

Migrant worker cut adrift
'No one wanted to know about me'
Sep. 5, 2006. 06:56 AM
DAVID BRUSER
BUSINESS REPORTER

Leamington - Police got the call at 9:34 p.m. on Monday, Aug. 1, 2005.

Pedro Rosales-Rojas, a migrant farm worker, lay on the grass, most of his bottom teeth scattered near the base of a wooden signpost. The 39-year-old had been pedalling his bike east in the narrow culvert bordering two-lane Seacliff Drive, just a few blocks from the tomato farm where he worked.

As night settled, a blue minivan struck Pedro, sending him airborne from the road shoulder toward the post.

Reading from the accident report, Leamington police constable Kevin O'Neil says, "He went face-first into it. He had a fairly significant head injury. No helmet."

The antiseptic language of the report tells just the beginning of Pedro's story, but not of his serious injuries that linger still, and how he feels marooned in Canada, alone, with little help.

What followed has been a nightmare, for him and his family 3,000 kilometres away, and shows how the system that brings poor labourers from abroad to prop up our agricultural sector falls short when they're most vulnerable.

Nearly half of the 8,000 Mexican migrant workers in Ontario work in and around Leamington, a town of 30,000 on the shores of Lake Erie. Heinz has a big operation here.

The Mexicans do the work most Canadians won't, for about \$8 to \$10 an hour under a bilateral program run by our federal government and officials from Mexico and Caribbean nations that also send workers. They pay income tax and contribute to the Canada Pension Plan and Employment Insurance, are covered by OHIP and carry a health card. They work six, sometimes seven days a week and the purpose, since most are husbands and fathers, is to send the money home.

Mexicans in the farm-worker program in Canada remit \$68 million (U.S.) annually, according to one estimate, benefiting about 50,000 people in rural areas like Pedro's home state of Puebla, south of Mexico City.

Leamington's downtown turns into a Little Mexico on the weekends. Though the migrants never stay year-round — no contract exceeds eight months — the Mexicans have left their mark.

There's ethnic food in the supermarkets, money transfer services, taxis that ferry workers from the farm into town and back.

"So many of them come back to the same farm every year. So many of them are like family members," says town economic development officer Anne Miskovsky.

It's Saturday evening in Tony's Tacos, and 40-year-old Tony Hernandez stands barrel-chested behind the counter, wearing a boar's tooth necklace. He recognizes Pedro as he walks in during a recent weekend visit from Toronto, where he now lives.

"Broken head. Very sick. I saw him," Hernandez says in English. "Right now, oh my God, he looks very nice."

The narrow restaurant seats only 20, but on a typical weekend night Tony's serves hundreds of migrants.

"They eat fast, they go. Maybe five, 10 minutes," says Hernandez, a native of Guanajuato, Mexico. "They feel like Mexico when they come here. They feel happy. The language is good.

They like the tortillas, the tacos. The food is good. I talk with everyone, `Oh, amigo, como estas?"

Pedro, wearing a white T-shirt tucked into grey denims, slides into a booth holding a bottle of Jarritos mango soda. Flies buzz above the tables. With a smile, he nods to the music playing on the stereo, a song about the fading of summer and teen romance.

"I was 12, 13 years old when I heard it," he says through a translator.

A sombrero hangs on a wall. Near it, in Spanish, a sign reads: Money. It's not life. But without money there is no food."

Pedro ladles salsa onto his mixed-meat burrito piled high with sour cream.

"You feel better here because you have the opportunity to remember everything from home," Pedro says.

Riding out of Guadalupe Zaragoza, a rural village 77 kilometres southeast of Mexico City, Pedro's wife Reyna and three sons look out the car window as the potholed main drag passes by.

A donkey with a bundle of vegetation strapped to its back waddles down the street. Dim-eyed dogs scurry down side roads looking for scraps.

Pedro's family is headed to a patron saint festival in a neighbouring village just a few kilometres away. Reyna, her black ponytail flecked with silver, says, "My husband is very cheerful, a very happy person." Beside her in the backseat is Jael, the eldest son, broad-shouldered like his father. The boys have not seen their father since March 8, 2005.

"He says he's good," Jael says. "No, I'm not worried." The sun comes out as the trilling trumpets come within earshot, fireworks hissing into the air from the back of a parked pickup truck.

Near the entrance to the huge orange tent, a 20-piece band blares Banda music, keeping a cheerful tempo as Reyna and her sons scan the crowd for a few empty foldout chairs. Before long, middle son Jesus has a chilli-powder-covered lollipop in his mouth and a lime Jarritos soda in hand. "There's a saying in these villages," Reyna says. "Even when there's not enough to eat, there's enough to make a party. Everybody shares the load of the expense."

A bishop in red vestments walks onto the stage. He speaks of the importance of family, of keeping close to other Catholic families. Build a community immune to the attempts of those intent on undermining the church.

Back in Guadalupe Zaragoza, after the festival, Reyna and the boys head to Pedro's father's house. Though the family has a small two-storey cement house a couple blocks away, the four stay here most of the time.

"Sometimes we don't have enough for my children, but we can go to my in-laws and they never say no," Reyna says. "It's not the same without him."

Reyna and the sons occasionally talk with Pedro, but the long distance charges are expensive. On Father's Day, Jesus, 7, called his dad.

"I told him to take care of himself, that I love him very much," he recalls. "Nothing more."

Pedro lied to his son that day, saying he was fine, not to worry, and held it together just long enough to break the connection.

Outside the house and down the road, Pedro's father Modesto sucks on a hose running from a gas can, then puts it in the tank of his white microbus.

He wipes his salt-and-pepper moustache as his visitor from Canada approaches.
"What can you tell me about Pedro?"

Home for Pedro now is a musty basement apartment in Toronto, where he continues to be treated for the injuries suffered in the accident.

Pedro cries a lot. It seems he can't talk about his family without crying.

While he sits in a Tim Hortons on the Queensway, just around the corner from his apartment, kids sitting one table over hear the strained voice in the foreign tongue and the bowed head and can't help but stare.

Tears dribble down Pedro's face, his idle hands tearing a napkin into little bits, as he tries to explain his situation.

He pulls out a St. Michael's Hospital card, his expired health card, some thumbnail black-and-white headshots of his wife and kids, as if these could provide a clue. (Back at his apartment, he keeps a file folder full of his worker program documents and pay stubs from Simoni Farms Ltd. But these, too, reveal no answers.)

"Why am I here still? Right now I'm here because of the problem, because of the accident that I had," says Pedro, who arrived in March 2005 on an eight-month contract.

"I was in the hospital and no one was able to translate till the consulate arrived. I would tell the nurse that I wanted go to the washroom. When I told her that I want to go to the washroom, the only thing that she thought to do was she brought me water."

Plus, there's dizzy spells. His lawyer Juan Carranza calls it positional vertigo. And loss of sensation around parts of his nose that often runs unbidden by allergies, sickness or anything predictable. He has trouble standing up quickly after lying down.

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 Pedro's wife, Reyna Guzman

His lawyer put it this way: "He fractured just about every bone in his face." A scar shaped like a sickle curls from near his hairline into a bushy eyebrow. He and his lawyer say he also had trouble finding a family doctor in Leamington for follow-up visits. "When I came out of the hospital, that's when the problems began. No one wanted to know about me," Pedro says. "I didn't know what to do. I couldn't lie down for very long. I couldn't sit down for very long. No one would tell me what treatment I needed to follow."

Pedro says he called Carranza for help finding out what benefits and medical care he was entitled to. The farm worker program does not offer translators or Spanish-speaking doctors, nurses or

lawyers. The federal government says responsibility for the workers' welfare falls to the Mexican or Caribbean consulates. The foreign governments say their job is to ensure the smooth running of the program, balancing the needs of workers and employers.

That leaves the workers, who cannot unionize, without a dedicated advocate to help them cope with illness, injury, language barriers, homesickness and fear. In Leamington, there's three consular officials for 4,000 workers. In the weeks following the accident, Alberto Acosta, head of the Leamington consulate, helped when possible but could not devote his full attention to Pedro. "We should have our own lawyer, a family doctor, not just wake up and look around," Pedro says. "I had to basically just flip through pages and find (a lawyer) for myself."

Last November, Carranza recommended Pedro come to Toronto where there are more treatment options. The immigration lawyer began the process of getting Pedro money from the driver's no-fault car insurance. That money has paid a portion of his lost wages. "I'm used to working for myself," Pedro says. "I didn't come here to become rich out of nothing. But I never imagined this problem."

Carranza says he helped extend Pedro's stay until his treatment finishes. Pedro is still here because he needs a doctor's clearance saying he is fit to work again. The migrant farm worker program requires workers to pass a medical exam. Pedro wants to get back in the program. "If I don't bring that paper back with me (to Mexico), they will not give me a visa again," he says. "If I'm here, it's easier to fix the problem. In Mexico, it's more difficult. I don't have insurance in Mexico."

If he returned to his family, where he has no medical insurance and lives far from major hospitals with trained specialists, Pedro fears he would not get the treatment he needs and be unable to do the physical work that has always put food on the table.

This summer, the Toronto Star interviewed many workers in the program, some farmers, program officials and others and found workers don't have easy access to information on the many social programs they pay into.

"They go back without any legal advice, without any idea what benefits they would be entitled to," says Carranza. "These people just leave without any kind of compensation."

The work in Canada, though it pays a little above minimum wage, is worth Pedro's trouble, and is the reason thousands of Mexicans and Caribbean workers come every year from villages and towns that offer little work and a fraction of the pay.

"You come here and you work and you're able to send the money back to Mexico where it's needed," Pedro says. "And honestly, right now, my kids are very small, and I need to work for them."

As for how much longer Pedro will be here, he can't say. He doesn't seem to fully understand what's left to do, though his lawyer says it could be awhile before he sets foot in Guadalupe Zaragoza.

There's a reason Pedro has difficulty figuring it out, according to a legal aide working on his case. "He still needs cognitive remediation for his brain injury," says Juan Carranza's brother Cesar. "He's a mess." Pedro says he suffers from short-term memory loss.

On Seaclyff Drive, Pedro walks along the road to the scene of his accident, stopping at the signpost he smashed into face first.

"They may have changed this pole. It used to be a bigger one," he says, grabbing hold of it.

Fifty metres ahead is the pay phone, Pedro's destination the night of Aug. 1, 2005. One of his sisters was due to deliver a baby in Mexico that day, and he wanted to check in to make sure everything was okay.

Leamington police say no one was at fault. The report says Pedro swerved his bike into the path of the oncoming van. Though constable Kevin O'Neil acknowledged Pedro didn't have much room roadside to navigate his bike. The narrow culvert at roadside spans about two feet. "The guy drove in front of the Dodge Caravan. It was just an unfortunate accident," he says. "It's not a very wide road. He had very little room to manoeuvre. That's the information that we have." When told this, Pedro, standing on the side of Seacliff Road during his recent weekend visit to Leamington, looks agitated. He says if the police version were true, his body would have fallen in the street, not several feet off the side of the road.

"It doesn't make sense that they'd say that," he says, holding his palms up in disbelief. "Let's imagine that I did that: How do you explain that I fell down here?"

It's nearly 7 p.m. Saturday night as a migrant cycles past, his bike wobbling in the culvert. He slows down to plant a foot and regain his balance as a car approaches from behind. Pedro continues on about the police. "Maybe they noted that I was a Mexican person (and) they gave that explanation. Why did they do that? Because I was Mexican. Simple."

The driver who hit him, Tony Tannous, says Pedro cut in front of his van. Tannous also says he tried to swerve to avoid Pedro but oncoming traffic pinned him in, forcing him back into his lane, where he struck Pedro.

"I tried to avoid him," Tannous says in a phone interview. "I was going the speed limit. I was entering town and I took my foot off the gas. He came about a few feet onto the road. It happened at the last second."

Tannous, now 19 and beginning the school year at the University of Windsor, says he heard Pedro was "doing pretty good."

Constable O'Neil bristles at the suggestion his force did not fully investigate Pedro's accident. "We have approximately 5,000 Mexicans in town right now. These people are treated as fairly as anybody else in the community. They don't cause us any great deal of trouble."

The only witness that reported seeing Pedro swerve in front of the minivan was Tannous, the driver. As of late last week, more than a year since the accident, the police have not interviewed Pedro for his version of events.

"I don't know what to say, why he wasn't interviewed," O'Neil says. "I can give no reason. Follow-up on these things is always required."

"It's unfortunate what happened to him, especially if he doesn't have a family (here). He kind of got caught up in the bureaucracy."

Outside the greenhouse on the farm where he used to work — and hopes to again — Pedro is like a kid trying to reach the cookie jar. He stands on a bolt on the outside wall, lifts himself up and tries to get a peek inside an open window.

He sees the men are finishing their shift and heading to the bunkhouse next door. Pedro walks in, shakes hands and starts catching up with old friends. Beds line the walls. Dirty ball caps hang on hooks. A worker in the adjoining kitchen prepares dinner. Another heads to the shower. Outside, a worker sitting on an upturned crate says Pedro's accident affected the crew. "I was close to Pedro," he says. "We feel a little scared now biking but there is no other way for us to go places. Since it happened, we are worried about accidents. We are buying helmets."

Then, a red pickup truck pulls up outside the bunkhouse, and a man waves over a reporter and tells him no one speaks to the workers without speaking to him first. "I'm the owner. I'm going to call the police," he says, then holds up three fingers. "You got three minutes."

Just before driving off, he says, "We're done with Pedro."