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The Center for Comparative Immigration Studies
University of California, San Diego

Human Rights and Citizenship: The Case of Mexican Migrants in Canada

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Working Paper 72
April 2003

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Abstract. According to several scholars, the emergence of supra-national human rights institutions have caused a fundamental shift from national citizenship (a nation-based notion of rights) to post-national citizenship (a more individual-based universal conception of rights based on an international human rights regime). The notion of "postnational citizenship" has been challenged by many researchers who have argued that universal principles of human rights cannot be implemented and enforced without the consent of nation-states. Although nation-states have demonstrated a certain degree of respect for universal principles, their commitment to the ideas of post-national citizenship are based on a conception of citizenship rooted in membership in a particular bound community. The two notions of citizenship--one linked to inclusive universal rights and the other to membership in an exclusive community--are at times contradictory. Using the case of Mexican migrants working in Canada, this presentation will emphasize the difference between rights as a set of principles and laws on the one hand, and their actual practice and implementation on the other. Basok will argue that whereas legal access to economic rights has been extended to non-citizens residing in the national territory of sovereign nation-states, membership in the national community has often been denied to them, thus precluding them from exercising the rights to which they have been granted legal access.

In the last decade discussions on international human rights regimes and "post-national citizenship" (Sassen 1996:89) have been gaining popularity. The emergence of supra-national human rights institutions, such as the UN, UNHCR, European Court of Justice, ILO, and such documents as the Universal Declaration of Human Rights and other international covenants and conventions, including the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Migrant Workers Convention, are cited as examples of this trend. Several authors, including Turner (1993b), Soysal (1994), Jacobson (1996), Yuval-Davis (1999), Cohen (1999) view these developments as indicative of a shift from a state-based to a more individual-based universal conception of rights, or from national citizenship to post-national citizenship.

While limitations of the "post-national citizenship" thesis have been pointed out by various researchers (Bhabha 1999; Castles and Davidson 2000; Schuck 1998; Schuster and Solomos 2002, Glenn 2000), it remains true that migrants in many European countries and in

North America have gained certain legal rights which coincide with the moral principals prescribed by the international conventions. However, in practice, migrants continue to suffer human rights violations despite the existence of legal frameworks that protect them. While there may be various reasons why migrants may not exercise the legal rights extended to them by the receiving states, this presentation advances an explanation which focusses on the contradiction between two notions of citizenship - one linked to rights and the one linked to membership in a community. The first one advocates principles of inclusion the second - of exclusion. Commitment to the second set of principles may negate any achievements made with respect to the first. In this presentation I argue that even though legal access to some economic rights may be extended to non-citizens residing on a national territory of sovereign nation-states, the exercise of these rights may be precluded by the denial of social membership in the national community to these non-citizens. The presentation uses Mexican migrants working in Canada as an illustration.

Post-National Citizenship: From Citizenship Rights to Human Rights

In her seminal work on migrants in Europe, Soysal develops an argument that national citizenship is losing ground to a more universal model of membership rooted in universal notions of human rights. She suggests that rights that used to be granted solely to nationals are now extended to foreign population and that we are witnessing a transition from national to post-national citizenship. The thesis that the human rights discourses have displaced the discourses of rights based on the sovereignty of nation-states is supported by a number of authors. Jean Cohen (1999) contends that “human rights discourses are now a pervasive feature of global public culture.

Their effectiveness goes well beyond moralistic exhortation: they constitute an international symbolic order, a political-cultural framework, and an institutional set of norms and rules for the global system that orients and constrains states (p. 26). Yuval-Davis (1999) acknowledges that no international agency has the right to interfere in the internal affairs of the states. Yet she insists that even this accepted rule is crumbling, as is the viability of states to represent the only significant political frameworks (p. 128). Focussing on the rights of foreign residents, various authors (e.g. Layton-Henry 1990b, Bloemraad 2000; Jacobson 1996, Sassen 1996) have maintained that there is no longer a sharp distinction between the rights enjoyed by citizens and those of non-citizens (or denizens, as permanent foreign residents in Europe have been coined). Sassen (1996), for instance, points out that immigrants have accumulated social, civic, and even some political rights in countries of residence and that legal citizenship status is of minor importance with respect to entitlements to such social services as education, health insurance, welfare, and unemployment benefits in the United States and Western Europe (pp. 95-6). Some countries have extended voting rights to resident non-citizens (Sassen 1996; Layton-Henry 1990b). Legal resident immigrants are guaranteed full civil rights either constitutionally or by statute (Sassen 1996:96). Brubaker (1992), although critical of the ‘post-national citizenship’ thesis, acknowledges that “the marginal advantages conferred by citizenship over and above those converted by the status of long-term foreign resident are of modest import. From the point of view of the immigrants concerned, citizenship status as such does not decisively shape life chances” (p. 180?) Thus, according to the supporters of the ‘post-national citizenship’ thesis, what matters most is residence and legal immigrant status.

Legal Citizenship Versus Citizenship as Practice

Although researchers associated with the “post-national citizenship” thesis have been criticised for minimizing the nation-state’s control over citizenship and citizenship rights¹ and for their failure to acknowledge that not all citizenship rights and equally applied to all migrant workers,² In addition, various authors have pointed out temporal and geographic variations with respect to the rights enjoyed by migrants. Drawing on the experience of resident aliens in the United States, Schuck (1998) identifies different policies towards resident aliens through time. He notes that between the late 1960s and early 1990s the treatment of aliens in the United States was brought in line with the treatment of citizens in many respects, yet in the 1990s access of alien residents to public benefits was questioned. The 1996 welfare reforms, for instance, have significantly limited the eligibility of alien residents to virtually all federal cash assistance programs. Violations of civil rights of some groups of immigrants in the post-September 11 climate is another illustration of the deterioration of the rights of some foreign residents in the United States. Stasilius and Bakan (1997) point out that by focussing on the 1960s European guest workers, Soysal ignores less permanent forms of migration and the fact that people participating in them are often denied human rights. Based on an analysis of transnationalized female labour - migrant domestic workers - they insist that national, territorially based

¹ Brubaker (1992) contends, “Viewed against the backdrop of the loss of sovereign control over admission to the territory and access to civil and socioeconomic rights, state’s continued sovereign control over admission to citizenship stands out” (p. 180). Canefe (1998) recognizes the importance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a significant human rights instrument with some international dictate. He acknowledges that the UN and ILO support the rights of migrant workers in terms of the provision of fair wages in conditions of equal pay for equal work, decent living and working conditions, equal opportunity at work place, and availability of rest, leisure and periodic holidays. Yet he points out that these provisions are primarily recommendations for the states hosting migrant workers and they do not possess an obligatory nature. Castles and Davidson (2000 :19) seem to be even more sceptical of the impact that the UN Convention on the Rights of Migrant Workers and members of their Families can make on international migrants since it has been signed only by a handful of emigration countries.

²Schuster and Solomos (2002) point out that national citizenship “remains the single most important means of protecting migrants and minorities within Europe from being excluded or expelled from a European state (p. 49).” Brubaker (1992) remarks that citizenship would add complete protection against expulsion, access to public sector employment, and eligibility for those few social services and benefits that are limited to citizens (p. 180?)

sovereignty continue to restrict rights to individuals originating from outside a nation-state's border." (P. 131) the fact remains that many migrants workers have benefitted from the legal extension of the rights previously reserved for the national population. And therefore from a legal perspective, migrant workers have become "post-national citizens."

However, when citizenship is viewed not merely in relation to legal rights but as a "set of practices that lead to the establishment of rights, access, and belonging" (Winer 1997: p. 535) and "shape the flow of resources to persons and social groups" (Turner 1993a: 2), the picture becomes considerably different. As Winer points out, the exercise of legal rights may be denied because "the means to use citizenship rights, including adequate education, means of communication, and access to transportation may not be sufficiently established" (Winer 1997: 535). In the case of migrants, failure to exercise the **legal rights** extended to them by the receiving states may be related to the **social exclusion** from the national community of the host society.

International migrants are often caught in the contradiction between two citizenship principles. The first principle refers to access to rights and the second to membership in a community or identity Kratochwil (1994). Soysal (1994: 159 and 2000: p. 6-7) contends that there is a clash between two elements of modern citizenship: rights and identities. She observes: "In the postwar era, these two elements of citizenship are decoupled. Rights increasingly assume universality, legal uniformity, and abstractness, and are defined at the global level. Identities, in contrast, still express particularity, and are conceived of as being territorially bounded. As an identity, national citizenship - as it is promoted, reinvented, and reified by states and other societal actors - still prevails." (Soysal 1994: 159). As Brubaker (1992) contends, ""The politics of citizenship today is first and foremost a politics of nationhood. As such it is a *politics of*

identity, not a politics of interest (in the restricted, materialist sense). (p. 182) In other words, foreign residents may be simultaneously offered membership in a community of citizens when defined in terms of rights and denied citizenship in the same community when defined in terms of belonging and identity. These two aspects of citizenship are not distinct (as Soysal and others seem to portray them); they are inter-connected. The central argument of this presentation is that the denial of social membership (based on identity and belonging) in a community of citizens to some categories of migrants makes it difficult for these migrants to exercise the legal rights that may be extended to them by international and national legislature.

The presentation is based on research on Mexican migrants recruited to work in Canada through the Seasonal Agricultural Workers Program³. A total of 154 semi-structured interviews were conducted with Mexican men in the Leamington area, Ontario, Canada and 100 interviews with men participating in the Canadian program in San Cristóbal, a Mexican village in the State of Guanajuato. In addition, the study included interviews with officials at the Mexican Consulate in Toronto, the Mexican Ministry of Labour and Social Planning, the Foreign Agricultural Management Services (F.A.R.M.S.), as well as 45 Leamington greenhouse growers.

Leamington: a Rural Community

Leamington is a rural community in Essex County located some 45 kms Southeast of Windsor, in Southwestern Ontario. Its climate and soils are ideally suited to agriculture. Located in close

³My gratitude extends primarily to all the Mexican seasonal workers and the greenhouse growers who participated in this research project. I am also indebted to Nicole Noel and Carolyn Lewandowski for their invaluable assistance. Their superb communication skills have helped me to collect rich data.

proximity to the Great Lakes and at the most southerly latitude within Canada, Essex County enjoys early springs, warm summers and longest growing season in Eastern Canada. In addition, the region is known for its variety of productive soils. This combination of the favourable climate and rich soils permits Essex growers to produce a wider range of crops than elsewhere in Canada. The leading crops produced in Essex County are corn, soybeans, fall wheat, canning crops, fruits and vegetables, including early potatoes and greenhouse crops. But it is the tomato production that has occupied a central place in the Leamington economy in the 20th century. The growth of the tomato industry received a major boost from the establishment of the Heinz food-processing plant in 1909.

The greenhouse industry has been growing since the 1940s (Snell 1974: 94). It has supplied domestic and US markets not only with tomatoes but with other vegetables, such as cucumbers and peppers. The greenhouse industry has undergone significant growth in the last fifteen years. In 2001 the Leamington greenhouse industry was bigger than the entire US greenhouse industry. With its 987 acres under production it had the largest concentration of greenhouse vegetable production in North America (Whitfield and Papadopoulos 2002).

The Leamington greenhouse industry has benefited from the establishment of the Experimental Station at Harrow (located between Windsor and Leamington). Researchers working at the Harrow station have developed improved technologies which have considerably reduced production costs for greenhouse growers. A shift from glasshouses to double polyethylene houses has permitted growers to reduce their heating costs and advances in plant pathology and entomology have resulted in pesticide reduction (Whitfield and Papadopoulos 2002). Perhaps more than technological improvements the availability of foreign seasonal workers from Mexico and the Caribbean has contributed to the rapid growth of the industry.

Mexican workers are employed in field crops and in greenhouses. But it is the Leamington greenhouse industry which has grown particularly dependent on Mexican labour. Extremely hot temperatures discourages many local farm workers from working in greenhouses in the summer months, although these workers are more willing to work there once the summer heat subsides. Mexican seasonal workers constitute some forty percent of the workforce in the greenhouse industry. Many Leamington greenhouse growers consider the contribution of Mexican seasonal growers vital to their industry and claim that without them the industry will be dead. At the same time, the expansion of the greenhouse industry has made it possible for more Mexican workers to be employed in this region.

Mexican Migrant Workers.

Mexican seasonal workers have been a part of Leamington for several decades. Starting in 1974 they have been employed to work in the Leamington horticulture through a government-regulated program. The Agricultural Seasonal Workers Program (known commonly as the “offshore program”) was launched in 1966 but until 1974 it had applied only to workers from the Commonwealth Caribbean countries. The program was introduced to ease the severe labour shortage problems that many Ontario growers experienced. The seasonal migration from the Caribbean did not entirely solve the labour shortages and in 1974 the Canadian government extended this program to include Mexico. Since 1974 the number of Mexican workers employed in Canada through the “offshore program” has been climbing steadily. Whereas at the beginning some 200 Mexican men were recruited to participate in it, today over 7,000 Mexicans are admitted to Canada each year. Almost all of them are men. Ninety percent of them work in Ontario and the Leamington area alone receives close to three thousand Mexican workers

annually. Most of them are return migrants. The program permits growers to nominate their workers and many growers prefer receiving the workers who have already proven to be efficient, loyal, and obedient. And thus some workers employed in the Leamington area today have been coming to this region for some twenty years.

Social Rights: De Jure and De Facto.

Although Canada has not signed international conventions on migrant workers, the Canadian state has extended certain rights to migrant workers – a right to a minimum wage (or prevailing wage), workers' compensation, access to medicare, and some provisions of the Employment Standards Act. The Agreement for the Employment in Canada of Seasonal Agricultural Workers from Mexico stipulates that the workers are to receive weekly wages calculated as the greatest of:

- C the minimum wage for workers provided by provincial legislature
- C the rate determined annually by Human Resources Development Centre to be the prevailing wage rate for the type of agricultural work being carried out
- C the rate being paid by the employer to his Canadian workers performing the same type of agricultural work.

Mexican workers employed in Ontario are covered by the provincial Employment Standards Act. As harvesters, these workers are entitled to vacation pay and public holiday pay if they have been employed for at least thirteen weeks. Vacation pay is to be calculated at the rate of 4% of total gross earnings (F.A.R.M.S. 1999: 20). Contributions to the Unemployment Insurance, Workers Compensation, and Canada Pension are deducted from the seasonal workers' pay and therefore they are entitled to receive benefits deriving from these plans.

However, several of these rights are not exercised by the Mexican workers who are often unaware of their entitlements. They fail to receive benefits guaranteed to them by law. In 1999 Mexican workers employed in Leamington were paid \$6.90 per hour or five cents above the minimum wage. However, most domestic workers employed to perform the same tasks were paid between 50 cents and a dollar more per hour. Every Mexican worker is entitled to receive the Canadian pension upon reaching the age of 65. However, most Mexican workers are unaware of the procedures they need to follow in order to receive their Canadian pension. With respect to the Workers Compensation, the situation is more complicated. Every injured Mexican harvest worker can claim compensation from the Workplace Safety and Insurance Board (formerly known as the Workers' Compensation Board) if injured at work. Even though physicians treating injured workers are required by law to report their accidents to the Workers Safety and Insurance Board, in practice, because of the language barriers English speaking physicians often fail to understand the cause of the accident. Sometimes, even if the physician does fill out the compensation forms and forwards them to the Board, by the time the Workers Safety and Insurance Board forwards these forms to the injured worker at the grower's address, he or she is already in Mexico and the forms never get filled.⁴ In the meantime, the injured worker, who is returned to Mexico, may be too ill to work and in addition he/she has to pay for medicine to cure the ailment out of his/her pocket.

No Mexican worker employed in the Leamington area has been offered a paid holiday by

⁴Many workers are also reluctant to claim compensation out of fear that their employers would disapprove. At the end of the season each grower fills out an evaluation form for each worker. Workers are required to report to the Mexican Ministry of Labour and Social Protection upon their return to Mexico and to hand in the evaluation forms placed in sealed envelopes. To a large degree, the decision taken by the Ministry of Labour on whether to re-admit the worker into the program in the following years hinges on these evaluations. Therefore Mexican workers try to please their *patrones* in every possible way so that they would receive positive evaluations. They work hard and fast, they show up for work on demand (including evenings, weekends, and holidays), and they try not to take days off even when sick or injured.

the employer and the payment of the vacation pay has been subject to the employer's whims. The application of the Employment Standards Act is complicated by the distinction it makes between "harvest" and "farm" workers. Only harvest workers are entitled to paid public holiday and vacation benefits and only if they have been employed for thirteen weeks as harvesters. Most Mexicans work in Canada for more than thirteen weeks but during the term of their employment they perform numerous tasks, some are related to harvesting and others include preparation of the soil, packaging, and some post-harvest activities. It requires accurate book-keeping on the part of the growers to establish whether the workers have been employed as "harvesters" for the specified period. Most growers in Leamington chose not to bother making the required calculations. They deny paid public holidays to all Mexican workers and the amount of vacation pay varies from one grower to the next. Some growers also use vacation pay as a reward and therefore some workers receive the full vacation pay; some workers claim to receive only 2% and some none at all.

The "Agreement for the Employment in Canada of Seasonal Agricultural Workers from Mexico", signed by the employer and the employee, stipulates that "for each six consecutive days of work, the worker will be entitled to one day of rest," although it does make it possible for employers to request "the worker's consent to postpone that day until a mutually agreeable date." In practice, during the peak season, many Mexican farm workers are asked to work seven days a week (including half-a-day on Sunday) and they find compelled to comply with the request. Finally, even though Mexican workers are covered by the Ontario Health Insurance Plan (OHIP), often their ailments remain untreated. Language and cultural barriers prevent Mexican migrants from seeking medical help at rural hospitals.

There are several reasons why Mexican workers do not exercise their legal rights. Fear of

being expelled from this guest worker program is one important explanation (Basok 2002). In this presentation I would like to focus on another reason - social exclusion from the community. Mexican workers do not speak English and no English classes are provided to them. Their interaction with the local society is extremely limited. They know very few people who can serve as cultural interpreters for them. Existing on the social margins of the Canadian society, they are often unaware of their rights. But even when they are aware of their entitlements, they may not be able to follow the procedures to receive the benefits they deserve because their language skills are insufficient and there is hardly anyone to assist them.

Social Exclusion.

Mexican workers stay in Canada for up to eight months each year. They are housed by the employer, usually on the premises. It is not unusual for the workers to live in a house or a trailer next to the grower's house. The grower is responsible for providing furniture, dishes, utensils, and appliances to the workers. The workers cook their own meals but the grower is obligated to take them shopping for food (or pay the taxi fare to the store and back) once a week. The grower is also expected to take an ailing worker to a physician. In Ontario seasonal workers are covered by the Ontario Health Insurance Plan.

In many respects Mexican workers play an important part in the economic life of this rural community. They constitute a significant part of the labour force, they shop in local stores, buy food from fast food places, use taxi services, consume in bars, conduct financial transactions in local banks, and buy second-hand merchandise at garage sales.

But while Mexican seasonal workers participate in the community life as producers and consumers, in their social world they are insulated from the rest of the community. Very few

people take interest in them. Because of the language barrier, Mexican workers do not attend regular church services. Instead a Spanish-speaking priest offers them a separate Sunday service. Their cultural celebrations (such as the Mexican Independence Day celebration or Fathers' day) draw very few local residents. Workers cannot attend public English as Second Language classes because during the harvest season they work late in the evening. Furthermore, in order to enrol in public English classes one needs to pass a tuberculosis test. For most Mexican workers this requirement poses a problem. Their employers are required to take them to a physician when they are ill but not for any other reason. Without employers' help, the Mexicans will find it extremely difficult to communicate with the physicians. Furthermore, the workers are reluctant to take time off work to take this test. With an exception of a handful of Mexican workers who take English classes in the basement of the Catholic church after the service or who benefit from interaction with a few volunteers placed on the farms by Frontier's College, most do not get a chance to learn English.

There is hardly any attempt made by the host society to integrate Mexican workers into the social life of the community. Some claim that they experience rejection. As one worker has commented: "There are many people who look down on us, don't think we are worth anything. Some of them don't want us to work here." An older worker who has been coming to work in Leamington for 15 years, reflects:

Even though they used to be nicer before, people in Leamington never really liked the Mexicans. They think we are all thieves. Perhaps, some of us are. And in Mexico even our president is a thief. But you know how it is in small towns. People trust each other. And in **ranchos** [rural communities -TB] even more so. Here we go to Zeller's [and Canadian Tire - adds his room-mate] and they stare at us to make sure we won't steal. The

same when we go to yard sales. Because I speak some English, I chat with them sometimes. But they all stare at others with fear. There are some pubs where we are not allowed. Because I like dancing I used to go to pubs when I first came over but women don't even want to dance with you. And they are rude. I understand it when a guy is drunk and he does not take "no" for an answer. But when you approach a girl and ask her to dance with you politely there is no reason for her to be rude. One woman even punched a Mexican guy in his nose when he asked her to dance with him. His nose bled.

Mexican Mennonites living in Leamington speak Spanish but the cultural divide separating them from the Mexican guest workers is too great to overcome. There is some interaction between Mexican workers and Salvadoreans residing in Leamington - some Salvadorean men play soccer with Mexicans and some Salvadorean women sell food to them. But the Salvadorean population is not large enough to provide social support to the Mexican workers. According to the 1996 population census there were only sixty Salvadoreans residing in Leamington, although fifteen other immigrants (possibly from other Spanish-speaking countries included in the category 'other places of birth') listed Spanish as their mother tongue.

Because they live apart from the rest of the community, they limit their social interaction mainly to others in the Mexican community. They visit each other in the evenings or on Sunday. They hang out at the entrance to a grocery store where most do their shopping. They attend the same bars and the same Catholic church (except for those who have converted to Protestantism), and play soccer with each other (and with a few Salvadoreans). When they organize a dance to celebrate the Mexican Independence Day or for another reason, hardly any non-Mexicans attend.

Being insulated in the social space of their own, Mexican workers experience very little, if any, cultural change. When asked whether they had changed their behaviour or mode of

thinking as a result of their employment in Canada, most Mexican migrants said, ‘no.’ Most household members in San Cristóbal gave a negative answer when asked whether their husbands, sons, or fathers had changed as a result of their Canadian experience. Some interviewed workers mentioned that they had learned to appreciate their wives and had become better husbands; others mentioned that they had learned to cook and use garbage cans in public places. But these changes do not result from interaction with representatives of another culture. Instead, they reflect the need to take care of themselves while in Canada, the growing understanding of the value of domestic services that they get for free in Mexico, emotional stability which comes with the improvement in their socio-economic status, availability of garbage cans in public places in Canada, and the perceived pressure to be law-abiding citizens while in Canada.

Mexican seasonal workers employed in Canada are viewed as sojourners whose temporary stay in the country does not necessitate investment in their social integration and cultural orientation. While Mexican migrants are integrated into the Canadian economy, in social and cultural terms they are not citizens of the community which has grown to depend heavily on their contribution. Newly arrived immigrants to Canada share certain elements of social isolation and cultural persistence with the Mexican seasonal workers. Yet the two groups diverge in one important way. Permanent foreign residents are provided with English classes. Orientation classes are offered by ethnic and non-ethnic settlement agencies. Various types of settlement-related counselling, professional (re)training, and other programmes aimed to provide immigrants with basic skills and knowledge required to function in a new society, are provided by government and government-funded voluntary agencies. While immigrants may not be integrated into the mainstream Canadian society, their ethnic agencies and entrepreneurs serve as cultural interpreters which can effectively ‘translate’ the Canadian society (with its legal

entitlements and communal resources) to the newly arrived immigrants. In this sense Canada is similar to many other countries which have made significant efforts to integrate foreign residents into their societies. These policies are rooted historically in nation-building projects.

Nation-States and Social Integration.

From its inception the nation-building project has relied on the support of nation's citizens. In exchange for civil, political, and social rights, the nation's citizens have been expected to assume certain responsibilities. Loyalty to the central state has been of particular importance in this process and modern states have "attempted to reduce or eliminate all loyalties and divisions within the country which might stand in the way of national unity" (Schafer 1955: 119). In order to forge national unity nation-states have attempted to forge cultural homogeneity employing assimilation policies aimed to destroy religious, linguistic, and cultural diversity on their territory (Anderson 1983; Bauman 1990: 154; Castles and Davidson 2000: 2-15; Gellner 1983, Miles 1993: 207-211). As Bauman (1990: 154) puts it, "National state was cast from the start in the role of collective gardener, set about the task of cultivating sentiments and skills otherwise unlikely to grow." This drive to uniformity, "expressed in the comprehensive cultural crusade" has "reflected and augured the coming intolerance to difference" (Bauman 1990: 157). It was expected that political loyalty would grow out of cultural conformity. As Bauman puts it, "The nationalization of the state (or, rather, etatization of the nation) blended the issue of political loyalty and trustworthiness (seen as conditions for granting citizenship rights) with that of cultural conformity" (Bauman 1990: 161).

Even though the homogenization project associated with nation-building has failed to achieve its goal (Bauman 1990; Hutchinson 2000), the fact that there has been a preoccupation

with cultural conformity among those residing on the territory of the nation-state is noteworthy. Both extant ethnic minorities and immigrants have been expected to assimilate to the dominant culture defined as the national culture.

While assimilation is no longer pursued to the same extent, nation-states still expect foreign residents to conform to public culture and integrate themselves into the society. The importance placed on social and cultural integration of all legal residents is well illustrated by the policies adopted in Western Europe in the 1980s. At that time most Western European governments became seriously concerned with the failure of the foreign-born residents to integrate themselves into the socio-cultural fabric of the European nation-states. It was estimated that some 15 million people who had come to various European countries as guest workers since the Second World War, were still living there in the 1980s (Miles 1993; Layton-Henry 1990a). Most of them chose not to become citizens of the European countries in which they resided, even in those countries, like France, which encouraged immigrants to naturalize and set relatively easy and inexpensive procedures for new immigrants to follow (Layton-Henry 1990a:8). Furthermore, they resisted cultural change and continued clinging to their culture, religious beliefs, and traditions (Layton-Henry 1990a). Defining the reluctance of foreign residents to change their culture and to obtain citizenship, many European countries adopted a series of “integration” policies (Miles 1993: 173-176) Furthermore, in order to encourage permanent foreign residents to become citizens, some countries extended political rights to them and some simplified their naturalization procedures (Layton-Henry 1990a and 1990b).

Failure to integrate Mexican migrant workers into the Canadian social fabric stands out by comparison to the treatment of other migrants in Canada and elsewhere. Despite the fact that Mexican workers spend up to eight months per year in Canada for many years, the Canadian state

and local communities continue to treat them as strangers. Being denied membership in local communities, Mexican migrant workers are thus also denied knowledge and resources required to exercise the legal rights granted to them by the Canadian state.

Recent Changes in Leamington

The relationship between Mexican workers and the Leamington community described above started to change in 2002. It took a series of articles published by a Windsor labour journalist, Mary Agnes Welch, to make some community residents recognize the social barriers that the community had erected. Consequently, the Migrant Worker Coalition was formed. The Coalition organized an Orientation meeting in February 2002 at which workers were introduced to local banks, police, transportation routes, and Leamington recreational activities. The Coalition has representatives from the business community, growers, Mexican consulate, and the Town Hall. With the funding from the United Way, the Coalition launched a “Bridges for Bicycles” project to assist Mexican workers to fix their bicycles, the major mode of transportation among Mexican workers. In addition, the Coalition set up an office at the South Essex Community Centre. While this coalition has an important symbolic role, it is hardly an organization which is concerned with the foreign workers’ rights. A couple of interpreters working for pay or as volunteers for the South Essex Community Centre have served as translators for local hospitals (the translation is often done over the phone). The importance of this service should not be underestimated. Yet, by and large, this organization serves the interests of the growers who occasionally require interpreters to improve communication with the workers, particularly when conflicts arise.

It is the opening of the Migrant Workers Support Centre that has the potential for enhancing the exercise of rights by the Mexican workers. In April, 2001 the United Farm

Workers of America-Canadian Office was contacted with regard to the case of some twenty migrant farm workers from Leamington facing repatriation to Mexico. This action was precipitated by a walk-out of some 50 Mexican workers protesting against their working conditions. Having visited Leamington several times, UFWA-Canadian Office launched the Global Justice Care Van Project. The aim of the project was to document working and living conditions of the seasonal guest workers in Ontario and to propose improvements in the program to the Canadian government. The project was funded by the Canadian Labour Congress, United Steel Workers of America, United Food and Commercial Workers and Canadian Auto Workers Union (United Farm Workers of America Canadian Office 2001, p. 2). On June 2, 2002 the Care Van Project opened an information and assistance centre in Leamington to provide health and safety training as well as legal aid, assistance in filing of workers compensation claims, information on Canadian pension and income tax, and other services to the migrant workers. The support centre was funded originally as a pilot project but in August 2002, the United Food and Commercial Workers and the Canadian Labour Congress decided to continue funding the centre. This decision had been made a couple of month prior to the introduction of the Ontario law which precluded migrant workers from forming unions.

In 1995 Bill 91, the Agriculture Labour Relations Act introduced by the New Democratic Party government in Ontario in the early 1990s which would allow unionization of agricultural workers, was repealed in by the Conservative Party. The United Food and Commercial Workers Union, which had started unionizing workers in a mushroom plant near Leamington, launched a law suit and in December 2001 the Supreme Court of Canada ruled the repeal of the previous law unconstitutional. The Supreme Court gave the province until June to come up with new legislation (Hill 2002; Schmitz 2002). The law that came out in Fall 2002 gave agricultural

workers the right to form and maintain associations but not to strike or bargain collectively (Hill 2002). Furthermore, the provincial legislation did not apply to migrant workers because they fell under federal rules (Windsor Start, October 8, 2002, A5).

The decision by the United Food and Commercial Workers Union to assist migrant workers was made at the time when there was an expectation that the Ontario legislation would permit agricultural workers, foreign and domestic, to bargain collectively. Having spent a half million dollars in courts over seven years, the United Food and Commercial Workers Union found itself in court again (Windsor Start, October 8, 2002, A5). With its financial resources being constrained by the need to spend more money on the legal battles and with no expected returns from the migrant workers, it is uncertain whether the United Food and Commercial Workers Union will commit more funding to the support centre.

Multiple Layers of Citizenship

As Yuval-Davis (1999) observes, “Citizenship needs to be understood as a multi-layered construct, in which one’s citizenship in collectivities in the different layers - local, ethnic, national, state, cross or trans-state and supra-state - is affected and often at least partly constructed by the relationships and positionings of each layer in specific historical context” (p. 122). It is important to realize however, that these layers may be inter-connected and that the exercise of rights associated with citizenship at one layer may be precluded by the limitations on citizenship at another layer. As global citizens they are entitled to rights spelled out by international conventions and recognized by the Canadian state. Yet the exercise of some of these legal rights is constrained because Mexican migrants are denied membership in local communities. Hardly any efforts are made to integrate them into the social fabric of these

communities. Living on the social margins of the local communities, Mexican migrants remain ignorant of their rights and/or of the ways they can exercise them.

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