HOUSING REGULATIONS AND LIVING CONDITIONS OF MEXICAN MIGRANT WORKERS IN THE OKANAGAN VALLEY, B.C.

ABSTRACT

This article discusses the question of housing for Mexican migrant workers in the Okanagan Valley, British Columbia. It argues that living and working conditions for these workers are framed by a lack of citizenship that in practice denies them rights afforded to other workers in Canada.

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This one-year qualitative research is based on interviews with officials from government, farmer organizations, farmers, community organizations and Mexican migrant farm workers in British Columbia. Thirty interviews were conducted between June and November 2008. Sharma (2001, 2006) points to the fact that the basic outcomes and constraints of temporary immigration programs, such as the Seasonal Agricultural Worker Program (SAWP), flow from notions of nation and borders that affect the political "rights" of people, and their consciousness and conceptions of who "belongs" and who does not. Through these mechanisms, citizenship rights are granted to some and denied to others. In this article we address the question of housing for Mexican workers in the Okanagan. We argue that their living and working conditions are marked simply by a lack of citizenship that in practice denies them rights afforded to other workers. We demonstrate that under SAWP, workers are *de facto* denied the right to choose their own accommodations; the right to leave their employers' premises after work; and the right to move freely within those premises. The contradiction of this program is that while the survival of agriculture in the Okanagan depends on imported labourers, the desperate poverty of Mexican agricultural workers, which has forced millions to migrate north in search of work, weakens their bargaining power, forcing them to accept conditions imposed by government to government agreements that make them, in practice, indentured workers, rather than wage labourers.

The SAWP in British Columbia – and in the Okanagan – has been in existence for only six years. The number of Mexican farm workers in the region has increased from a handful in 2004, to about 400 in 2005, to around 3,000 in 2009 (Brett 2005, Schmidt 2009). The program is expected to continue to grow exponentially to "save B.C. agriculture from collapsing." Agriculture is, today as in the past, a central activity in the Okanagan. It is also an activity that has always been characterized by its reliance on the work of ethnic minorities (Lanthier and Wong 2002). This record provides the backbone to the current trend of temporary work in the region.

In the latter part of the 20th century the Okanagan's built landscape began to transform. The housing stock of small urban houses, trailer and mobile home parks, summer cabins and fairly cheap motels has quickly changed. Land and housing have become more expensive while affordable housing has virtually disappeared. Real estate prices have escalated in the Okanagan in the past years to such an extent that housing costs became a major part of many families' expenses. While the median house price in 1999 was $168,900, it had increased to $215,000 in 2003, reaching $520,000 in 2007 (www.castanet.net). An affordability survey released on January 29, 2008 revealed that Kelowna ranked among the most expensive markets in North America (CBC News 2008). The increase in housing prices has only aggravated a historical trend that makes workers avoid, when possible, the backbreaking, dirty, poorly paid, and dangerous work of the agricultural sector.

For the past 30 years, French Canadian youth have provided essential seasonal agricultural labour force in the valley. Several methods have been used to recruit them as fruit pickers. They move through the summer months within the Oliver-Vernon corridor following the pick seasons of the different commodities harvested in the area. Historically, they have been subject to poor housing conditions,

at times living in substandard fruit-picker cabins, or camped in farms with little or no facilities. Although some efforts were made in the 1980s to build better accommodations for fruit pickers, camping increasingly became an accepted practice. The discourse of camping as unsanitary has gradually changed to one of fun and enjoyment.

Land and housing speculation have made picker cabins a hot item. Some of the existing picker cabins have been sold for large sums of money or are rented year-round. From this experience, municipalities in the region have passed legislation prohibiting building permanent dwellings on farm properties to house temporary workers. Taking advantage of the image of the Okanagan as a place to "play" and work at the same time – an idea marketed by local municipalities and economic commissions – farmers and farmer organizations try to attract Canadian temporary workers by offering, for a small fee, access to camping facilities, showers and even, sometimes, lake-side locations.[1]

However, the supply of Canadian transient workers willing to camp and live rough is becoming increasingly insufficient. The transformation of agriculture in the Okanagan requires more workers for operations like vineyards, new apple crops, and cherries. As well, French Canadians are often students who leave before the apple season. But in large part, French Canadians have never been "just-in-time" labour and they are far less disciplined than the new crop of labourers available through the SAWP. The SAWP labourers, by contract, are available for work every day during the season, often for 10 to 12 hour shifts. Mexicans "always put up a full day, they start early in the morning and work until early afternoon, and they stay for the whole season. They'll walk out to the field rather than wait for stragglers, and they don't complain. That's why we hire them," pointed out the owner of a farm in Oliver, B.C. (Lalonde 2006). Another experienced entrepreneur stated that Mexicans "are good workers. I've seen them pick two to three times (more than) the average beginning picker. A lot of Canadian workers are lazy, many only want to work for a day then go out partying, and then you won't see them the next day. Mexican workers will pick every day and work hard" (*Ibid.*). Among the farmers we interviewed, there was almost unanimous agreement that Mexicans have a work ethic and family loyalty that Canadian farm workers lack. At least in agriculture, gone are the days of the stereotype of *Latinos* as lazy and in need of a *siesta* and of the North American protestant ethics of work and austerity.

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The SAWP is very appealing to employers. According to Mike Wallis, from the Western Agriculture Labour Initiative (WALI),[2] many Mexican workers are available who can do the job and who offer a more stable and predictable labour force than do Canadians (Steeves 2008a). Mexican migrant farm workers are not necessarily cheaper. While in 2008 newspaper ads offered an hourly wage of $9.50 for Canadian farm workers, the SAWP required minimum salaries of $8.90 an hour, plus "adequate housing" for a maximum fee of $550 and the return ticket to Mexico City. The average cost per hour for a SAWP worker, once the housing and transportation costs are factored in, fluctuates between $12 and $15.[3] Moreover, the mandate to provide adequate housing may demand a significant investment for a farm operator, at least at the initial stage (Squire 2008). For many employers, the cost of housing increases the cost of wage labour, although some unscrupulous farmers take advantage of the lack of citizenship of their workers through this provision, as we will discuss later. A basic rule in a capitalist enterprise is to increase worker productivity as much as possible to lower the impact of fixed costs in the total cost of the commodity. Then, the more hours the Mexican workers labour for Okanagan farmers, the lower their hourly cost.

After all, migrant workers from the south have little bargaining power in a global labour market, where the north has the upper hand. The SAWP is an economic agreement at the global level signed between Canada and the sending country, with no participation of workers or workers' organizations. This agreement takes advantage of its most vulnerable participants. For example, the program mandates a back-up of workers staged in Mexico, ready to leave, in case more workers are requested by Canada on short notice (Brem 2006). Work is not guaranteed for the workers in this situation. The program also stipulates that the migrant workers must be married; that they are to be kept ignorant of their actual placement until they land in Canada and are met by the representative of the Mexican consulate, who then informs them of their destination; that they have no say as to where they will dwell in Canada (for as long as eight months). Furthermore, workers pay rent, an amount set by the Canadian government, but have no say in their housing conditions; they have no choice as for whom they will work and with whom they will share their accommodations. Ironically, at the onset of the program in British Columbia, in 2004, the Mexican Consul, Hector Romero, stated that the SAWP is "mutually beneficial for both countries and Mexico is pleased with the rights and protection of its workers." (HRSDC 2004). This echoed the prevalent discourse that the program is a "win-win situation" for both the farmers and the migrants.

Housing is a central aspect of the SAWP. Joe Sardinha, the current president of the BC Fruit Growers Association, points out that "under government regulations for the Seasonal Agricultural Worker Program, proper housing must be provided for the Mexicans. That means four walls, roof, sanitary facilities, cooking and sleeping area, so if there's one limiting factor preventing some growers from accessing workers through this program, it's the housing" (Brett 2005).

Housing conditions are regulated by set guidelines, not legislation. BC is the only region where accommodations are approved by municipalities (if applicable) or independent inspectors. In all other regions, the Ministry of health, or

other appropriate agency, approves them. The BCSAWP guidelines point out that employers must provide "suitable housing on the farm; or arrange for suitable housing off the premises," and that "the worker may be charged a rate of 7% of his/her gross daily pay to a maximum of $550 during the worker's entire stay in Canada." To reiterate, "[i]f the employer is unable to provide suitable accommodation on the farm, the employer must provide suitable accommodation elsewhere, at the same cost to the worker." Informed by Foucault's theory on discipline and control, we would suggest that it is not by chance that under the bi-lateral agreement the preference is to locate the dwellings in the farmers' property, under surveillance, close to the employers' gaze, during and after working hours, seven days a week. In fact, given the conditions under which this program operates, workers are housed in a system that also responds to Goffman's idea of total institution. Workers are often relatively immobile on the premises, as many lack independent transportation means, disposable income for outings, lack a community and a network of family and friends to visit and to socialize with, and most importantly, lack the language to function independently. Because workers live on the property of their employers, they are subject to rules of behaviour at work and off-work; are subject to prohibitions of "vices" such as smoking, drinking, partying, loud music; and through the rules of the system, they are always on hand, ready to work at any time.

The housing guidelines are sufficiently vague to leave much of the decisions to the good will of the farmer (or to his or her bad will). It is true that the guidelines provide some "objective" measurements or standards, such as airspace per worker, or that bunks should be at least 12 inches above the floor. Still, a number of aspects are left to the judgment of the farmer. In fairness, the farmers start from guidelines that outline few directions and minimal compulsory requirements to house workers. The norm is that workers may be housed in mobile homes or industrial camp trailers; that bunkhouses are as suitable as normal family houses. Then, there are the silences and omissions in the guidelines. For people who work hard ten to twelve hours a day, six or seven days a week, or who must remain idle for long periods because of bad weather or lack of work and with not much else to do, the guidelines don't seem to consider necessary to demand a suitable space for people to just relax; for family men (most workers brought under the program are male, although it is open to both men and women) who are far from their families for months at a time, access to phones or email facilities is not considered essential; for workers who live in relatively isolated areas, free access to transportation is not deemed indispensable. In fact, although they might offer higher standards than the tent that has been normalized as suitable for Canadian transient fruit pickers in the region, the guidelines respond to concepts that do not recognize the right of agricultural workers to a minimum of privacy and comfort.

The SAWP guidelines prescribe that buildings to be used as housing for migrant workers be located on well-drained land, waterproof, 100 feet from barns or poultry cages and detached from buildings that store inflammable material and provided with adequate lighting and ventilation; that floors be tight fitting, smooth-surfaced, readily cleanable; that walls be 7 to 8 feet above floor level, smooth painted or of treated surface material. Sleeping facilities for these workers can be bunkhouses of family houses. Bunks *should* be "separate and sleep one person," 12 inches above the floor, and at least 18 inches apart from the next bunk, when not lying lengthwise along the walls. The airspace per person in sleeping areas *should* be 300 cubic feet. A clean mattress and pillow, a supply of clean blankets, sheets and pillowcases, and one storage unit complete the requirements. Family housing specifies maximum occupancy rate of one person per 80 square feet of usable floor area and the same in bunkhouses. Basic furnishing, such as tables, chairs and beds are specified for family houses. It is also specified that the sleeping area should be partitioned from other living areas. One toilet and shower for ten people, one sink for seven and a constant supply of hot and cold potable water is prescribed. To these very elementary directions, safety, garbage and basic kitchen guidelines are also added (BCSAWP 2005).

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Service Canada requires employers to include with their yearly applications for a Labour Market Opinion, a seasonal housing approval form showing that the premises have been inspected and approved according to guidelines specifications. The few Farmers who use commercial accommodation providers include a letter from the hotel or motel indicating the number of guests to be housed and the duration of the stay. The municipalities of Abbotsford and Pitt Meadows conduct their own inspections. In the rest of the province the inspections are conducted not by a government agent but by a certified private company. There is only one company in charge of the huge Okanagan area, where farms spread in an area almost 200 kilometers long, and where most of the workers are lodged in farm facilities. Inspections cost the farmer $85, which is paid directly to the inspector, for a service that has been mandated to protect workers' rights (BCSAWP 2005).

There is little control over this process. Only one person, a retired city building inspector, who has held this post since inspections began in 2006, conducts inspections in the Okanagan. According to the rules, he visits the premises once, before the arrival of the workers. This is an important visit for the employer, because without approval, the application to bring migrant workers cannot go forward. The

Okanagan is a large area to be checked by one inspector working part-time. Sometimes, during the most pressing period, five or six farms are inspected in one trip. From our interviews we learned that inspections are often harried; about half an hour at the most is spent in buildings going through their first inspection, less in those that have been inspected for an earlier season.

Although attention is often paid to gross measurements to determine whether the building complies with the minimum surface and air volume specifications, inspections sometimes fail to pay attention to other aspects. For example, we learned that it is not the concern of the inspector to check the size of the hot water tank in relation to the number of people housed in a dwelling. One of the farmers interviewed suggested that the inspection of his premises had been rushed, very rushed; that the inspector had failed to notice that the farmer, who was in a hurry to get the inspection done to apply to BCSAWP, had not hooked the house to the water main. And when one of the members of our team observed one inspection somewhere in the province, it was clear that the inspection was perfunctory if not negligent. In that occasion the dwellings inspected were little more than three tool sheds with wet and moldy cement floors that had not been cleaned for a long time. The inspector did not check whether the old stove and fridge were in working condition. He overlooked the fact that the buildings were not furnished, and that sheets, pots and pans were not on site for the inspection, although he let the farmer know that he would come back to check that those essentials were there before the workers arrived. He also overlooked dirty stained, mattresses, loose hanging wires, filthy toilets and inadequate showers in a furnace room. He even omitted entering one of the rooms since the farmer failed to open it. Although he told the farmer that he needed to clean the place and get rid of the junk and broken glass and fix the loose wires found in the room, he still approved the premises with the admonition that he was coming back. Did he go back? There is nothing mandatory about further inspections or random visits by inspectors, much less government inspections of the inspectors. In our view, housing is primarily left to the employers' sense of justice and their perceptions of Mexican workers' needs, views that are often tinged by constructions of race and underdevelopment. Actually, the ambiguity of the discourse surrounding this program allows for a wide range of practices. In what follows we will offer a few descriptions from our own observations that illustrate our argument that the way housing is conceived under the BCSAWP plays a central role in curtailing the freedom and citizenship rights of migrant workers.

Those living under the most comfortable conditions were workers working for vineyards connected to wineries. In one case, a few workers were accommodated in a house formerly used by the owner and his guests. The house was equipped with a living room, a Jacuzzi and had spectacular lake views. Each worker had his own bedroom. These workers were not charged for accommodation. It was one of the two employers in our sample who did not charge rent. And yet, when we interviewed the workers, they could not shake the sense of total institution which they experienced, as the door to the property was kept locked to outside vehicles and visitors were only allowed in by the foreman, who had his own housing arrangement on the property. These premises are located far away from town; there is no public transportation available; walking or biking is dangerous and difficult; the only option for the workers to go on outings was through access to the company's vehicle. Indeed, the contractual obligation of the employer to offer transportation once a week for workers to go shopping was fulfilled, but the sense of isolation remained. These workers had access to a church organization that offered some support and sometimes helped with transportation.

We visited the workers of a second vineyard, who dwelled in a house located on a public rural road. The environment was less luxurious than the one described above. The house had a beautiful view, a deck, a large barbeque, a well-appointed kitchen, a washer and dryer, a telephone, a functional living room that included two sofas, a large television set and games. The house had laminate floors, clean painted walls, two washrooms, hot water. Each worker was charged $550 for the season in rent. But here, like in several other residential arrangements, some of the same standard applied: shared bedrooms, fairly thin mattresses, and little room furniture. However, when questioned about their perceptions, these workers unanimously agreed that they were very satisfied with their accommodation, that housing was unproblematic. Perhaps the most important aspect of this particular experience was that this residence was far from the gaze of the employer, and so the workers' sense of surveillance was limited. Yet, from our standpoint, they still remained un-free men living with no privacy in an isolated setting.

A large group of workers who laboured for a cherry farmer lived a different experience. Forty workers had been hired for the season. The owner provided them with two bunkhouses that slept 20 each. A barrack-like room of concrete floors was furnished with a continuous single line of bunk beds stretching lengthwise along three walls, simulating a Lego construction. No sense of privacy existed here. Bunk beds were complete with thin foam mattresses. There were two armchairs, one television set, a line of small lockers in the middle of the room, and a few large plastic boxes. Located outside the dorm, there were four washrooms that included sinks, toilets and showers. The workers ate institutionally like, in a separate mess hall, also reminiscent of prisons or army barracks. This room was furnished with picnic tables similar to those found in city parks. This particular employer provided a cook and all the meals. Within the stipulations of the agreement, he charged the maximum allowable for food, $6.50 per worker per day. He collected about $260 a day for meals; yet the workers complained of hunger and food of poor quality. Workers also paid rent, amounting to 7% of their salary. We calculated that this farmer may get around $20,000 per season in rent for his bunkhouse if workers stay long enough. This farmer complies with the minimum requirements of the BCSAWP, but he nevertheless offers physical facilities and living arrangements that intimidate his workers, while recovering a large portion of his workers' income.

In between these two extremes there are operations where employers try their best to balance low costs and relatively acceptable housing conditions. In two of the cases we studied, workers were not charged for accommodation.

Workers in this group, with some variations, had more or less easy access to phones and were able to resolve their daily necessities with relative ease. They had relatively easy access to transportation. Some were driven upon request to resolve personal problems whenever needed, while others had access to public transportation or were given access to a vehicle and gas, and in other cases, came and went from the farm by bicycle. Just by chance, some workers are assigned to employers who treat them with respect and who try to make their life in Canada as bearable as possible.

Regardless of the quality of housing arrangements, the SAWP is embedded in a system that curtails the freedom and citizenship rights of migrant workers. The houses where SAWP participants dwell, sometimes for eight months a year, year after year, are not expected to have a space with decent couches where people can relax after a long day of work. It is the norm that grown-up men share a bedroom for months, sometimes two or three to a bedroom, sometimes ten or twenty to a bedroom. At least each person is given the right to a bed of his or her own. Bunks, unfinished interiors, cement floor, overcrowding are the norm rather than the exception. And more problematic still is the fact that workers are housed within the premises of the employers, on private property and thus, constantly under their gaze. It is irrelevant if workers' movements are actually controlled or not in the premises: the possibility is always there.

In essence, in the Okanagan, housing for migrant workers reinforces immobility and surveillance. Housing arrangements leave multiple possibilities for employers. They may improve the lot of the workers or make their lives miserable, all within the legal parameters of a program where housing represents a disciplinarian and total institution. It is notable that some companies and individual farmers do their best to offer what they consider to be humane conditions to their workers. True, many of these conditions are marked by discourses of underdevelopment, race and class, but the employers act according to their moral conscience to be fair employers within the limits of their business needs. Others take advantage as much as they can of vulnerable people, also within the limits set by the program. The way housing inspections have been framed by the program, including the resources assigned for this service, the character of the inspection process, and the frequency at which they are performed, results in an ad hoc system with little regulation for employers and significant constraints for workers. Both the Canadian and Mexican governments sanction the SAWP in the Okanagan. After all, it is through programs conceived in this form that the global labour markets of the 21st century resemble the indentured labour markets of the past.

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Notes

[1] For example, a relatively large farm operation that employs French Canadian workers offers $9 an hour for workers in the packing house and about $15 an hour for fast pickers who are hired for piece work. They also offer good accommodations for campers: "Depending on the crop, we employ 25 to 30 pickers and packing house workers who live rent-free in our campsite at one of the farms. You will need a tent, sleeping bag, cooking utensils, working clothes (warm and cold), boots and a bathing suit (there is a pool). The camp has showers, flush toilets, stoves, fridges, microwaves, sinks, safe drinking water, couches and sometimes TV and movies." (Norton Okanagan's Harvest 2009) Of course, this is a rosy picture. A different image is offered by a description of Oliver's housing facilities by a witness who blogs, "Most farmers will allow workers to tent in their orchard while working for them. Some farmers have running water, some do not. Very few farmers provide anything 'extra' like cabins, cookhouses or showers. Some do not even have outhouses on their property for workers. If you are planning to come and pick fruit, you will be roughing it. Bring a good tent." (Oliver, B.C. Blog, 2008)

[2] An industry-based, employer representative organization, funded by several B.C. Commodity Groups that facilitates the importation of temporary farm workers.

[3] Calculations provided by three operators interviewed.

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