



# Provincial Election 2007



## Rights for Agricultural Workers

Currently in Ontario the estimated 100,000 agricultural workers of the province have no ability to bargain collectively under a union contract to improve their working conditions.

Since 1993, The United Food and Commercial Workers (UFCW Canada) has struggled to bring agricultural workers in Ontario the same rights that other workers in the province enjoy. In 1995 the Harris government introduced a Bill banning agricultural workers from joining a union. The opposition Liberals voted with them in support of the legislation. Only the NDP opposed the Bill.

UFCW Canada took the government to court. In 2001 the Supreme Court of Canada ruled in *Dunsmore v. Ontario*, in favour of UFCW Canada saying it was unconstitutional to exclude agricultural workers from the Ontario *Labour Relations Act* as it infringed on agricultural workers' freedom of association. The Supreme Court of Canada gave the Ontario Government 18 months to implement new laws for agricultural workers.

In 2002 the Conservatives, supported by the Liberal's, brought forth new legislation – the *Agricultural Employees Protection Act* (AEPA). Under the AEPA workers can only form associations, not bargain collectively. They can take their concerns to their employer but the employer is not obliged to respond at all or to bargain in good faith. Because of those restrictions UFCW Canada launched a new Charter Challenge in 2003 citing the AEPA's exclusion of collective bargaining rights as unconstitutional.

In June 2007 the campaign to allow Ontario farm workers to form unions for the purposes of collective bargaining was given a huge boost by a decision handed down by the Supreme Court of Canada upholding collective bargaining as an inherent constitutional right under the Freedom of Association provisions of the *Canadian Charter of Rights and Freedoms*.

The ruling released by the Supreme Court was in the wake of an appeal filed by the unions representing British Columbia's health care workers whose rights to collective bargaining were undermined by the BC government in 2002 when the province passed legislation voiding certain provisions of their contracts.

In upholding the BC health workers' appeal, the latest decision by the Supreme Court stated:

Freedom of association guaranteed by s.2(d) of the *Charter* includes a procedural right to collective bargaining... the protection of collective bargaining under s.2(d) is consistent with and supportive of the values underlying the *Charter* and the purposes of the *Charter* as a whole.... Recognizing that workers have the right to bargain collectively as part of their freedom to associate reaffirms the values of dignity, personal autonomy, equality and democracy that are inherent in the *Charter*.

The ruling is good news for BC health care workers but also for Ontario agricultural workers. The Supreme Court ruling would appear to support the UFCW's challenge. The Government of Ontario should now review all its labour legislation to ensure their compliance with the Supreme Court's new approach. Agricultural workers, as all other workers, should no longer be excluded from collective bargaining.

**Ask your Local Candidates:**

Do you support amending the legislation to ensure that thousands of agricultural workers in Ontario can exercise their democratic right to join the union of their choice and collectively bargain the terms and conditions of their employment?