

Government Sanctioning of Farm Worker Exploitation Must End

By Jonathan Hanvelt, David Fairey & Gurpreet Pabla

Over the past decade seven farm workers in BC have been killed and many others seriously injured at work due to the negligence of their employers. In addition, the records of numerous and persistent Employment Standards Act violations by farm labour contractors and farm operators reveal a fundamental problem with the rights and protections provided for farm workers.

For too long, farm workers in BC, most of whom are either recent immigrants or temporary foreign workers, have been the victims of discriminatory government policies and practices making them among the most low paid, vulnerable and abused workers in the province.

A number of recent studies regarding the working conditions of BC farm workers have concluded the current conditions for BC farm workers are untenable in a modern democratic society. These studies have found that immigrant and migrant farm workers are at the mercy of a complex, confusing and controlling system that exploits, threatens and silences them while it places their lives in danger and excludes them from a range of statutory employment rights and protections to which most other workers are entitled.

Already low paid, precariously employed and highly exploited, farm workers have suffered further over the past decade, as the BC government bowed to the greed and political pressure of a powerful agricultural employers' lobby, and stripped from farm workers the entitlement to such basic rights and benefits as overtime pay, statutory holidays with pay, annual vacations with pay, and hours of work restrictions.

The government has excluded many farm workers from the right to receive the hourly minimum wage and arbitrarily established instead minimum piece work rates for the harvesting of fruits, berries, vegetables and flowers that do not provide an hourly equivalent pay to the general minimum wage. And, except for an adjustment in May 2011, those minimum piece work rates have been frozen for 11 years while the cost of living has increased by 24 percent.

In addition, the government has reduced and all but eliminated regular, random and unannounced inspections of farm sites by workplace enforcement agencies such as Employment Standards Branch and WorkSafeBC. The government has also failed to conduct rigorous health and safety inspections of migrant worker housing and the vehicles used by farm labour contractors and farm operators to transport farm workers, even though farm labour contractors have a decades-long history of systematic abuse of the immigrant farm workers they employ.

This system of government sanctioned abuse and exploitation of some of our most vulnerable workers must come to an end through the adoption of a new program of comprehensive labour rights in BC based on reasonable standards to ensure decent work in conformance with international labour conventions. Such a program should:

- Restore the right to regulated hours of work and overtime pay, statutory holidays with pay, and annual vacations with pay.
- Eliminate minimum piece work rates for the hand harvesting of fruits, berries, vegetables and flowers so that all farm workers receive at least the general hourly minimum wage.
- Strengthen inspection of farm sites and restore proactive monitoring teams such as the Agricultural Compliance Team so that enforcement of employment standards on farms is comprehensive and continuous.
- Conduct an independent review of the farm labour contracting system with direction to consider establishing a new not-for-profit hiring hall model for all farm workers – immigrant and temporary migrant.
- Establish independent, local agricultural human resources centres.
- Adopt comprehensive regulations for migrant worker housing provided by farm operators.
- Renegotiate provincial-federal agreements: 1) to permit migrant farm workers to freely change employers and apply for permanent residency, 2) to ensure their employment contracts are actively enforced by federal and/or provincial authorities, and 3) to require the registration of all employers of temporary foreign workers with the Employment Standards Branch.
- Vigorously enforce health and safety regulations.
- Fully implement all 18 recommendations of the 2009 Coroner’s Jury investigation into the March 2007 deaths of three farm workers and injury of 14 others concerning the safety of vehicles used to transport farm workers.
- Reform the BC Medical Insurance plan so that migrant workers can receive coverage upon commencement of work in BC.
- Provide funding for community agencies to provide farm worker rights education and advocacy.

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