Ontario Tories deny farm workers trade union rights

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Ontario's Tory government has enacted legislation to deny farm and agricultural workers the most elementary trade union rights. Under Bill 187, euphemistically named the "Agricultural Workers Protection Act," farm workers may combine to form associations, but they are legally prohibited from striking. Moreover, employers are not required to recognize these associations as sole bargaining agents—that is to negotiate with them. The legislation, passed on November 18, 2002, was supported by the opposition Liberals and opposed by the New Democratic Party (NDP).

Ontario's farm workers currently number approximately 100,000, and are among the most oppressed and exploited members of the working class. They are the lowest paid workers by occupational grouping in the province, and suffer a high rate of workplace accidents, injuries, illnesses and fatalities.

Over 10,000 of the farm workers (14,500 in 2000) are migrant workers brought from the Caribbean and Mexico under the auspices of the federal Commonwealth Caribbean Seasonal Agricultural Worker Program and the Mexican Seasonal Agricultural Worker Program. Ninety percent of the workers who come to Canada under these programs come to work in Ontario's agricultural industry. According to Ann Weston of the North-South Institute, most of them were paid $6.90 an hour during the 1995-1999 period.

In passing this recent legislation, Ernie Eves' Tory government is upholding a long tradition of denying farm workers the right to form unions—Ontario farm workers have never had the right to strike.

The NDP provincial government of Bob Rae (1990-1995) introduced legislation allowing farm workers to form unions, but the social democrats stopped short of giving these unions the right to strike. Instead, the legislation insisted on a process of final offer selection under which an arbitrator chooses from proposed collective agreements submitted by the union and employer.

Passed in the final months of the NDP government, the farm workers' bill was much more in way of a sop to the union bureaucracy than a concession to the working people. The social democrats came into headlong conflict with the working class, cutting billions from public services, imposing wage and job cuts on one million public sector workers by government fiat, increasing taxes and initiating the shift from welfare to workfare. One of the unions most open in supporting the NDP in its attacks on the working class was the United Food and Commercial Workers, the same union that had been lobbying for legal recognition of union bargaining rights in the farm sector.

The social democrats profoundly disappointed and disoriented working people, thereby opening the door for the coming to power of the Tories under Mike Harris on an extreme right-wing program. Indeed, the Harris Tories "Common Sense Revolution" was explicitly modeled after the Gingrich Republicans' "Contract with America".

For the Tories, even the very limited collective bargaining rights afforded farm workers by the NDP legislation were an affront. Among their first actions as the party of government was the repeal of the NDP farm-worker legislation, along with the repeal of an NDP law prohibiting the use of scabs.

In stripping farm workers of any union rights, the Tories claimed to be defending the traditional family farm. But at issue then, as now, is not organizing family farms but rather organizing workers employed in

industrial-scale farming and food processing operations. In Ontario, a mere 10 percent of the farms employ 50 percent of the agricultural workers.

The only successful attempt to organize farm workers to date was a drive by the United Food and Commercial Workers Canada (UFCW) to organize 200 workers at the Highline Produce mushroom factory in Leamington, Ontario. The 1995 Tory legislation was effective retroactively and the Highline Produce workers' union lost its recognition as a bargaining agent.

The UFCW responded with a legal challenge on the basis of the Canadian constitution's Charter of Rights and Freedoms. In an 8-1 decision issued December 2001, the Supreme Court of Canada ruled that the Tory legislation of 1995 violated the Charter rights of agricultural workers in two ways: it violated their right to freedom of association and their right to equal treatment under the law. The court stipulated that the Tories had 18 months to bring the province's legislation into line with the Charter.

In passing the Agricultural Employees Protection Act of 2002, the Tories followed the letter of the Supreme Court decision while nevertheless depriving farm workers of any means to struggle for better wages and working conditions.

Michael J. Fraser, the director of the UFCW Canada, has denounced the new legislation and vowed to mount a new court challenge, "Without the right to join a union and engage in collective bargaining, Ontario's 100 000 agricultural workers are no better off than they were seven years ago when the Harris government took away these rights. UFCW Canada did not spend years in court and half a million dollars in legal fees to have the Ontario government tell us that agricultural workers have the right to join a club."

But the UFCW leadership is quite content to accept the legal prohibition against farm workers striking or otherwise mounting job action. Says Fraser, Tory Labour Minister Helen "Johns also chose not to acknowledge my commitment that UFCW Canada would agree, as we had under the former NDP government's *Agricultural Labour Relations Act*, to a binding mediation/arbitration process for resolving differences between unionized agricultural workers and their employers."

In other words, the union bureaucracy is no more interested than are the Tories in giving farm workers the most basic weapons of trade union struggle, let alone in mounting a serious industrial and political struggle against the oppressive conditions under which they must work.

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