think thinking of farmworkers as tenants, and how those laws might protect them, I think that there's a lot of legal work that can be done there and a lot of advocacy work that can be done there. And then thinking of the dangers of employer provided housing generally, I think that if we have this kind of charity model of 'Oh, employers are providing housing and are providing this opportunity,' we really lower the bar and we stop thinking of people as kind of human beings who deserve dignified living that we would feel comfortable for our family to be housed. And we start thinking people as kind of lesser than individuals who kind of just should be happy with whatever they can get. I think there's a value issue in terms of how we're thinking about employer provided housing, but I think employer provided housing also has a lot of other challenges. Most of us do not want to live with our boss. Most of us don't want to be available to our boss 24/7. We don't want our boss to determine whether or not we're sick enough to take the day off to be the person who does or doesn't decide that we require medical assistance employer provided housing is dangerous. It's unethical. So I think that we need to look for alternatives. It's such an issue and such a loss for our community as a whole. It really is a mechanism by which communities that have migrant workers in them promotes racial segregation. It sends a message that we normalize their lack of involvement in a community

life. No individual is anything but a worker, every individual needs a rich, social, spiritual and emotional life outside of work. And we are denying people, we are denying so many people of that. And yes, I understand that a lot of migrant farmworkers are thinking about their families first, they're ready to make the sacrifice, they want to work long hours, they don't want a whole lot of days off. But it's different to work long hours than to be on call 24/7 have no psychological separation from where your employer live. And it's really dangerous, like I said, because for a lot of migrant farmworkers gatekeeping does happen in terms of access to services. So I think we need to find ways and we need to hold our governments accountable, to actually envision what housing would look like for migrant farmworkers to be part of our community. They have a lot to offer. By segregating them and kind of thinking them only as employees, we're kind of impoverishing their lives, but we're also impoverishing our communities.

Sarah: And really degrading any kind of quality of life. And doing so knowingly. And I think that that's something that we've really discussed in other episodes and with other guests as well is that often the intent reflects political or economic interests at the cost of any kind of social support, engagement in either place, quality of life, ability to have any kind of choice or option really, as opposed to having to accept whatever quality may be presented with that particular job or living space. And I think these are really important pieces that come together to paint this picture. In terms of you're not only risking your livelihood, in situations where you and your family have already been pushed to levels of vulnerability that exceeds what most folks can withstand, to then coming and being away from family and any kind of social support network and familiarity for most of the year. And then doing so year after year after year. Sometimes generationally, younger generations then become part of the program, when you are already in an isolated situation. And living in conditions that are consistently testing your mental and physical well being. This creates a situation that can become quite torturous for for individuals and then to only be acknowledged for your role in providing labor for cheap means or relatively inexpensive means for employers, this all creates a very harmful network of a labor market. And so the federal and provincial governments in the past have taken steps I know after COVID, there was funding provided to employers to improve housing, do you have any feedback or understanding of how that process worked? Or if there was any improvement or what that looked like?

Susana: I will say just generally, I think the same mechanism that we've seen with other kind of inspection oversight is in play. And by that I mean, the mechanism of delegating kind of the housing quality to employers. And I will say also, that these types of kind of ad hoc service provisions, you know, some employers will take advantage of it. It's really kind of like a grant program. Some employers might say, Okay, I'm really motivated to do this. I'm going to take this on. I've heard from some employers in roundtables that I've been at that that wasn't an easy process that it was difficult to get at. But also I think that that it's hard to really get optimistic about these types of incentives. First of all, they're ad hoc. They're like,

Okay, who wants to improve their housing conditions? That's not how we improve migrant farmworkers housing conditions, I think from year to year. One person might be in Nova Scotia one year, and in Quebec the next year in Ontario the next year, so will that individual really benefit from one employer taking the initiative to improve their housing conditions? But when we do this at such an individual farm level, we also really create the risk of just actually sugarcoating the issue by kind of using poster child farms have like, look at this farm, they have a, I don't know, a hot tub or something, right. Like, when we know that, generally speaking, migrant farmworkers housing is terrible. And it will continue to be until regulations are improved. And sure if the government wants to invest in housing, that's a great move. But I would really question why we need the middle person of an employer, who have different priorities, right? Their priorities is their business of harvesting and selling those products. They are not social workers, they are not housing workers. They are not settlement workers. They are not health care navigators. So all of these things that are kind of implicitly delegated to employers, is harmful to them, because they have their own work that they have to do. But most importantly, it's it's harmful to farmworkers it, it's so incredibly paternalistic. These are adult individuals with families to feed. These are not people who should have some type of landlord, you know, deciding their housing and, you know, deciding on the level of service provision or level of integration and community that they'll have. And I think that's why, you know, so many advocates are also pushing for permanent residence, regularization of status, so migrant farmworkers can move more freely, and are less dependent and precarious on a relationship with a specific employer or even a specific sector.

And another big thing is for migrant farmworkers to be able to bring their families, right? You were talking about kind of isolation that workers are in like there's there's a high rate of injury. And of course, we all get sick and during COVID-19, that was a scary time to get sick. We forget that these individuals, it's not just about the formal services, when we're sick, we want our loved ones close. We want support persons close. I know some of my colleagues at McGill and Wilfrid Laurier are looking specifically at return to work for injured workers, you know, and a colleague of mine at Jill Hanley was really talking about this about how we need our loved ones close when we're sick. It's not just about whether we can access a translator or get to a clinic as much as those things are also important. But those things which present real barriers for more farmworkers to do that, we typically can do that any individual can do that with the support of their family and friends. But the level of isolation that many of these individuals find themselves they don't have that informal network.

Sarah: And so you may find folks, maybe they have a day off or are able to take a sick day, but then they are in some instances extremely sick, by themselves, still at or within a bunkhouse, which may or may not also be the source of why they are so ill, and oftentimes may not be in communication with a health care professional or their families or have access to some of those communication needs, or the ability to really seek help. As you

mentioned, a lot of this falls, as you said, on the whims of the employer who is in a position to be able to vote to be able to engage civically and politically and socially in their community. Whereas workers have been pushed into this temporary gray area in both their country of origin and here. And so knowing that they really don't have the same level of influence in either place, or really the mechanisms to be able to advocate for change and ensure change. It often falls to frontline agencies and support networks that are already aware of the issues and supporting those communities to advocate for some of these changes. So ensuring that our pathways to citizenship and residency, the regularization campaign, being able to have access to their families, and adequate housing as a national standard, as opposed to just at the whim of the individual farm or employer. And so do you feel that there is movement happening with regard to education on these campaigns? Or do you feel that it's still kind of in this tenuous place of going back and forth between the interests of the employer and standardizing some of these requirements nationally?

Susana: I feel like a campaign, like Status For All, they've been successful in kind of mainstreaming that message, I think, so I hear academics, members of the public thinking about this when it comes up. I don't know that the government has really caught up. I think the government's approach is often to say, 'Okay, well here is this one tiny segment of the population, and so long as you meet these very specific criteria, we will allow you entry'. And I think that that's, again going to serve the rhetorical aims of the government. But is it actually going to meet the needs of the population as a whole? I don't think so. I think there needs to be more broad mechanisms by which any person, and not all migrant farmworkers want permanent residence, but it's something different to be able to leverage and say, like a walk away from this farm, right? It's not that everyone wants to live in Canada, not everyone wants to live in Canada, but they want the rights that come with that, because they have invested so much of their time, and their bodies to provide for their families in Canada, I don't think we've seen enough progress, as we need to sed. As encouraging of announcements that can be made for specific groups are, I think that we need to be careful about how celebratory we are because we need to keep our eye on who's left out when these various small openings are made for very specific populations. And I will also say that I have had the opportunity, I've done a lot of community work and in the DC context, and I remember that we had a lawyer come to speak to a group of migrant farmworkers who were interested in pathways for permanent residents. And it was so interesting because it was intended to be in an informational session. But what it was was actually very demoralizing, but also politicizing session, because it became very clear to these individuals, the Canadian state, in a sense, didn't want them here, they wanted their labor. But they were going to make it hard as difficult as possible, the level of language English language that they would have to show, even for folks who are coming from English speaking countries, the kind of requirements that are needed, the amount of money in their bank account. So I think that whatever kind of rhetoric might be put out there in terms of kind of wanting to safeguard the health of migrant and the dignity of migrant farmworkers kind of

collides with these very, very strict and selective criteria of who is allowed entry and given the opportunity to regularize their status in Canada.

Sarah: And that the system is very much designed to promote this economic vulnerability overseas, and then ensure that experiences and standards are so intolerable while here that that labor is easily discarded when the season is done. And so the responsibility of then continuing to provide for those individuals is, is not present. And so we see this cycle continue and the vulnerability continue.

Susana: My colleagues and I did do a study specifically looking at migrant agricultural workers deaths in Ontario, we determined that housing was a significant factor, because of public health units, delegating health checks to employers who say, 'Oh, you know, I speak a little bit of Spanish,' that kind of paternalism, and that kind of normalizing of living, you know, in some cases, workers were staying in hotels, but we were still delegating to employers, what those living conditions would look like for workers. It was especially dangerous during the COVID-19 time, but also in other health emergencies that we've seen. And, and in our transcripts, we do have a lot of people talking about begging for their employer to take them to the hospital, begging for their colleague, who is unconscious, to please take them seriously. They're not just sleeping. They're not just faking it, right. So what I don't want to take away from this is like, 'Oh, look at this one to employers' or, or 'employers or evil or something' like that. It's this issue of people who oversee your labor, are not the right people to safeguard your health and to facilitate your access to services and make sure that you're safe as a human being. And I think that this plays out really dangerously in employer provided housing for farm workers.

Sarah: Dr. Susana, thank you so much for coming, talking with us, sharing your expertise and sharing your experience from your research and working within our communities both here and in other provinces across Canada. Thank you for joining us and talking with us. And I really appreciate you taking the time today.

Susana: Thank you so much. Take good care.