

FACT-FINDING REPORT

FINDINGS AND RECOMMENDATIONS

FACT-FINDING TEAM

REPORT

Findings and Recommendations

INDEPENDENT FACT FINDING TEAM APPOINTED TO CONDUCT
INVESTIGATION INTO THE CONDITIONS OF FARM WORKERS UNDER THE
CANADIAN SEASONAL AGRICULTURAL WORKERS PROGRAMME

Independent Fact-Finding
team Appointed to Conduct
an investigation into the conditions
of Farm Workers under the Canadian
Seasonal Agricultural Workers Programme

PRESENTED BY:

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LIST OF ABBREVIATIONS

AWOL	Absent Without Official Leave
BLA	Bilateral Labour Agreement
BCAC	British Columbia Agriculture Council
CARICOM	Caribbean Community & Common Market
ESA	Employment Standard Act
ESDC	Employment and Social Development Canada
ILO	International Labour Organisation
IRCC	Immigration Refugee and Citizenship Canada
JSLC	Jamaica Survey of Living Condition
JLS	Jamaica Liaison Service
LMIA	Labour Market Impact Assessment
MWAC	Migrant Workers Alliance for Change
MOLSS	Ministry Of Labour and Social Security
MOU	Memorandum of Understanding
OHSA	Occupational Health and Safety Act
SAWP	Seasonal Agricultural Workers Programme
TFWP	Temporary Foreign Workers
UFCW	United Food and Commercial Workers Union

ACKNOWLEDGEMENTS

The Cabinet, in keeping with Decision No. 31/22 dated 19 September 2022, appointed a seven-member team to investigate and report on the working conditions affecting workers, including treatment of workers who were injured in the Canadian Seasonal Agricultural Workers Programme (SAWP). The appointment of the team came in the wake of reports in various print and electronic media, as well as a letter to the Minister of Labour and Social Security from one of the advocacy groups – Migrant Workers Alliance for Change – alleging, among other things that the SAWP is “systematic slavery.”

The team appointed comprised the following persons:

- Mrs. Helene Davis-Whyte (Chair) – President Jamaica Confederation of Trade Union
- Mr. Danny Roberts - Deputy Chairman, Industrial Disputes Tribunal
- Mr. Wayne Chen – President, Caribbean Employers’ Confederation
- Mr. Raymond Eytel – 2nd Vice President, Jamaica Employers Federation
- Mr. Wayne Jones – Deputy Financial Secretary, Strategic Human Resource Management, Ministry of Finance and Public Service
- Miss Sidia Madden – Internal Auditor, Ministry of Labour and Social Security
- Mr. Kandre Leveridge – Researcher/Community Development Specialist

The team received technical support from Mrs. Simone McKenzie-Mair, Director, Research and Analysis, Planning Research and Monitoring Unit, Ministry of Labour and Social Security.

The team was tasked with the responsibility of investigating the conditions under which Jamaican farm workers carry out their duties and to present a comprehensive report of the findings. The report should also include recommendations, covering the terms and conditions of employment, labour management relationship, living conditions, the efficacy of the Jamaican Liaison Service, and the benefits and challenges being experienced by farm workers on the programme. The report will also focus on the treatment of workers injured on the job and the impact it has on their continued employment. Visits to all provinces where Jamaican farm workers are employed were required, and the farms to be visited and investigated were to be selected using Random Sampling.

The specific tasks included the following:

- a. Conduct a random selection of at least 10% of Canadian farms covering all provinces in which Jamaican farm workers are employed;
- b. Develop a standard survey instrument to investigate and collect data on working conditions of Jamaican workers employed under the SAWP;
- c. Interview workers who have been injured to assess the level of care and responsiveness to their needs by the Jamaica Liaison Service in Canada, and the Ministry of Labour and Social Security (MLSS);
- d. Speak to employers and other interested groups to hear their concerns; and
- e. Provide a report outlining the team's findings with recommendations to improve the Jamaican Overseas Employment Programme in Canada.

I would specifically like to thank the Minister of Labour and Social Security, the Hon. Karl Samuda, for the opportunity to be a part of this important inquiry. The Permanent Secretary, Mrs Colette Roberts-Risden and her team who provided valuable support to our efforts. To the many stakeholders including the Canadian Government, the various advocacy groups, Associations of Farm Owners and individual owners/managers of farms, the Jamaican Liaison Service, and the local committee overseeing the programme, your contributions were significant in helping to enrich our work. To the hundreds of Jamaican Farmworkers who contributed one way or another, to the success of our efforts by willingly sharing their perspectives and offering useful information, we salute you. Despite busy schedules, each member of the team has made extraordinary efforts, way beyond the call of duty. Finally, I would like to thank Mrs Sainia Davis for her diligence and commitment in ensuring that this report lives up to expectation.

Our hope is for the findings to represent an objective view of the prevailing conditions and circumstances being experienced by Jamaican Farmworkers on SAWP and for the recommendations to be implemented with the degree of urgency that the situation demands.

Helene Davis-Whyte
Chair

EXECUTIVE SUMMARY

The conditions of the Jamaican farmworkers on the Seasonal Agricultural Workers Programme (SAWP) in Canada were the subject of local and international media attention emanating from reports alleging ‘systematic slavery conditions’. The Government of Jamaica appointed an independent taskforce to investigate the allegations and to take a comprehensive look at the overall labour conditions on the farms. The Team engaged representatives of the Jamaica Liaison Service, the committee charged with the responsibility to oversee the management of the programme, as well as representatives of the Canadian Regulatory Authorities, the Jamaican Farm Workers, Associations of Farm Owners and individual owners/managers of farms.

The findings revealed no ‘systematic slave-like conditions’ existing on any of the farms visited by the team. The overall assessment of the conditions of the Jamaican farm workers were described as ‘good’; however, the team discovered pockets of poor labour and industrial relations conditions, particularly in Provinces outside of Ontario.

From our own assessment, we were able to observe a deep sense of pride, and fulfilment among the vast majority of farm workers. A self-affirming presence that embraced the psychic fulfilment to their families and communities, rooted in the cultural sensibilities of a people who knows what it is to show respect to one another, to display tolerance and understanding in our daily discourse, and a work ethic that underlines the importance of productivity, efficiency and equity in workplace. This was the kind of observation, which underscored a much more impactful benefit of the programme, and why Jamaica labour is in such great demand.

The demographic data from the survey revealed the following:

- More than ninety percent (90%) of the respondents were male with the average age being 37 years old.
- Nearly half the respondents (47.0%) are in a common-law relationship, thirty percent (30%) are married and a little over one-fifth (21%) are single.
- Over half (52.9%) of the respondents revealed that they have secondary education; twenty-eight (28%) all-age education and 13.8% post-secondary/non-tertiary education.

While the overall findings reveal several issues and concerns that requires urgent attention, we are satisfied that there is no evidence to bear out the claim that the Canadian Seasonal Agricultural Workers Programme is akin to “systematic slavery”. In fact, on one of the farms identified as such, the workers during focus group and one-on-one meetings rejected out-of-hand the notion that such conditions existed on their farm.

Terms and Conditions of Employment

When asked about the number of hours worked per week, the responses varied. The majority of workers claimed to work 10 hours per day and 40 hours per week, with a significant minority working in excess of 40 hours. Approximately two-thirds of the respondents (66.9%) said that the work was what they expected; another 14.6% said it was easier than expected, and 12.2% said it was harder than they had expected. When asked if they willingly worked on their days off, 73.7% said “yes”, and cited the need to earn more money as the reason. Just over one-third (34.9%) said they voluntarily worked because they wanted to complete the job. About 2.5% of the workers felt as if they were forced to work and were concerned about losing their job.

The duration of the contracts of 70% of the respondents ranges between 5 months to eight months. Nearly one-third (29.7%) of respondents are on the eight (8) months programme; 19.3% between 6 and 7 months and 11.5% between 7 and 8 months. Approximately 85% said they were never transferred between farms during the period of their service, and of those transferred, 84.7% said it was as a result of the completion of work on a previous farm.

In terms of working during illness, approximately 93.6% said they do not work if ill. Among those who worked during illness 21.7% said they did so because of fear of losing their job, while 13% said they were forced.

In relation to **health care**, only 35.8% of respondents sought health care, and of that number 10.4% reported that they did not receive access to health care. A number of issues were identified as possible contributory factors to the problems in accessing health care, these included non-issuance of health cards, non-acceptance of health cards by doctors, and the exclusion of certain health coverage like tooth extraction from the coverage.

Nearly 60% of respondents said that they worked exclusively in the field, with 8.8% working in greenhouses, and 7.6% working in packinghouses. Other areas of work included barns, docks, cold storage and transporting deliveries.

Labour/Management Relationship

Over seventy percent (71.8%) of respondents believed that the treatment from their employer was either good or very good. When taking into consideration those who thought they were fairly treated, the ratings increased to 90.1%. When asked specifically if the farm owners treated them with respect, 87.1% said “yes”. Additional probe revealed that the reason for the favourable response to the question reasons such as, they have no problems with the employers, they are treated fairly, are able to received additional hours and earn more money, were given.

Meanwhile, those who complained about disrespectful treatment identified bad housing and working conditions, farmers/managers speaking disdainfully to workers, and insufficient working hours as their reasons.

Living Accommodation

The results show that living conditions vary across provinces and among farms. From the farms randomly selected in the Ontario province, for example, most of the workers rated their living conditions between good and very good. Overall, more than 70% of the respondents provided positive reviews of their housing and living accommodation, with 30.4% saying it was “excellent” and 40.0% describing it as “good”. When compared to previous years, 46.4% said that the conditions remained the same, while 24.4% said there were slight improvements.

Specifically, as it relates to **bedroom/sleeping facilities**, approximately seven out of every ten of the respondents said the conditions were between good and excellent, with 40.3% saying they experienced “good” conditions, while 28.7% said it was “excellent”.

Similarly, three out of every four of the farm workers interviewed said the **cooking facilities** were between good and excellent, with 30.6% saying “excellent” and 48% saying “good”. In terms of the **bathroom facilities** just over 69% gave positive ratings, with 24.4% saying it was “excellent” and 44.8% saying “good”.

When asked if the housing facilities were clean upon their arrival, nearly 95% of the workers interviewed responded affirmatively.

Liaison Service

Farm workers were asked about the level of service provided by liaison officers during the programme. Just over half, that is 55%, expressed satisfaction with the service. Interestingly, most of the female respondents (52.3%) were dissatisfied with the liaison service, with male dissatisfaction just about 45%. When the data was disaggregated by province it shows that 74.4% of the respondents are satisfied with the service in Ontario; 11.3% in British Columbia; 10.1% in Nova Scotia, and in New Brunswick and Quebec less than 5%. Generally, the main reasons for the satisfaction, were easy access to the Service, responsiveness and willingness of the Service to interact with the workers.

Benefits and Challenges

93.0% of respondents said that they participated in the Ministry of Labour's Orientation Programme before their departure from Jamaica and found it useful. The majority believed the information better prepared them for work, influenced their expectations, and gave them a sense of the "dos" and "don'ts" required for the job.

Four out of five workers said that they had been on the programme before, with 70% indicating they participated on the programme for four or more years; 30.6% have been participating the programme for a period of 4 – 6 years, and 30% for more than ten years. Eighty-one (81%) percent of respondents said that they received and reviewed their employment contracts before leaving Jamaica.

When asked to rate their overall experience on the programme, 87.7% said the experience ranged from "fair" to "excellent", with 67.2% saying it was either "good" or "excellent." Only 12.4% of the workers described their experience as "bad" or "very bad". When asked the reasons for their answer, those who had a favourable rating listed:

- earning money
- have no problem
- getting enough hours
- good treatment by employers
- good experience and safe environment

Those with an unfavourable view listed the following:

- insufficient hours
- short contracts
- bad treatment from farmers
- bad housing
- poor working conditions

An analysis of the overall ratings according to province revealed that a larger portion of workers (38.7%) from British Columbia viewed their experiences as bad or very bad. In the case of Nova Scotia, negative ratings were 19.6%, while only 6.6% of the respondents rated their experiences negatively in Ontario. The analysis did not include New Brunswick, Newfoundland and Labrador, and Quebec, which would require more data points to rely on an accurate result.

From the number of injured workers identified, approximately fifty percent (50%) participated in the interviews. Of these workers, about 27% indicated that their injuries occurred in 2019; and 87% reported that they were back on the programme in 2022. Two out of every three of the injured workers were located in the Ontario Province, and about 66% of the injuries either resulted from the use of industrial tools and equipment or the work environment. Two-thirds of the injuries occurred in the field.

While 57% of the workers said they received assistance from the Liaison Service within two weeks of their injury, nearly one out of every four (25%) claimed that they received no assistance nor visited by a liaison officer. Forty-three (43%) percent of the respondents considered the treatment from the liaison service to their injuries as “fair”, and another 32% also said the treatment by farmers/managers were “fair”.

A number of recommendations were made to strengthen the programme and to improve the working conditions of work of the farm workers, specifically, but not limited to:

- Higher rate of pay and longer hours
- Improved customer service from the Ministry of Labour and Social Security
- Improvement in the Liaison Service to be more responsive, accessible and interactive.

1. SEASONAL AGRICULTURAL WORKERS PROGRAMME (SAWP)

1.1 Background

The Seasonal Agricultural Workers Programme started in 1966 with the recruitment of 264 Jamaican workers who were employed in Georgian Bay, Ontario. This came shortly after an agreement between the Governments of Jamaica and Canada to supply agricultural workers to the Canadian agricultural sector, and was a response to a critical shortage of labour in the Canadian agricultural Sector at that time. Initially, fourteen (14) workers were contracted, and they worked mainly in Ontario on fruit and tobacco farms. Based on the quality of work by the Jamaicans, as well as their reliability, other employers became interested in utilizing this avenue to source well-needed labour, and so the Canadian and Jamaican Governments made the decision to expand the programme in 1967 with the addition of two other Caribbean Countries, Trinidad and Tobago and Barbados. The areas of engagement for workers from the Caribbean were expanded to include vegetable farms, nurseries and factories. In 1976, the programme was further expanded by Canada to include the Organisation of Eastern Caribbean States (OECS) and Mexico, as well as other Provinces such as Nova Scotia, New Brunswick, Quebec, Vancouver and Manitoba.

1.2. Jamaica / Canada Agreement

A Memorandum of Understanding (MOU), which is the framework that guides the operation of the programme, governs the Labour Mobility arrangement between Jamaica and Canada and which was re-signed 1995.

The MOU enshrines the following principles:

1. That the operation of the Programme will be administered according to guidelines, which will be subject to review on an annual basis by both parties and amended as necessary to reflect changes as required for the successful administration of the Programme and adherence to the principles contained in the Memorandum.
2. That workers are to be employed at a premium cost to the employers and are to receive adequate accommodation, and fair and equitable treatment while in Canada under the auspices of the Programme;

3. That workers are to be employed in the Canadian agricultural sector only during those periods determined by Canada to be periods when workers resident in Canada are not available; and
4. That each worker and employer will sign an employment contract. This contract is to be reviewed by both parties, and amended, if necessary, after consultation with other stakeholders, to reflect changes required for the smooth operation of the Programme.

Annual Review Meetings are held to deliberate and consider policy and operational changes to the programme and to the contract of employment. The meetings are attended by the respective Caribbean Governments that participate in the SAWP, officials representing the Government of Canada, from Employment and Social Development Canada (ESDC), Immigration Refugee and Citizenship Canada (IRCC), and representatives from the employers' associations.

In Jamaica, a Management Committee, approved by the Cabinet, comprising representatives from the Ministry of Labour and Social Security, the Ministry of Finance and the Public Sector, the Solicitor General and the major trade unions, administers the SAWP.

1.3. Administrative and Regulatory Framework

The Economic and Social Development Canada (ESDC) and Immigration Refugee and Citizenship Canada (IRCC), jointly administer the Seasonal Agricultural Workers Programme (SAWP) with the intention of allowing Canadian farmers to hire workers from Mexico and the Caribbean on temporary visas during the planting and harvesting seasons when employers are unable to hire local workers to fill their labour demands. Employers can hire Temporary Foreign Workers (TFWs) under the SAWP for a maximum of eight (8) months between January 1st and December 15th provided they are able to offer workers a minimum of 240 hours of work within a period of six weeks or less.

To qualify employers must meet the following:

- The farm workers hired under the SAWP must be citizens of CARICOM countries and Mexico. The Caribbean countries participating in the programme include:
 - Anguilla
 - Antigua and Barbuda
 - Barbados
 - Dominica

- Grenada
- Jamaica
- Montserrat
- St. Kitts and Nevis
- St. Lucia
- St. Vincent and the Grenadines
- Trinidad and Tobago
- Production must be in specific commodities
- The activity must be related to on-farm primary agriculture

Employment and Social Development Canada is the Canadian Government Authority with the responsibility of regulating the operation of the SAWP. ESDC issues the Labour Market Impact Assessment (LMIA), which is a document that an employer in Canada needs to get before hiring a foreign worker. A positive LMIA would show that there is need for the foreign worker to fill the job and that no Canadian worker is available to perform that job.

The employers' request to hire foreign workers is reviewed and assessed to determine whether:

- Wages and conditions of employment are in line with those offered to Canadians working in the same occupations;
- Employers made reasonable effort to hire or train Canadians for the job being offered; and
- The hiring of the foreign worker will have an impact on a labour dispute or the employment of any Canadian involved in such a dispute.

The following potential benefit to hiring the foreign workers is also considered:

- Foreign workers are filling labour shortages
- Employment of foreign workers will directly create new job opportunities or help retain jobs for Canadians
- The foreign worker will transfer new skills and knowledge to Canadians

When a positive LMIA is issued, the foreign worker can apply for a temporary work permit from the High Commission.

1.4. Conditions and Requirements

It is important to note what the conditions and requirements are that fall within the framework of the Programme. For example, the Labour Market Impact Assessment (LMIA) fee does not apply to the SAWP. Employers are expected to arrange and pay for the **round trip transportation** of SAWP workers to the workplace in Canada and back to the workers' country of residence. Employers are allowed to recover some of these costs through payroll deductions in all provinces except British Columbia. The amount to be deducted is specified within the contract of employment. Employers must also provide, where required, no-cost transportation to and from the housing location to the work site.

Employers must provide the workers with suitable **housing** and must ensure that the occupancy does not exceed the maximum permitted, and that sufficient facilities are in place for all workers; this can be provided at the farm or another location off-site. They must also provide proof that the housing has been inspected by the appropriate provincial/territorial/municipal body; with the necessary inspections must be conducted by the appropriate provincial, territorial or municipal authority or a private inspector with the requisite certifications.

Since January 2018, the new requirements were implemented to ensure that:

- Housing provided to the foreign worker has been inspected, and
- All requirements on the housing inspection have been addressed

Employers in British Columbia must utilize the British Columbia Agriculture Council (BCAC) form, and must ensure that a BCAC sanctioned inspector, so authorized, conducts the inspection. Failure to satisfy the requirements for the housing inspection report without justification will result in the LMIA application receiving an *incomplete status*. Employers are responsible for the costs involved in the undertaking of inspections and are not allowed to recover such costs from the worker.

In the area of **safety and health**, employers must ensure that all workers are registered for provincial/territorial health insurance as soon as they become eligible. They are required to ensure that the worker is covered by the provincial /territorial workplace safety insurance provider where required by law. Employers using pesticides and/or other hazardous chemicals must follow

provincial/territorial rules. They must notify workers of pesticide and chemical use and provide workers with:

- Free protective gear and equipment
- Appropriate formal and informal training
- Supervision where required by law

The SAWP has a standard **employment contract** that should not be altered. The contract requires the signature of the Liaison Officer and the Worker. In situations where the names of the workers are not identified prior to their arrival in Canada, employers must ensure that a copy of the employment contract is provided to them for signature on the first day of employment.

The purpose of the contract is to specify each party's rights and obligations and to ensure that the parties understand and agree to the working conditions and their respective responsibilities. In the event that differences arise between the employer and the worker, the contract will guide the resolution of disputes. In cases of demonstrated breaches of the employment contract, and where no resolution has been made, the worker, liaison officer, or the employer may seek the intervention of the Ministry of Labour in the province/territory where the work is being performed.

The employment contract provides for the transfer of workers under the SAWP. A worker may be transferred from one employer to another provided that:

- The worker gives his/her consent
- Prior written approval is received from the foreign government representative (Liaison Service) in Canada
- Prior written approval from ESDC/Service Canada is in place.

The **Jamaican Liaison Service** was established shortly after the flow of workers to Canada began. The governments of Canada and Jamaica thought it would be in the best interest of the workers and employers to deploy agents of the Jamaican Government in Canada. The main purpose was to secure the general welfare of the workers and to ensure the smooth functioning of the programme for the mutual benefit of employers and workers. The services provided by the JLS include:

- Consulting with Canadian Federal and Provincial Government Agencies on issues concerning the regulation of the programme;

- Negotiating the terms and conditions of the annual contract with the Canadian Government officials and Employer groups regarding the employment of Jamaica workers;
- Providing consultative and advisory services to prospective and current employers on the operation/administration of the programme;
- Ensuring that current/prospective employers fully understand and adhere to the terms and conditions of the work agreement;
- Addressing employers' associations and advocacy groups on the operation and benefits of the programme;
- Maintaining dialogue with various associations and groups such as workplace safety associations and trade unions regarding safety measures and wage rates payable to workers;
- Attending to disputes/cases between employers and workers, between workers themselves with a view to having them resolved in the most reasonable/amicable manner possible;
- Representing the Government of Jamaica at all fora in Canada in relation to the programme;
- Meeting with workers at the airport and providing them with information which is relevant to their settling in and generally guiding them on how to access certain essential services in Canada;
- Visiting with workers and employers to ensure the welfare of workers and satisfaction of employers;
- Providing emergency/welfare assistance to workers;
- Assisting workers with the opening of bank accounts;
- Ensuring that workers receive adequate medical attention and follow-up care during periods of illnesses or hospitalisation as well as during recovery;
- Providing legal assistance to workers when they are in violation of the law;
- Filing tax returns on behalf of workers; and
- Monitor working conditions for the workers and working along with employers as well as local/municipal health authorities in maintaining good working conditions.

The Liaison Service must establish and maintain standards of integrity while in pursuit of the worker's rights and the employers' satisfaction with labour productivity. The employment contract between the worker and the employers, provides protection for the workers and the

Liaison Service supports general enforcement. Liaison Officers make ongoing routine visits to farms in order to maintain good relations between employers and workers. However, specific investigations are conducted when information is received involving grievances/violations/non-compliance /injuries.

2. ILO STANDARDS ON MIGRANT WORK

Over the last two decades, the global community has placed increasing emphasis on safeguarding the rights and dignity of migrant workers, and promoting labour migration as an essential component for achieving economic growth and enhancing development. The UN's 2030 Agenda for Sustainable Development makes the case for an effective migration policy to incorporate decent work and assist in achieving a more equitable development, with the focus being on the needs of the workers.

The ILO, over the years, has adopted two Conventions addressing conditions regarding migrant workers. The first was Convention No. 97 on Migration for Employment Convention (Revised), 1949, and the second, Convention No. 143 cited as the Migrant Workers (Supplementary Provisions) Convention, 1975. The ILO noted that, *“ratifying and effectively implementing ILO Conventions Nos 97 and 143 on Migrant Workers, and its accompanying Recommendations Nos 86 and 151, is a key pillar in realizing the 2030 Agenda for Sustainable Development’s labour migration-related goals and targets, the Global Compact on Safe, Orderly and Regular migration, as well as the implementation of ILO’s Decent Work and Fair Migration Agendas”.* [1]

We highlight some of the provisions of the Conventions which are germane to the terms of reference of the Fact Finding team, and for which particular attention would be paid in carrying out our observation and analysis. These include:

- a. The provision of adequate and appropriate health care and good hygienic conditions
- b. Accommodation
- c. National laws appropriate to social security benefits
- d. The Applicability of national laws that is no less favourable to migrant workers vis-à-vis nationals

The Canadian farm work programme, as was mentioned earlier, is governed by the existence of a Bilateral Labour Agreement (BLA) between Canada and Jamaica, a provision recommended by Convention No. 97. The existing BLA reflects broad conformity with the archetypal bilateral agreement set out in ILO Recommendation No. 86. Jamaica has ratified Convention No. 97, but not No. 143. Canada has yet to ratify both Conventions. [2]

[1] See https://www.ilo.org/wcmsp5/groups/public/--africa/documents/publication/wcms_717848.pdf

[2] See https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11210:0::NO::P11210_COUNTRY_ID:102582

3. METHODOLOGY

In keeping with the Terms of Reference, a survey was designed to collect data on the conditions of work, including Labour Relations and Accommodation, as well as the Jamaican Liaison Service. Additionally, interviews were conducted with stakeholders, advocacy groups and other interested parties along with visits to randomly selected farms. Several focus group sessions were held with workers coupled with on-site inspections of the accommodations on the farms visited.

The methodological approach adopted by the team was both quantitative and qualitative. From the random sample of farms selected across provinces, questionnaires were administered, focus group meetings conducted with farm workers, meetings held with various government agencies and officials in Canada, Liaison Service, advocacy groups, associations of farm owners and Ministry of Labour (Ontario) officials. The team collected and analysed the data and carried out thematic analysis. We are confident that the approach adopted gives legitimacy to our work and provides us with scientifically sound findings.

The team visited 65 farms across six (6) provinces, namely: Ontario, Nova Scotia, Newfoundland, British Columbia, Quebec and New Brunswick and interviewed 473 workers. The themes identified in the survey fell under five (5) broad headings:

- The living conditions of the farm workers to include: sleeping arrangements, bathroom and toilet facilities, kitchen facilities and laundry;
- The effectiveness and reliability of the liaison service and whether the farm workers are satisfied with the level of service they are receiving;
- The relationship between the farm owners/managers and the farm workers, and specifically whether or not the workers believe they are treated with respect;
- The terms and conditions of their employment, including hours of work, wages, health and safety provisions, and availability of rest time; and
- The benefits of the programme to the farm workers and their families and their thoughts as to the challenges encountered on the programme from recruitment to their return to Jamaica.

3.1 The Survey

A survey of Jamaican workers employed under the SAWP in Canada was used to gather information on the condition of the workers. The survey investigated the experiences of workers concerning:

- Working conditions
- Access to Health services
- Housing accommodation
- Access to Welfare services

3.2. Research Design

The sample size for the survey was determined by using a confidence level of 95%, and margin of error of $\pm 5\%$ to derive a sample size that adequately represents the population. A sample size of 369 workers was first calculated by applying the 95% confidence level and margin of error of $\pm 5\%$ to a population of 9,249 Canadian Farm workers who travelled on the Programme in 2022. Nine thousand, two hundred & forty-nine (9,249) workers were disaggregated by parish and the proportion of the total for each parish applied to the sample of 369 to arrive at the sample for each parish (**See Appendix 1**).

The sample was selected from a sample frame of workers who travelled on the SAWP in 2022. The list was extracted from administrative data collected and compiled by the Ministry. Using Microsoft Excel, the sample for each parish was randomly selected from the list of workers based on the sample size established for each parish in Table 1. A replacement sample list was also generated for each parish.

3.3. Data Collection

A semi-structured instrument was designed to gather both qualitative and quantitative information (**See Appendix I**). The quantitative section of the instrument was used to determine the extent to which Jamaican workers who participate on the SAWP had experienced favourable or unfavourable conditions while the qualitative questions sought further clarity on responses to closed-ended questions. The instrument utilized rated questions to gather information on the extent to which workers experiences were favourable or unfavourable.

A mixed approach was used to collect the data. Members of the Jamaican Fact-Finding Team conducted the interviews face-to-face with the SAWP workers on farms in Canada. Additionally, the MLSS Social Workers held telephone interviews with the workers. These social workers were trained on use of the instrument and on interview techniques.

3.4. Data Analysis

The data was entered in an electronic format of the questionnaire in Microsoft Form. Analysis of the data was carried out in Microsoft Excel. Further, bivariate analysis was undertaken to compare results based on demographic characteristics of workers such as age and sex as well as the farm locations in Canada. The findings were represented in graphical and tabular formats.

3.5. Limitations

The limitations of the study would fall victim of the usual constraints associated with survey research. There are allowable margins of error, which we have applied since it is impossible to eliminate errors associated with research. Secondly, there is the possibility of non-sampling errors caused by respondents, whether intentionally or unintentionally providing incorrect answers. In relation to the interviews done in Jamaica, there were challenges with the completion of interviews for workers in some parishes, in particularly, parishes such as Clarendon and Kingston and St, Andrew. Consequently, additional workers were targeted from the replacement sample in parishes where workers were easier to access such as St. Mary, Portland, St. Thomas and Hanover.

4. FINDINGS

Commentaries from Stakeholders

4.1 Advocacy Groups

The Advocacy groups maintained that farmworkers were being systematically abused, especially in situations where there was a lack of adherence to contracts signed between owners and workers. They allege that in many instances, workers are required to sign different contracts when they get on the farms and that these “new” contracts place the workers in a far more disadvantageous position, with them being paid on a piece-rate basis instead of hourly as the original contract stipulated. They further allege that overcrowding was an issue with the living accommodations on most farms, with workers experiencing very little privacy, and that the number of bathrooms are inadequate for the number of workers employed. They also allege that there is a general lack of stoves, heaters/air conditioning units and washers.

The Migrant Workers Alliance for Change (MWAC)

The Migrant Workers Alliance for Change (MWAC) team advised that they generally work to address issues for non-permanent workers in Canada, domestic workers, refugees and generally persons in precarious low wage work. They further shared that in 2022, they spoke with approximately 1400 Jamaican workers on issues relating to verbal abuse, threats, unsafe working conditions and possible transfers. They indicated that 14% of the workers wanted to access the open work permit while 63% called to request assistance to obtain permanent residence status and 21% complained that they were being regarded as troublemakers.

MWAC believes that the workers who live in employer controlled housing are subject to intimidation as the current work permit regime ties the worker to a particular employer and so they are unable to seek other income support. They also made the point that there are no laws that govern employees (Canadian and foreign) in agriculture in Canada and so employers routinely engage in exploitative activities.

According to MWAC, the employment contract is non-enforceable and some employers create a new contract different from the one signed by the worker before their departure from their home country. They allege that the liaison service is ineffective and that more than two-thirds of the

workers reached out to the JLS have not received support. Consequently, the workers with whom they interact do not feel that the Liaison Service is adequately representing them.

The United Food and Commercial Workers Union (UFCW)

The United Commercial Workers Union represents workers in the United States and Canada and has 1.3 million members spread across hospitality and food processing. The union represents migrant workers, among which are Jamaicans engaged in the SAWP. They have been engaging with large groups of Jamaican workers in the Niagara Region since 2002. They have about 60,000 case files detailing issues concerning abuses, open work permits and human trafficking among other issues. They also process workers compensation claims and assist workers to receive their pensions and parental benefits along with providing “know your rights training”. During the pandemic, they also lobbied the Federal Government for sick benefits on behalf of workers, along with having consultations to discuss the situation of vulnerable workers.

It is the opinion of the group that the SAWP gives disproportionate power to employers. Workers are required to be productive at the expense of their physical and mental well-being. Many workers are exposed to threats; and if unable to work fast enough, they are sent home and illegal deductions are made from some of their pay cheques. Sometimes they receive no personal protective equipment from employers. It is on record that in many instances during the pandemic many workers did not receive any information related to the virus. Some workers contracted the virus due to overcrowded housing conditions.

The union advised that in Ontario and Alberta, agricultural workers (whether Canadian or foreign) are excluded from the Labour Relations Act. This means that issues such as limitations on working time do not apply to farm workers.

The UFCW claims that they have interacted with the liaison service in the past but they realize that the capacity of the liaison service is limited. The union claims that it collaborates with the provincial and federal governments of Canada and the Mexican Government and would like to have the opportunity to also collaborate with the Jamaican Government.

The UFCW believes that the SAWP needs to be recreated/restructured to shift power away from, employers and for more regard to be paid to workers’ welfare and well-being. The union indicated

that this is the right thing to do, that all workers irrespective of their status, or where they are from, should be supported. It is a position of principle.

4.2. Canadian Government

Role and Functions of ESDC in SAWP

Employment and Social Development Canada (ESDC) is a Canadian Government Federal Programme operated under the umbrella of the larger Temporary Foreign Worker Programme (TFWP) and is administered jointly by the ESDC in partnership with Immigration Refugee and Citizenship Canada (IRCC). The objective is to allow for the employment of foreign workers from Mexico and the Caribbean to perform agricultural work on temporary visas, when Canadian employers are unable to find Canadian workers to meet their labour demands.

One of the main functions of the ESDC is to support the application process of the Seasonal Agricultural Workers Programme (SAWP) by receiving and reviewing applications from employers for foreign workers. ESDC manages the application process for both agricultural and non-agricultural workers.

Employers are obligated to provide housing and these come in several styles. One that is quite popular is - bunkhouses. Employers need to have housing inspected on a regular basis to ensure that the applicable provincial standards are satisfied. The housing inspection report is submitted to ESDC with the Labour Market Impact Assessment (LMIA) application.

It was noted that that while the TFWP is a federal programme the provinces are responsible for regulated housing standards and that private inspectors are also engaged by the employers to conduct housing inspections. Currently, there is no established set of requirements/standards across all provinces for TFWP housing. It was noted that in Ontario, employers are required to have inspections of the housing facilities conducted by Health and Safety Authorities and Fire Marshals.

In July 2022, a Round Table. Consultation on Employer Provided Accommodation was undertaken and based on the report, the need for health and safety criteria was identified. During the consultation, the ESDC heard from a variety of stakeholders. Migrant workers advocates, other migrant support groups, employer organisations, labour supply country officials, the liaison services and other stakeholders attended the event.

Based on the discussion, it was agreed that there is room for engagement and partnership between the Federal Government and all stakeholders regarding the standardisation of employer provided housing. The provincial authorities have jurisdiction in terms of housing, but the Federal authorities are actively working with the provinces in order to establish widely accepted regulatory requirements across provinces.

The ESDC representatives noted that new regulations were recently enacted, focusing on worker protection and employer compliance with all standards. The intention is to strengthen worker protection and promote integrity in the employment process. If the worker is assessed to be at risk the LMIA application process will be suspended.

Initiatives such as the provision of a 'Tip Line', and access to open work permits was implemented, providing more protection for workers. The tip line allows information and complaints of mistreatment to be made anonymously. Information on how to access the tip line is available in pamphlets. Live agents answer in several languages, and then transfer the information to the appropriate teams and an investigation launched. During the last 6-12 months, an average of 4,000 tips and allegations have been received. Open work permits can be issued for vulnerable workers who are at risk of being abused. Some foreign workers have used this mechanism in recent years to move away from abusive employers and to engage with other employers.

Ontario Ministries of Labour and Agriculture

The Ontario Ministry of Labour indicated that there are several regulations governing Health and Safety in the province. These regulations are also applicable to Temporary Foreign Workers and that workers frequently call in, to query their rights and to complain anonymously. The safety requirements are applicable equally to everyone irrespective of immigration status. It was stated that while the Ministry of Labour personnel cannot enter private residencies, personnel from Service Canada (ESDC) and the Ministry of Health may visit and inspect the living quarters of workers prior to the arrival of the workers.

Occupational Health and Safety

A collaborative Occupational Health and Safety System is in place. The workers are supposed to be an active part of the system. The regulations in place do not apply to workplaces under the jurisdiction of the Federal Government as the Canadian Labour Code covers them. Most TFWPs work within places that are covered by the Occupational Health and Safety Act (OHSA).

There is a system of proactive inspections and reactive investigations in place. The visits are unannounced. Over the last two (2) years, a large number of farms have been visited in respect of health and safety compliance. When the Ministry personnel are in the field, they do pose questions to workers. A contact centre where workers can obtain relevant information is operated. Information is also provided on websites and is shared with workers upon their arrival in Canada.

Employment Standard Act (ESA)

Under the ESA, there are provisions on basic rights, which apply to TFWPs coming into Ontario, with some special exemptions for some areas of farming. There is an Employment Standards contact centre where employment standards claims can be filed.

It was stated that the Liaison Officers call about specific workplaces and that Liaison Officers sometimes accompany Ministry personnel to conduct inspections and investigations, which are based on complaints. On these visits, the Liaison Officers usually view the living quarters while the Ministry personnel conduct the health and safety inspections.

In the employment contract, the requirements are set out. Employers have to meet specific minimum conditions. Service Canada conducts inspections of the workers' living quarters prior to their arrival. In cases where information is received that there is a lack of compliance on the part of an employer, action is taken.

Many complaints are received from the advocacy groups on behalf of farm workers and the OSH and Enforcement Prevention Division of the Ministry usually deal with these. There is a working relationship with the groups where the Ministry periodically updates them about the programmes run by the Ministry.

There is very close alignment and other jurisdictions have sought to utilize this model which is quite comprehensive and robust.

Ministry of Agriculture

It was pointed out that both the Ministry of Labour and Ministry of Agriculture work closely together. The Ministry of Agriculture collaborates with other Ministries to coordinate activities and to identify barriers to communicating with the workers. They are also working to assist the workers in better understanding the inspection process.

The representative also indicated that the Ministry seeks to respond on a timely basis to the needs identified and in this context recently opened a Welcome Centre and Vaccination Clinic at the Pearson International Airport.

4.3. Liaison Service

The Fact Finding Team met with the Chief Liaison Officer and several other Liaison Officers of the JLS, where it was noted that the duties of the Liaison Officer include working along with employers to ensure that suitable housing is provided for workers, and generally to ensure that the terms of the contract signed with the workers are being implemented. Another important aspect of their duties is to manage worker welfare issues from the point of arrival in Canada to their departure, when the season ends.

In order to accomplish this, workers are provided guidance as to the benefits available to them, what their wages are, and in the event of a need to make a report or seek clarification on any issue; workers are provided the contact information for Liaison Officers. The Officers usually carry out routine visits to farms at least twice for each season, and it was noted that the service only had oversight for workers engaged under the SAWP for 6 weeks to 8 months. The JLS does not have oversight responsibility for workers travelling on other programmes such as the Low Skill Programme.

It was also noted that the Officers generally visit farms unannounced in an effort to get a first-hand impression of the living and working conditions. A team from the JLS travels to Jamaica on a yearly basis to conduct interviews to select the most suitable persons for participation in the programme. A pre-selection programme exists whereby elected representatives (Member of Parliaments, Mayors & Councillors) are asked to select qualified persons to be given a chance to participate in the programme.

On the issue of how injured workers are treated, the Team was advised that the Government in each Province authorize payroll deductible insurance to cover job related injuries. Jamaicans are not treated any different from a Canadian worker in this regard. The JLS also provides coverage for non-job related injuries and general health insurance coverage through Cowan Insurance Company.

The JLS operates closely with the Canadian Government officials at both Federal and Provincial levels to ensure that action is taken against offending employers. Workers are able to report employers directly to the Canadian Government, which has provided a tip line, which allows

complaints to be made anonymously. The government authorities conduct investigations and share the findings with representatives of the respective country on the SAWP, including the JLS.

The team was also advised that Canadian authorities have put in place the possibility of open work permits for workers where it is found that they are being systematically mistreated. The JLS team indicated further that the Liaison Service sometimes take action to remove workers from a particular farm or to remove the farm from the list of farms participating in the SAWP. However, this often results in tension among workers, some of whom may not be in agreement with the complaint made and who may feel that they are being denied a chance to earn. Farms may also be shut down by Canadian Authorities.

Regarding injured workers, it was noted that generally workers are covered under various mandatory workplace safety schemes in individual provinces. In the case of a workplace injury, reports are made by the worker, the employer and the attending doctor, after which a determination is made as to whether or not the claim will be allowed. Benefits included payment for loss of wages. In some instances, injured workers are repatriated and in such cases an assessment will be made as to whether or not the worker will need follow up medical care. The majority of concerns raised by workers in the 2022 season related to health concerns and the need for wellness checks. In previous years, however a number of workers have sought to apply for open work permits citing the conditions under which they work.

4.4. Ministry Of Labour (MOL) Jamaica Oversight Committee

The role of the Canadian Programme Management Committee, chaired by the Permanent Secretary in the Ministry of Labour and Social Security, oversees the SAWP to ensure that appropriate working conditions are in place for the workers and to ensure their general welfare, as well as prudent management of funds deducted from their earnings.

The Committee does not get involved with the day-to-day operations of the programme, but provide higher-level policy direction. The Committee also reviews and approves the operational and strategic plans of the Jamaican Liaison Service to ensure that they are consistent with the objectives/targets of the Government of Jamaica. They also receive and review reports from the Liaison service including expenditure report, field activities of Liaison Officers, health/medical issues affecting workers, and AWOL status of workers. Report on workers in breach of the programme rules, worker transfers and new employers and report from workers regarding breaches of their contract are also included in the report from the Liaison Service.

Members of the Committee traditionally accompany the Minister of Labour on an annual visit to farms in the various regions where Jamaican workers are employed. During these visits, there are meetings with employers and workers and inspections are made of the living quarters.

A major concern for members of the Committee was the apparent “disregard” by persons recommending participants for the programme, which often results in problems being experienced by both the employers and the workers when they get to Canada. The Committee members recommended that priority be given to graduates/students from agricultural colleges when selecting workers for the programme. The Committee also recommended that a more robust orientation programme be implemented for new workers to ensure that there is little possibility of culture shock being experienced by the workers when they arrive in Canada. The Committee also recommended that the Jamaican Liaison Service be re-organized, as since its establishment in 1966 there has been no review of its structure. In this regard, a staffing structure has been prepared and submitted to the Ministry of Finance and the Public Service and efforts are underway to have the JLS established as part of Jamaica’s Foreign Mission in Canada.

On the matter of the allegations/complaints being made by various Advocacy Groups regarding mistreatment and poor working conditions of workers on the SAWP, committee members indicated that when these reports come to them directly, the JLS conducts investigations. Where the complaints are validated, recommendations may be made to remove the offending farm from among the list of approved farms in the programme.

4.5. Employers’/Farmers’ Perspectives

The observations from Farmers/Managers are best represented by Province to reflect the diverse comments about the Jamaican farm workers. The homogeneity of views expressed by the owners in the Ontario Province, for example, are not similarly shared across the Provinces, where such views are as disparate as they are contentious.

The employers in the **Ontario Province** spoke to a high percentage of returning workers. Several of the employers noted that 85 to 90% of Jamaican workers were returning to them some of them being engaged for ten or more years. It was clear that the employers interviewed, placed great value on the programme and on the Jamaican workforce. They spoke to the belief that Jamaicans are usually hard-workers and they usually share a good relationship with them. One farmer said he changed about half of his workforce from Mexicans to Jamaicans based upon anecdotal

comments from other farmers. He said he heard good news about Jamaican farm workers and from as far back as 2002, decided to split the workforce to include Jamaicans.

Many of the farmers are second or third generation, their fore parents, having arrived in Canada as immigrant workers, and acknowledged that their families worked alongside the Jamaicans on the farms. Their general characterization of the Jamaican workers includes being hard-working, responsible, working well with minimum supervision, diligent and honest. Employers underscored the success of working with a Jamaican workforce; one owner commented, “*without Jamaican farm workers our business wouldn't exist*”; another said that “*we would not be able to do what we do without Jamaican workers, and if we were to lose this programme we would be in big trouble*”. Others expressed similar sentiments.

They noted valued skills obtained by the workers through the knowledge of specific crops developed over time, for example, pruning young apple trees, operating and maintaining vehicles, equipment and machinery; and skills in the area of construction. Several employers acknowledged issues with individual workers, mainly the new recruits who they say display poor attitude, and a seeming lack of knowledge regarding the type of work they were contracted to perform during their time in Canada.

The farmers unanimously expressed confidence in the Liaison Service, noting its responsiveness to their needs and concerns; and were generally satisfied with the quality of recruits. However, one of two employers mentioned a lack of satisfaction with the liaison service, and one in particular said he had to set up an ‘in-house liaison service’ among the Jamaican workers, consisting of one worker per bunk house to address issues such as housing, logistics, health matters and general work-related issues.

Foremost among the concerns of the farmers were the increasing amount of regulations, bureaucracy, and attendant cost of compliance imposed by the Canadian federal and provincial authorities, especially when compared to farms across the United States’ border. They were equally concerned about the high cost to retool their farms and the potential risk of losing on their investments. It is the general thought that the increasing use of new technology was changing the nature of farming, and workers in the future would have to be trainable or in possession of appropriate skills, to ensure they stayed relevant to the emerging requirements. The owner of one of the technologically advanced greenhouse farms, engaged in the growing shipping and packing of

hydroponic cucumbers, reported that he is currently building a three-storey accommodation comprising 80 units to be fitted with smoke detectors, television, air conditioning and heater system for his expansion.

The owner of Tregunna Fruit Farms said he was shocked and dismayed over the allegations made by *Migrant Workers Alliance for Change* that the Farm Work Programme was “*systematic slavery*,” and that it was very discouraging to him “*my [his] name dragged through the press*.” He also said the workers were very shocked and were worried that the programme would fall apart.

He mentioned that the Programme has been beneficial to both the employees and his farms, and commented that, “*the Jamaican workers are good hardworking men*.” One man has been working with the farm for 37 years.

Some employers indicated that they have concerns about the number of workers who were ‘absent without official leave’ (AWOL). They said that was more so common among the newer workers, and that the number of workers who have gone AWOL in the last three to five years range between 1 to 5 each season. Fear was expressed that the persistent level of AWOL could jeopardise the programme; however, this has not influenced the general opinion about the value and worth of the Jamaican farm workers.

In the Province of **British Columbia**, the general comments underlined the confidence in Jamaican farm workers, and demonstrated their competence, temperament and suitability for the programme. Pockets of complaints, however, emerged about some Jamaican workers ‘*not working hard enough*’, as well as cases where the older workers who would have experienced working on several farms, would begin to make comparisons. There were also complaints about “Jamaicans abusing the system”, and the examples provided, included workers putting only one piece of clothing and shoes in the washing machine; turning on the heater with the windows remaining open; and throwing out dishes instead of washing them. There was also the case of several missing blankets, a problem, according to one farmer, not experienced among the Mexican workers.

One farmer who operates a family fruit farm said that the present batch of workers, “are the worst set of workers...” He asserted that, “the workers are not as good as they use to be...” and that he had to send home “two...because they were smoking marijuana all day.” He surmised that something is wrong with the recruitment programme as the wrong persons are being selected.

Evidence of problems with the cherry season was raised during discussions with the farmers. The season lasts for six weeks and some would make the most of the programme while others would complain about the short period and end up moonlighting on other farms. In many cases, other farmers would use them to work at nights.

While some farmers had no problem with the Liaison Service, a few complained about the difficulties in communicating with them. Where the prospect for expansion of a farm exist, many owners expressed preference for Jamaican workers. They, however, emphasised the need for ‘an older generation’, greater attention be paid to what is said about the farm work programme, manage expectations during orientation, and more scrutiny on the background of the persons being recruited.

Although the AWOL is not widespread in the province, and many of the farms have had no such experience, it nevertheless remains a matter of concern for some of the farmers.

4.6. Observations from Team Visit

The farms visited ranged in size, from very small, accommodating only two (2) workers, to large farms accommodating in excess of 300 workers. The larger farms adopts a bunkhouse style, with large sleeping areas accommodating workers in bunk beds, with very little space for personal effects. Workers seemed to want some amount of privacy, and therefore, there were various attempts at securing privacy using sheets to hang around bunks; however, we were advised that these represented hazards, which could not be tolerated. On one farm, experiments were underway to determine the preferred method – bed, tents or pods. On the smaller farms, workers are accommodated one to two persons per room; some are up to four persons in a room. There was however, one farm where there was extreme overcrowding with 8 persons in a relatively small room.

On larger farms, bathroom facilities comprised banks of showers, face basins and toilets. The toilets were generally in good working order and offered privacy to users. However, in some cases, the showers did not offer complete privacy and some workers were uncomfortable with this. There were also instances where the number of toilets and showers appeared inadequate for the number of workers and some workers complained of having to rise extremely early in the morning in order to avoid the rush when everyone is trying to use the facilities at the same time. However, when

questioned, owners/managers advised that their operations were in keeping with the established standards.

Availability of washers and dryers seemed also to be a problem on some farms, as the number of units was inconsistent with the number of workers who had to use them. In most cases, the facilities were kept clean and in good order. However, there were complaints from some workers about the lack of tidiness of their fellow workers. Some owners/managers indicated that they had to institute cleaning rosters in order to deal with the complaints.

Kitchens were generally well equipped with adequate stoves, refrigerators and appliances.

4.7. Farm Workers' Survey

A total of 480 farm workers participated in the interviews, which gave rise to a response rate of 86.3 %. *Table 1*, shows that the sample size for some parishes exceeded the number of respondents in these parishes. This was due to the use of replacement interviews in those parishes to compensate for the difficulty in interviewing workers from some larger parishes.

Table 1 Sample and Actual Responses by Parish

Parish	Actual Sample size	%	Number of Respondents	%	Response Rate
Clarendon	59	15.9	40	8.3	67.8
Hanover	40	1.8	38	7.9	95.0
Kingston and St. Andrew	40	8.7	53	11.0	132.5
Manchester	40	10.1	28	5.8	70.0
Portland	40	5.0	38	7.9	95.0
St. Ann	40	7.7	45	9.4	112.5
St. Catherine	57	15.5	43	9.0	75.4
St. Elizabeth	40	11.0	32	6.7	80.0
St. James	40	3.9	32	6.7	80.0
St. Mary	40	6.0	44	9.2	110.0
St. Thomas	40	6.2	48	10.0	120.0
Trelawny	40	5.0	21	4.4	52.5
Westmoreland	40	3.4	18	3.8	45.0
Total	556	100	480	100.0	86.3

The range within which the results of the interviews conducted with farm workers can accurately compare to the population (margin of error) was investigated to determine the reliability of the results. This was done using the distribution of known variables distribution of variables for the population such as the age and sex of workers and the location of the farms.

Using the margin of error of $\pm 4.03\%$, the range for the results distributed by sex was slightly below the margin of error for men (-4.4%) and above for women ($+4.4\%$).

Figure 1 Population and Respondents by Sex

Population	5.0% (464)	95.0% (8,785)	
Results	9.4% (45)	90.6% (433) n=478	
Difference	+4.4%	-4.4%	

The age distribution of the respondents compares well with the age distribution of the population and was within the margin of error of $\pm 4.03\%$ (See Table 2).

Table 2 Population and Results by Age

Age	Population		Respondents n=460		Population and Sample Difference (%)
	Frequency	%	Frequency	%	
18-24 yrs.	269	2.9	11	2.4	0.5
25-34 yrs.	2981	32.2	148	32.2	0.1
35-44 yrs.	3170	34.3	166	36.1	-1.8
45-54 yrs.	2049	22.2	103	22.4	-0.2
55-64 yrs.	740	8.0	31	6.7	1.3
65 yrs. and over	41	0.4	1	0.2	0.2
	9249	100.0	460	100.0	

When the distribution between the population of workers and responses of workers were examined according to the provinces where the farm workers were located, the results show that the differences were within the margin of error of $\pm 4.03\%$ (See Table 3).

Table 3 Population and Results by Province

Provinces	Population		Respondents n=473		Population and Sample Difference (%)
	Frequency	%	Frequency	%	
British Columbia	1,439	15.6	62	13.1	2.5
New Brunswick	171	1.8	16	3.4	-1.5
Newfoundland and Labrador	26	0.3	1	0.2	0.1
Nova Scotia	999	10.8	56	11.8	-1.0
Ontario	6,508	70.4	335	70.8	-0.5
Quebec	80	0.9	3	0.6	0.2
Other Provinces	26	0.3	0	0.0	0.3
Total	9,249	100.0	473	100.0	

4.7.1. Demographic Characteristics of SAWP Workers

Sex and Age of Respondents

As seen in **Figure 1** above, 90.6 % of the respondents were men. The larger proportion of male workers is indicative of a greater demand for male workers by the SAWP.

The average age for the respondents was 37 years. More than one-third of the respondents (34.3%) belonged to the age cohort 35-44 years while nearly one-third (32.2%) fell between the 25-34 years band (See **Table 3** above).

Marital Status of Respondents

The results on marital status show that most respondents (77.2 % or 368) were in a relationship. Those who were in common-law relationships comprised the largest proportion (47.0%) of the respondents, followed by those who were married (30%). A little over one-fifth (21%) of the respondents revealed that they were single (See **Figure 2**).

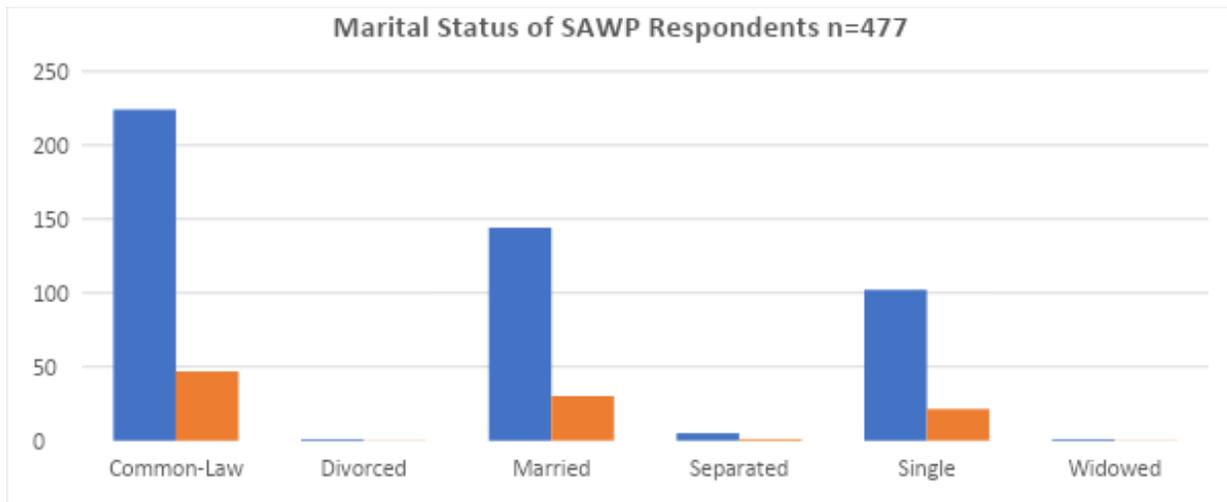


Figure 2 Marital Status

Employment Status

The average family size for the respondents was 4.0 persons while the average number of children within the household was 1.4. According to the Jamaica Survey of Living Condition (JSLC) the average family size for Jamaican population was 2.7 in 2019.

Over half, 253 (52.9 %) of the respondents revealed that secondary education was the highest level of education they had achieved. Another 134 (28.0 %) mentioned All-Age education while 66 (13.8 %) indicated Post-Secondary/Non-tertiary education (See Figure 3).

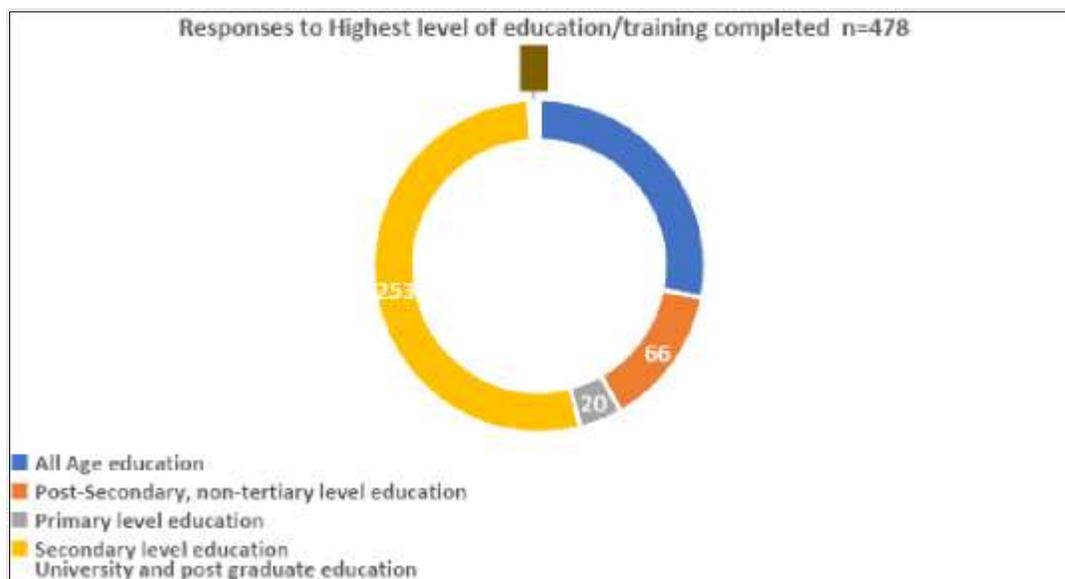


Figure 3 Responses to Highest level of Education/Training Completed

4.7.2. Terms and Conditions of Employment

- **Was your employment contract given and explained to you before you left Jamaica?**

On the matter of issuing and explaining contract before leaving Jamaica, of the 462 workers who responded to this question, 374 or 81.0 % of the respondents indicated receipt of their contract before leaving Jamaica.

- **Is this your first year on the Programme?**

From the 478 responses, 80.3 % or 384 of the respondents shared that they have been on the programme before.

- **How many years have you been on the Programme?**

Of the 432 respondents who offered responses to this question, over 70 % indicated that they have participated on the programme for 4 or more years (See **Figure 4**). The years of participation for 30.8 % of the respondents ranged from 4-6 years. Of note is that another 30.1% of the respondents indicated years of participation of ten or more years.

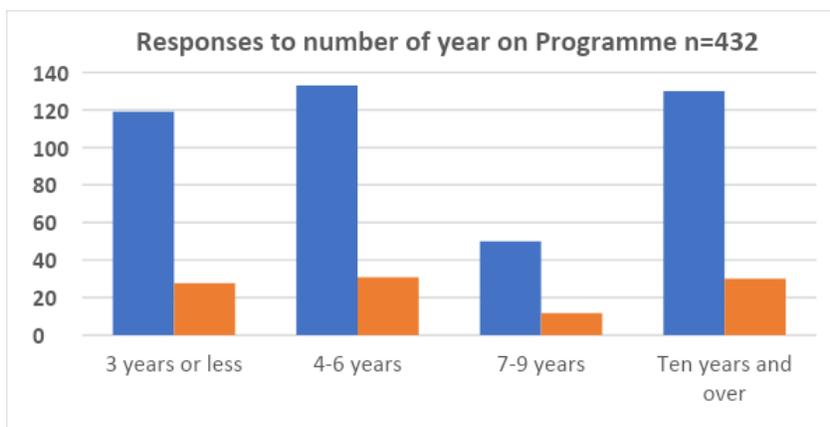


Figure 4 Number of Years on Programme

- **How many months do/did you expect/or usually expect to work on the farms**

The most popular response to the length of time workers were expecting to work during the season was 8 months (29.2 %). This is then followed by a duration of 6 months to less than 7 months (18.8 %). Interestingly, although 968 or 10.5 % of workers initially signed contracts for 6 weeks, only a small percentage (1.7%) of the respondents indicated that they were expected to work for 6 weeks (**Table 4**).

Table 4 Expected Duration of Contract

Duration	Number of Respondents n=471	%
Less than 6 wks.	8	1.7
6 wks.-less than 2 months	8	1.7
2 months-less than 3 months	30	6.4
3 months-less than 4 months	38	8.1
4 months-less than 5 months	41	8.7
5 months-less than 6 months	52	11.0
6 months-less than 7 months	91	19.3
7 months-less than 8 months	54	11.5
8 months	140	29.7
Over 8 months	9	1.9
Total	471	100.0

- **Were you transferred to another farm during this season?**

Most of the respondents (84.7 % or 399) revealed that they were not transferred during the period examined. Among the 72 persons who were transferred, 62 (84.7 %) mentioned that the primary reasons for the transfer was due to the completion of work on a previous farm.

- **What are/were the main crops that you work/ed with during this season?**

Tree crops were the main crops that the respondents worked with during the season. Of 467 respondents who answered this question, 47.1 % mentioned that they worked with crops that are grown on trees (**See Figure 5**). Other main crops identified included vegetables (29.8%), tender fruit (17.1%) and pumpkin etcetera (3.6%). Tobacco, flowers and ginseng were also mentioned.

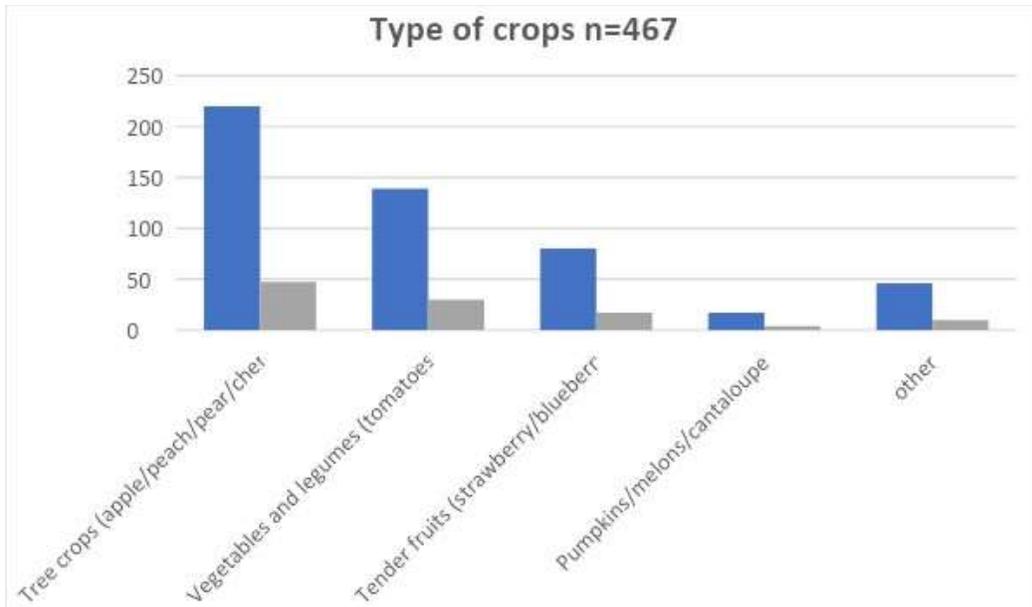


Figure 5 Type of Crops

- **Where on the farm do / did you work during the season?**

Nearly sixty per cent (58.3 % or 277) of 475 respondents mentioned that they worked exclusively in the field (**See Figure 6**). Another 8.8 % (42) worked only in greenhouses while 7.6 % (36) worked only in packinghouses. Other locations of work, included barn, dock, cold storage and on the road to transport persons and make deliveries.



Figure 6 Work Location on Farm

- **How would you rate your overall experience on the Programme during this season?**

Approximately two-third (67.2 %) of the respondents indicated that their overall experience was either good or excellent. Of note is that 87.7 % of the respondents' overall experiences ranged from fair to excellent. Meanwhile approximately one in eight workers, 12.4% shared that their experience was either very bad or bad (See Figure 7).

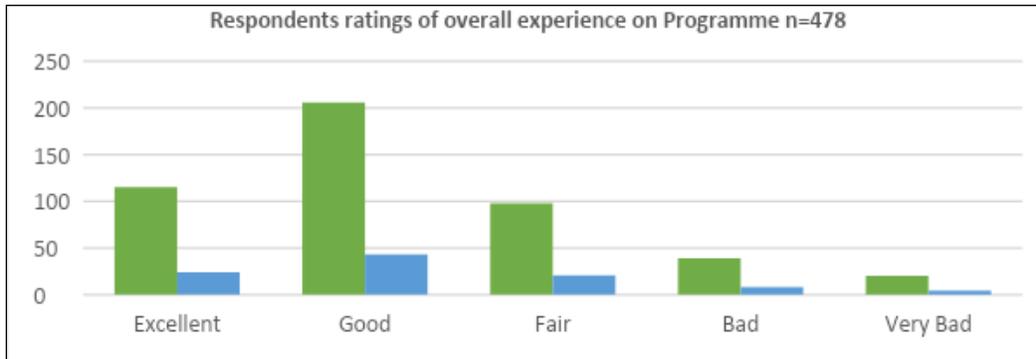


Figure 7 Respondents ratings of Overall Experience on Programme

- **Explain the reasons for your response. * How would you rate your overall experience on the Programme during this season?**

Earning money, having no problems, getting enough hours, good treatment of employer, good experience and safe environment were among the reasons given for the overall ratings of good or excellent experience.

Meanwhile, insufficient hours, short contract, bad treatment from farmers, bad housing and working conditions were some of the issues given for the ratings of bad and very bad experience on the farm.

When the overall ratings were examined by sex, as seen in Table 5, a larger proportion of men rated their experience as positive excellent/good (69.2 %) compared to women (46.7 %).

Table 5 Overall rating of experience by Sex

Ratings	Women		Men	
	Respondents	%	Respondents	%
Excellent/good	21	46.7	294	69.2
Fair	11	24.4	86	20.2
Bad/Very bad	13	28.9	45	10.6
Total	45	100	425	100

An analysis of the overall ratings according to location of work revealed that when compared to other provinces, a larger proportion of workers (38.7%) from British Columbia viewed their experience as bad or very bad. In the case of Nova Scotia, these negative ratings were mentioned by 19.6 % of the respondents while only 6.6 % of the respondents in Ontario rated their experience as negative (See Table 6).

This analysis does not include New Brunswick, Newfoundland and Labrador and Quebec, which required more data points to rely on the results.

Table 6 Overall ratings by provinces

Province	Excellent			Good			Fair			Bad			Very Bad			Total
	#	% of all provinces	% within provinces	#	% of all provinces	% within provinces	#	% of all provinces	% within provinces	#	% of all provinces	% within provinces	#	% of all provinces	% within provinces	
British Columbia	7	6.3	11.3	19	9.3	30.6	12	12.5	19.4	18	46.2	29.0	6	30.0	9.7	42
New Brunswick	3	2.7	20.0	7	3.4	46.7	3	3.1	20.0	2	5.1	13.3	0	0.0	0.0	15
Newfoundland and Labrador	0	0.0	0.0	0	0.0	0.0	1	1.0	100.0	0	0.0	0.0	0	0.0	0.0	1
Nova Scotia	12	10.7	21.4	18	8.8	32.1	15	15.6	26.8	6	15.4	10.7	5	25.0	8.9	56
Ontario	90	80.4	26.9	157	77.0	47.0	65	67.7	19.5	13	33.3	3.9	9	45.0	2.7	334
Quebec	0	0.0	0.0	3	1.5	100.0	0	0.0	0.0	0	0.0	0.0	0	0.0	0.0	3
Total	112			204			96			39			20			471

- **Did you participate in a Pre-flight talk/Orientation Programme at East Street before leaving Jamaica?**

When asked whether workers participated in the Ministry's Orientation Programme before leaving Jamaica, 93.2 % of 467 respondents responded in the affirmative. A similar amount (93.1 %) of those who participated in the Ministry's Orientation Programme agreed that it was useful.

In terms of usefulness of the information, some respondents shared that the information helped with preparing them for the work, what to expect when in Canada, the rules on the job, dos and don'ts and help them to understand their rights.

4.7.3. Labour/Management Relationship

Over seventy per cent (71.8%) or 341 of 472 respondents rated treatment received from their employer as either good or very good (See Figure 8). When taking into consideration those who thought they were fairly treated, the ratings increased to 90.1 %

Further probe revealed that 87.1 % or 411 of 472 respondents believed that they were treated with respect by the farmers.

Additional probe into the reasons for the positive ratings were that some workers said they experienced no problem with their employer as well as they were treated with respect, treated fairly, able to earn money and received more hours.

Meanwhile, insufficient hours, disrespect from farmers, bad housing and working conditions were some of the explanations provided for the negative ratings.

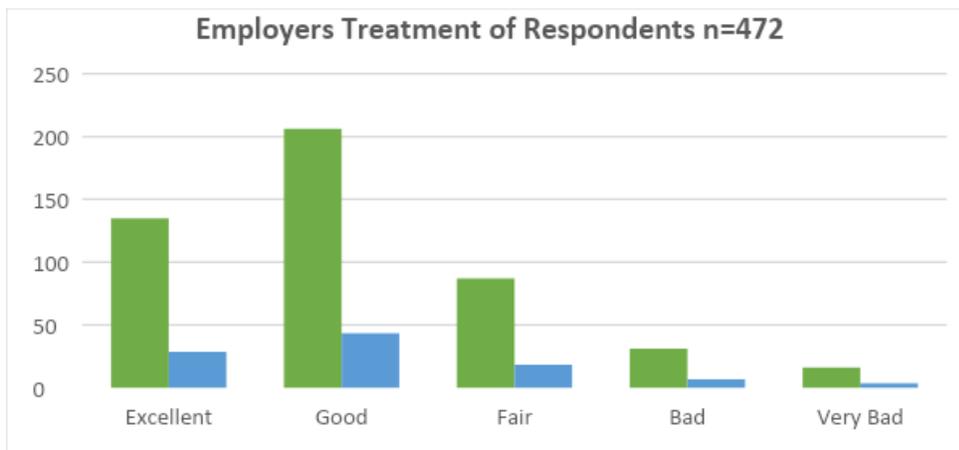


Figure 8 Employers Treatment of Respondents

- **Have you experienced any problems on the Programme this year?**

Approximately eight (1) of ten (10) workers, 78.1% or 371 of the 475 respondents shared that they experienced no problem while working on the farm. As mentioned above insufficient hours, bad treatment from farmer, bad housing and working conditions were some of the problems shared.

- **On average how many hours do/did you work each week?**

When the above question was asked, the responses varied as workers mentioned that they were sometimes asked to work beyond the 40 hours per week to complete work. Popular responses were 40 hours per week, 10 hours per day. However, a few persons mentioned 30-40 hours.

- **How manageable is/was the work you do/did on the farm?**

Approximately two-thirds (66.9 %) of the workers believed that their work was what they had expected. Another 14.6% indicated that their work was easier than expected. However, nearly 1 in 8 worker (12.2 %) considered their work to be harder than expected (See Figure 9)

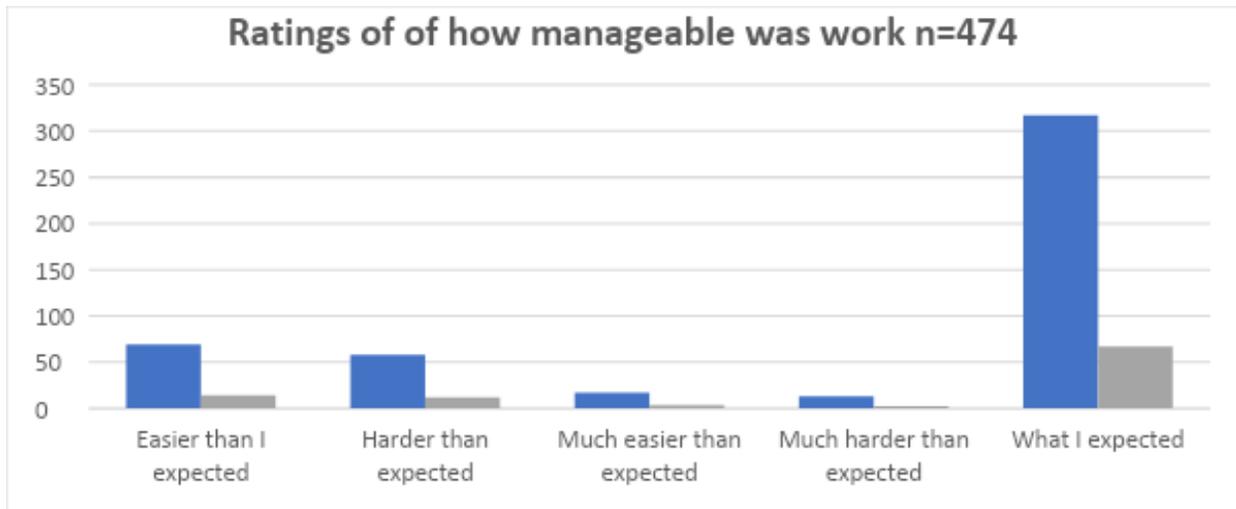


Figure 9 Ratings of how Manageable was Work

- **Did you willingly work on your day off?**

Of the 389 workers who responded, 73.7 % or 287 mentioned that they willingly worked on their day off. The need to earn more money was cited as the primary reason (59.1 %) for working on their day off. The need to complete work (34.9 %) was the second most mentioned. Several workers (2.5 %) felt as if they were forced to work and were concerned about losing their job (2.1 %).

- **Do/did you work when you are sick?**

Information gathered from 403 respondents revealed that 93.6 % did not work when ill. The primary reasons given for working when ill was because they were not too ill to work (43.5 %). Other reasons provided were, don't want to lose job (21.7 %) and forced work (13 %).

3. **Are you given safety or protective gears to use when working with chemicals?**

Of 84 respondents who used chemical, 83.3 % or 70 shared that they were provided with safety gears when working (**See Figure 10**). When asked how often safety gears were used 74.4 % of the respondents indicated always while 8.9 % said most of the time. Of interest was that 10.3 % said that they never used safety or protective gears.

When asked about training on use of chemicals, 58.7 % of 75 of the respondents who used chemicals indicated that they received training.

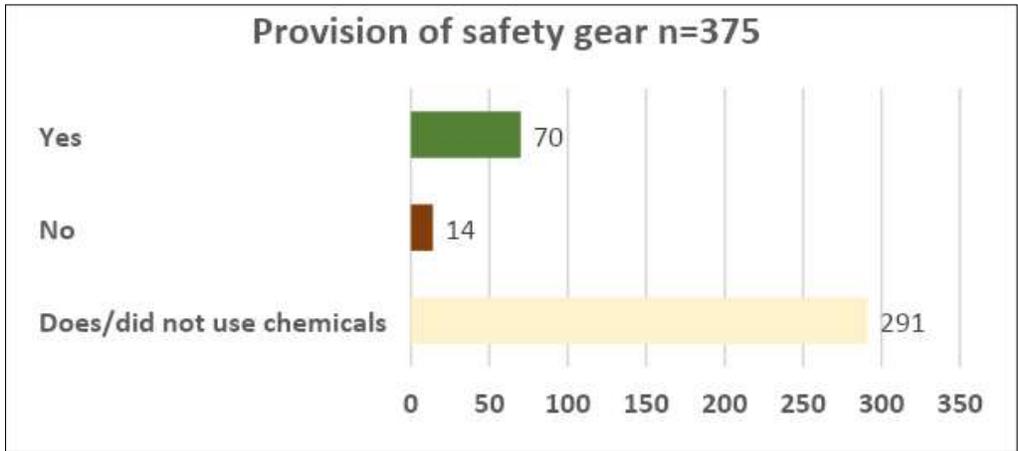


Figure 10 Provision of Safety Gear

4.7.4. Living Accommodation

- **How would you rate the overall housing and living conditions on the programme?**

Just over 70% of 460 respondents provided positive reviews of their housing and living conditions; 30.4% said conditions were excellent and 40.0% good (See Figure 11).

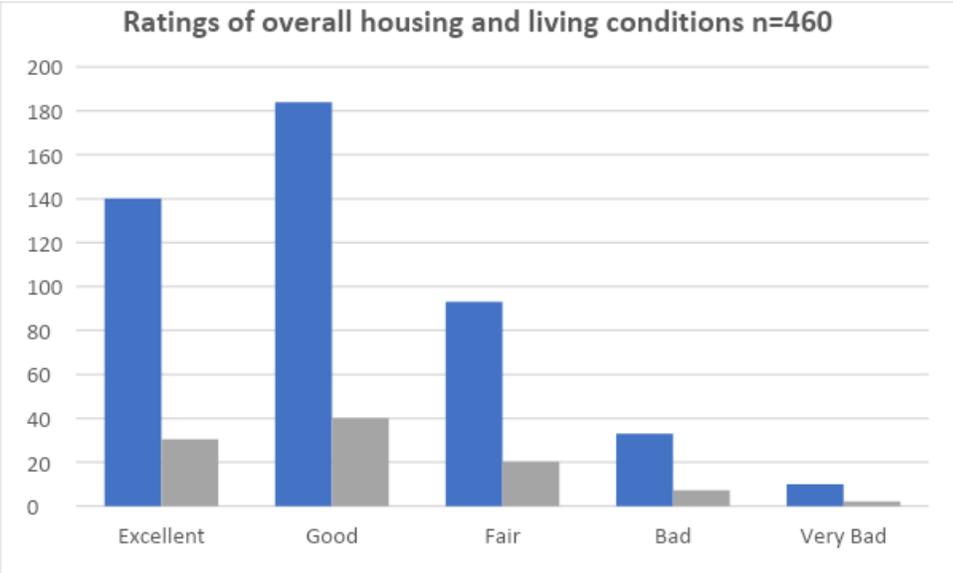


Figure 11 Ratings of Overall Housing & Living Conditions

- **How has the housing and living conditions for this season differ from the previous years?**

Of 405 respondents who participated, 46.4 % indicated that that their housing and living conditions had remained the same while 24.4 % said there was slight improvement (See Figure 12).

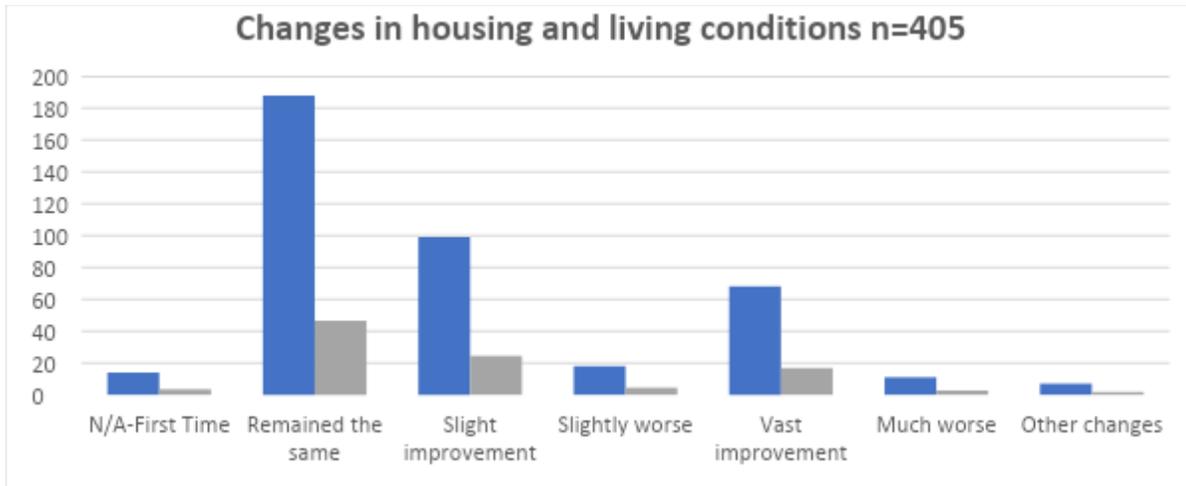


Figure 12 Changes in Housing & Living Conditions

- **How would you rate the condition of the bedroom/sleeping facilities on the farm?**

Positive ratings of condition of the bedroom/sleeping facilities accounted for 69.0 % of 471 respondents, whereby 40.3% experienced good conditions and 28.7% excellent (See Figure 13).

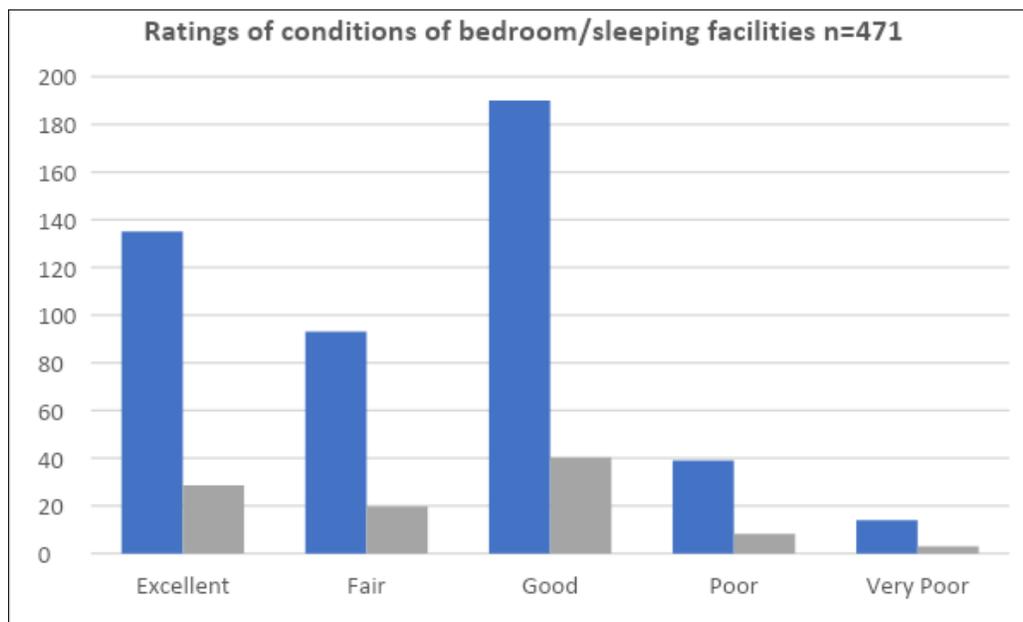


Figure 13 Ratings of Conditions of Bedroom/Sleeping Facilities

Kitchen Facilities

- **How would you rate cooking facilities on the farm?**

The conditions of cooking facilities were excellent according to 30.6% of 460 respondents and good for another 48% (See Figure 14).

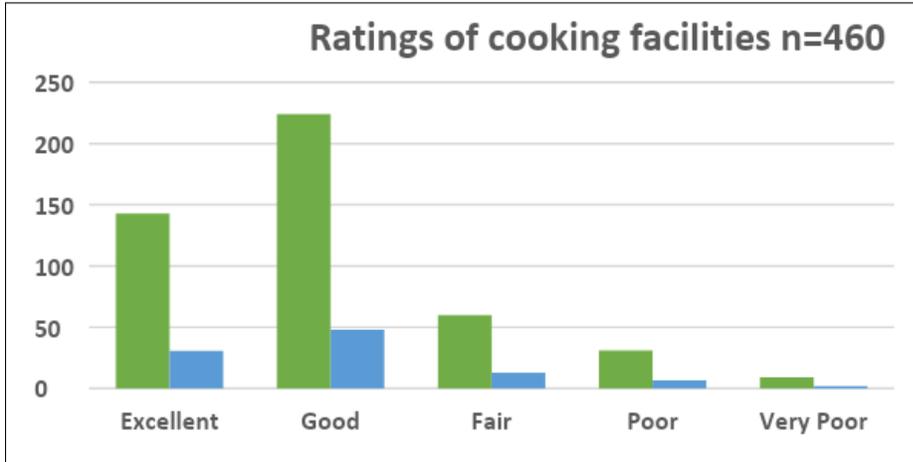


Figure 14 Rating of Cooking Facilities

Bathroom Facilities

Where bathrooms were concerned, 69.2% gave positive reviews, 24.4% excellent and 44.8 % good. (See Figure 15).

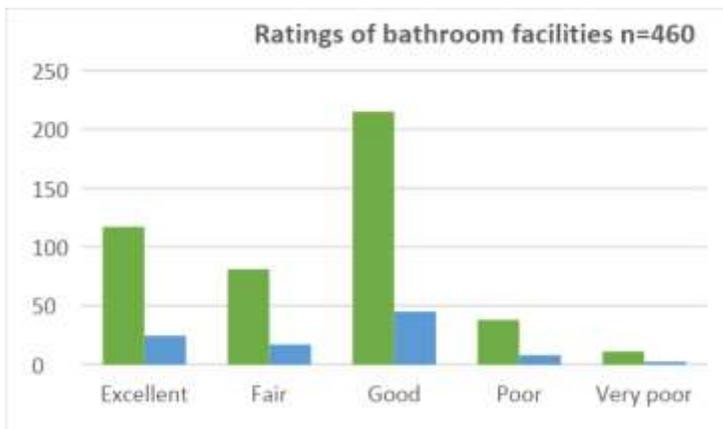


Figure 15 Ratings of Bathroom Facilities

- **Were the housing facilities clean when you arrived on the premises?**

Of the 459 responses to this question, 93.7 % mentioned that the housing facilities were clean when they arrived on the premises. Further probing as to whether bathrooms were functioning found that 95.6 % of 467 participants responded in the affirmative.

4.7.5. Liaison Services

- **Do/did you know your Liaison officer?**

Just over three-quarters (76.9 %) of 464 respondents shared that they know their Liaison Officer. A similarly proportion (74.3 %) mentioned that they saw their Liaison Officer during the season.

An investigation as to whether workers were knowledgeable on how to make contact with the JLS revealed that 85.7 % believed that they knew how to make contact.

- **Are you satisfied with the level of service from the liaison service?**

Of note was that 55 % of 442 respondents indicated that they were satisfied with the JLS. Further analysis was done to ascertain satisfaction levels according to sex and location of farms. As seen in **Table 7**, the level of satisfaction among men (55.6 %) was greater than women (47.7 %). In fact, most of the female respondents (52.3 %) reported that they were not satisfied the JLS.

Table 7 Satisfaction with Liaison Service by Sex

Province	Yes			No			Total
	#	% Total	% Province	#	% Total	% Province	
Men	220	91.3	55.6	176	88.4	44.4	396
Women	21	8.7	47.7	23	11.6	52.3	44

When compared to the other provinces such as British Columbia and Nova Scotia most respondents from Ontario shared that they were not satisfied with the JLS (**See Table 8**). Of note is that this analysis does not include New Brunswick, Newfoundland and Labrador and Quebec, which required more data points for a reliable analysis.

Table 8 Satisfaction with Liaison Service by Province

Province	Yes			No			Total
	#	% Total	% Province	#	% Total	% Province	
British Columbia	27	11.3	49.1	28	14.1	50.9	55
New Brunswick	7	2.9	43.8	9	4.5	56.3	16
Newfoundland and Labrador	0	0.0	0.0	1	0.5	100.0	1
Nova Scotia	24	10.1	46.2	28	14.1	53.8	52
Ontario	177	74.4	57.3	132	66.7	42.7	309
Quebec	3	1.3	100.0	0	0.0	0.0	3

Most workers (68%) from 215 respondents who were satisfied with the JLS identified easily accessible, responsive and interactive as the main reason for their response (See Figure 16).

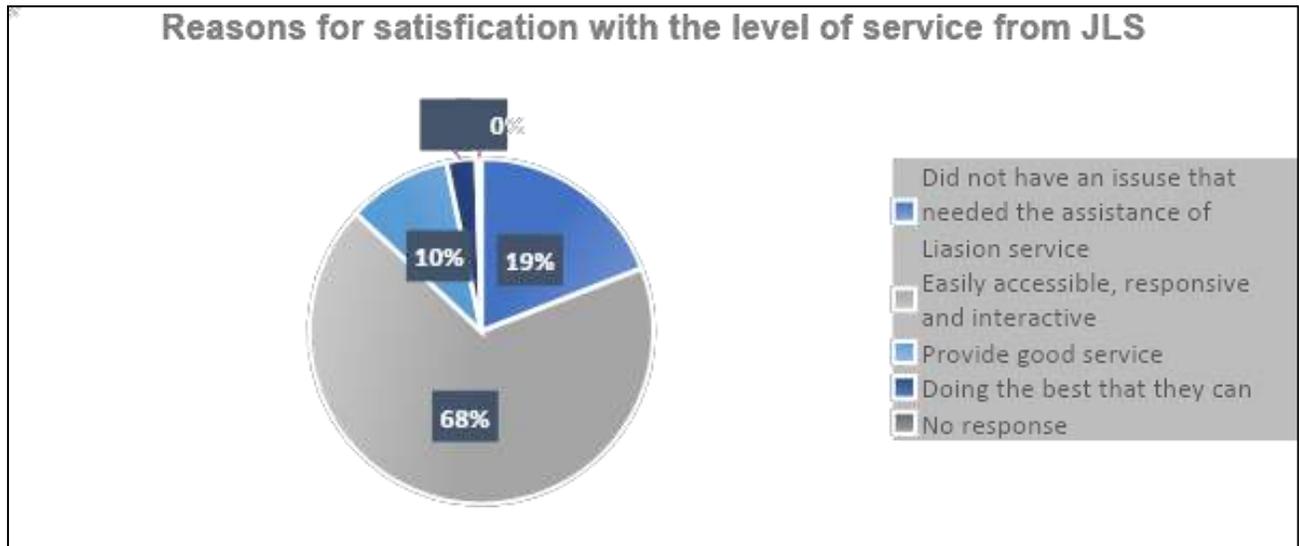


Figure 16 Reasons for Satisfaction with the Level of Service from JLS

Notably, the workers who were not satisfied with the JLS identified lack of accessibility, responsiveness and interaction with workers as the main reasons for their dissatisfaction (See Figure17).

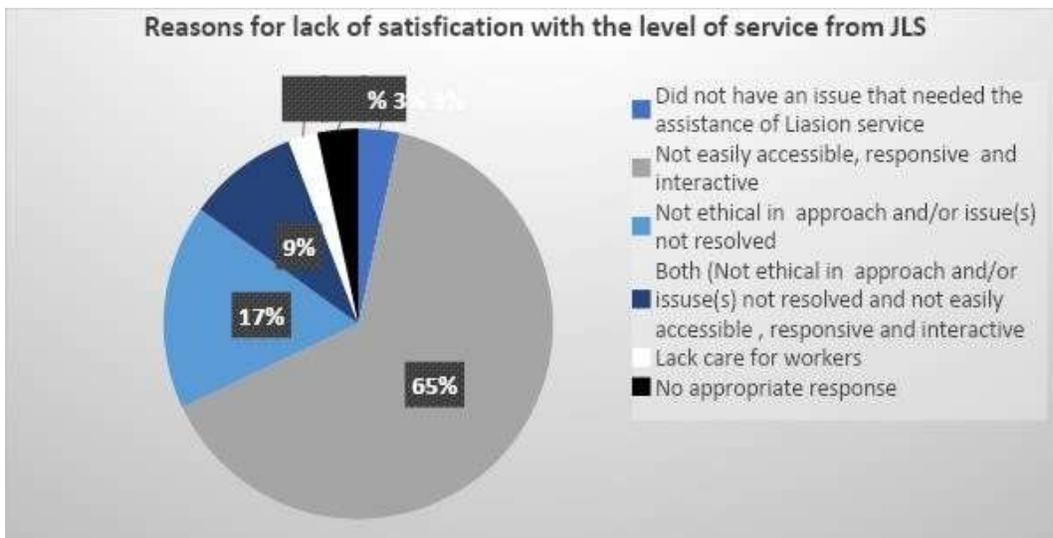


Figure 17 Reasons for Lack of Satisfaction with the Level of Service from JLS

4.7.6. Benefits and Challenges

- **How have you have benefitted from the Programme?**

Of the 476 respondents, 90.5 % indicated that the Programme benefitted them, as it allowed them to be able to take care of their families/buy food/pay the bills. Eighty-three (83) per cent of the respondents said that they benefited financially/able to save while 71.2 % mentioned that the Programme assisted in sending their children to school (See Figure 18).

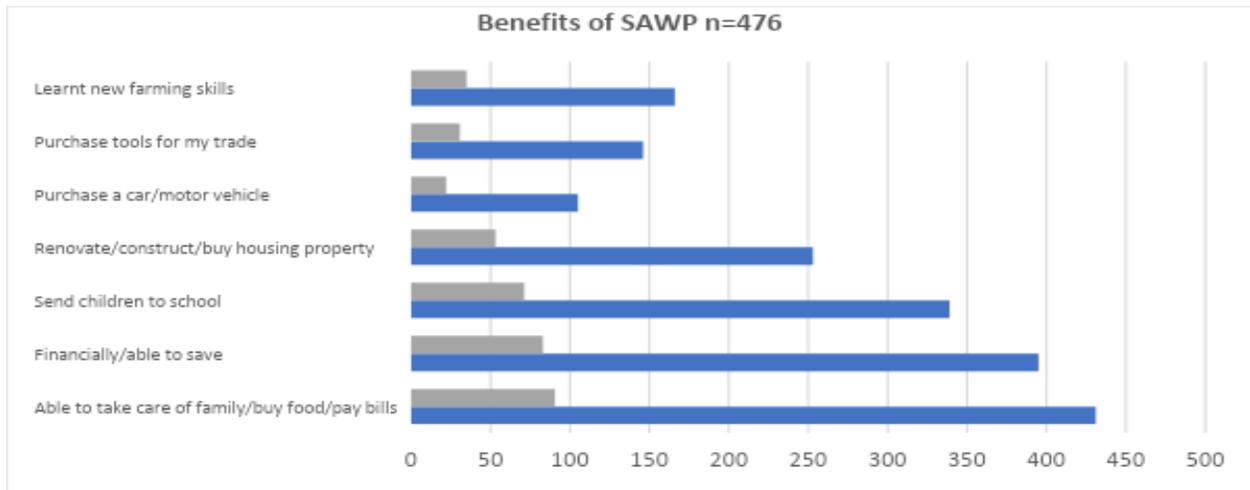


Figure 18 Benefits of SAWP

From the Fact-finding Team’s assessment, we were able to observe a deep sense of pride, and fulfilment among the vast majority of farm workers. A self-affirming presence that embraced the psychic fulfilment, rooted in the cultural sensibilities of a people who know what it is to show respect to one another, to display tolerance and understanding in our daily discourse, and a work ethic that underlines the importance of productivity, efficiency and equity in workplace relations. This was the kind of observation, which underscored a much more impactful benefit of the programme, and why Jamaican labour is in such great demand.

Access to Health Care

- **Are/were you able to access healthcare with your health insurance?**

Of the 374 workers who responded to this question, 35.8 % or 134 sought health care. Of note is that only 10.4 % or 14 workers reported that they did not receive access to health care when sought.

A variety of reasons was given for the non-receipt of health care. Among them were non-receipt of health cards, non-acceptance of health card by doctors and non-coverage of medical procedure such as tooth extraction by the health card.

- **What recommendation would you make to improve the overall farm work programme?**

Among the recommendations given to improve the overall programme were that workers thought that they should receive more pay and hours, receive better customer service from MLSS and that there should be improvement of the Liaison Service to be more responsive, accessible and interactive.

4.8. Injured Workers Survey

A sample of 66 workers were randomly selected from a list of 667 Jamaican workers who were documented as injured during 2017-2021 while employed under the SAWP in Canada. The total number of injured workers was disaggregated by the year in which they received injuries and 10% of workers were randomly selected from the list for each year (**See Table 9**).

Table 9 Population and Sample size of SAWP workers by parish

Year	Injured workers	Sample
2017	157	16
2018	161	16
2019	150	15
2020	109	11
2021	92	9
Total	669	67

Due to the difficulty in accessing injured workers, only thirty-four (34) workers participated in the interviews, which gave rise to a response rate of 50.1 %. Of note, is that more workers participated in more recent years (2019-2021) than the earlier years (**See Table 10**).

Table 10 Sample and actual responses by year of injuries

Year	Sample	Responses	Response rate
2017	16	3	18.8
2018	16	4	25.0
2019	15	9	60.0
2020	11	6	54.5
2021	9	6	66.7
Other	0	6	0.0
Total	67	34	

4.8.1. Demographics of Injured Workers

Sex and Age of Respondents

As seen in **Figure 19**, 94.0 % or 32 of the respondents were men while 6% or two (2) were women. The largest share of the respondents (44.1%) belonged to the age cohort 45-54 year. Meanwhile, the age for nearly one-quarter (23.5 %) of the respondents ranged within the 25-34 years band (**See Figure 20**).

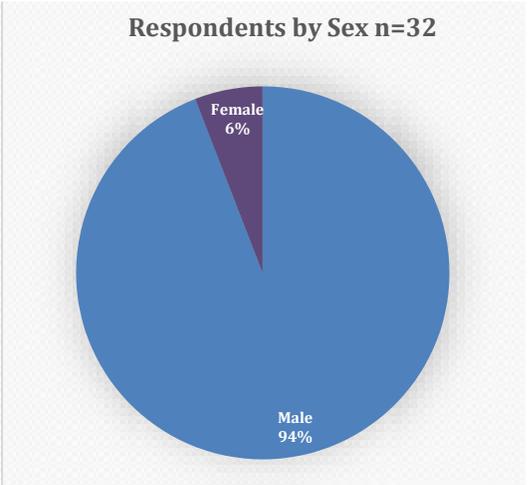


Figure 19 Respondents by Sex

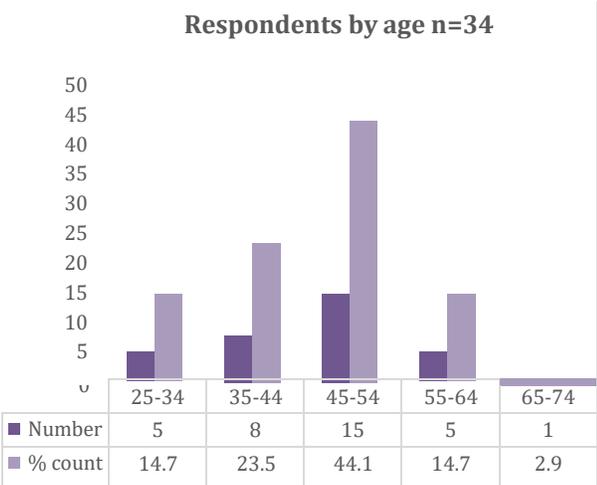


Figure 20 Respondents by Age

Marital Status of Respondents and Dependents

Nearly two-third of the respondents mentioned that they were in a relationship. The largest share (41.2 %) indicated that they were married while another 23.5 % was engaged in a common-law relationship. A little under one-third (32.4%) of the respondents revealed that they were single (See Figure 21).

Nearly 60 % of the respondents indicated that they had 1-3 dependent children while another 27.3 % mentioned 4-6 dependent children (See Figure 22).

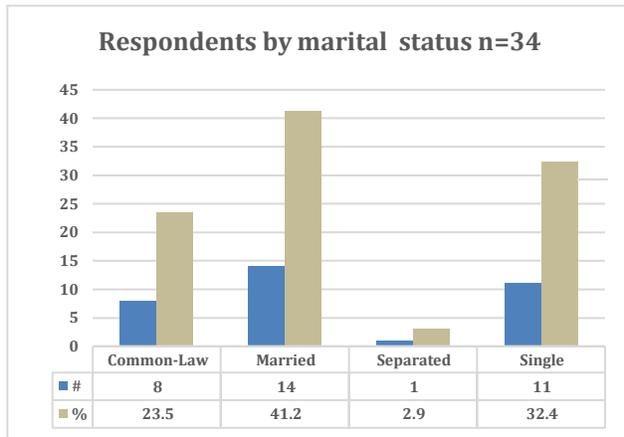


Figure 21 Respondents by Marital Status

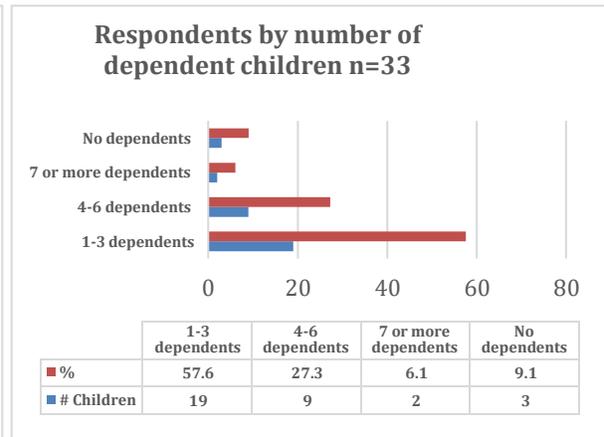


Figure 22 Respondents by # of dependent Children

Parish

Participating injured workers resided in ten (10) parishes. Manchester (23.5 %), St. Elizabeth (14.7 %) and Clarendon (11.8 %) comprised half of the respondents (See Table 11).

Table 11 Responses by Parish n=34

Parish	Numbers	%
Clarendon	4	11.8
Manchester	8	23.5
Portland	3	8.8
St. Ann	2	5.9
St. Catherine	7	20.6
St. Elizabeth	5	14.7
St. James	1	2.9
St. Mary	1	2.9
St. Thomas	2	5.9
Westmoreland	1	2.9
Total	34	100.0

4.8.2.

Circumstances of Injuries

- **In which year were you injured?**

The largest share (27.3 %) of the respondents indicated that they were injured in 2019 (See **Figure 23**). Of note, is that 70.6 % of the injured workers indicated that they worked on the Programme in 2022 (See **Figure 24**).

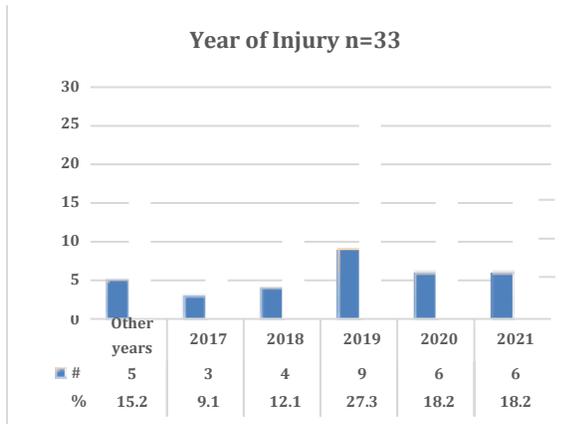


Figure 23 Year of Injury n=33

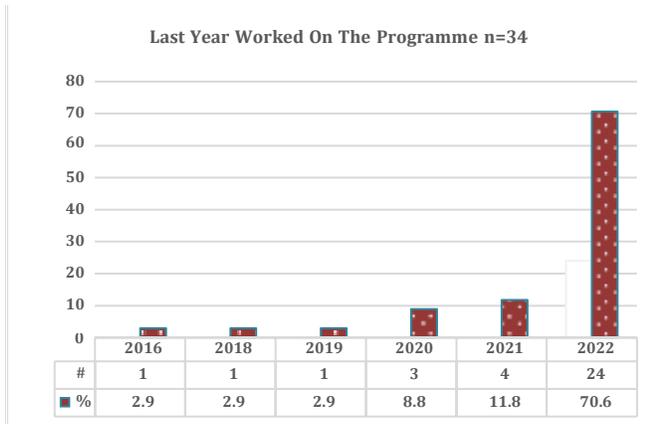


Figure 24 Last Year on the Programme n=34

- **In which province were you working when you got injured?**

Just over two-thirds (67.0 % or 23) of the respondents shared that they received injuries in Ontario. Six (6) of 18% of the respondents reported injuries while working in British Columbia, four (4) or 12% in Nova Scotia and the remaining persons in Quebec (See **Figure 33**).

- **Describe how injuries occurred?**

When asked what had led to the injuries, 39.3% mentioned the use of an industrial tool or equipment. These included conveyor belt, ladder, tractor and fork which caused injuries mainly to the fingers of the workers. Other areas affected were back, shoulders and feet. (See **Figure 34**).

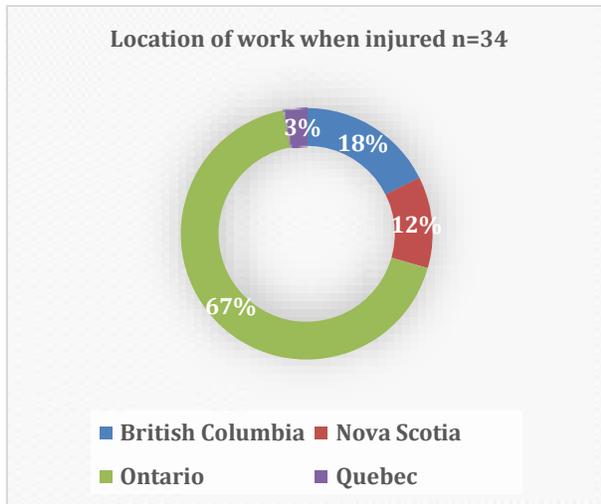


Figure 25 Location of Work when Injured n=34

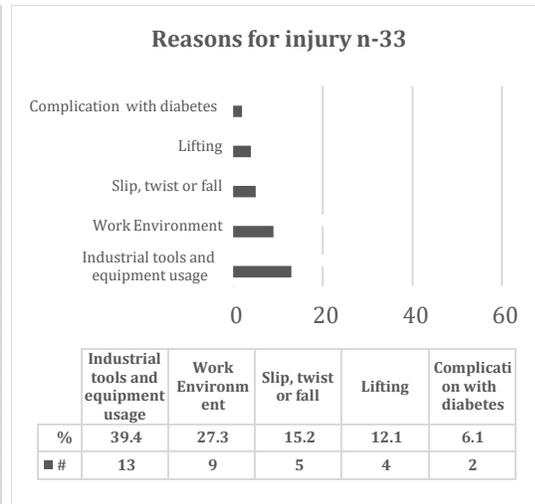


Figure 26 Reasons for Injury n=33

Where on the farm were you injured?

The majority of the respondents pointed out that their injuries occurred in the field. Nearly two-thirds (61.8 %) of the respondents mentioned this location. Injuries were received by pulling down structures, pruning and picking fruit (See Figure 27).

- What were the main crops that you worked with during that season?

Vegetables and tree crops were the main crops which injured respondents, indicating that they were working during the season when they received the injuries. Each accounted for nearly one-third (32.4 %) of the respondents (See Figure 28).

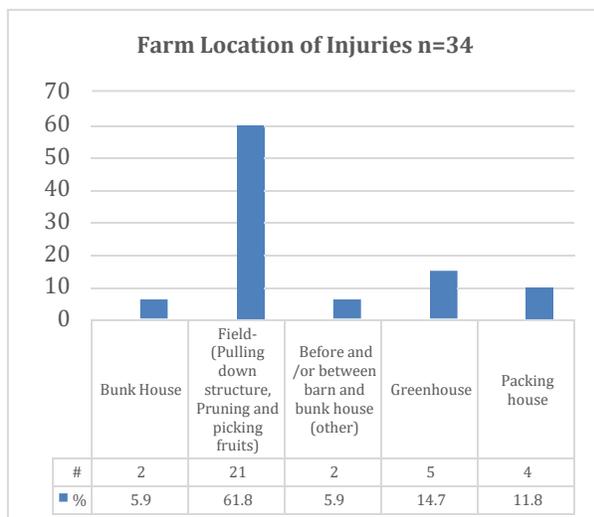


Figure 27 Farm Location of Inspection

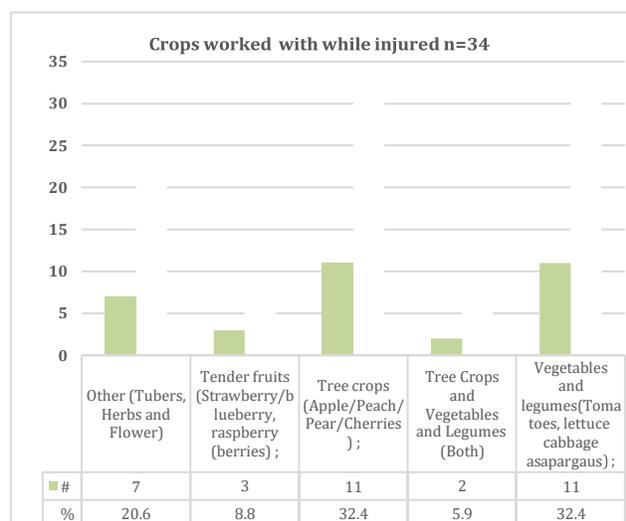


Figure 28 Crops Worked with while Injured

Of the 34 respondents, 26 or 76.5 % mentioned that they did not work when sick (See Figure 29). Among the eight (8) respondents who worked while sick three (3) or 37.5% said they were not too sick to work and another 2 or 25% said the injuries were not severe (See Figure 30).

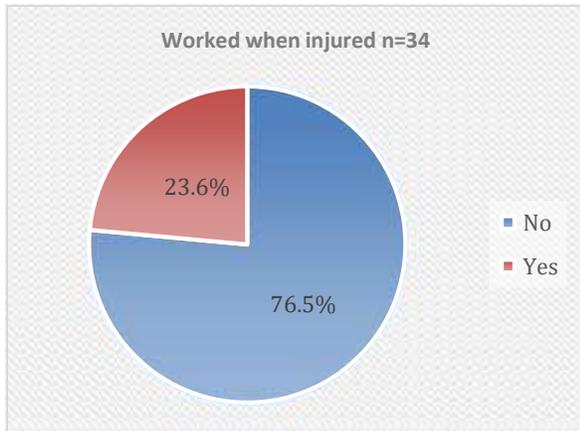


Figure 29 Worked when Injured

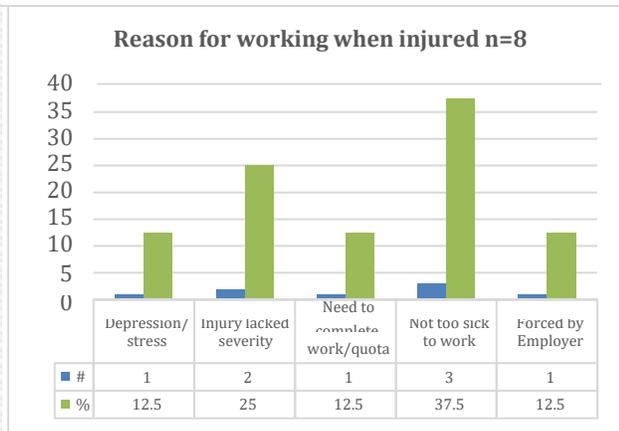


Figure 30 Reasons for Working when Injured

4.8.3. Treatment Of Injured Worker By Liaison Officer And Employer

1. How did the liaison officer find out about the injuries/COVID-19?

Over half (55.9%) of the respondents shared that the Liaison Officers found out about the injuries when they were told by the injured workers themselves. Another 26.5 % indicated that the farmers were the persons who told the Liaison Officer about the injuries. Interestingly, 14.7 % of the workers shared that the Liaison Officers were not informed about their injuries (**See Figure 31**). According to 42.3 % of 26 of the respondents who mentioned that the Liaison Officers were informed of their injuries, assistance from the Liaison Officer came immediately after their injuries. Another 15.4 % said they got assistance within 1-2 weeks of receiving the injuries. However, there was 23.3 % or six (6) persons, who claimed that they received no assistance or visit from the Liaison Officer (**See Figure 32**).



Figure 31 How Liaison Officer Found out about Injuries



Figure 32 Period of Injuries & Assistance

- **How did he/she assist you?**

Based on the responses, the liaison officers provided assistance in a number of ways and in some cases, workers received more than one type of assistance. Chief among them were “regular checks/advise and assured medical assistance and medical leave,” as well as, “assistance with workers compensation”. Both sets of responses were given by 29.6 % of the 27 responses (See **Figure 33**). In terms of treatment for injuries, 16 or 47.1% of the 34 respondents received two (2) or more types of assistance for treatment. Approximately half of respondents indicated that they received benefits from their health insurance and hospital/medical treatment in Canada (See **Figure 34**). However, five (5) respondents shared that they received no benefits. Among the other responses, one (1) worker shared that he was not refunded the money paid to see the doctor while another mentioned that the doctor refused to sign the documentation for injuries. Seven (7) respondents also mentioned that they received treatment when they returned to Jamaica.

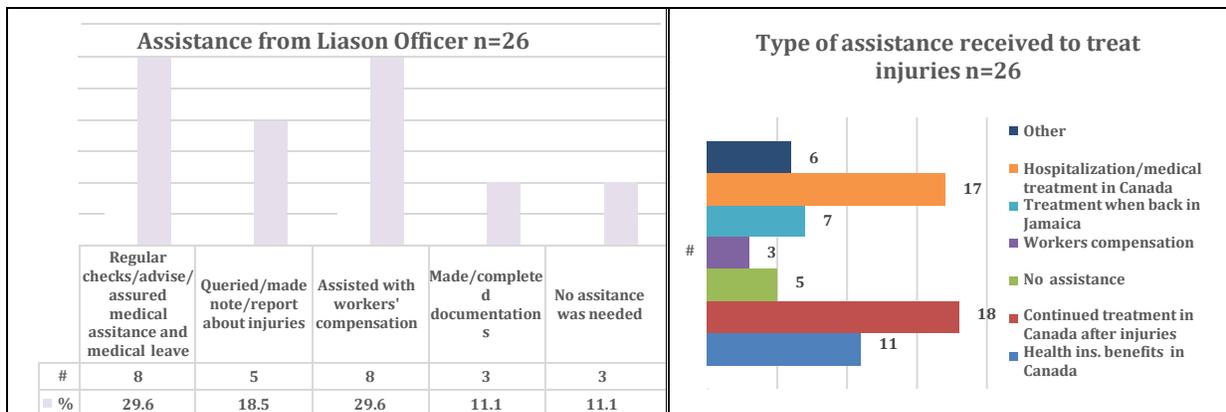


Figure 33 Assistance from Liaison officer

Figure 34 Type of Assistance Received

- **How would you rate your treatment by the liaison officer while being injured?**

The treatment of injured workers by the Liaison Officers were considered to be fair by the largest share (43.3 %) of the workers who participated (See **Figure 35**). A difference in one individual separated those who thought their treatment by the Liaison Officers was bad/very bad (30 %) and excellent/good (26.7 %). Excellent timely response, regular checks, support, and assistance for services were put forward as the reasons for excellent ratings (See **Figure 36**). These were considered adequate for those who rated the treatment as good and somewhat achieved for those who rated them as fair. Neglected provisions, rare timely responses, regular check-up and support were shared by those who experienced bad or very bad experiences.

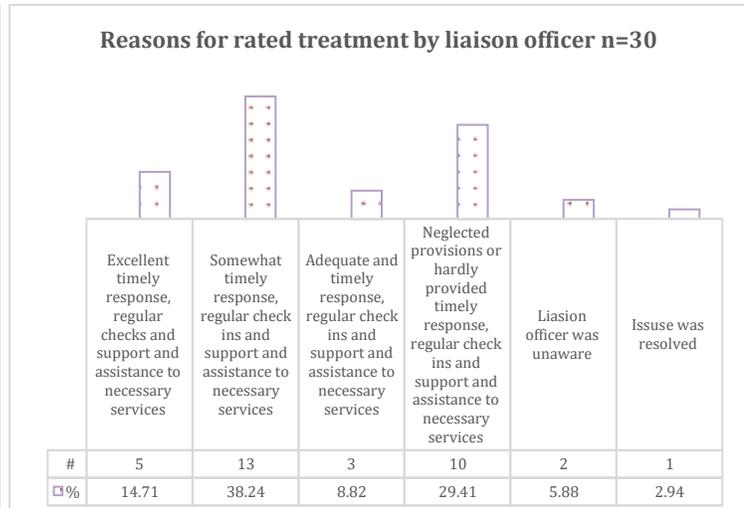
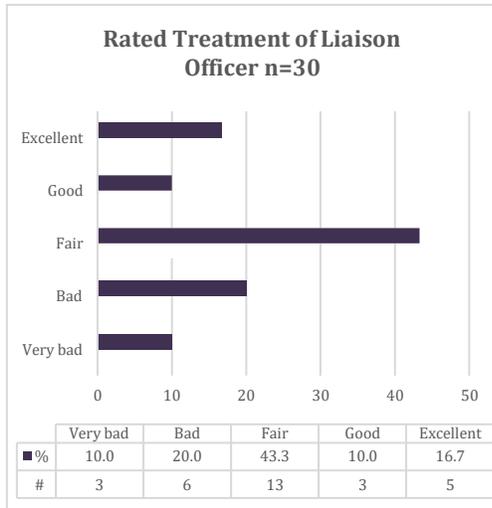


Figure 35 Rated Treatment of Liaison Officer Figure 36 Reasons for Rated Treatment by Liaison Officer

- **How would you rate your treatment by the farmer when you were injured?**

Nearly one-third (32.4 %) of the respondents shared that they received fair treatment from the farmers. This was followed by 23.5 % who said they received good treatment and 20.6 % who said they received excellent treatment. Of note, is that 14.7 % said they experienced very bad treatment and 8.8 %, bad treatment (See Figure 37).

The respondents who considered their treatment from the farmer to be excellent indicated that within the injured and recovery phase there was extra care and concern shown by the farmer towards their wellbeing. Those who indicated good treatment shared that the farmers offered some care and concern in the injury and recovery phase. In cases where those who mentioned fair treatment, the worker reported that, the farmer showed some care or concern in injured phase but little to none shown in the recovery phase. Meanwhile, those who reported bad or very bad treatment mentioned that there was no care or concern from the farmer (See Figure 38).

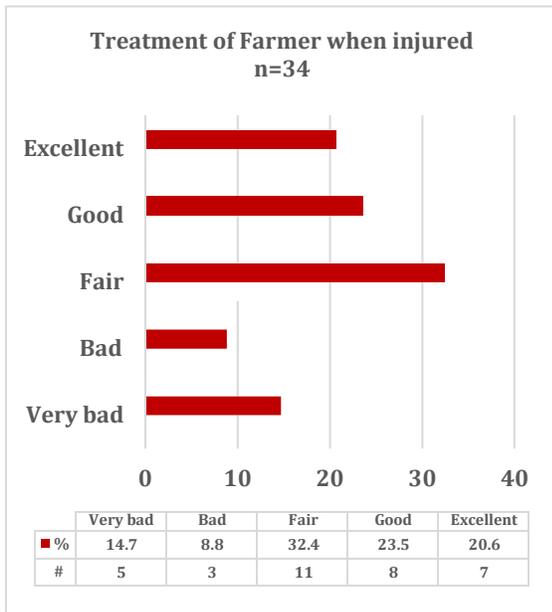


Figure 37 Treatment of Farmer When Injured

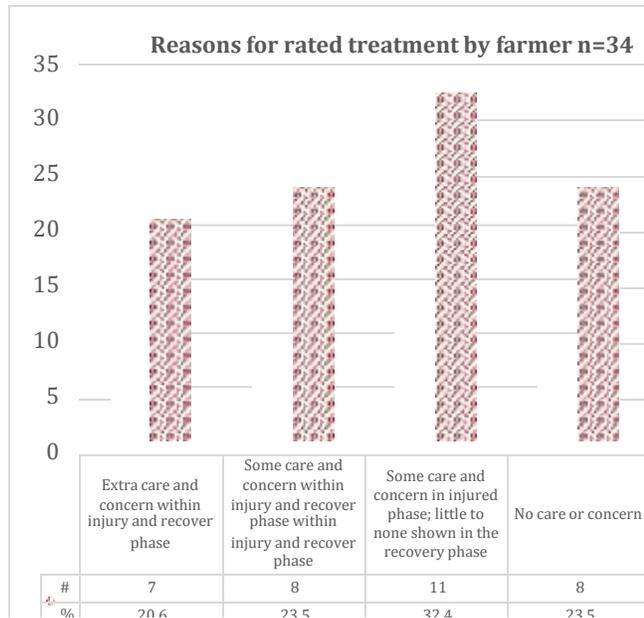


Figure 38 Reason for Rated Treatment by Farmer

4.8.4. Treatment of Injured Workers In Jamaica

- Are you able to work in Jamaica since the injuries?

Nearly 80 % or 27 of the respondents reported that they were able to work, while 12 % or four (4) said they were unable to do so (See Figure 39). The inability (reduced/lack of mobility) to use their feet, hands and shoulders were the reasons provided for not working. Of the 27 who said they were able to work, 40.7 % said they operated as farmers while another 18.5 % operated as Construction workers (See Figure 40).

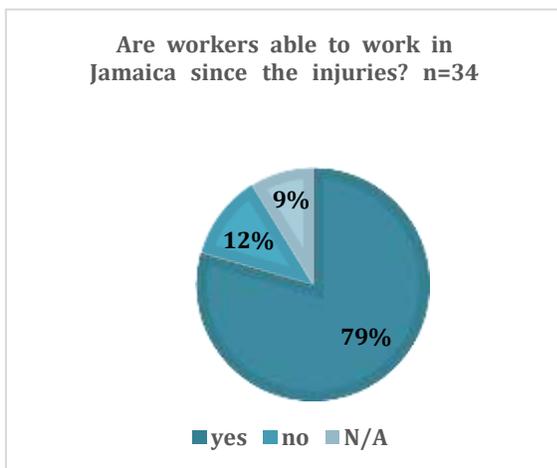


Figure 39 Able to Work in Jamaica since the Injuries

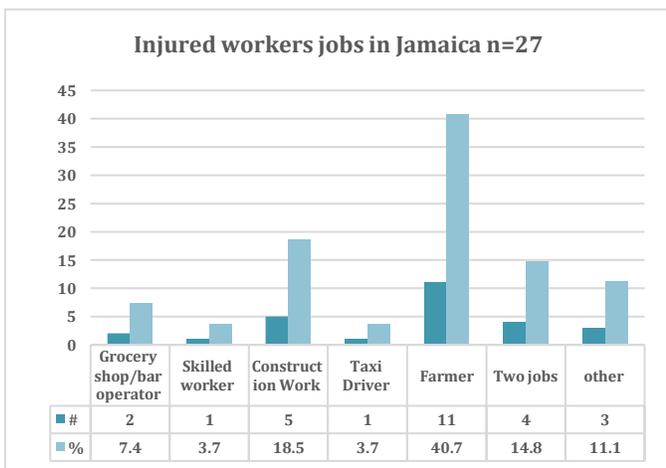


Figure 40 Injured Workers Jobs in Jamaica

- **Are you presently receiving treatment for your condition?**

Of the 34 respondents, 25 or 73.6 % said they did not receive treatment while 6 or 17.5 % reported that they were receiving treatment (See **Figure 41**). The inability to work due to and pain and discomfort were the main challenges faced by these workers. Another reason was that they were on medication (See **Figure 42**).

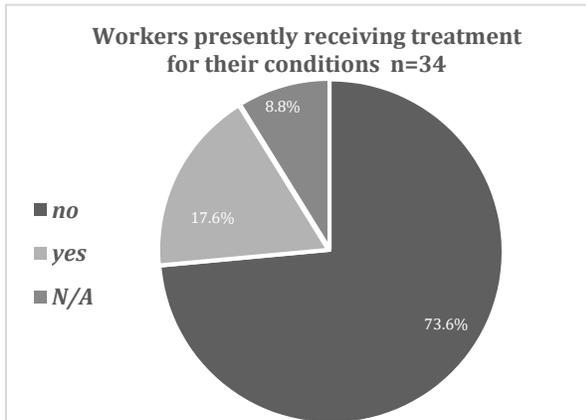


Figure 41 Workers presently Receiving Treatment

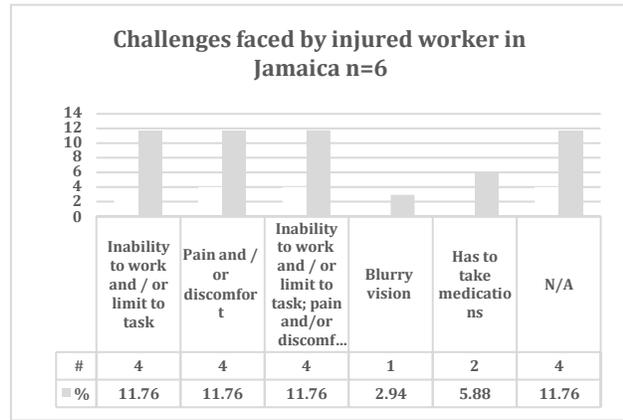


Figure 42 Challenges Faced by Injured Worker in Jamaica

4.8.5. Participation in SAWP Following Injuries

- **Were you sent back to Jamaica after the injuries?**

Approximately 80% or 27 of the 34 respondents shared that they were not sent back to Jamaica after the injuries (**Figure 43**). On the contrary, 15 % or five (5) of the respondents were sent home. There was no clear pattern that dictated when the five (5) individuals went home (**Figure 44**).

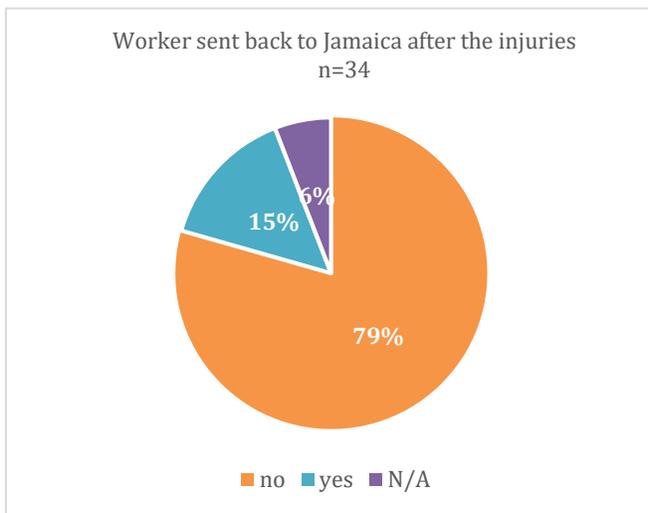


Figure 43 Workers Sent back to Jamaica after the Injuries

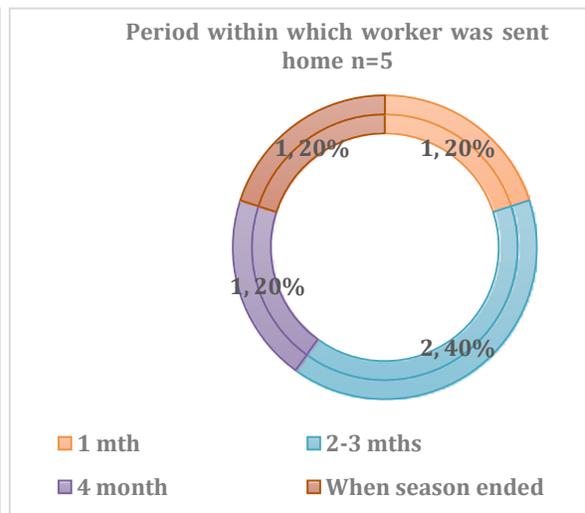


Figure 44 Period within Which worker was sent home

- **Did you travel on the Programme after the injuries?**

Of the 32 respondents, nearly seven (7) in eight (8) or 87.5 % of the respondents who were injured reported that they went back on the SAWP (See **Figure 45**).

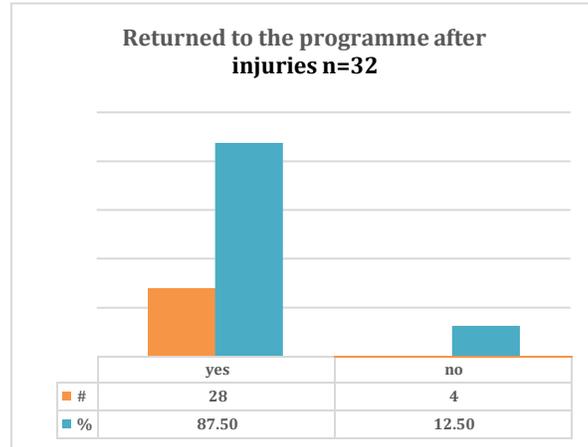


Figure 45 Returned to the Programme after Injuries

5. CONCLUSION AND RECOMMENDATIONS

The visit proved quite useful in helping the team to identify and evaluate some of the problems and concerns of the programme from the perspective of the farm workers. This is not to say we ignored other concerns; far from it, since all the issues arising from the farm owners, the lobby groups, the Liaison Services and the Canadian authority inevitably impact the efficacy of the programme. The focus, the prism through which we had to take that objective view emanated from the concerns of the Migrant Workers Alliance for Change and their charge that the Seasonal Agricultural Workers Programme is “systematic slavery.”

The notion of “systematic slavery” conjures up horrific experiences rooted in an inglorious past, which the team could not ignore. It suggests a form of racism that is pervasive and deeply embedded in the policies, practices and laws governing the programme. It bespeaks unfair treatment and oppressive conditions.

While the study shows that there are genuine grounds for complaints and issues, which are at variance with good human and industrial relations practices, there is clearly no evidence to support the assertion that the conditions are akin to “systematic slavery”. Further, the findings clearly demonstrate that a large proportion of farm workers have a positive view of the programme.

We found that the vast majority of farmers operated within the parameters set out in the bilateral agreement. In many instances, close, almost familial relations between farmers and workers and their families have been fostered over the years. Many farmers indicated that they have plans to expand and to introduce new technology to enhance productivity. Their overwhelming verdict so far about the programme is a ringing endorsement of the efficiency, productive efforts and discipline of the Jamaican farm workers.

The deficiencies in the Liaison Service are highlighted and can be overcome. Overall, the commitment of the liaison officers is beyond question; however, better co-ordination and cooperation between the liaison officers and the farm workers, is needed, and should be prioritised.

An important observation gleaned from interviews and interactions with farm workers, is their sense of pride, imbued with aspirations about self-development, the value of social interaction and mutual respect, and a feeling of fulfilment to their families and communities. Only a few skirmishes among the Jamaicans living and sharing in a communal space on the programme were

raised during the visits. The SAWP programme, it would be fair to say, has had a positive impact on the psyche of the Jamaican farm workers, which continued even upon returning to their communities.

The areas of dissatisfaction are distilled in the recommendations emanating from the survey findings.

We enumerate the following recommendations:

1. Priority should be given in the recruitment of Liaison Officers to persons who are trained and certified Social Workers.
2. To abate the criticisms from the farm workers that Liaison Officers are not seen often enough, regularly scheduled meetings should be arranged. The use of technology should be utilised in that regard and virtual meetings could be set up for the weekends when more workers would be at home. This way, more Liaison Officers would get more opportunities to interact with a larger number of workers, discuss issues with them and become more informed about the challenges that they are experiencing.
3. The number of farms to be covered, the distance between them and the number of Liaison Officers assigned to each farm present a challenge. In many instances, visits by an officer take place at a time when the workers are out on the farms, making them inaccessible. We do believe that a case has been made for additional Liaison Officers, to adequately service the farms. While we have recommended the use of virtual meetings, this should not be seen as an alternative to face-to-face interaction.
4. We strongly recommend that the liaison officers arrange for at least two visits per season to the farms under their portfolio, specifically, but not exclusively to inspect housing accommodation and general living conditions among the farm workers with a view to making recommendations for improvement where necessary
5. As a requirement for the visits, the liaison service should draw on the federal and provincial standards (which are sometimes at variance) and adopt a best practice approach to determine the standard to be used when inspecting general living conditions. A partnership service should be established with the appropriate Canadian authorities charged with monitoring those standards to ensure compliance.

The operations of the Jamaica Liaison Service should be modernized and digitized, as this will facilitate easy analyses which will in turn, ensure that service delivery is up to the required standard so that information may be provided on each area of operation on a timely basis

6. There is a need to establish basic standards, which can be used objectively, for the basic convenience of the workers. While there are no specific living criteria, for example, number of washing machines and cooking facilities per number of workers, this should be determined by the Liaison Service. The workers also shared the necessity to get up as early as 2:00 a.m. to use washing machines due to the limited number of washing machines. This is a shortcoming that needs to be addressed, as it is important to provide an enhanced level of dignity to include privacy and other basic human rights conditions
7. That a system of ranking farms based on their compliance with established regulations and standards be established and only farms with an acceptable/favourable ranking be allowed to participate in the programme.
8. Beyond the visits, the need for periodic surveys to evaluate the overall ‘culture’ and ‘climate’ on the farms would be an important consideration, as well as to assess the level of critical engagements among and between the various stakeholders. These are important predictors of outcomes on the farms, and will enable proactive responses and corrective measures to be taken.
9. An important recommendation arising from this, is the need for the Liaison Officers to pay particular attention to the availability of Personal Protective Equipment ((PPE) and to ensure the provision of a checklist with the requirements appropriate to conditions. This could entail unannounced visits to the farms during working hours to ascertain that the PPE is provided to the workers and is utilized by them. Therefore, Occupational, Safety and Health (OSH) standards need to be established for jobs requiring prolonged bending and kneeling, as a number of workers complained of back pains and knee issues. They attribute these pains to the prolonged bending and kneeling in the process of doing their jobs.
10. Employers should arrange for OSH training for all workers, including training to safely operate equipment and ensure that appropriate safety gear be provided.

11. In an effort to draw on best practices across the overseas employment programme, we recommend that a study to compare and contrast the US and Canadian farm work programmes be undertaken.
12. A number of farmers have complained that the newer workers seem unaware of the type of work demanded on the programme. The orientation should incorporate a mandatory requirement for imparting knowledge in the rudiments of farming, and to assess the level of employability skills to ensure that the workers are equipped to take part in the programme. They should also receive certificates and be prepared to sign a document to indicate that they have been prepared and are ready for travel.
13. A number of workers have said that they are not aware of the provisions of the health care facilities under the SAWP. Liaison Officers should seek to remedy this situation by hosting information sessions with the workers, again utilizing the electronic platforms so they may provide information and respond to the workers' questions.
14. More information and education as to the role and responsibilities of the liaison officers to better manage the expectations among farm workers. The use of technology, the updating of the website and the scheduled meetings, could be more appropriately used to share information. To improve communication and capacity we would recommend the use of experienced farm workers to share personal experiences during the orientation sessions and meetings held with newcomers to the programme.
15. Greater level of scrutiny and examination should be carried out, with the view of ensuring that the low skilled/high skilled temporary workers are treated equally and fairly and have adequate representation through the Jamaican Liaison Service. We make this recommendation mindful of the fact that presently they fall outside of the remit of the Liaison service which would require additional human and financial capacity to provide that level of meaningful service
16. Farm workers have complained that they are unable to bring in small samples of their labour (apples) based on Jamaica's current agricultural restrictions, along with the high custom duty charges imposed on goods acquired during their tenure overseas. We therefore recommend that consideration be given to: (a) easing the agricultural restrictions, as is done

elsewhere within CARICOM; and (b) raising the duty-free threshold to allow for the importation of items such as phone, laptop and tablet.

17. Customer service and communication skills at the Ministry of Labour need to be improved and enhanced to reduce the level of complaints from farm workers.
18. Complaints have intensified regarding recent recruits to the farm work programme, and the poor attitude and behaviour attributed to them. We cannot ignore the reality that farming is rapidly evolving and new technology is increasingly being incorporated in the trade; this necessitates a more strategic approach – assessing and forecasting current and future skills required, and recruiting and training appropriately, in partnership with HEART Trust/NSTA and other institutions.
19. The issue of workers absconding on the programme has been increasing (‘AWOL’). One important recommendation is in the recruitment, and here, we have to urge Members of Parliament (MPs) to be more vigilant in the selection of persons they recommend to the programme. Due consideration should be given to reducing the number of persons selected from constituencies with high rates of AWOL.
20. The SAWP programme is governed by a management committee, and its scope, composition and governance structure are in need of urgent review in light of the strategic thinking needed to ensure that the programme keeps pace with the rapid technological changes and future demands and opportunities for new skills. This is a necessary and sufficient action to avoid the risks of large-scale job losses as traditional manual processes are automated.
21. Deductions are made from farm workers’ pay in the form of taxes, insurance benefits, etc. The complaint from the farm workers is that they do not receive reciprocal benefits from some of these deductions; most notably among them is the unemployment insurance. There is the need for the Government of Jamaica to initiate discussions with their Canadian counterpart to address this vexing issue.
22. We recommend that due consideration be given to the concerns expressed by the farm workers who are on extended stay to be given time-off to visit families back home in Jamaica, as well as to allow their spouses to visit.

23. Family members of injured workers should be facilitated to travel to Canada to provide support for injured workers and injured workers should be allowed to remain in Canada and receive treatment for injuries received while on the programme.
24. Loss of wage benefits should be paid for the entire duration of treatment and compensation for injury should also be paid where a worker is deemed unfit for future service.
25. Injured workers, once declared fit to return to work, should be given priority in the selection of participants for the programme.
26. While the complaint that in some instances farm workers are forced to sign a second, and less favourable contract on arrival in Canada has surfaced, although not seemingly widespread, it is, however, sufficiently important for the authorities to have a thorough investigation to ascertain where and when this may have occurred, and to address such issues forthwith.
27. That the period of orientation before departure from Jamaica be lengthened to give workers time to be better prepared about to what to expect in Canada and to get more time to properly assimilate information as to their rights and obligations.

APPENDIX 1 - POPULATION AND SAMPLE SIZE OF SAWP WORKERS BY PARISH

Parish	# Farm workers	%	Calculated Sample size	Actual Sample size
Clarendon	1,468	15.9	59	59
Hanover	165	1.8	7	40
Kingston and St. Andrew	802	8.7	32	40
Manchester	934	10.1	37	40
Portland	463	5.0	18	40
St. Ann	709	7.7	28	40
St. Catherine	1,431	15.5	57	57
St. Elizabeth	1,013	11.0	40	40
St. James	358	3.9	14	40
St. Mary	557	6.0	22	40
St. Thomas	574	6.2	23	40
Trelawny	465	5.0	19	40
Westmoreland	310	3.4	12	40
Total	9,249	100	369	556

APPENDIX II - SAWP EXPERIENCE

Seasonal Agriculture Workers Programme (SAWP)

Questionnaire

The purpose of this research is to find out what has been your experience working on the Seasonal Agricultural Workers Programme (SAWP). In particular, the research is based on your experience encountered on the most recent season which you have travelled on the Programme to Canada.

The information gathered will be used to assist in improving the welfare of workers on the Programme. Please note that you won't be identified or singled out in this research as your answers will be grouped with other participants of this study. Your responses will therefore be held in the strictest confidence and will not influence your further participation in the SAWP.

SECTION 1: DEMOGRAPHIC INFORMATION

1. Farm: _____

2. Province:
 - a. Ontario
 - b. British Columbia
 - c. Nova Scotia
 - d. Prince Edward Island
 - e. Quebec
 - f. Manitoba
 - g. Newfoundland
 - h. Labrador Alberta New Brunswick
3. Region:
4. Sex: Male Female
5. How old were you at your last birthday? _____

6. In which parish do you live in Jamaica? _____

7. What is your marital status?

- a. Single
- b. Married
- c. Widow/widower
- d. Divorced
- e. Separated
- f. Common- Law

8. How many persons live in your household in Jamaica? _____

9. How many children under the age 18 years do you have in Jamaica? _____

10. What is the highest level of education/training that you have completed?

- a. Primary level education *
- b. All Age education *
- c. Secondary level education *
- d. Post-Secondary, non-tertiary level education *
- e. University and post graduate education *

11. Is this your first year on the programme? Yes* (**Go to Qu. 13**) No*

12. How many years have you been on the Programme?

- a. 3 years or less
- b. 4-6 years
- c. 7-9 years
- d. Ten years and over

13. How long do/did you expect/or usually expect to stay on the Programme? _____
14. When not in Canada, what is your employment status in Jamaica?
- a. Employed
- b. Self Employed
- c. Unemployed (Go to Qu. 16)
15. What is your main job/work/business in Jamaica?
- a. Farmer
- b. Taxi Driver
- c. Grocery shop/bar operator
- d. Hotel worker
- e. Construction Work
- f. Chef/Restaurant Other (specify): _____

SECTION 2: BENEFITS AND CHALLENGES OF THE SAWP PROGRAMME

16. How would you rate your overall experience on the Programme during this season?
- Excellent Good Fair Bad Very Bad

17. Explain the reasons for your response.

18. How would you rate the treatment received from your employer during this season?
- Excellent Good Fair Bad Very Bad

19. Explain the reason/s for your response.

20. Do you believe that you are/were treated with respect by the farmer?

Yes No

21. Explain the reason/s for your response.

22. How have you have benefitted from the Programme? (**Tick all that apply**)

- a. Financially/able to save
- b. Take care of family/buy food/pay bills
- c. Send children to school
- d. Renovate/construct/buy housing property
- e. Purchase motor vehicle
- f. Purchase tools for my trade
- g. Learnt new farming skills
- h. Other (specify) _____

23. Have you experienced any problems on the Programme this year?

Yes No* (**Go to Qu. 25**)

24. What problems have you experienced?

SECTION 3: WORKING CONDITIONS

25. What are/were the main crops that you work/ed with during this season? **(Tick all that apply)**.

- a. Tree crops (Apple/Peach/Pear/Cherries)
- b. Vegetables and legumes(Tomatoes, lettuce cabbage asparagus)
- c. Tender fruits (Strawberry/blueberry, raspberry (berries))
- d. Pumpkins/melons/cantaloupe
- e. Other (specify): _____

26. Where on the farm do/did you work during the season? **(Tick all that apply)**

- a. Greenhouse
- b. Packing house
- c. Field-(Pruning and picking fruits)

Other(specify)_____

27. How manageable is/was the work you do/did on the farm?

- a. Much easier than expected
- b. Easier than I expected
- c. What I expected
- d. Harder than expected
- e. Much harder than expected

28. Were you transferred to another farm during this season?

- Yes No **(Go to Qu. 30)**

29. Why were you transferred?

- a. Finished working with first employer
- b. Problems with employer
- c. Problems with other workers
- d. Poor working or housing conditions
- e. Had difficulty with type of work
- f. Other (specify): _____

30. On average how many hours do/did you work each week? _____

(Interviewers must specify hours for lunch, breaks, and other pertinent information relating to fluctuation in hours worked)

31. How do you feel about the number of hours usually worked on the farm?

a. I want to work much more hours than received

b. I want to work more hours than received

c. I am ok with the number of hours worked

d. I want to work less hours than received

e. I want to work much less hours than received

32. Do you sometimes work on your day off?

Yes No

33. Explain the reason/s for your response.

(Go to 36 if don't/didn't work on day off)

34. Do/did you willingly work on your day off?

Yes No

35. Why do you work on your day off?

a. Needed to earn more money

b. Needed to complete work on the farm

c. Forced by employer

d. Don't/didn't want to lose job

36. Do you work when you are sick? Yes No* (Go to Qu. 38)

37. Why do you work when sick?

- a. Need/ed to earn more money
- b. Not too sick to work
- c. Forced by employer
- d. Don't/didn't want to lose job
- e. Need/ed to complete work/quota

38. Are you given safety or protective gears to use when working with chemicals?

Yes No
Does not use chemicals

39. How often do you use the safety protective gears when working with chemicals?

- a. Always
- b. Most times
- c. Sometimes
- d. Rarely
- e. Never

40. Did you receive training on the use of chemicals? Yes No

41. Are/were you able to access healthcare with your health insurance?

- a. Yes (Go to question 43)
- b. No
- c. I did not seek health care (Go to question 43)

42. Why were you unable to receive healthcare?

SECTION 4: HOUSING ACCOMODATION

43. How would you rate the overall housing and living conditions on the programme?

Excellent Good Fair Bad Very Bad

44. How has the housing and living conditions for this season differ from the previous years?

To be completed by workers who are/were on the Programme for more than one(1) season

- a. Vast improvement
- b. Slight improvement
- c. Remained the same
- d. Slightly worse
- e. Much worse

45. How would you rate the condition of the bedroom/sleeping facilities on the farm?

Excellent Good Fair Poor Very Poor

46. Explain the reasons for your answer.

47. How would you rate the cooking facilities on the farm?

Excellent Good Fair Poor Very Poor

48. Explain the reasons for your answer.

49. How would you rate the bathroom facilities on the farm?

Excellent Good Fair Poor Very Poor

50. Explain the reasons for your answer.

51. Were the housing facilities clean and functional when you arrived on the premises?

Yes No

52. Were the bathroom facilities clean and functioning when you arrived on the farm?

Yes No

SECTION 5: ACCESS TO WELFARE SERVICES

53. Do you know your Liaison officer? Yes No

54. Do you know how to contact your Liaison officer/Liaison service? Yes No

55. Have you seen your Liaison Officer or anyone from the Liaison Service this season?

Yes No

56. Have you contacted your Liaison Officer or anyone from the Liaison Service this season?

Yes No

57. Are you satisfied with the level of service from the liaison service?

Yes No

58. Please explain the reason for your response?

59. Was your employment contract given and explained to you before you left Jamaica?

Yes No

60. Did you participate in a Pre-flight talk/Orientation Programme at East Street before leaving Jamaica?

Yes No* **(Go to question 64)***

61. Was the information useful?

Yes No* **(Go to question 63)**

62. What was useful about the information you received?

63. How can the information from the orientation be improved?

64. What recommendation would you make to improve the overall farmwork programme?

d) Ten years and over

7) Which year did you last work on the Programme? _____

8) In which year were you injured? _____

9) Describe how you got the injury/COVID-19?

10) In which province were you working when you got injured?

a) Ontario

b) British Columbia

c) Nova Scotia

d) Prince Edward Island

e) Manitoba

f) Alberta

g) Newfoundland and Labrador

h) Quebec

i) New Brunswick

11) What were the main crops that you worked with during that season? (**Tick all that apply**).

a) Tree crops (Apple/Peach/Pear/Cherries)

b) Vegetables and legumes (Tomatoes, lettuce, cabbage, asparagus)

c) Tender fruits (Strawberry/blueberry, raspberry (berries))

d) Pumpkins/melons/cantaloupe

e) Other (specify): _____

12) Where on the farm were you injured?

a) Greenhouse

b) Packing house

c) Field- (Pruning and picking fruits)

d) Bunk House

e) Other(specify) _____

13) Did you work when injured?

- a) Yes
- b) No (Go to Qu. 15)

14) Why did you work when sick?

- a) Want to earn more money
- b) Not too sick to work
- c) Forced by employer
- d) Don't want to lose job
- e) Need to complete work/quota
- f) Other (specify): _____

SECTION 4: ACCESS TO WELFARE SERVICES

15) How did the liaison officer found out about the injuries/COVID-19 ?

- a) I told the liaison officer
- b) Farmer told him/her
- c) Another worker told him/he
- d) Other: _____

16) How long after your injuries did the Liaison officer assisted you? _____

17) How did he/she assist you? _____

18) What type of assistance did you receive to treat the injuries? **(Tick all that apply)**

- a) Received health insurance benefits in Canada |
- b) Applied only home remedies |
- c) Hospitalized before leaving Canada |
- d) Continued to be treated in Canada after injuries |
- e) Received treatment when back in Jamaica |
- f) Received no assistance
- g) Other(specify): _____

19) How would you rate your treatment by the farmer when you were injured?

Excellent Good Fair Bad Very Bad

20) Explain the reasons for your response.

21) How would you rate your treatment by the liaison officer while being injured?

Excellent Good Fair Bad Very Bad

22) Explain the reasons for your response.

SECTION 5: POST INJURIES

23) Were you sent back to Jamaica after the injuries?

Yes No (**Go to question 25**)

24) How long after the injures were you sent home? _____

25) Did you travel on the Programme after the injuries? Yes (**Go to question 28**) No

26) Are you able to work in Jamaica since the injuries? Yes No (**Go to question 27**)

27) Why are you unable to work? (**Go to question 29**)

28) What is your main job/work/business in Jamaica?

a) Farmer

b) Taxi Driver

c) Grocery shop/bar operator

d) Hotel worker

e) Construction Work

f) Chef/Restaurant

g) Other (specify): _____

29) Are you presently receiving treatment for your condition? Yes No

30) What are/were some of the challenges presently faced due to the injuries/COVID-19?

APPENDIX IV - PHOTOS

SLEEPING AREA





LIVING ROOM



KITCHEN



BATHROOM



LAUNDRY AREA



One of the Farms Identified as Engaging in “systematic slavery”

