Pacific Seasonal Workers for Australian Horticulture: A Neat Fit?*

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Seasonal labor shortages hinder the expansion of Australia’s multi-billion dollar horticultural industry because primary producers find it difficult to secure sufficient workers at peak times such as harvests. In the labor surplus economies of Pacific Island nations underemployment and a lack of income inhibit social and economic development, restrict educational opportunities and contribute to social unrest. This article investigates the potential to address both these issues through the development of temporary labor programs to allow Pacific Islanders to fill seasonal gaps in Australian horticulture. The authors outline key policy considerations for the design and regulation of seasonal work schemes in order to maximize social and economic development outcomes, protect workers’ rights, dignity and entitlements and minimize the social costs of temporary migration on the home society.

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Introduction

In general, the terms and conditions of international migration are defined by developed nations, through immigration policies that favor skilled migrants with high levels of education. By contrast, low or semi-skilled workers have few formal opportunities to migrate in search of work. Given the youth bulge in most Pacific Island nations, generating employment will become increasingly urgent in coming years and there is growing discussion about the potential to do this through greater international labor mobility. The pressing need to find jobs in the formal sector for Pacific Island workers coincides with the emergence of gaps in the labor force of developed nations, including physically demanding seasonal work in agriculture. This has prompted debate about the potential for temporary employment schemes for Pacific Islanders.

Island leaders have used successive Pacific Islands Forum leaders' meetings to lobby for seasonal labor programs. In 2006, New Zealand came up with the "Recognised Seasonal Employer" scheme to bring in workers from the Pacific to fill labor shortages in New Zealand particularly to meet the seasonal need for workers in the horticulture and viticulture industries. The scheme allows up to five thousand workers from the Pacific to work on horticulture and viticulture farms in New Zealand for periods of up to seven months. Before being allowed to recruit Pacific Island workers, prospective employers must satisfy the government that vacancies cannot be filled locally (described as a "New Zealand first" policy). Employers must also secure a "Recognised Employer Status" (which lasts for two years) by demonstrating that Pacific workers "will be protected" in the workplace. In order to achieve this status, employers must provide evidence of good workplace practices in health and safety, the ability to pay market rates and "a commitment to providing pastoral care for workers" (Benson-Pope, 2006).

The scheme was launched on 30 April 2007. Employers will be able to recruit from all Pacific Islands' Forum nations, but to kick-start the scheme, the program helped five countries – Kiribati, Samoa, Tonga, Tuvalu and Vanuatu – to develop facilitative measures to prepare workers and to arrange for their care while they are in New Zealand. If sufficient Pacific Island workers are not available, the scheme allows for the recruitment of workers from other countries.

Aims and Methodology

This research note aims to identify key policy issues that need to be addressed if Australia is to introduce a seasonal labor program to employ Pacific Islanders in horticulture. It focuses on the social costs of temporary migration in source countries and how those costs might be mitigated or managed. Data for the paper came from fieldwork undertaken in Fiji, Tonga, Vanuatu and New Caledonia in 2005. Targeted interviews were conducted with representatives of regional and national government agencies, non-government organizations, academia and churches (an average of 12 interviews per country). Data from the interviews were supplemented by a literature review on the social impact of temporary migration and the link between migration, remittances and development. Our findings are also assessed against Canada's experience with seasonal labor scheme.

The findings reported in this research note are part of a broader study on seasonal labor which dealt with three concerns: (1) to determine whether there was seasonal labor shortage in Australian horticulture (Mares, 2006a); (2) to examine Canada's seasonal agricultural workers program and the lessons it might hold for Australia and the Pacific (Mares 2005, Mares 2006b); and (3) to explore the views of key informants in potential source countries in the Pacific (Macellessan and Mares, 2006). This research note presents findings on the third component of the project.
contact with overseas workers, causing stress and depression. Some seafarers engaged in unsafe sexual activity while overseas, often under the influence of alcohol. There is an increased risk of HIV/AIDS and other sexually transmitted diseases for the workers, and also for wives/partners who find it difficult to refuse when their men return from overseas and demand unprotected sex, sometimes with a threat of violence. Women were reluctant to report domestic violence to police in this case because 70-80 percent depend on their spouse/partner’s income. The majority of wives/partners and children reported difficulties resuming relationships with returning seafarers (Dennis, 2003).

Beyond the impact on the wellbeing of children and families, a number of academic and NGO interviewees also stressed that the traditional economies of rural villages are under challenge, and that seasonal worker schemes could exacerbate some trends relating to gender roles and the division of labor. For example, the migration of i-Kiribati men to work as seafarers encouraged some internal migration from outer islands to Tarawa, as families move to the capital to avail themselves of more time with their spouse/parent in between voyages.

Community leaders are worried about the ways in which increased amounts of migrant work will affect gender roles in rural villages. There are concerns about the loss of male role models, and the potential impact that departing young workers will have on the traditional gendered allocation of jobs. As young people migrate to urban centers or overseas and the rural population ages, there are fears that agricultural production will decline and the load on an already stressed health services will grow. There are particular impacts on women—for example, there is often an added burden of unpaid childcare for older women, as their daughters enter the migrant workforce.

In an effort to reduce the social impacts of migration, the Regional Maritime Program of the Secretariat of the South Pacific Community has developed social responsibility modules for training seafarers (Dennis, 2003). It would be worth further study to see whether elements of these pre-departure training programs (e.g., on HIV/AIDS) could be adapted for use with seasonal agricultural workers.

It is also worth considering a maximum length of absence for any seasonal labor scheme to ensure that workers do not spend more time apart

3 Interviews with Prof. Ron Duncan (Pacific Institute for Applied Studies in Development and Governance, University of the South Pacific), Seema Naidu (Fiji Women’s Rights Movement), Avelina Rokoduru (University of the South Pacific), Tupou Vere (Pacific Concerns Resource Centre), Suva, June 2005; Betty Blake (Catholic Women’s League of Tonga), June 2005.

Priorities for Policy Development

There is significant evidence suggesting that the remittances of migrant workers can boost education, improve health and alleviate poverty in developing countries (UNDESA, 2004; Adams and Page, 2005; NOVIB, 2004; World Bank, 2006). Evaluations of Canada’s Seasonal Agricultural Workers Program (CSAWP) suggest that development outcomes in source countries can also be achieved with temporary labor schemes that enable workers to come and go from a host country over a number of years. Children of Canadian seasonal laborers are likely to stay longer in school: Jamaican workers were found to spend up to 35 percent of remittances on children’s education (Russell, 2004) and there is a positive correlation between the number of years workers are employed in CSAWP and their children’s school leaving age (Verduzco and Lozano, 2004).

In the Pacific, Borovnik’s (2004) study of seafarers’ remittances in Kiribati estimates that 57 per cent of funds remitted to wives are spent on basic needs, 30 per cent saved for investment and 13 per cent spent on school fees. Dennis (2003) found that the wage of a single seafarer may support up to 30 people. She estimates that 4,200 people in Tuvalu (population 10,000) and 10,200 people in Kiribati (population 85,000) are directly dependent on seafarers’ incomes.

Global trends and the appealing symmetry of a scheme to allow foreign workers to fill seasonal gaps in Australia’s rural labor market should not blind us to potential obstacles and dangers. A scheme that is laxly administered or in which market forces alone are allowed to determine outcomes, is certain to result in significant abuse and exploitation. We outline eight key priorities for policy development to minimize the costs on countries of origin.

Impacts on Families

Key informants in the potential source countries expressed a particular concern over the extended absence of a parent might have on the health and stability of the family and community. Church leaders reported a number of cases of family break-up, infidelity and new relationships forming when one spouse worked overseas for lengthy periods. The Pacific has the highest youth suicide rates in the world (UNICEF, 1998:28; Booth, 2000:439) and this youth crisis is attributed in part to the absence of parents and relatives: researchers have highlighted the effects of globalization as one of the many elements in youth suicide, as customary and family mechanisms for conflict resolution have been shattered by migration (Hezel, 1985 and 1989). Wives and partners of Pacific Island seafarers report difficulties maintaining
Under existing temporary labor programs around the globe a migrant worker is "usually required to work only for the employer specified in the work permit" (Ruhs, 2005:205). This restriction often leaves migrant workers vulnerable to exploitation and abuse, since protests against dangerous working conditions, underpayment or unreasonable demands by a particular employer can lead to the dismissal and consequent expulsion from the country of employment. It should be possible to design a seasonal labor scheme where workers are not tied to individual employers, but can circulate more broadly, at least within an industry sector.

However, any seasonal labor scheme needs to recognize the weak bargaining position and relative lack of legal rights of temporary non-citizens in the Australian labor market. In response, safeguards must be built in to protect workers' rights and guarantee freedom of association. In Canada consular liaison officers based at consulates, embassies and high commissions are supposed to provide support and protection for Caribbean and Mexican seasonal workers but this has proved inadequate. Consular liaison officers have proved reticent to investigate individual claims of abuse because of an overriding diplomatic interest in fostering the smooth running of the scheme as a whole (Mares, 2005, 2006b). To avoid the problems experienced in Canada, there must be a mechanism of independent dispute resolution to manage conflicts when they arise and a system of sanctions for breaches of working conditions by employers.

Regulation and Oversight

A Senate inquiry into Australia's relations with the region in 2003 recommended a pilot labor scheme for the Pacific and called for "management and organizational arrangements to be the responsibility of the source country" (Parliament of Australia 2003:76). However, such a proposal places the burden on small island states, while the Australian government and private sector reduce or avoid their responsibility for the costs as well as the benefits of seasonal work schemes. A more realistic approach would involve a government-to-government framework or treaty as in Canada's scheme, outlining the responsibilities of both host and sending country governments. Pacific Island Forum Secretariat officials have suggested that the Secretariat could assist with creating a regional framework agreement, but individual governments could negotiate formal bilateral treaties to reflect their particular needs, population profiles and other conditions.  


5 Article 50 of the EU-ACP Cotonou Agreement, see http://europa.eu.int/comm-development/bodies/cotonou-agreement/agr21_en.htm.

6 ILO C. 97 Migration for Employment Convention (Revised), 1949 and ILO C. 143 Migrant Workers (Supplementary Provisions) Convention, 1975. The 21 states that have acceded to the Convention are primarily migrant-sending rather than migrant-receiving nations, and as such the Convention lacks real force.

Labor Rights and Working Conditions

Any seasonal work scheme must adhere to core labor conventions and standards. Australian trade unions, if they are to support such a scheme, will insist that it does not undercut wages and conditions for Australian workers. The International Labour Organization (ILO) has a range of conventions covering core labor standards, but they have so far only been ratified by two countries (Fiji and Papua New Guinea). Pacific governments have pledged to uphold labor rights under the European Union-Africa Caribbean Pacific (EU-ACP) Cotonou Agreement. The ILO also has Conventions 97 and 143 specifically covering migrant workers, yet these have not been ratified by Australia or any Pacific Island government.

Agriculture is one of the most hazardous industries for workers and compliance with occupational health and safety laws will be essential. There is a need to develop training programs for health and safety issues such as for the use of pesticides. Insurance responsibilities must be clearly defined to ensure that migrant workers who suffer workplace injuries can access treatment and compensation without facing complex legal and practical hurdles.

The Fiji Women's Rights Movement has conducted research surveys on sexual harassment in the workplace, which highlight the vulnerability of women to harassment, particularly when engaged in manual labor (FWRM, 2002). Research by the Tebutt polling center provides further evidence that sexual harassment is worse for semi-skilled and unskilled workers, who are more vulnerable due to their subordinate role, lack of information about labor rights and cultural perceptions of relationships to men (FWRM, 1998). These problems could be exacerbated for women working overseas unless there is close regulation and support to stop workplace harassment and bullying.

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Labor Providers - has made compliance with the code a condition of membership.

Information and Community Support

There is a crucial need for pre-departure training and information sessions for seasonal workers. Pre-departure recruitment, training and orientation should involve a range of participants, including government officials from the sending and host nations, employers, unions, former migrant workers and church leaders. Fijian researcher Avelina Rokoduru suggests that government and other interested stakeholders establish training institutions for intending migrants to learn about the expectations of foreign employers, the culture and geography of destination countries, wage rates and working conditions, human rights, banking and remittance procedures, insurance schemes, health issues, visa requirements and consular advice services. There should also be discussion of social issues that may confront bored, isolated workers such as substance abuse, gambling and the risk of HIV/AIDS (Rokoduru, 2005). Provision could also be made for local communities to collectively discuss issues arising out of the increased flow of remittance funds such as family budgeting and saving, planning business ventures or investing in community projects. There is also a potential role for Pacific Island communities and churches in Australia to play a support role for seasonal workers.

Employers and governments could assist with communication between seasonal workers and their families and communities at home - for example, providing telephones and computer terminals with email access in church or community centers.

Overstaying

A key concern with temporary labor programs is that workers will overstay their visas and fail to return home when seasonal work ends. Australian immigration officials warn that without “very strong enforcement,” the non-return of seasonal workers would incur significant expenses for government (Parliament of Australia, 2003:74). Our research shows this fear is exaggerated.

One pitfall for a more regulated scheme is that rural villagers from the Pacific would have less comfort with a complex bureaucratic scheme, especially where the only High Commission is located in the capital city. Experience in Canada suggests that complexity can result in migrant workers missing out on their entitlements - for example, tax returns or workers compensation - because they do not have the skills to negotiate bureaucratic systems. There is also a question of where employment contracts are signed, as this has some implications for labor rights or if an employee wants the Ministry of Labor to follow up breaches of contract, unpaid or delayed wages, and long-term occupational health problems.

Recruitment

The need for targeted and ethical recruitment of seasonal workers takes on particular importance, given the disparities in wage levels between Australia and most island countries. It is our view that recruitment schemes should be targeted at the unskilled, rather than drawing qualified tradespeople and professionals from the domestic workforce.

There is anecdotal evidence from the Canadian scheme of local politicians intervening inappropriately in the public sector recruitment process in labor supply countries (Russell, 2004). Equally there is evidence of abuse in private sector recruitment for temporary labor schemes around the world. In Fiji, a recruitment company took deposits of at least F$150 from 20,000 people wanting to be listed for work in Kuwait and Iraq, even though there were only 2,000 jobs on offer (Pareti, 2005). In April 2007, ten men were cheated out of F$300 each by a fraudulent recruiter promising to organize fruit picking work in New Zealand (Fiji Times, 2007); in Vanuatu, recruiters took “administration fees” of 17,000 vatu (AUD$ 200) from rural villagers for non-existent jobs in Australia.

Government and private sector recruitment are not the only alternatives for seasonal labor programs; community groups might also be involved. The UK’s Temporary Labor Working Group is an example of government, retailers, growers and unions cooperating to develop standards for seasonal work recruitment. While their code of practice for labor providers is voluntary, one labor supply industry group - the Association of
Government Frameworks to Support Migrant Workers

Positive policy settings will also encourage legal return and maximize remittance flows. Work by Brown and Foster (1994) indicates that in the Pacific "a significant motivating factor for migrants to remit is the accumulation of assets and investments in the home country" but few Pacific governments have comprehensive legislation or regulations to assist migrant workers with remittances, roll-over of superannuation or pension rights or the repatriation of goods and personal effects.

The 2005 Forum Secretariat Remittance Roundtable outlined steps that governments could take to encourage increased remittance flows (PIFS 2005): development and promotion of innovative and appropriate savings and investment instruments for overseas migrants and seasonal workers to encourage investments in the home country; adjustment of tax policies for remitted funds, which have already been taxed overseas; financial literacy programs for returning seasonal workers; adapting the educational, vocational and training curricula to keep pace with the international labor market; and the development of more affordable and secure remittance systems.

Transaction costs are a major barrier to expanding remittance flows in the Pacific. High fees encourage the movement of money through informal and less secure means (such as carrying cash or goods), which makes it difficult for governments to gain an accurate picture of money movement. Workers also lose a considerable proportion of their savings in fees paid to commercial money transfer services like Western Union.12 The attractions of commercial banks are few and far between. ANZ (2004) estimates that 300,000 people in Fiji (out of a population of 850,000) do not have a bank account, while Western Union offers access at 70 locations around Fiji. With the increase in overseas remittances, commercial banks in the Pacific are looking to develop new products to tap the market of overseas migrants. The National Bank of Fiji has posted an officer in the United Kingdom, to act as an advisor on savings, investment and remittances for more than 2,000 Fijians serving in the British Army. The ANZ Bank has expanded its rural banking program to encourage poorer Fijians to establish bank accounts, and a senior manager of ANZ Fiji says that the company is investigating ways to expand its products for transfers to Fiji from Australia.13

Incorporating circularity into a seasonal labor program for Pacific Islanders in Australia could reduce overstaying to a negligible level but other measures to reduce overstaying are also possible, including more positive incentives for timely return (for example, the prospect of access upon return to a refund of taxes or superannuation contributions paid in Australia). Another alternative is to put the onus on employers to ensure that workers depart at the end of their contract. New Zealand has adopted this approach by introducing a financial penalty for employers whose workers overstay, "as well as the possibility of revocation of their RSE status" (Benson-Pope, 2006). It remains to be seen how well this measure operates in practice; there is concern that it could lead to employers attempting to exert excessive control over the personal lives of employees.14

12 For example, Western Union charges A$20 to transfer an amount up to A$75 from Australia to Fiji, or A$22 for amounts between A$75 and A$150 (Western Union rates as at 1 August 2005).

13 Interview with Mr. Dinesh Bhai, Manager for International Services and Marketing, ANZ Banking Group, Suva, July 2005.

14 Interview with Greg Urwin, Suva, June 2005.

15 For example, in Canada, employers attempt to prevent workers from leaving the farms even for recreation (Mares, 2006b).
consideration here; another is that there should be a monetary incentive for Australian employers to look first to the local labor market to secure workers.

Canada’s scheme is rightly criticized for being tailored to the interests of employers at the expense of workers and for its lack of protection of the rights of temporary migrants (see, for example, UFCE, 2002, 2003 and 2004; Basok, 2002; Preblitch, 2004; Sharma, 2001; Smart, 1997; Satzewich, 1991; Cook, 2004; Woodward, 2005; Ferguson, 2004). Nevertheless, it does provide a reasonable model of cost sharing: International travel is paid in advance by farmers, with around 40 percent of these costs later recouped via deductions from workers’ wages. Farmers also pay visa fees and recoup this full amount through wage deductions. However, in recovering money from workers, farmers can deduct a maximum of five percent of gross earnings per pay period (in the case of Mexican workers) or C$5.50 per day (for Caribbean workers) (FARMS, 2005).

New Zealand appears to have borrowed from the Canadian model, requiring that employers must pay half of the costs for workers travel to and from New Zealand and, as in Canada, guarantee workers a total of at least 240 hours of employment (at an average of t least 30 hours work per week) at or above prevailing minimum wage rates (FARMS, 2005) – or in the New Zealand case “market rates” (Benson-Pope, 2006). In Canada, employers must also take out workers compensation insurance to cover the migrants in case of industrial accidents.

Conclusion

Seasonal employment programs for Pacific Islanders to work in Australian horticulture are not a panacea for the challenges of unemployment and underemployment in Pacific Island Forum member countries. Nor will such schemes by themselves transform the economic development prospects of small island states. Nevertheless, a seasonal labor program does have the potential to make a material difference to the well-being of significant numbers of Pacific Island workers and their families and communities – especially those living in rural areas and outer islands.

If Australia is to introduce a seasonal employment scheme and open up its labor market to Pacific Island workers, then the starting point should be a series of small-scale pilot projects. The evaluation of such pilot projects – along with careful evaluation of the operation of New Zealand’s Recognized Seasonal Employer policy – would assist in determining whether an ongoing overseas seasonal workers scheme is feasible and desirable. If trials proved successful, they could provide the basis for developing a realistic

Within Australia effective implementation of seasonal work programs would require changes in the area of taxation and health care. Currently non-residents who perform harvest labor in Australia (working holiday makers) are taxed at a higher rate than resident workers (29 percent rather than 13 percent) and do not generally benefit from the A$6,000 annual tax-free threshold. Unless this provision is altered, Pacific Islanders performing seasonal work could find themselves in the inequitable position of paying taxes for services which they can never access. Our modelling for the World Bank has shown that such a tax regime would also make it difficult for seasonal workers to make significant savings in a stay of less than six months (see Luthria et al, 2006:126-127).

In Australia working holiday makers do not pay the Medicare levy and are ineligible for medical treatment under Australia’s universal healthcare system. In our view, Pacific seasonal workers should pay the Medicare levy and be eligible for healthcare while working in Australia. This is the model used in Canada where seasonal migrants are generally covered by the health care system in the province where they work.

Sharing the Costs

Any seasonal labor scheme for Pacific Islanders to work in Australia will involve costs – the bureaucratic costs of regulation, administration and oversight, and the practical costs of airfares, visas, medical checks and accommodation. A crucial question in the design of the scheme will be how those costs are to be shared between growers, workers and governments without sacrificing equity or efficiency. As Martin (2005) notes, the decline of free public sector employment services and the rise in profit-driven private sector agencies tends to shift the cost of recruiting migrants “from employers to workers.” The North-South disparity in wealth and opportunity enables recruitment agencies to extract exorbitant “application fees” from would-be migrant workers who are hungry for jobs, and then drive down the conditions and pay under which they are expected to work.

This trend is objectionable because it imposes the greatest costs on the most disadvantaged actors and can force would-be migrants into excessive debt and/or exploitation. It is our view that employers should share the costs of any seasonal workers scheme in Australia. Equity is only one
model for the administration, cost sharing and regulation of any such scheme in the longer term.

The scheme should not be conceived purely in terms of economic exchange, or as a bargaining chip in trade negotiations intended to further liberalize Pacific Island economies. Rather, it should be regarded as a development opportunity: a mechanism to advance, however modestly, sustainable economic and social development in the communities from which the workers come, and to encourage the expansion of people-to-

people contacts between Australia and the Pacific.

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