

Slide 1: TITLE**Infodemic Deportability: Risks Confronting Essential Migrant Agricultural Workers from Latin America and the Caribbean During the COVID-19 Pandemic**

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Slide 2: Migrant agricultural workers and the infodemic

The global COVID-19 pandemic has brought into public view injustices confronting migrant agricultural workers (MAWs) who labour in Canadian fields and greenhouses on a seasonal basis year-after-year. It has also revealed institutionalized features of Canada's Temporary Foreign Worker Program (TFWP) at their root. Yet, responses to the pandemic have had contradictory effects: on the one hand, they have shone a light on the deleterious working and living conditions of MAWs, generating gestures at policy remedies. On the other hand, the corresponding infodemic has, in important ways, exacerbated longstanding tendencies requiring MAWs to shoulder a disproportionate burden of economic, social, and health risks on account of their deportability (i.e., their precarious residency status).

During the first wave of the pandemic, when Canada closed its border to non-essential travel in late March 2020, exemptions were made for MAWs by protecting employer access to this workforce vital to maintaining the country's food supply. But, while MAWs were declared essential, their worksites proved to be prone to COVID-19 outbreaks traced both to working and living (i.e., housing) conditions.

Slide 3: Migrant agricultural workers – legal but deportable**WHO THESE WORKERS ARE**

Under the TFWP, workers, primarily from countries in the Caribbean and Latin America, migrate to labour on farms and in greenhouses in jobs undesirable to citizens or permanent residents.

For many farmworkers, bilateral agreements between Canada and Mexico and participating countries in the Commonwealth Caribbean facilitate and regulate their entry as well as establish terms and conditions under which live and labour.

Through such agreements and beyond, Canadian agriculture has long relied on racialized workers migrating under highly restrictive conditions rooted in settler colonial and imperial dynamics, which shape Canada's financial and political ties to, and extraction of resources and labour from, relatively low-income source countries (André 1990; Smith 2015; Chartrand & Vosko 2020; Vosko and Spring 2021, 5)

Slide 4: New Temporary Work Permits in Agriculture* Under the Temporary Foreign Worker Program, By Permit Holders' Country of Citizenship, January-August 2020

Accordingly, under the longstanding Seasonal Agricultural Worker Program (SAWP), and newer Agricultural Stream, *MAWs are legal*, they hold temporary work permits and SAWP employees can return seasonally, *but deportable*. They can be repatriated for any reason at any time during the life of their temporary contracts and also from future participation in the TFWP's agricultural programs. *This deportability — or social condition encompassing threats and acts of removal (Vosko, 2019) — discourages MAWs from voicing grievances, making individual or collective demands.*

Slide 5: Migrant agricultural workers' limited rights and entitlements

Given the preponderance of precarious jobs in agriculture, an industry characterized by disproportionate occupational health and safety risks, bilaterally-negotiated SAWP employment agreements and the template contract for the AS provide farmworkers with basic entitlements regarding hours of work, rest periods, and wages as well as lodging, meals, and health insurance (see ESDC, 2021a, b). However, these entitlements, emanating at different levels (i.e., the federal, provincial and municipal levels) are limited and ill-enforced (Vosko and Spring 2021, 6)

For example, the SAWP requires that employers provide, free of cost “clean, adequate living accommodations”, yet, in practice, the housing provided is generally “dilapidated, unsanitary, overcrowded and poorly ventilated” (Preibisch & Hennebry, 2011, 1035).

The SAWP and AS also mandate MAWs' registry for health insurance (in some provinces, initially private insurance and, in others, public from the outset) as high levels of work-related illness and injury characterize agriculture. Yet workers often delay or do not seek the medical attention they require due to social stigma, long working hours, limited knowledge of health insurance and/or coverage and how to access it, lack of independent modes of transportation etc. (Barnes, 2013) as well as social isolation (Horgan & Liinamaa, 2017), fear of lost paid hours of work, termination, or medical repatriation (Orkin et al., 2014).

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Slide 6: Three Layers of Vulnerability

Analytically, elsewhere, and indeed prior to the pandemic, in research with Tucker & Casey (2019) as well as Basok et al (forthcoming), I associate MAWs' experience with three layers of vulnerability:

- (1) **racialized global capitalism – that is, the global political economic system within which labour migration.** This system is characterized by geographical inequalities arising from “accumulation by dispossession” (Harvey 2003), whose forms have varied from direct colonial confiscations to more recent expropriation through debt and discipline. The conditions of racialized global capitalism create a pool of expropriated and racialized workers, many in the Global South compelled to secure employment in the Global North on exploitative terms and conditions that workers in the latter loath to accept. Rather than addressing unemployment at home, sending states, in turn, support policies that export cheap, low-skill labour – on a temporary basis and generate a

constant supply of foreign remittances, these workers face social exclusion, physical segregation, and xenophobic attitudes in local communities in the receiving state.

- (2) **immigration policies that render workers temporary and deportable** – that is, incorporating dispossessed and impoverished workers from the Global South into Canada as temporary, rather than permanent, residents with restricted rights and recourse to their access (*e.g., if housing standards are ill-enforced, fear of deportation compels many MAWs to accept unacceptable dwellings; likewise, if they confront [unlawfully] dangerous working conditions, they are unlikely to complain; and, dependence on employers to facilitate access to healthcare, precludes many MAWs from pursuing it*); and,
- (3) **weak protections for agricultural workers overall** – that is, in many jurisdictions in Canada, agricultural workers have long been excluded, exempt or partially exempt from legal protections enjoyed by most other workers and/or face limited enforcement of the limited rights and protections that apply to them. (*e.g., Under Ontario’s ESA, agricultural workers are exempt from the regulations regarding hours of work, rest and eating periods, overtime – such that just six of ten standards defined as core standards by the provincial inspectorate in Ontario; apply. In the ES domain, they are also subject to reactive enforcement, compliance-driven labour inspections. And they are excluded from collective bargaining.*)

It is against this backdrop that the COVID-19 pandemic unfolded.

Slide 7: Infodemic deportability

Moreover, with the “infodemic” accompanying the pandemic – or the overwhelming amount of information on the pandemic – both accurate and inaccurate – developing in real-time and spreading between and amongst people in a fashion akin to an epidemic, via a wide-array of information systems (physical and digital) from a range of sources -- these layers of vulnerability took sharp expression.

As information scientists, such as Viswanath et al (2020, 1744) and Chou et al (2021), caution, **“whether it’s disinformation (deliberately false and spread on purpose) or misinformation (false information spread by mistake), [an infodemic] causes confusion and can lead to behaviour that is harmful”** – i.e., that heightens prevailing social problems -- as well as helpful (Ontario Science Centre 2022).

Furthermore, economic, social and health inequalities exacerbated by a pandemic also “find a parallel in communication,” that is, what these authors characterize as “differences among different social groups in **accessing, processing, and using information** on the basis of social determinants such as education, income, employment, race/ethnicity” (Viswanath et al 2020, 1744), a list to which I would add migration and citizenship status.

Against this backdrop, I seek to show that despite the considerable **public attention to MAWs conditions of work and health as well as their precarious residency status, and calls and**

attempts to improve their situation via government policy interventions, during the pandemic, in the face of different types of misinformation, alongside persistent threats and acts of removal, unjust conditions pre-existing the COVID-19 pandemic have remained and many intensified – resulting in [the social condition of] ‘infodemic deportability’.

I will use three illustrations to advance this argument.

LOCATING MYSELF

However, before proceeding, let me **locate myself and the research and public service activities informing my illustrations.**

Slide 8: Locating Myself

Broadly, my research expertise centres on the political economy of precarious employment, gender, citizenship and migration, and temporariness.

In recent years, I have turned my attention, on the one hand, to employment standards and their (ill) enforcement among people in precarious jobs, including migrant workers, taking shape in 2020 in my co-authored book *Closing the Enforcement Gap: Improving Protections for People in Precarious Jobs*. On the other hand, I have studied access to rights among MAWs, the focus of my latest sole-authored book, *Disrupting Deportability: Transnational Workers Organize* (Cornell University Press, 2019), investigating the struggle of a group of Mexican SAWP participants in British Columbia to obtain access to collective bargaining was thwarted continually by the ever-present threat of removal -- or deportability.

At the dawn of the COVID pandemic, I also participated in the Migrant Worker Health Expert Working Group, comprised of occupational health and safety practitioners and, formed to both support migrant farmworkers in Canada during its first wave and intervene in alliance with social movement groups in various consultations at the national level (e.g., in 2020 negotiations of the SAWP).

At the international level, since 2019, I have served on the ILO’s independent Expert Working Group on Temporary Labour Migration.

Here in Ontario, I have also served as an expert on a Death Table convened by the Deputy Coroner of Ontario to review COVID-19 related illnesses and deaths among MAWs during the pandemic’s first three waves with a view to prevention.

And, I am presently involved a collaborative study (with Tanya Basok, Glynis George, Cynthia Spring and Guillermo Candiz), for which we have conducted policy and administrative data analysis as well as in-depth interviews of 30 MAWs in Ontario and Quebec about their experience of working and living conditions before and during the pandemic, to which I shall refer.

My three illustrations draw from these activities.

PLUS CA CHANGE

Scholarly literature on structural racism and the COVID-19 infodemic calls attention to three central types of misinformation – **false or inaccurate information**, some of it accidental or emanating from an information vacuum; **misleading information**, which may rest at on the cusp of disinformation created deliberately to mislead; and, **incomplete information** often associated with sorting difficulties.

The three illustrations to which I now turn address these types of misinformation in turn.

1. CARDING AND INTENSE ISOLATION: FALSE AND INACCURATE INFORMATION AND THE CONSTRUCTION OF MIGRANTS AS VECTORS OF DISEASE

Slide 9: 1. CARDING AND INTENSE ISOLATION: FALSE AND INACCURATE INFORMATION AND THE CONSTRUCTION OF MIGRANTS AS VECTORS OF DISEASE 1/3

My first example relates to **false or inaccurate information, specifically, information resting on, and fostering, the assumption that COVID-19 is a disease from elsewhere, one that emanates outside of Canada, and, hence, from foreigners.**

At the dawn of the pandemic, as Canada closed its international borders with but a few exemptions, one of which was MAWs, very little was known about COVID-19 -- how it spread, who was most vulnerable, what public health measures were necessary to prevent it and/or mitigate its effects. In this context, in May 2020,¹ Haldimand-Norfolk County's public health unit issued ID cards to TFWs indicating they have completed their mandatory 14-day isolation period (Craggs 2020).

This 'carding' practice was short-lived, on account partly of critical public reaction, including media interventions by academics (Hennebry et al 2020). The issuance of ID cards to MAWs nevertheless encouraged local residents to interrogate TFWs and police their social inclusion and/or exclusion on the grounds of protecting the local community.

Implicit in such encouragement was the notion that somehow MAWs were vectors of disease rather than locals (Hennebry et al 2020).

Attesting to this misinformation, in practice, however, **most of the MAWs who contracted COVID-19, did so *after* arriving in Canada.**

Slide 10: 1. CARDING AND INTENSE ISOLATION: FALSE AND INACCURATE INFORMATION AND THE CONSTRUCTION OF MIGRANTS AS VECTORS OF DISEASE 2/3

Reflecting 2 layers of vulnerability - **racialized global capitalism, AND immigration policies that render workers temporary with restricted rights and recourse to their access, working**

and living conditions made MAWs highly vulnerable to acquiring the disease to acquiring the disease: namely, the **small bunk houses** shared typically by large numbers of MAWs, the requirement to **work shoulder-to-shoulder in greenhouses and harvesting activities**, and the oft **cramped employer-provided transportation** on the job and to obtain essential services, such as medical appointments and go grocery shopping, upon which migrants workers rely -- all features of migrant agricultural work in Canada magnified by misinformation (e.g., around masking).

Such conditions meant that MAWs working on farms in Ontario contracted the disease in considerably higher proportions than the general public

Although estimates vary by source, over 1,000 migrant farmworkers in Ontario tested positive for COVID-19 between April and July 2020.¹ Thus, while Ontario documented 36,594 cases by July 2020 (i.e., 250 per 100,000) (Detsky and Bogoch 2020), the rate of infection among migrant farmworkers, 20,015 of whom entered Ontario during the spring and summer growing season, was approximately 4,996 cases per 100,000 people.

Overall, the example of the issuance of identity cards illustrates how misinformation, together with layers of vulnerability confronting MAWs, fuelled forms of xenophobic profiling and led to the (already constrained) policing of visits to grocery stores, medical appointments and the like, affecting workers ability to care for themselves and others.

After the first and second waves, xenophobic practices also further tethered migrant farmworkers, who typically lack access to safe independent modes of transportation (see for e.g., Reid-Musson 2018), to their crowded bunkhouses during their time off by (Harley 2020).

Slide 11: 1. CARDING AND INTENSE ISOLATION: FALSE AND INACCURATE INFORMATION AND THE CONSTRUCTION OF MIGRANTS AS VECTORS OF DISEASE 3/3

For example, virtually all workers that my research team interviewed in Windsor-Essex were not allowed to leave their farms during the COVID-19 pandemic, *in some cases for up to a year-and-a-half*, even when the regional health unit (WECHU) lifted many original restrictions and re-opened the economy.²

¹ On July 7, 2020, the *Toronto Star* reported that infected migrant farmworker count surpassed 1,000 (Mojtehdzadeh 2020b), and, through a survey of local public-health units, the *Globe and Mail* also reported over 1,000 cases among migrant farmworkers on July 13, 2020 (Baum and Grant 2020b).

² After a months-long shut down of businesses and restrictions on social gatherings, on May 19th 2020, the province of Ontario started re-opening the economy and gradually lifting some other restrictions. When Windsor-Essex moved to Stage 2 of the reopening, with the exception of Leamington, as well as the nearby town of Kingsville that also received many migrant farmworkers. Outbreaks on farms were responsible for keeping these two towns at Stage 1. On July 7, 2020, these two towns were allowed to move to Stage 2, being the last ones in the province of Ontario to progress to this stage. For the chronology of stages of re-opening in the Windsor-Essex region see <https://windsor.ctvnews.ca/how-many-lockdowns-timeline-of-covid-19-restrictions-in-windsor-essex-1.5464845>

As one worker put it, *“it was as if we were in prison, but for our own good, right? Well, we didn’t have the right to leave, because, if we were to leave, we would endanger the company, and other co-workers and who knows how many other families.”*

One employee, whose employer did not permit workers to ride bicycles along the road, reported paying a high price. After been seen by his employer, when he cycled just one kilometer from the house to clear his head on “nothing but farmland,” this worker was reprimanded. Then, when he went on vacation after the first year of his two-year contract, he received a message from his employer telling him that he was not to return to work in Canada because he violated COVID-19 restrictions.

Another worker reported not being allowed to even step outside their house and not having access to the information to know that his confinement was unjustified. As confinement triggered their depression, this worker noted:

It was Stage 4 [of the re-opening of the economy]... [and]everybody could meet up like five persons. We had to ... search the internet to get that kind of information, they didn’t come out and say “oh, you know, you can go out and stuff like that, stay safe, we’re not gonna keep you here” ... we had to tell the supervisor that the law say that people can go out and that no employer should restrict their workers from going out.

2. PUBLIC HEALTH INTERVENTIONS DELEGATED TO EMPLOYERS

Slide 12: Public Health Interventions Delegated to Employers 1/2

My second example relates to how public health interventions were not only limited but twisted in their implementation on farms engaging MAWs on closed work permits -- that is, with limited rights and *recourse to those that apply on account of their deportability*, reflecting the second layer of vulnerability

In the first four waves of the pandemic, public health officials encouraged regular testing/screening for the virus and public reporting of cases on farms whilst federal guidelines required employer-delivered (often publicly funded) supports in instances of quarantine.

Yet, in the absence of explicit protective measures ensuring MAWs’ access to healthcare and protection from repatriation due to contracting or being exposed to COVID, coupled with the prevalence of medical repatriation prior to the pandemic, MAWs confronted a series mixed – often misleading – messages.

Consequently, some workers were afraid that if they were to contract the virus, they would be returned to their countries of origin.

For fear of deportation and the associated loss of income, some MAWs therefore tried avoiding such measures and testing or monitoring, particularly if they did not experience any symptoms or their symptoms were mild.

Slide 13: Public Health Interventions Delegated to Employers 2/2

As one worker noted: *“there were rumours that if you were... to test positive... they would lock you up and then send you back to Mexico, with your contract terminated and not being able to stay in Canada... that’s why we were afraid to get tested, because if we tested positive, the company wouldn’t pay you, isolate you, and if you were to die, it would be very complicated, and the government wouldn’t help in any way.”*

These fears were not unfounded. Farmworkers did die in quarantine and those who had to quarantine due to Covid-19 exposure or infection reported major difficulties.

Incomes received were lower than what workers could earn on-farm as the government mandated that they only be paid wages equal to thirty hours of work.

The government also mandated that employers provide workers in quarantine with food, albeit without stipulation as to who was to pay the cost.

Yet, many employers deducted such costs. According to one worker:

We were paid for 30 hours a week during the quarantine but with this money we had to pay for the hotel, food, and swabs; there was nothing left. With that money we paid for everything.

3. **INATTENTION TO LABOUR AND HOUSING INSPECTIONS VITAL TO RACIALIZED AGRICULTURAL WORKERS’ SECURITY**

Slide 14: Inattention to Labour & Housing Inspections Vital to Racialized Agricultural Workers’ Economic Security and Health and Safety 1/2

My third example relates to **inattention to an overabundance of information** – consistent with an infodemic – in conducting labour and housing inspections

This illustration speaks boldly to the third layer of vulnerability – the **weak enforcement of the limited protections for agricultural workers overall** – and **its connection to the first layer of vulnerability -- racialized global capitalism.**

Well prior to the pandemic, under provincial laws, agricultural employers were required to comply with applicable employment laws, including occupational health and safety regulations and employment standards and, under federal immigration laws, housing standards as well.

Furthermore, in 2015, to limit exploitation, amendments were made to the regulations under the *Immigration and Refugee Protection Act* to ensure compliance.

Research that I undertook with Marsden and Tucker after their implementation (prior to the pandemic) revealed that onsite inspections were optional and that inspectors were instructed to focus on education and compliance assistance, not law enforcement. For example, **in the first six**

months of the 2018-19 fiscal year (the last year for which we had data), only about 55 percent of inspections took place onsite – that is, on the farm. The rest were desk-based!

During the pandemic, to compensate for the additional enforcement burden COVID-related regulations imposed, the federal government allocated a further \$16.2 million in July 2020 to cover the cost.

Slide 15: Inattention to Labour and Housing Inspections Vital to Racialized Agricultural Workers' Economic Security and Health & Safety 2/2

However, despite a *plethora of information pointing to its deficiencies*, this light-touch enforcement regime **prevailed during the pandemic even in the face of widespread information documenting MAWs' vulnerability**.

In fact, a report of the Auditor General found that the federal government failed to enforce the law *even after it was advised that its system of inspections and enforcement was deeply flawed*.

For example, in 2020, a period in which 95% of agricultural inspections were conducted virtually relying on photo and video evidence (i.e., beginning April 24, 2020), the ESDC evaluated almost all employers as compliant even though most quarantine inspections had little or no evidence to support that assessment.

Even in the presence of evidence that employers might not be following the rules, there was also NO indication of further enforcement action. Instead, as our research showed prior to the pandemic, these employers were labelled “compliant”.

The Auditor General notified senior government officials of its concerns at the beginning of the pandemic in December 2020 and February 2021, but the problem got worse.

An even greater percentage of inspection reports **lacked evidence that employers were compliant or that further enforcement action was taken when there was evidence of non-compliance**.

These deficiencies characterized not only quarantine inspection (AG, 13.25) but outbreak inspections. And, as the AG underlined, **outbreak inspections (AG 13.27) often either failed to provide sufficient information to ensure that employers were providing sick or symptomatic workers with separate accommodations or they were not completed in timely manner**.

CONCLUSION

Slide 16: Conclusion

Despite heightened attention to MAWs' **precarious conditions of work and health during the COVID-19 pandemic, exploitative practices pre-existing its arrival remained**.

This situation flows from the layers of vulnerability MAWs face.

Yet different types of misinformation (i.e., false and/or inaccurate, misleading and incomplete) characterizing this infodemic – reproduced and exacerbated exploitative tendencies of racial global capitalism; immigration laws that render workers temporary and deportable; AND weak protections for agricultural workers in general.

As I have sought to show through the three foregoing illustrations, MAWs thereby faced “infodemic deportability”.

Information may be power but in the face of deep and longstanding inequalities, an infodemic can heighten pre-existing power relations, among migrant workers

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