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**EDITORIAL**

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**The Making of the Agricultural Industry's  
Temporary Migrant Workforce: Beyond  
Exploitative Experiences?**

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This special issue of the *Journal of Australian Political Economy* is the product of a research collaboration project between University of California Davis and University of Sydney on temporary migrant workers in agriculture. Workshops were held in Sydney in February and Davis in April 2019, and several of the papers published in this issue had their origin in presentations delivered at the Sydney workshop.

The project was prompted by the evidence that the agricultural industry in most high-income countries had become increasingly reliant on the employment of temporary migrant workers and that, almost without exception, the industry's reputation was sullied by a history of migrant workers being subjected to a raft of exploitative practices. The exploitative relations manifest across the spectrum of the employment experience. From their first encounters with labour recruiters, workers face the prospect of becoming indebted to lenders who advance funds to support travel, which can result in being locked into bonded labour situations, becoming indebted to logisticians who physically assist their travel, becoming employed by labour hire enterprises that charge exorbitant fees for their services or underpaid by the actual employers. They may also be fleeced by accommodation providers or taken advantage of by money

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transfer agencies (Martin 2016). This history has ignited an intense debate on the nature of waged work in contemporary capitalism, some arguing that this has all the hallmarks of the remaking of feudal relations, the burgeoning of unfree labour or modern slavery, while others point to the deepening of labour market segmentation (Brass 2004; Grimshaw *et.al.* 2017).

The research collaboration which led to this special issue of *JAPE* brought together two contrasting contexts. One drew on the long history of the American agricultural industry's reliance on temporary and undocumented migrant workers, mostly Mexican migrants, and the post-WWII efforts to reorganise and regulate labour migration and the workforce. The second reflects the more recent turn to temporary labour migration programs in Australia, marking a fundamental shift in Australian migration policy which had historically been formed to facilitate permanent migration. The Working Holiday Maker 417 visa, introduced in 1995, soon complemented by its more restricted counterpart Work and Holiday 462 visa, and followed by the 457 Skilled Worker visa. The Seasonal Worker Programme was piloted in 2009 and the Pacific Labour Scheme introduced in 2018.

This shift in Australia's migration policy reflected a global trend among high-income countries. Having adopted guestworker programs in the post-WWII period and abruptly shuttering the programs in the mid-1970s with the onset of global economic malaise, by the 1990s European economies were re-establishing temporary or seasonal labour migration programs (Castles 2006; Martin 2016). Recruiting migrant workers for work in agriculture was a critical impetus for this, as it was for formerly labour-export Mediterranean countries, such as Greece, Italy, Portugal and Spain, which attracted growing numbers of temporary migrants to work in agriculture, a high proportion of whom were irregular or undocumented migrants.

This upturn in international labour migration was celebrated by international economic institutions advocating the liberalisation of the global economy – the World Trade Organisation pressing the case for free trade and the World Bank pressing for the liberalisation of financial flows, and, crucially, launching the case for global labour market liberalisation. The Bank endorsed temporary labour migration as a means of promoting more efficient and fuller utilisation of the world's resources (World Bank 1995). This was soon being represented in the form of the 'migration-

development' nexus: temporary migrant workers could be gainfully employed, earn and remit income to finance development in their home country. Before long, the World Bank was pressuring Australia and New Zealand to introduce temporary labour migration programs that could provide employment opportunities for Pacific Islanders, help overcome claimed labour shortages such as was being argued to be the case in agricultural industries, contribute to the expansion of the industry and boost export capacity, and, through repatriated income, provide the basis for Pacific Island communities to become more economically self-reliant and self-sufficient (World Bank 2006, 2017). New Zealand's Recognised Seasonal Employer program, introduced in 2007, and Australia's Seasonal Worker Programme soon followed, falling into line with the World Bank's proselytising economic liberalisation as the springboard for globalisation (Bedford, *et. al.* 2017; Brickenstein 2017).

This transition in migration policy occurred with extraordinary haste. In large measure, concerns that temporary labour migration programs could not be effectively managed and open the way to over-stayers, as had happened with the European guestworker programs, were allayed by referring to the example of Canada's Seasonal Agricultural Workers Program, which had been introduced in 1966 and was represented as an effective model of management (Preibisch 2010). The reality was less convincing. Despite safeguards designed to protect migrant workers from exploitative practices, restrictions on workers' rights and the strengthening of employer rights to choose prospective seasonal workers had the effect of contributing to the precarious and vulnerable position of workers. This was reinforced with the introduction of a complementary scheme, the Low Skill Pilot Project in 2002, which provided opportunity for employers to engage temporary visas holders freed of some of the obligations of the SAWP (Preibisch 2007).

Analysis of the two schemes highlighted the fact that the labour market policies were crafted in response to employer-led claims regarding their labour needs, and this went hand in hand with measures that constrained the ability of workers to assert employment and other rights. This is one of the lessons conveyed in Phillip Martin's presentation on the history of the American agricultural industry's continuing reliance on temporary and undocumented migrant workers: through the actions taken, as well as inaction, the commitment to satisfying employer workforce requirements has blocked the implementation of effective measures to combat exploitative employment practices.

Temporary labour migration programs have been introduced as pragmatic and ostensibly short-term measures to solve labour market challenges quickly. The problems that emerge, including the persistent and pervasive instances of exploitative practices, follow from the haste with which governments have introduced the programs. Governments have generally given little serious consideration to designing effective regulation and management measures to protect employment standards and the terms on which temporary migrant workers are engaged (Rogaly 2008). Employers have taken advantage of this. The shortcomings could also reflect systemic failures of government, the result of institutional weaknesses in the structure of the state, of departments or ministries competing for ascendancy within the hierarchy, or simply the difficulties in establishing a coherent and united vision, as Fels and Cousin imply in their advocacy of a 'whole-of-government' approach. But there is also the very real possibility that the endemic nature of exploitative practices might have more specious origins. Take for instance the successful Federal Court challenge to the government's 2017 decision to impose a higher tax regime on working holiday makers than that applicable to permanent residents and citizens points (Jasper *et.al.* 2019). That decision, and the possibility that the tax on earnings could be set at an even higher rate, aroused the wrath of farmers who feared this would result in Canada and New Zealand becoming more attractive destinations for working holiday makers, but there was no questioning of the tax being a discriminatory impost on migrant workers as the Federal Court has judged it to be discriminatory on the grounds of nationality.

The research that has exposed the exploitative and abusive practices experienced by temporary migrant workers, and the organising efforts by unions and worker advocates, community organisations and by migrant workers themselves, have often resulted in some of the weaknesses in migration programs being patched by cosmetic changes to legislation or in operational procedures. Britain's *Gangmasters (Licensing) Act 2004*, passed in the aftermath of the 2004 Morecambe Bay cockling disaster, and the 2014 EU Seasonal Workers' Directive are cases in point (Poinasamy and Bance 2009; Hunt 2015). The Federal government's *Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017* introduced some tightening of protections, but these also have their limitations (Clibborn and Wright 2018). On the other hand, industry and employer lobbying over regulatory requirements has resulted in some requirements being relaxed, such as with the Seasonal Workers Programme.

This introduction to the *JAPE* special issue points to some of the key elements that have shaped the dynamics of labour migration policy and employment practices. The Sydney workshop provided the opportunity to debate these dynamics. Participants were invited to consider the design of labour migration programs and the structure of employment and workplace practices as contested processes, and this is reflected in the articles that follow here.

The first article in the collection is by Allan Fels and David Cousins who headed the Migrant Worker Taskforce. While not specifically concerned with migrant workers in agriculture, it summarises the key concerns that were addressed by the Taskforce and, drawing on other countries' regulatory initiatives, canvasses action that they recommend be adopted to rein in abusive and exploitative practices. The authors reflect briefly on the government's reception of the Taskforce's recommendations.

In a detailed dissection of the argument that the agricultural industry is facing a labour shortage, Iain Campbell draws out the weaknesses in the claim. The article then develops a critical appreciation of the structure of the industry's labour markets, questioning the logic and motives that are driving the calls for further relaxing international constraints on labour mobility.

Alex Reilly and Joanna Howe were members of the team of researchers that produced the reports *Sustainable Solutions: The Future of Labour Supply in the Australian Vegetable Industry* (2017) and *Towards a Durable Future: Tackling Labour Challenges in the Australian Horticulture Industry* (2019). Their article analyses the calls for the introduction of an agriculture worker visa.

Next come two articles on advances in information and communication technologies that have introduced new means for countering workers' subordinate position in the labour market. Temporariness and vulnerability, the low rates of unionisation and limited organising capacity in the agricultural industry, and the poverty that drives workers to migrate, as well as the weak legal protections, have proved real challenges in overcoming the exploitative experiences of temporary migrant workers. However, mobile (or cell) phones, and ICT technologies more generally, have provided opportunities to address information asymmetries. ICT has become a machinery that can link organising strategies that can empower workers by providing access to information. The International Trade Union Confederation, for example, began exploring the potential of ICT

for engaging with workers in 2014 (2018). Such investigations became a springboard for establishing networks among various language groups, including in English, Indonesian, Nepali and Tagalog, providing forums for workers to share their work experience and name exploitative recruiters and employers. Plans are afoot for more platforms in other languages. Similar platforms have been established by unions and migrant worker advocacy groups, such as Migrant Voice and Centro de los Derechos del Migrante, Inc., in North America. The Philippines Overseas Workers Welfare Administration has set up a similar interactive website. Indonesia's Abdul Latif Jameel's Poverty Action Lab partnership with Migrant Care and the Tifa Foundation has developed a similar system to foster virtual communities that share information about their experiences and rights (Farbenblum *et. al.* 2018). There are growing instances of workers taking the initiative to set up social media sites independently of third parties. These communication networks provide the means for sharing information about employment standards and workers' legal rights.

The article by Kirstie Petrou and John Connell analyses the important place social media have in reframing the migrant experience for ni-Vanuatu horticultural workers recruited under the terms of the Seasonal Worker Programme. The potential that this media provides for more systematic channels of information sharing and communication to enhance the position of workers is further explored in the following article by Elsa Underhill, Sherry Huang, Sohoon Yi and Malcolm Rimmer. They assess the usefulness of forums established by Korean and Taiwanese Working Holiday Maker visa holders for providing a sense of community and how these are utilised in enhancing information sharing. In comparing the appeal of Korean and Taiwanese Facebook sites with the digital communication strategy supported by the Victorian government, they present an interesting appreciation of the weaknesses of third party platforms, such as the Fair Work Ombudsman's site, that are too difficult to navigate for the those workers who are less than fluent in English. They point to how these could be modified to transform the sites into more robust springboards for sharing information about employment standards and the exercise of worker rights.

Finally, the paper by Stuart Rosewarne examines how the restructuring of the agricultural industry in the context of globalisation is driving a rationalisation of farming enterprise, diminishing the significance of small family farms alongside increasing farm aggregation. It argues that

rationalisation is being underwritten by the increasing corporatisation of farm enterprise as well as farm management being governed by a new focus on the financialisation of the industry. These processes have contributed to declining industry employment and transformed the demographic profile of rural Australia. These developments frustrate labour force formation. Confronted by the competitive pressures launched under the guise of globalisation and financialisation, industry associations regard the augmentation of labour supplies, the recruitment of a reliable and flexible workforce as critical to their future. Yet, further liberalisation of the labour market and the government's resistance to the introduction of meaningful regulatory measures to protect employment standards and worker rights merely locks in precariousness and exploitative and abusive practices as the norm of the migrant worker experience.

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