

## Understanding the Role of the State in Promoting Capitalist Accumulation: A Case Study of the Canadian Seasonal Agricultural Worker Program

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There is limited in-depth research focusing on how the state exerts its power and influence through immigration laws, policies and practices in structuring the relations of labour and capital in a manner that reflects capitalist interests. Therefore, the purpose of this paper is to explore the role of the state in fostering capitalist accumulation, using the Seasonal Agricultural Worker Program (SAWP) as a case study, and to consider the policy implications of this program. This paper addresses the following questions: What shapes and reproduces labour-capital relations with reference to SAWP? What are the repercussions of these relations, particularly on the international migrant workers? What should be the role of the state and law in transforming these relations? The paper draws on a constellation of insights from neoliberal globalization, segmentation of labour theory, and a conceptual overview of the role of the state in regulating labour-capital relations to illuminate the discussions. This paper helps broaden our current understanding of how the state facilitates capitalist accumulation in the agricultural sector in Canada through immigration policies and practices with reference to the SAWP. The paper therefore makes a contribution to the theoretical debates on the role of the state in the facilitation of capitalist accumulation in agriculture.

**Keywords: capitalist accumulation; international migration; immigration policies; Canada.**

Il y a peu de recherches approfondies axées sur l'exercice du pouvoir et sur l'influence des lois en matière d'immigration élaborées par l'État, ainsi que sur les politiques et les pratiques de structuration des relations entre les travailleurs et le capital, d'une manière qui reflète les intérêts capitalistes. Par conséquent, l'objectif de ce document est d'explorer le rôle de l'État qui vise à favoriser l'accumulation capitaliste, à l'aide du Programme des travailleurs agricoles saisonniers (PTAS) comme une étude de cas, et d'examiner les conséquences de ce programme. Ce document traite des questions suivantes : quels éléments du PTAS façonnent et reproduisent les relations entre les travailleurs et le capital? Quelles sont les répercussions de ces relations, en particulier sur les travailleurs migrants internationaux? Quel devrait être le rôle de l'État et du droit dans la transformation de ces relations? Afin d'éclairer les discussions, cet article s'appuie sur une constellation de connaissances concernant la mondialisation néolibérale, la théorie de la segmentation du travail, et une présentation conceptuelle du rôle de l'État dans la réglementation des relations entre les travailleurs et le capital. Ce document contribue à élargir notre compréhension actuelle de la manière dont l'État facilite l'accumulation capitaliste dans le secteur de l'agriculture au Canada par des politiques et des pratiques en matière d'immigration reliées au PTAS. Cet article propose donc une contribution aux débats théoriques sur le rôle de l'État dans la facilitation de l'accumulation des capitaux dans le secteur de l'agriculture.

**Mots clés: accumulation capitaliste; migration international; politiques d'immigration; Canada.**

## Introduction

Globally, international migrants are estimated to number 214 million (International Labour Organisation, 2009). Migration is mainly driven by poverty, human rights abuses, social conflict and other forms of adversity in the countries of origin (Ontario Federation of Labour, 2012; International Labor Organization, 2009). Western countries, such as Canada, are the most desired destinations for migrants (Rogaly, 2008; Canadian Council for Refugees, 2010). Research indicates that the industrialized West has seen a growing recruitment of migrant workers, in addition to illegal migration, in recent years (Rogaly, 2008; Trumper & Wong, 2010; Preibisch, 2011). The global North increasingly depends on “low-skilled” temporary foreign workers, mainly from the South, to meet labour-force shortages in different sectors of the economy. Canada, for instance, has increasingly relied on migrant workers in recent years to meet labour shortfalls in low-skilled occupations (Trumper & Wong, 2010; Preibisch, 2012; Vosko, 2013). Occupations designated as low skilled are filled by about 60 per cent of migrants. This includes farm workers and live-in caregivers (Preibisch & Hennebry, 2011). International migrant labour has particularly been the fulcrum for the capitalist accumulation in agriculture (Martin, 1988; Mitchell, 1996; Martin & Martin, 2001).

Despite their indispensable contributions to the economy, temporary migrant workers are confronted with a wide range of vulnerabilities, such as unsafe working conditions, marginalization, discrimination, low wages (due to their migrant status), and a limited access to legal and labour rights in the host countries (McLaughlin, 2009; Trumper & Wong, 2010; Preibisch & Hennebry, 2011; Hennebry, 2012; Preibisch, 2012; Vosko, 2013). These vulnerabilities stem from restrictions on their immigration status that do not grant them full access to a range of services and rights available to the citizens of the hosting countries. The Seasonal Agricultural Worker Program (SAWP) in Canada is a case in point (Canadian Council for Refugees, 2010; Aceytuno and Greenhill, 1999; Ontario Federation of Labour, 2012). This program may be viewed as an attempt to exploit the migrant workers, because they are subject to restrictions linked to their migration status (McLaughlin, 2009; Trumper & Wong, 2010; Hennebry, 2012; Ontario Federation of Labour, 2012; Preibisch, 2012; Vosko, 2013). Some of these restrictions include state control over their travel documents, restrictions on physical mobility, inability to change employer and the work contract, and a limited (or unlikely) path to permanent residency and to citizenship (McLaughlin, 2009; Edmunds, Berman, Basok, Ford-Gilboe, & Forchu, 2011; Ontario Federation of Labour, 2012; Preibisch, 2012; Hennebry, 2012). They are also faced with arbitrary repatriation and termination of their contracts with the slightest demand for improved working and living conditions on the farms where they work (McLaughlin, 2009; Canadian Council for Refugees, 2010; Edmunds et al., 2011; Ontario Federation of Labour, 2012; Hennebry, 2012).

However, there is limited research focusing on how the state exerts its power and influence—through immigration laws, policies and practices—in structuring the relations of labour and capital in a manner that reflects capitalist interests. Therefore, the purpose of this paper is to explore the role of the state in fostering capitalist accumulation, using the SAWP as a case study, and to consider its implications for immigration policy and respect for the legal rights of agricultural workers. This type of case study can in turn help broaden our current understanding of how the state facilitates capitalist accumulation in the agricultural sector in Canada through immigration policies and practices with reference to the SAWP. The following specific research questions are addressed: What shapes and reproduces these labour-capital

relations with reference to SAWP? What are the repercussions of these relations, particularly on the international migrant workers? What should be the role of the state and law in transforming these relations? To answer these questions, the paper critically analyzes the relevant existing body of literature and draws on a constellation of insights from neoliberal globalization, segmentation of labour theory, and conceptual overview of the role of the state in regulating labour-capital relations to illuminate the discussions.

### **The Impact of Neoliberal Globalization on Poverty and Migration**

The increasing rate of international migration, particularly the phenomenal pace of the emergence of temporary migrant workers, is best understood and situated in the context of global neoliberal transformations (Massey, 1998; Martin and Martin, 2001; Basok, 2002; Preibisch, 2007; Henneby, 2008; Edmunds et al., 2011). Globalization describes “the constellation of processes by which nations, businesses and people are becoming more connected and interdependent via increased economic integration and communication exchange, cultural diffusion (especially of Western culture) and travel” (Labonte & Torgerson, 2005, p.158). This process of globalization is taking place within a neoliberal political-economic environment (Keough, 2006; Sharma, 2006; Rodriguez, 2010). Neoliberalism emphasizes privatization of state enterprises, unfettered market competition, individual autonomy, and the indiscriminate commercialization of public goods—such as education and health care—combined with declining state support for the poor (Bourdieu, 2005; Shaviro, 2010).

Mass poverty and social inequality, heightened economic insecurity, and the increased level of individualism at the expense of social solidarity have become an integral part of this global economic restructuring (Massey, 1998; Basok, 2002; Bourdieu, 2005; Shaviro, 2010). Shaviro (2010, p. 8) argues that “expansive and predatory capitalism is the only system that has found a way to perpetuate itself by means of its own inequities and crises”; he maintains that nothing has ever been able to “constrain human freedom as comprehensively—or as invisibly—as the neo-liberal market has done”. Neoliberal political-economic ideology has become a tool for rationalizing abject poverty through the appearance of equal opportunity for all within the unfettered market competition system to sustain itself, without any strong resistance from the disadvantaged populations (Shaviro, 2010). This ideology fosters accumulation of wealth by the few through exploitation of many—individuals, countries and regions (Chow, 2003).

Neoliberal globalization, which is predominantly trumpeted and spearheaded by the global North, has resulted in the creation and heavy presence of transnational corporations and foreign products in terms of both production and consumption (or use) in the global South (Keough, 2006; Rodriguez, 2010). This usually tends to stifle local small-scale industries, particularly those in the agricultural sectors. Basok (2002) argues that “the displacement of Mexican rural producers” by mostly foreign-owned agribusinesses largely accounts for the rising numbers of Mexican migrant workers (p.93). Land grabbing by the large corporations also displaces rural small-scale producers. This leads to increased poverty—as the affected people are pushed out of gainful work—and the subsequent tendency for those involved to search for working opportunities elsewhere, as in the case of Mexican migrant workers involved in the SAWP (Basok, 2002).

World Bank and International Monetary Fund policies—such as the Structural Adjustment Program—based on neoliberal assumptions have worsened the conditions of poor

people, crippled economic growth, and, as a consequence, have sparked state-supported migration in the global South as a mechanism for generating revenue through remittances (Keough, 2006; Rodriguez, 2010). In this context, temporary migrant programs, like the SAWP, create a complex web of economic opportunities, and, at the same time, “real constraints in the form of restricted, dangerous and vulnerable work situations away from one’s family” (Edmunds et al., 2011, p.73). The employment of migrant workers is restricted to sectors where the domestic labour force is not willing to work due to the dangerous nature and harsh conditions of the work, as well as the dismal remuneration packages offered, as in the Canadian agricultural sector (Preibisch, 2007). Temporary migrant workers, who fill this labour gap, are confronted with glaring forms of discrimination ranging from differential pay structure to limited access to health and social services (Preibisch, 2007; Goldring, Berinstein & Bernard, 2009; Hennebry, 2012). However, they have become an indispensable work force for high-income countries because the constraining and restrictive nature of their temporary contractual work serves capitalist interests (Sharma, 2006; Walia, 2010).

In sum, global economic transformations have immensely contributed to the rising rate of poverty generally and in the global South in particular, where multinational corporations have displaced small-scale local businesses, and have effectively shattered their means of livelihood—leaving them no better option than to migrate in search of greener pastures (Basok, 2002; Massey, Arango, Hugo, Kouaouci, Pellegrino, & Taylor, 1993; Hennebry, 2012). Hence, Klein (2002, p. 165) contends that migrant workers constitute “the unseen side effect of free trade.” It is in this context that Hennebry (2008, p. 353-354) argues that the SAWP is “inherently transnational, recursively related to globalization—stimulated and perpetuated through globalization”. The dynamics of neoliberal global transformations shape the pattern of migration locally and internationally. The powerful states (the global North) play a crucial role in promoting capitalist accumulation through neoliberal reforms (Basok, 2002; Harvey, 2003). One way that they do so is through the segmentation of the labour market which allows for differential inclusion of migrant workers (Sharma, 2006) to further the interests of capitalism.

### **Segmented Labour Market Theory**

The segmented labour market means that the labour market is fragmented into several subunits, each with a different package of reward systems, resulting in wage differentials and disparities in working conditions (Doeringer & Piore, 1971). More specifically, the dual labour market theory classifies the labour market into two distinct categories—the primary and the secondary segments (Gordon, 1972). The primary labour market is tied to high skills, high wages, job security, and favourable working conditions, including opportunities for promotion. On the other hand, the secondary market is linked to low skills, low wages, and a high rate of job insecurity (Doeringer & Piore, 1971; Gordon, 1972). This dichotomy suggests the existence of high-wage (good) jobs that have opportunities for career development and low-wage (bad) jobs (Gottfries & McCormick, 1993, p. 2).

There are different versions of what accounts for this segmentation of the labour market. The neo-classical economy theory assumes that labour market segmentation is based on the differences in skills and the capabilities of the individuals (Arrow, 1971, as cited in Reich, Gordon, & Edwards, 1973, p.359). In contrast, the labour market theory suggests that the differences in skill and the competence of employees cannot solely account for the accompanying disparities in wages and working conditions (Gottfries & McCormick, 1993, p.1-2).

Discriminations based on the nature of the industry, race, sex and other socio-demographic characteristics also account for the segmentation (Gordon, 1971, 1972). Minority workers and females are mostly represented in the secondary labour market segment (Reich, Gordon, & Edwards, 1973). Moving from the designated low-skilled category to high-skilled category is extremely difficult, because the latter is a preserve of the privileged group (Gordon, 1971 and 1972; Edwards, 1972; Gottfries and McCormick, 1993).

In her version of split labour market theory, Bonacich (1981) argues that split labour market principally stems from disparities in the price of labour predicated on racial lines. She contends that within the labour market, there are three distinct groups—capital, high-priced and low-priced labour. The high-priced labour—which is more politically powerful in comparison with low-priced labour—seeks to maintain its high-price tag by limiting capital access to ‘cheap labour’ sources. This approach takes different forms, such as limiting the racialized and the cheapened source of labour to only low-paid jobs, or ensuring their total exclusion from the labour market. These strategies, however, conflict with the interest of capital, which is bent on exploring opportunities to access cheapened labour reserves in order to maximize profit. The SAWP is one such opportunity for capital to exploit cheap labour reserves through immigration policy and practice facilitated by the Canadian Government. The SAWP helps to keep the racialized cheapened source of labour to low-paid, but highly demanding agricultural work.

A radical explanation for the principal driving force behind the persistence and increasing divisions of the labour market is offered by Reich, Gordon and Edwards (1973). They argue that labour market segmentation is an intrinsic feature of the capitalist economic system to facilitate capitalist accumulation. According to them, the political-economic forces that give rise to the divisions in the labour market cannot be explained outside of the capitalist economic system. The division of the labour force into several categories ensures that “the actual experiences of workers were different and the basis of their common opposition to capitalists undermined” (Reich, Gordon, & Edwards, 1973, p.361). Reich, Gordon and Edwards (1973, p. 364) further argue that:

Labor market segmentation arose and is perpetuated because it is functional—that is, it facilitates the operation of capitalist institutions. Segmentation is functional primarily because it helps reproduce capitalist hegemony... As the historical analysis makes quite clear, segmentation divides workers and forestalls potential movements uniting all workers against employers.

By extension, the labour market divisions are not merely based on the competence and the capability of employees, but rather represent a conscious attempt to weaken workers’ united front against capitalism. This fragmentation also “legitimizes inequalities in authority and control between superiors and subordinates” (Reich, Gordon, & Edwards, 1973, p.364). This explanation reflects Marxian perspective on labour-capital relations.

The explanation offered by Reich, Gordon and Edwards (1973) and Bonacich (1981) within the context of the labour market segmentation framework sheds light on the phenomenon of the SAWP. This is because their explanation provides better insights into how the state employs the SAWP as a labour policy tool for promoting capitalist accumulation by means of unfriendly SAWP policies, such as inability of migrant workers to unionize relative to their Canadian counterparts. The SAWP can be conceptualized as a segment of the labour market. This segment created by the Canadian Government ensures continuous flow of cheap labour from abroad with several regulatory shackles, such as the inability of migrants to change employers, to

unionize, and also to get permanent resident status (Edmunds et al., 2011; Ontario Federation of Labour, 2012; Preibisch, 2012; Hennebry, 2012). This facilitates the exploitation of the migrant workers involved in a manner that helps agricultural employers to accumulate wealth through profit maximization.

### **Conceptual Overview of the Role of the State in Regulating Labour-Capital Relations**

According to Marx, the executive of the state is merely a “committee for managing the common affairs of the whole bourgeoisie” (Marx & Engels, 1967). The state is therefore a mechanism for managing divergent interests of the fragmented capitalist groups in the long-term interest of capitalism (Burawoy, 1985; Rutherford, 2004). The SAWP is one way that Canadian Government has restructured the labour market to serve capitalist interests in the agricultural sector (Basok, 2002; Sharma, 2006; Preibisch, 2007; Bauder, 2008). The role of state intervention in the labour market (Burawoy, 1985; Rutherford, 2004) in structuring and institutionalizing overall production and work processes, including political representation of labour (Selwyn, 2012) cannot be overemphasized. The state continues to dominate particularly in “procuring the reservoirs of labour and influencing labour market policy” (Preibisch, 2012, p. 64). It is exceptionally powerful in shaping the agricultural labour-capital relations (Preibisch, 2012). More important, Selwyn (2012) contends that the state is not a neutral referee of labour-capital relations, because it collaborates with employers to weaken workers’ bargaining power. In supporting this view, Sharma (2006, p. 50) argues that most states increasingly regulate national labour markets through immigration policy, targeting particularly the procurement of migrant workers who are restricted, easily regulated and cheaper. Thus, the immigration policy is a mechanism for “organizing and restructuring employment relationships by making weakened and cheapened forms of labour available” (Preibisch, 2012, p.65).

Additionally, nation states may also formulate restrictive borders and asylum policies in order to cheapen and weaken other groups, such as refugees (Giles, 2010) and undocumented migrants (Heyman, 2010). In this light, immigration restrictions do not only function to exclude people from the global South (Richmond, 1994), but also to include them differentially in the global North (Sharma, 2006). Therefore, Preibisch (2012) asserts that the widening gulf of income inequality and human insecurity between the global North and the South has transformed immigration policy as a site of labour market regulation. He argues further that there has been “a protracted history of state collaboration with employers to weaken farm labour through discriminatory legislation and the supply of labour reservoirs that is over a century old” (Preibisch, 2012, p. 65). Evidence also suggests that in the case of the United States, agricultural employers have successfully influenced immigration policies to meet their labour needs (Griffith, 2006). Critical analysis of the farm-labour history in Canada points to similar findings (Basok, 2002; Hennebry, 2012; Preibisch, 2012).

In light of the foregoing, Hunt (1976) was right in arguing that law is “constitutive” of all social relations; it both reflects and legitimizes the “embedded values of the dominant class(es)” (Hunt, 1976, p. 103). Law directly or indirectly projects the interests of the dominant class(es) or “the power bloc” (Hunt, p. 102). Nonetheless, he argues further that law is a relatively autonomous. By implication, law can serve as a source of transformation to prevent labour exploitation because it is not the case that law is used at all times to disadvantage the subordinate class in society. Such transformation, however, is not automatic; it has to be pressed for peacefully, particularly by the civil society.

## The Background of the Canadian Seasonal Agricultural Work Program

The history of Canada's employment of international labour migration is traceable to World War II (Satzewich, 1991). Internal migration from Newfoundland and Quebec was not enough to address the agricultural labour shortfalls in Ontario and British Columbia—as it is today (Hennebry, 2006). In 1966, the Canadian Government granted farmers' demand for foreign migrant workers, and this resulted in the birth of the SAWP, with the first batch of migrant workers from Jamaica in 1966; Trinidad and Tobago were brought on board the following year (Hennebry & Preibisch, 2010). Mexico was included in the SAWP in 1974, and the Organization of Caribbean states in 1976 under the same bilateral memoranda of understanding, which still governs the program presently (Basok, 2007; Hennebry and Preibisch, 2010). Under the SAWP, temporary work visas with a maximum duration of 8 months are issued to temporary international migrants, and the participants are expected to go back to their countries of origin following the end of their contractual work (Preibisch, 2010). This program does not make provisions for “family reunification” in Canada (Preibisch, 2010, p. 411). Currently, the SAWP involves annual movement of an estimated 27000 people from Mexico and the English-speaking Caribbean states to Canadian farms (Hennebry & Preibisch, 2010).

The SAWP is a federal program based on bilateral agreements between Canada and the sending-countries. These bilateral agreements are “formalized” through Memoranda of Understanding; the sending countries, the workers and the employers are parties to the employment contract (Preibisch, 2010, p.412). Agricultural employers in fruit, honey bees, greenhouse, vegetables, and processed food industries, qualify for the SAWP. Human Resource and Social Development Canada (HRSDC) assesses employers' requests for migrant workers, and issues a report on the labour market situation. Citizenship and Immigration Canada (CIC) takes care of the appropriate travel documentation for both employers and workers, which must be approved by the Canadian Border Services Agency (CBSA) (Basok, 2007; Hennebry, 2008). Sending countries recruit and serve as agents in Canada as a point of contact for workers and employers. Workers bear the Canadian visa costs, travelling costs within home countries to and from the airport, medical examination costs, and portions of airfare (FARMS, 2008).

### Who Benefits, and Who Loses? Exploring the Implications of the SAWP

Using employer-specific work permits technically constrains migrants' labour mobility to the assigned employers (Hennebry, 2012; Read, Zell, & Fernandez, 2013). Theoretically, migrant workers are allowed to request a transfer to another employer. In practice, however, it is a complex terrain for migrants to navigate, because there are no mechanisms in place to facilitate the process for them (Preibisch, 2010). The program allows transfer between employers on condition that the employers involved arrange and endorse that transfer (Hennebry & Preibisch, 2010). Migrants have no means of requesting any employer transfer. Workers are therefore tied to their employers, because the change of employers is almost unrealistic (Sharma, 2006). The program also allows the employers to segment migrant labour market based on ethnicity, race, citizenship, and gender, a practice which is prohibited in the case of the Canadian domestic labour market (Basok, 2003; Hennebry, 2006). Unsurprisingly, women make up only 3 per cent of all participants, a practice aimed at reducing “sexual tensions on the shop-floor” or to prevent “the development of sexual relationships among the migrants on farm property”—with the

claimed possibility of affecting the pace of farm work (Preibisch, 2010, p. 417). Surprisingly, this blatant discrimination in violation of the Canadian laws on discrimination is packaged in the SAWP as a choice for employers.

The repatriation provisions that authorize employers to dismiss migrant workers at will and to initiate their deportation has become a weapon of control in the hands of employers. The basis for repatriation includes workers' failure to follow the orders of their employers—even if that means refusal to work under unsafe conditions (Hennebry, 2012). There have been instances where workers have been deported as a result of farm injury, sickness, unsafe work, raising complaints, becoming pregnant, and challenging abuses (Preibisch, 2007; Preibisch & Encalada, 2010). Unfortunately, the terms of the SAWP make no provision for any independent body that workers can rely on to either investigate or challenge the ground for the termination of their contracts (Verma, 2003). In view of the fact that there have been cases of arbitrary and unfair repatriations in the past, migrant workers are overly submissive to employers to the detriment of their health and general welfare (Basok, 2007; Preibisch & Encalada, 2010; Edmunds et al., 2011). Accordingly, the threat of repatriation has become an effective instrument of control in the hands of the employers (Basok, 2002; Hennebry, 2012). On-farm housing arrangements have also served as the conduit for employers to impose further constraints on the mobility of the migrant workers off the farm. In most cases, they are not allowed to receive opposite sex visitors, although this practice is against their fundamental human rights (Preibisch, 2007; Preibisch & Encalada, 2010). Farey et al. (2008, p. 6) concur with these findings, arguing that “the SAWP is not protecting workers rights” as a result of a “jurisdictional void” created in the coordination of the program at the federal level. Preibisch (2010) also echoes this concern by arguing that despite the migrants' glaring vulnerability to exploitation and abuse, the Canadian Government has not instituted adequate safeguards to monitor the employers, and to sanction those who break the law.

The SAWP capitalizes on poor people in the global South, who are most unlikely to challenge low wages and to assert their labour rights—such as the right to organize to improve their bargaining power (Basok, 2007). Migrant workers receive lower wages compared to the earnings of their domestic counterparts. A survey that investigated wage differentials between migrant workers and domestic workers found that migrant workers were paid CAD\$0.96 per hour lower than that of domestic workers, with the difference doubling in some provinces (Statistics Canada, 2004). International migrants' low wages are further subject to a series of federal and program-related deductions (Hennebry, 2012). The only way for migrant workers to increase their earnings is to agree to work longer shifts—74 hours in a week, or up to 18 hours a day (Otero & Preibisch, 2008). Farmers are permitted to withhold up to 25 per cent of the workers' earnings, 19 percent of which they can recover following their return home. The remaining 6 percent is used to support the government agents in Canada (Otero & Preibisch, 2008). Migrant workers from the Caribbean region are also subject to a forced saving scheme. The wages of all migrants are subject to further deductions for federal social benefits—such as Employment Insurance, Canadian Pension Plan and income tax (Basok, 2007). However, migrant workers do not have equal access to the employment benefits in comparison with permanent residents. Although migrant workers pay into the employment insurance system, they do not qualify for unemployment coverage once they return to their home country. They only qualify for parental benefits—but they are not permitted under the SAWP to sponsor their families to visit them while in Canada (Hennebry, 2012). Technically, they cannot benefit from the employment insurance to which they contribute; the same is true for Canada Pension Plan (CPP).



The terms and conditions of the SAWP do not only substantially reduce migrant workers' earnings and benefits, and erode their freedoms by way of restrictive mobility, but also endanger their health. Concerns have been raised with respect to workplace health and safety (Hennebry, 2012). Evidence suggests that migrant workers have greater exposure to heat and sun, to airborne dust and animal diseases, and to dangerous pesticides and fertilizers compared to domestic workers (McLaughlin, 2009; Edmunds et al., 2011). They are also subject to long hours of work without adequate rest (Basok, 2002). Depression, anxiety and stress are prevalent among migrant workers. They are also afraid of reporting accidents and injuries for medical health attention due to fear of repatriation (McLaughlin, 2009; Edmunds et al., 2011). Housing arrangements on farm sites pose additional health risks—lack of access to clean drinking water, lack of safe food storage, proximity to pesticides and fertilizers, inadequate bathroom and toilet facilities, overcrowding, and limited cleaning amenities (Hennebry, 2007; McLaughlin, 2009; Edmunds et al., 2011). Further, migrant workers' access to health care and insurance is very limited. A survey of 600 Ontario migrant workers found that almost 20 per cent did not have a health card, and 45 per cent reported that their colleagues work despite being ill and injured for fear of telling their employers (Hennebry, Preibisch, & McLaughlin, 2010). The vulnerability of the migrant workers is therefore not in dispute.

The availability of migrant workers has been pivotal to the profitability of the agricultural industry in high-income countries, including Canada. The Canadian Government—through the SAWP—has “liberalized the international ‘reserve army of labour’ by allowing growers to access the global labour market” for cheapened farm workers (Preibisch, 2010, p.432). The benefit of the SAWP transcends the mere provision of a consistent supply of cheap labour, because the SWAP also “allows employers to reorganize the production process in specific ways” to their advantage (Preibisch, 2010, p.432). In shedding further light on the role of the temporary migrants in the world system, Wallerstein (2001) argues that although the underdeveloped countries play a crucial role in the productive processes through the supply of a labour force, they have little political power within the global political economy. The temporary migrant programs—like the SAWP—which seek to “keep foreign workers segregated in low-wage industries,” have been “unmitigated success stories” (Hahamovitch, 2003, as cited in Hennebry & Preibisch, 2010, p. 5) due to power imbalances, as noted by Wallerstein (2001). Denied the right to vote and to act collectively, migrants can neither challenge their unfair treatment nor advocate for their rights within the boundaries of Canada (Sharma, 2001). They solely rely on civil society, such as non-governmental organizations (NGOs) to advocate for them (Preibisch, 2007; Read, Zell, & Fernandez, 2013). Undoubtedly, the SAWP “leaves migrants open to exploitation, and abuse” because it “contains mechanisms that effectively disempower migrants relative to citizens and permanent residents” (Hennebry & Preibisch, 2010, p. 17). Migrant workers are powerless to fight for their welfare under the SAWP, as Hennbry (2008, p. 347) argues:

The organization of the SAWP institutionalizes power relations in such a way that migrant workers are controlled and restricted temporally and spatially from the moment they enter the evaluative process of the program, and this makes these migrants a ‘captive market’ for intermediaries and businesses targeting migrants. Government, SAWP management, FARMS, and employers are the most powerful actors in the program as they have the direct control of the spatial and temporal parameters of workers' lives.

This indicates that the structure and the operations of the SAWP fundamentally incapacitate migrant workers' ability to ensure their welfare. In contrast, the SAWP grants almost unrestrained powers to the employers, including the power to dismiss workers and to assess them to determine eligibility for their subsequent participation in the program (Basok, 2007; Preibisch, 2007).

The Canadian Government, which is required by international law to serve as a neutral referee in this employment contract, has already taken side with the employers—as evidenced by its unwillingness to put in place measures to protect migrants' labour rights (Sharma, 2006; Hennebry, 2008). In effect, the Canadian Government is shielding the agricultural employers to facilitate capitalist accumulation, as a result of its refusal to ratify international conventions that provide safeguards to the recognition, the promotion, and the observance of migrants' fundamental human rights, such as labour rights (Hennebry and Preibisch, 2010; Hennebry, 2012). Canada has not ratified two International Labour Organization Conventions—C197 Migration for Employment Convention (Revised) (1949), and C143 Migrant Workers (Supplementary Provisions) Conventions (1975)—sanctioned by the UN regarding the rights of migrant workers. Canada has also not ratified the 1990 United Nations (UN) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (as cited in Hennebry & Preibisch, 2010, p.20). This unfavourable stance of the Canadian Government towards the protection of the rights of migrant workers suggests its tacit determination to serve capitalist interests by ensuring adequate supply of cheap labour.

The engagement of agricultural migrant workers fundamentally “benefits the agricultural sectors of the core regions,” while the “benefits to migrants and their families are unclear” (Hennebry, 2008, p. 347). In this age of highly liberalized and competitive global food market, Preibisch (2010, p. 429) argues that the only pathway for agri-food industries in Canada to exert “some degree of control over the profit margins and continue to accumulate capital” is to have flexible labour arrangements, such as the SAWP. The access to cheapened and weakened migrant workers has played a crucial role in the capacity of Canada's horticultural industry to remain competitive in the global food market (Preibisch, 2010). Clearly, there is a direct relationship between the growth of Canada's horticultural industry and the increasing number of migrant workers in most commodity groups (Weston and Scarpa de Masellis, 2004). Flexible migrant labour arrangements, as offered by the SAWP, allow the agricultural employers to accumulate capital (Bauder, 2008; Hennebry, 2008; Preibisch, 2010).

## Conclusion

The SAWP demonstrates the role of the Canadian Government in the facilitation of capitalist accumulation through the segmentation of the labour market, and the accompanying differential reward systems within the Canadian labour force through immigration policies, laws and practices. Fundamentally, the SAWP undermines the legitimate welfare of the migrant workers, while promoting the interests of capital in terms of profit maximization. Positive change is largely feasible through increased and consistent imposition of pressure on the federal government and the provincial administration by the civil society, such as the NGOs, to ratify the requisite international laws and conventions for the protection of migrant workers' rights. Currently, Manitoba has taken the lead in promoting migrant workers' access to permanent residency through its Provincial Nominee Program (Read, Zell and Fernandez, 2013; St-Aubin and Bucklaschuk, 2014), although there is still a long way to go in terms of relaxing the eligibility

criterion, which is virtually employer-based and rigid, given that most migrants find it extremely difficult to meet the current eligibility benchmark.

In general, Western countries, such as Canada, are sometimes overly selective and probably discriminatory when it comes to ratification, implementation and enforcement of certain UN conventions and international laws. The Canadian Government's persistent refusal to ratify the necessary international conventions in the interest of the migrant workers clearly substantiates this observation. This suggests that the ratification and the enforcement of UN conventions and international laws largely lie at the mercy of the nation-states, resulting in arbitrary adoption of laws and conventions that best promote state interests. There is therefore the need for alternative ways to ensure a universal ratification and enforcement of international laws and conventions for the protection of the rights of the vulnerable migrant workers.

In addition, global neoliberal transformations disproportionately serve the interests of both the global North generally, and the global capitalist class specifically. Free trade agreements and the opening of national borders to multinational corporations have immensely contributed to the rising rate of poverty in the global South, mainly through the displacement of the masses and small-scale local businesses by way of land grabbing and foreign produce. This rising rate of poverty in the global South largely accounts for the influx of migrants from the global South to the global North in search of greener pastures (Basok, 2002; Rodriguez, 2010), which potentially subjects them to unfavourable and discriminating laws and policies of host countries, as exemplified by the SAWP. This suggests that the nation-states in the global South need to be strategic in the signing of free trade agreements, and in the opening of national borders to multinational corporations to help protect small-scale local businesses and to prevent land grabbing. For example, there is the need for institutionalization and strong enforcement of some protectionist mechanisms, such as trade restrictions in the form of quotas and high import taxes on foreign products that have local substitutes. However, Western states that predominantly spearhead neoliberal globalization seem to have more clout to serve their interests; for example, by linking conditions, such as trade liberalization, and privatization of state enterprises, to loans and grants, which some nation-states in the global South significantly depend on.

Finally, both the sending and the receiving states conceivably facilitate capitalist accumulation, although they do so in varying forms and intensity by their actions and inactions. On one hand, the Canadian Government, by reference to the SAWP, has structured the relations of labour and capital in a manner that reflects the interest of capital at the expense of the vulnerable migrant workers. These migrant workers have to sell their labour power as a necessity for survival under certain terms and conditions, as exemplified by the case of the SAWP, over which they have little control. On the other hand, the sending states in the global South contribute to the facilitation of global capitalist accumulation to some extent by the signing of apparently non-strategic international free trade arrangements, and the indiscriminate opening of national borders to multinational corporations, as well as foreign produce. This research paper therefore demonstrates the role of the state in the creation of the necessary conditions in promoting capitalism, and for that matter, capitalist accumulation in the agricultural sector.

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