Legal Victory for the Unionization of Quebec Agricultural Workers…

Enough to convince workers to sign the card?

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Presentation

- Sources of data
- Dual need for & barriers to unionization
- UFCW’s struggle to unionize in Quebec
- Difficulties in the field
- The victory!!!
- Remaining challenges
- Where to now?
Sources of Data

- Almost 10 years research related to TFWs, including agricultural workers
- Expert witness on Qc legal challenge of exclusion from right to unionize
- Interviews and focus groups with 50 Mexican and Central American farmworkers
- Interviews with key informants: union workers, community workers
Opportunities & Barriers for Unionization

- **Structure of the TFWP**: Unfree labour means individual negotiation very risky, employer holds disproportionate power. BUT also very vulnerable to employer retaliation (deportation, no recall) without meaningful recourse; 4 year limit.

- **Nature of agricultural work**: Low pay, dangerous, seasonal, clear group. BUT long hours, seasonal work leaves little time for organizing; group discipline.

- **Socio-economic profile of workers**: Language barriers, family reliance on remittances, social location creates vulnerability to exploitation. BUT lack of job alternatives and family dependence make taking risks very difficult; difficult for workers to get information about their rights.

*NO UNIONS ON FARMS WITH LESS THAN 3 YEAR-ROUND EMPLOYEES*
Bring on the UFCW

- Long history with Canadian farmworkers
- Establishment of Support Centres in Quebec in mid-2000s
- Commitment to the respect and dignity of the workers at the beginning of the “food chain” in Canada
- Barrier to unionization: Quebec law based on romantic notion of the family farm
UFCW Tactics in Quebec

- Support Centres: mobile – fixed offices – mobile
- Direct unionization of eligible workplaces
- Engagement with public authorities: CNT, CSST, Human Rights Commission
- Social policy lobbying: labour standards, immigration policy
- Challenging the constitutionality of seasonal farmworkers from the right to unionize
Difficulties in the field…

- Generalized worker fear of defending their rights (also related to home country context)
- Retaliation: day-to-day treatment; deportation; recall
- Resources: geography, people, funds
- Distinct shift from Mexicans to Guatemalans (introduction of LSPP but also presence of UFCW)
- Legal chill as union challenge dragged on for 7+ years
...but eventual Victory!

• Seasonal farmworkers have full rights to unionize
• End of legal discrimination against these workers
• UFCW beginning to be able to unionize such workplaces
• Evolution and innovation in collective agreements

COLLECTIVE AGREEMENT BECOMES ONE OF THE ONLY EFFECTIVE COUNTERWEIGHTS TO THE PRECARITY OF THE TFWP
But is it enough to sign a card?

- Recruiters and other pre-departure “warnings”
- TFWP = extremely vulnerable during the process of unionization
  - Deportation, no recall, blacklisting
- Other barriers (nature of work, socio-economic profile) remain
- Recourses (E.I., Labour Standards) very difficult to access
- Possibility of workers in unionized places renouncing the union

*UNFORTUNATELY, HAVING THE RIGHT TO UNIONIZE DOESN’T MAKE IT A REALITY*
Who will take the risk?

- Workers with nothing left to lose? Conditions so terrible, willing to risk not returning
- Workers with long histories, confident of their value to the employer?
- Workers with more developed social networks in Canada?
- Workers who think the potential security (recall, union protection) is worth the risk?
Where to now?

- Structure of the TFWP remains the central hurdle for the rights of migrant workers
- Enforcement of existing labour protections
- Tripartite negotiation of sectoral contracts?
- Union organizers in countries of origin
- Solidarity with human rights groups in countries of origin

AND THE SLOW, STEADY DEFENSE OF WORKERS’ RESPECT AND DIGNITY IN THE FIELD