

McMaster University

# Undergraduate Journal of Law & Politics



May 2025

# SAWP: Benevolent Foreign Aid or Mutually Beneficial Exploitation?

Giselle Poirier

## Introduction

This essay explores the question: how does the Seasonal Agricultural Worker Program (SAWP), through its structure and regulations, create vulnerable workers as well as a power imbalance between the sending and receiving countries? In response, I will argue that vulnerability and exploitative relationships are created through the social and economic clauses of the SAWP. Furthermore, the SAWP creates a cycle of dependency where sending countries benefit from the remittances sent back by workers and the strengthening of diplomatic relationships. I argue that the SAWP necessarily involves an imbalance of power because the division of labour within the bilateral relationship between countries is an unequal one. I will begin with a brief overview of the SAWP's history, purpose, and importance to the Canadian economy. Then, I will examine how the SAWP maintains power imbalances on the micro and macro levels using both empirical evidence and as well as theories of exploitation. Since Mexico provides more workers through SAWP than any other

country, the majority of the academic literature on this topic focuses on the relationship between Canada and Mexico. Thus, I will limit my scope to the SAWP in the Mexican context.

## Overview of the SAWP

The SAWP program, which has existed since 1966, annually moves 27,000 people from Mexico and the Caribbean into jobs on Canadian farms, and then back to their country of origin.<sup>[1]</sup> The program operates on a “Canadian First” basis, meaning that employment opportunities for seasonal work must be made available to domestic workers first.<sup>[2]</sup> Once an employer proves they were unsuccessful in hiring domestic workers to fill seasonal positions, they are supplied with the number of workers that they had requested.<sup>[3]</sup> The program functions on three general principles: first, workers are authorized for employment during peak seasons when the supply of domestic workers is deemed inadequate. Secondly, workers are temporarily admitted to Canada for a minimum of 240 hours in six weeks or a maximum period of eight months.

<sup>[1]</sup> Jenna L. Henneby and Kerry Preibisch, “A Model for Managed Migration? Re-examining Best Practices in Canada’s Seasonal Agricultural Worker Program,”

International Migration 50, no. 1 (February 2012): 20, <https://doi.org/10.1111/j.1468-2435.2009.00598.x>.

<sup>[2]</sup> “General Principles for SAWP,” Foreign Agricultural Research Management Services, February 26, 2024, <https://farmsontario.ca/things-to-know/general-principles-for-sawp/>.

<sup>[3]</sup> Henneby and Preibisch, 24.

Finally, workers are to be provided with suitable accommodations that meet provincial housing standards, receive the approved rates of pay, and are to be treated fairly and equitably by employers.<sup>[4]</sup>

To be eligible for the SAWP, workers must be a minimum of 18 years of age, a citizen of a participating country, and be able to satisfy the immigration laws in both Canada and their country of origin.<sup>[5]</sup> Under the program, workers are tied to a single employer for the duration of their contract and must return home at the end of that contract, as there is no pathway for permanent Canadian residency within the SAWP. The SAWP has been globally cited as a reference point for “best practice”<sup>[6]</sup> in immigration because it is demand-driven, meaning it is not subject to quotas and caps.

### **Exploitation on the Individual Level**

Mexican migrant workers face unequal positional power created through the social barriers and structural regulations that are in place within the program in that they foster an environment where workers are vulnerable to exploitation.

First, Mexican workers face social exclusion due to barriers which prevent them

from accessing English language training and subsequently are unable to communicate effectively with other English-speaking Canadians. Mexican workers do not have access to the English language training programs common in permanent residency pathways, and their long work hours leave little free time to pursue English as a second language classes.<sup>[7]</sup> As a result, their interaction within the community that they reside in is severely limited, resulting in workers seeing their employers and their employers' families as the only representatives of Canadian society with whom they can interact in a personal fashion.<sup>[8]</sup> This leads to a strong sense of trust with their employer (although it is one-sided) and creates a “feudal-type paternalistic relationship between the [employer] and his workers.”<sup>[9]</sup> This also creates a concerning gap in Mexican workers' ability to access healthcare services, because there is a “shortage of Spanish-speaking doctors in rural areas where Mexican workers are employed.”<sup>[10]</sup> Seasonal workers already face struggles accessing health care in Canada (including a potential resulting risk of repatriation) with the problem only being compounded when workers are unable to properly communicate with the doctor.

<sup>[4]</sup> General Principles for SAWP.

<sup>[5]</sup> “Hire a Temporary Worker through the Seasonal Agricultural Worker Program: Program Requirements,” Government of Canada, January 30, 2024, <https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/requirements.html>.

<sup>[6]</sup> Hennebry and Preibisch, 24.

<sup>[7]</sup> Hennebry and Preibisch, 30.

<sup>[8]</sup> Tanya Basok, “Seasonal Contract Workers and Domestic Labor: The Displacement Debate,” In *Defense of the Alien* 22 (1999): 77, <https://doi.org/https://www.jstor.org/stable/23141344>.

<sup>[9]</sup> Basok, 77.

<sup>[10]</sup> Basok, 73.

Thus, the SAWP is set up to create a separation between Canadians and seasonal workers; and it is a way of reinforcing their temporary existence in Canada by preventing any form of integration into Canadian society. Undeniably, language is important, and to deprive an entire group of people of their ability to meaningfully communicate with the local community in which they reside for the majority of the year is indefensible. This leads to isolation and alienation among farmworkers. While this mitigates the risk of workers becoming attached to the local community, it treats Mexican workers as lesser than their domestic counterparts. Their place in Canada is purely transactional—a way to fulfill economic needs.

One of the most unique and integral features of the SAWP is that there is no path to permanent residency through the program, meaning workers are not eligible to apply so long as they are in the program. This creates a class of temporary migrants who are permanent outsiders. The function of such a stipulation is that it allows the program to serve two purposes: “alleviate production problems in host countries while also serving as a proven anti-immigration strategy whose objective is to dissuade certain foreigners from establishing in those countries.”<sup>[11]</sup>

Essentially, the SAWP “can be seen as a way of gaining workers while keeping down social costs.”<sup>[12]</sup> What makes this harmful is that citizenship is the mechanism through which rights and protections are conferred. When workers cannot vote or collaborate (such as in a union), they have no means to advocate for their rights or challenge unfair situations.<sup>[13]</sup> This stipulation is however greatly beneficial to the government. Having these workers in the country on a purely contractual basis means that Canada has no duty to allocate resources for integrating them into Canadian society. Likewise, their role means there is less of a duty on the state’s behalf to provide workers with certain citizenship rights, instead, this falls on Mexico.

Another notable restriction of the SAWP is that seasonal workers have no access to the labour market. This is appealing to many employers, who “prefer a captive labour force working and living under conditions of “transient servitude”: servitude because, as a condition of their right to live and work in Canada, workers are tied to particular employers who exercise immense control over their working and nonworking lives, and transient because the worker eventually returns to [their] own country.”<sup>[14]</sup>

[11] E. Zoe Castell Roldán and Yessenia Patricia Alvarez Anaya, “Migration and Dependency: Mexican Countryside Proletarianization and the Seasonal Agricultural Worker Program,” *Dialectical Anthropology* 46, no. 2 (June 2022): 163–82, <https://doi.org/10.1007/s10624-022-09661-w>.

[12] Hennebry and Preibisch, 26.

[13] Hennebry and Preibisch, 31.

[14] Arthur Leigh Binford, “Assessing Temporary Foreign Worker Programs through the Prism of Canada’s Seasonal Agricultural Worker Program: Can They Be Reformed or Should They Be Eliminated?,” *Dialectical Anthropology* 43, no. 4 (May 21, 2019): 362, <https://doi.org/10.1007/s10624-019-09553-6>.

This is highly effective in ensuring that an employer will have their seasonal workforce for the full duration of the season; an estimated 98.5% of workers finish their contracts.<sup>[15]</sup> In addition, this servitude takes away the workers' negotiating power. Unlike domestic workers, they cannot threaten to leave their jobs without putting their livelihood at risk. Therefore, workers must agree to employers' requests, such as working extra hours and/or on Sundays.<sup>[16]</sup> Such unfree labour cannot exist in a liberal democratic society and therefore only foreign workers, tied to an employer by a contract, are in a position to satisfy the demand.<sup>[17]</sup>

Mexican workers having no access to the labour market may not have malevolent intentions, because it serves as a way to ensure workers don't quit mid-season and leave employers struggling to fill roles in their absence. However, to tie workers to one employer who in a sense has the power to decide their fate in the program creates an environment where workers believe they must do whatever their employer asks, even if they feel it is unsafe, too demanding, or unfair. Notably, this results in workers who end up with a negligent or abusive employer having no way of addressing or remedying their situations (outside of contacting their consulate).

Another crucial part of the program is that workers can be repatriated at any time within their contract, with no formal appeal

process to fight repatriation. This creates a level of job insecurity that motivates workers to appease their employers at any cost. The potential for deportation is key to employers' ability to demand and obtain high levels of work intensity. Employers do not need to threaten deportation, or even threaten employees with dismissal because as a condition of the SAWP, workers have agreed to the terms of their contract and as such they know and fear repercussions of being "difficult."<sup>[18]</sup> This results in many health problems that workers develop during their contact going unreported because they fear not being rehired the following year. One worker stated: "I was sick for a while but I didn't complain to the patrón. For if I tell him, he does not "ask" for me anymore and I am left without work."<sup>[19]</sup> This worker waited until he returned to Mexico to seek medical care. This allows for exploitative practices. Studies into the conditions of the SAWP have revealed that "Mexican farm workers are expected to work six days and a half every week, including half a day on Sunday,"<sup>[20]</sup> despite their contract stating that workers are entitled to a day of rest. While many seasonal workers welcome chances for extra income, they report that this structure is too exhausting. Particularly, the need to receive a positive review from an employer and be rehired results in a coercive offer, where any requests from an employer cannot be refused without future consequences.

<sup>[15]</sup> Hennebry and Preibisch, 25.

<sup>[16]</sup> Basok, 76.

<sup>[17]</sup> Basok, 78.

<sup>[18]</sup> Binford, 355.

<sup>[19]</sup> Basok, 73.

<sup>[20]</sup> Basok, 72.

Fear of being fired mid-contract indirectly encourages workers to push their physical and mental limits, by working through injuries they suffer on the job or pushing past exhaustion. What makes this so effective is that workers who are repatriated are typically blacklisted from the program. Consequently, this establishes a power structure that silences workers. If they complain about working conditions, someone else is willing to take their place and do what they cannot/will not do. In turn, employers gain an inflated sense of power, which allows them to treat Mexican workers in ways that would not be acceptable with a domestic workforce.

Having a fearful and obedient workforce is advantageous for Canada: “Due to the perishability of crops, Ontario fruit and vegetable growers require a core of workers who are always available when needed and who are unfree to quit their job or even to take time off.”<sup>[21]</sup> By hiring workers willing to work without any time off, Canada reduces their loss of crops, leading to greater profits.

I will use Wertheimer's theory of mutually beneficial exploitation to illustrate how the SAWP is exploitative. In *Exploitation*, Wertheimer states that exploitation generally occurs when: “A takes unfair advantage of B.”<sup>[22]</sup> Both parties consent and gain from

exchanging with each other, but the distribution of the social surplus gained through the exchange is unfair. A more detailed iteration of this exchange is: “A takes advantage of B's circumstances to get B to agree to a mutually advantageous transaction to which B would not have agreed under better or perhaps more just background conditions.”<sup>[23]</sup> In the context of the SAWP, A is the Canadian employers and B is the seasonal workers. Workers recruited from Mexico are often from poverty-stricken areas identified as “Priority Attention Zones,”<sup>[24]</sup> meaning those who enter the program do so because of the lack of economic opportunities at home.

Correspondingly, employers take unfair advantage of the low pre-transaction baseline that the Mexican workers have to entice them to enter the program. While no one threatens to make the workers worse off if they do not participate in the program, their background conditions “force” them to take part in the program and agree to unfair terms, such as giving up the ability to apply for permanent residency and agreeing to not unionize. Employers contribute to this exploitation by utilizing seasonal workers as “mere instruments for private gain,”<sup>[25]</sup> meaning they use these workers to reduce their operating costs and increase profits and global competitiveness, rejecting the better-

<sup>[21]</sup> Basok, 69.

<sup>[22]</sup> Alan Wertheimer, “Chapter 1: Overview,” essay, in *Exploitation* (Princeton, New Jersey: Princeton University Press, 1996), 10, <https://doi-org.libaccess.lib.mcmaster.ca/10.1515/9780691214511>.

<sup>[23]</sup> Wertheimer, 27.

<sup>[24]</sup> “Building Mutual Prosperity,” Canada In Mexico, October 8, 2021, <https://canadainmexico.com/canada-mexico-relationship/mutual-prosperity/>.

<sup>[25]</sup> Wertheimer, 23.

paid, unionized domestic workforce.<sup>[26]</sup>

### **Exploitation on the State Level**

The power imbalances affecting workers on the individual level are also replicated at the state level, albeit in a different way. I will explore two ways in which the program motivates Mexico to participate despite the unfair distribution of decision-making power.

Firstly, the SAWP is a bilateral agreement where both the Canadian and Mexican governments work together to administer the program and engage in annual negotiations.<sup>[27]</sup> However, there is an imbalance in how this work is divided, with Canada having the bulk of the decision-making power. Through political and economic advantages, Mexico is obliged to agree to the terms of the agreement even if work and benefits are unequally divided. Mexico's role within the program is to control all administrative tasks before and after the labour term. Their duties include "the recruitment, selection, and discipline of workers."<sup>[28]</sup> Mexico's Ministry of Labour conducts the selection process, assigns workers to farms, and schedules their flights. Additionally, Mexico's Ministry of Health is mandated to carry out mandatory health screenings for all workers pre-departure. Also, Mexico's

Ministry of Labour is responsible for ensuring that Canadian employers fill out end-of-year evaluations and that all the workers return home at the end of their contract. Aside from these regulatory tasks, the Mexican Consulate bears the sole responsibility of handling labour disputes, conflicts and complaints from workers during their contract.<sup>[29]</sup> While Mexico willingly engages in the program with Canada, their acceptance of this unequal division of labour can be attributed to the political and economic benefits that they receive, namely the remittances from worker's salaries and the fact that Canada's global political standing is higher than Mexico's, making the Mexican government feel obliged to accept the terms Canada proposes to remain the preferred source of seasonal workers.

To expand further, remitted income is a motivator which ensures compliance from Mexico as it is a source of income for development growth in exchange for exporting their low-income citizens. Remittances refer to "transfers of resources [namely money] from individuals in one country to individuals in another."<sup>[30]</sup> In 2019, Canada received over 27,000 agricultural workers under the SAWP.<sup>[31]</sup> Workers in the program typically send home

<sup>[26]</sup> Hennebry and Preibisch, 21.

<sup>[27]</sup> Hennebry and Preibisch, 24.

<sup>[28]</sup> Hennebry and Preibisch, 29.

<sup>[29]</sup> Hennebry and Preibisch, 29-30.

<sup>[30]</sup> Steven Castles, "Comparing the Experience of Five Major Emigration Countries," essay, in *Migration and Development: Perspectives from the South* (United Nations Publications, 2007), 273, <https://publications.iom.int/books/migration-and-development-perspectives-south>.

<sup>[31]</sup> Building Mutual Prosperity.

80% of their total income, with the remaining 20% spent on living expenses during their contract.<sup>[32]</sup> Furthermore, for the average Mexican worker, “[their remitted income] represents 81.5% of their total household income.”<sup>[33]</sup> All this resulted in the remittances sent to Mexico in 2019 totalling 218 million USD.<sup>[34]</sup> To illustrate the impact that these remittances have on the local economy, “every [dollar] sent to Mexico generates a \$2.90 contribution to the country’s gross national product.”<sup>[35]</sup> Thus, due to the sheer amount of remittances annually, Mexico has a great economic interest in upholding the program. The statistics depict how foreign workers are the main breadwinners for their households, and their wages made by the SAWP are used to support their families and invest in their future. Seasonal workers and their families are investing the money made in Canada back into Mexico’s economy, for education, repayment of debts, buying homes or land for farming, and more.<sup>[36]</sup> In turn, they boost the local economy, allowing for economic

prosperity that would otherwise not be available to many. While the Canadian government suggests these benefits make the SAWP a form of foreign aid aimed at promoting a “better quality of life”<sup>[37]</sup> and “combating poverty abroad.”<sup>[38]</sup> The benefits conferred by the partnership are vastly unequal, undermining their claims of beneficence. For example, seasonal agricultural work is integral to the Canadian food system and ensures that sustainable Canadian-grown produce is available to Canadians. Seasonal workers make up 53% of Canada’s paid agricultural workforce and are the driving factor in helping the federal government achieve its Budget 2017 objectives to grow Canada’s annual agri-food exports from \$56 billion to \$75 billion by 2025.<sup>[39]</sup> With the prevalence of what the Canadian Agricultural Human Resource Council calls the “growing labour gap” in the agricultural sector, having access to a reliable core of seasonal workers is essential to Canada’s economic interests.<sup>[40]</sup> Furthermore, by creating a cycle of dependency Canada gains a reliable source

<sup>[32]</sup> Lidia Carvajal Gutiérrez and Thomas G. Johnson, “The Impact of Remittances from Canada’s Seasonal Workers Programme on Mexican Farms,” *International Labour Review* 155, no. 2 (June 2016): 302,

<https://doi.org/10.1111/j.1564-913x.2014.00022.x>.

<sup>[33]</sup> Gutiérrez and Johnson, 302.

<sup>[34]</sup> Building Mutual Prosperity.

<sup>[35]</sup> Alejandro Portes, “Migration and Development: A Conceptual Review of the Evidence,” essay, in *Migration Development: And Perspectives from the South* (United Nations Publications, 2007), 21,

<https://publications.iom.int/books/migration-and-development-perspectives-south>.

<sup>[36]</sup> Building Mutual Prosperity

<sup>[37]</sup> Building Mutual Prosperity

<sup>[38]</sup> Building Mutual Prosperity

<sup>[39]</sup> “A Review of Canada’s Seasonal Agricultural Worker Program,” Canadian Agricultural Human Resource Council, December 2017: 4, <https://cahrc-ccrha.ca/sites/default/files/2021-11/A%20Review%20of%20Canada's%20SAWP-Final.pdf>.

<sup>[40]</sup> A Review of Canada’s Seasonal Agricultural Worker Program, 5.



of seasonal workers annually, with the number of workers joining the program steadily growing.<sup>[41]</sup> In addition, so long as Mexico continues supplying low-skilled, low-income citizens, Canadian employers have a readily available pool of cheap labour who are willing to do strenuous work for minimum wage, rather than having to raise wages to attract domestic workers. Finally, Mexico gives Canada significant power by agreeing to the terms of employment under the bilateral agreement. This allows Canada to dictate what acceptable housing arrangements and work hours look like, and impose coercive limits on workers, thereby perpetuating the imbalance of power and reinforcing Mexico's dependency on Canada for economic opportunities.

Mexico's implicit role in the program means that they become partially responsible for creating the situations which allow for these power imbalances to take place. To connect back to Wertheimer's theory of exploitation, Mexico's role in the SAWP could be classified as a form of mediated exploitation, where "C (an individual or a group) authorizes or asks A to seek a benefit for C from a transaction with B."<sup>[42]</sup> Thus, according to Wertheimer, both the Canadian and Mexican governments could be culpable for the exploitation of the seasonal workers. Canada asks Mexico to provide workers to fulfill its seasonal agriculture work, and in exchange, the remitted wages of these workers will be returned to the Mexican

economy, and Mexico will benefit from a strengthened diplomatic relationship with Canada. All three parties benefit to some degree, but it is clear both countries exploit the seasonal workers and Canada exploits both the Mexican government and the seasonal workers by using them as a means to an end – in this case, the economic gain of migration without the costs associated with permanent residency.

### **Conclusion**

In conclusion, the SAWP, while seemingly beneficial for both sending and receiving countries, creates a system rife with exploitation. The program's structure, from limitations on worker mobility to the lack of a pathway to permanent residency, fosters a power imbalance that leaves workers vulnerable to their employer's control. In addition, Mexico's dependence on remittances creates a situation where the government prioritizes economic gain over the well-being of its workers.

<sup>[41]</sup> Henneby and Preibisch.

<sup>[42]</sup> Alan Wertheimer, "Chapter 7: Unfair Transactions," essay, in *Exploitation* (Princeton, New Jersey: Princeton University Press, 1996), 210, <https://doi-org.libaccess.lib.mcmaster.ca/10.1515/9780691214511>.

## Bibliography

Basok, Tanya. “Seasonal Contract Workers and Domestic Labor: The Displacement Debate.” In *Defense of the Alien* 22 (1999): 64–81.

<https://doi.org/https://www.jstor.org/stable/23141344>.

Binford, Arthur Leigh. “Assessing Temporary Foreign Worker Programs through the Prism of Canada’s Seasonal Agricultural Worker Program: Can They Be Reformed or Should They Be Eliminated?” *Dialectical Anthropology* 43, no. 4 (May 21, 2019): 347–66.

<https://doi.org/10.1007/s10624-019-09553-6>.

“Building Mutual Prosperity.” *Canada In Mexico*, October 8, 2021.

<https://canadainmexico.com/canada-mexico-relationship/mutual-prosperity/>.

Carvajal Gutiérrez, Lidia, and Thomas G. Johnson. “The Impact of Remittances from Canada’s Seasonal Workers Programme on Mexican Farms.” *International Labour Review* 155, no. 2 (June 2016): 297–314.

<https://doi.org/10.1111/j.1564-913x.2014.00022.x>.

Castell Roldán, E. Zoe, and Yessenia Patricia Alvarez Anaya. “Migration and Dependency: Mexican Countryside Proletarianization and the Seasonal Agricultural Worker Program.” *Dialectical Anthropology* 46, no. 2 (June 2022): 163–82.

<https://doi.org/10.1007/s10624-022-09661-w>.

Castles, Steven. “Comparing the Experience of Five Major Emigration Countries.” Essay. In *Migration and Development: Perspectives from the South*, 225–84. United Nations Publications, 2007.

<https://publications.iom.int/books/migration-and-development-perspectives-south>.

“General Principles for SAWP.” Foreign Agricultural Research Management Services, February 26, 2024.

<https://farmsontario.ca/things-to-know/general-principles-for-sawp/>.

Hennebry, Jenna L., and Kerry Preibisch.

“A Model for Managed Migration? Re-examining Best Practices in Canada’s Seasonal Agricultural Worker Program.” *International Migration* 50, no. 1 (February 2012). <https://doi.org/10.1111/j.1468-2435.2009.00598.x>.

“Hire a Temporary Worker through the Seasonal Agricultural Worker Program: Program Requirements.” Government of Canada, January 30, 2024.

<https://www.canada.ca/en/employment-social-development/services/foreign-workers/agricultural/seasonal-agricultural/requirements.html>.

Portes, Alejandro. "Migration and Development: A Conceptual Review of the Evidence." Essay. In *Migration Development: And Perspectives from the South*, 17–42. United Nations Publications, 2007.  
<https://publications.iom.int/books/migration-and-development-perspectives-south>.

"A Review of Canada's Seasonal Agricultural Worker Program." Canadian Agricultural Human Resource Council, December 2017. <https://cahrc-ccrha.ca/sites/default/files/2021-11/A%20Review%20of%20Canada's%20SAWP-Final.pdf>.

Wertheimer, Alan. "Chapter 1: Overview." Essay. In *Exploitation*, 4–34. Princeton, New Jersey: Princeton University Press, 1996.  
<https://doi-org.libaccess.lib.mcmaster.ca/10.1515/9780691214511>.

Wertheimer, Alan. "Chapter 7: Unfair Transactions." Essay. In *Exploitation*, 207–46. Princeton, New Jersey: Princeton University Press, 1996. <https://doi-org.libaccess.lib.mcmaster.ca/10.1515/9780691214511>.

