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When Prisoners Had a Union: The Canadian Food and Allied Workers Union Local 240

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Article abstract

Most Canadian prisoners work, yet very little attention has been paid to them as workers by either labour scholars or unions. However, in 1977 the Canadian Food and Allied Workers union (cfaw) organized both incarcerated and non-incarcerated meat cutters into the country's first and only legally recognized union representing primarily prisoners, cfaw Local 240. The union drive came in response to the Ontario government's push to increase prisoners' participation in the workforce, including the introduction of a number of "outside managed industrial programs," which involved private firms operating within provincial correctional facilities. These privately managed industries rekindled some older debates around the potential for prison labour to undermine the wages of free labour, but in the case of the experimental abattoir program at Guelph, they also resulted in something new: unionized prisoners. The union not only made important gains for the workers, but also made modest gains for prisoners' rights. While cfaw Local 240 would eventually be merged into subsequent unions, it continues to serve as a model for working prisoners and represents a rare moment in Canadian history – one where a union organized prison labour instead of opposing it.

ARTICLE

When Prisoners Had a Union: The Canadian Food and Allied Workers Union Local 240

Jordan House

THROUGHOUT THE 1960s AND 1970s, working prisoners asserted that they were both “real” workers and part of the broader labour movement. In the United States, this assertion manifested most famously in the demands of the prison strikers at Folsom and the prison rebels at Attica, who included among their grievances the right to freely join and form labour unions.¹ In Scandinavia, the United States, the United Kingdom, and Canada, prisoners formed – or attempted to form – prisoners’ labour unions. It is somewhat difficult to judge the successes and failures of these disparate movements and organizations. However, one such attempt – the 1977 formation of the Canadian Food and Allied Workers union (CFAW) Local 240 in Guelph, Ontario – is set apart by its achievement of formal legal recognition and its success in bargaining collective agreements that covered a group of prisoners who lived and worked together. This achievement is especially notable when contrasted with the devastating blow that the US prisoners’ union movement received in that same year in the form of the US Supreme Court’s *Jones v.*

1. For an account of the 1970 Folsom State Prison strike, see Eric Cummins, *The Rise and Fall of California’s Radical Prison Movement* (Stanford: Stanford University Press, 1994). For a comprehensive account of the Attica Prison rebellion, see Heather Ann Thompson, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* (New York: Pantheon, 2016). In Canada, similar demands were made by the “Archambault Guys” in their 1976 strike; see Luc Gosselin, *Prisons in Canada* (Montreal: Black Rose, 1982).

North Carolina Prisoners' Labor Union decision, which effectively precluded prisoners from union protections.²

This article will examine the formation and life of CFAW Local 240, a union of incarcerated and non-incarcerated meat cutters employed by a private firm operating out of the Guelph Correctional Centre (GCC), by tracing the origins of the union in the context of the Ontario government's expansion of work release programs and experimental privatization of prison industry over the course of the 1970s. First, I will consider the political and economic factors that contributed to the creation of "outside managed industrial programs" (OMIPs) in Ontario prisons, which eventually led to the creation of the Guelph Abattoir Program and its subsequent unionization. I will then turn to an overview of the Guelph Abattoir Program, examining the two private firms – Essex Packers and the Guelph Beef Centre/Better Beef Limited – that ran the abattoir at the GCC after the program began in 1974. Following that, I will consider the unionization of the Guelph Abattoir Program in more detail, including the decision by the Ontario Labour Relations Board (OLRB) to certify the union, the response of the province's Ministry of Correctional Services (MCS) to union certification, and the collective-bargaining agreements between the company and union that followed. I will argue that CFAW's narrow scope and the particular circumstances of Ontario's OMIP program allowed the local to achieve relative success. While the limited scope of Local 240 may have been disappointing to the radical wing of the prisoners' union movement, it is undeniable that the union was able to improve working conditions for both its incarcerated and non-incarcerated members. Most critically, the union was able to transcend bargaining over workplace issues and intervene to expand its incarcerated members' freedoms of assembly, movement, and association – even if only in limited ways. As such, the case of Local 240 remains a vitally important example of a union for prisoners. By way of conclusion, I will briefly consider the legacy of Local 240, reflecting on the union's impact on questions of rights and citizenship for prisoners, as well as its influence on other prison-labour organizers.

The information in this article draws heavily from archival material related to the MCS held by the Archives of Ontario, as well as a number of other government documents. Archival material has been supplemented primarily with information from Canadian and Ontario newspapers. This study would have benefitted from additional information available in union records; however, at the time of writing, CFAW materials held by Library and Archives Canada were unprocessed. As these materials become available, additional information related to the life and death of Local 240 may enrich the account given here.

2. See Donald F. Tibbs, *From Black Power to Prison Power: The Making of Jones v. North Carolina Prisoners' Labor Union* (New York: Palgrave Macmillan, 2012).

Labour and Incarceration in Canada

HISTORIES OF WORK AND LABOUR are inseparable from the history of imprisonment. Prison labour “formed the foundation of the modern penitentiary” and continues to be integral to the contemporary correctional system.³ While justifications for particular prison-labour schemes have evolved over time, the basic economic arguments of cost recuperation – and, in rare cases, profits – and ideological commitments to the rehabilitative power of work underlie prison labour. This is evident in Canada’s first penitentiary act, which in 1834 declared that (Upper) Canada’s penitentiaries would reform incarcerated individuals by “inuring them to habits of industry.”⁴ However, it is not the case that labour simply shaped prisoners. Labour, both within and outside the prison, fundamentally impacted the development of the carceral system.

Prison labour was an issue of primary importance for Canada’s nascent labour movement. As early as 1853, masons building a bridge across the Humber River struck in protest of the use of leased convict labour.⁵ In 1873, at its inaugural meeting, the Canadian Labor Union appointed a Committee on Prison Labour, which agitated against teaching trades to convicts, undermining the union’s ability to take wages out of competition. The Canadian Labor Union and its successor organization, the Trades and Labor Congress of Canada, both strongly opposed prison labour, albeit with limited success.

Prisoners, though under extreme constraints, are agents in their own right, and prisoner organizing and resistance has shaped prison labour, correctional policy, and even prison architecture. In 1934 a strike by prisoners in the British Columbia Penitentiary resulted in wages for working prisoners for the first time in the country’s history.⁶ Later, work refusals by imprisoned Doukhobors, as well as their proclivities toward arson, resulted in the construction of the Mountain Institution in Agassiz, BC. Opened in 1962, the state-of-the-art prison lacked a workshop or other facilities for prison labour and was designed to be fireproof.⁷

By the 1960s and 1970s, prisoners were increasingly militant, influenced by the new social movements of the times, and actively organizing in a variety

3. Ted McCoy, *Hard Time: Reforming the Penitentiary in Nineteenth-Century Canada* (Edmonton: Athabasca University Press, 2012), 19.

4. Roger Neufeld, “Cabals, Quarrels, Strikes, and Impudence: Kingston Penitentiary, 1890–1914,” *Histoire sociale/Social History* 31, 61 (1998): 95–96.

5. H. Clare Pentland, *Labour and Capital in Canada, 1650–1860*, ed. Paul Phillips (Toronto: James Lorimer & Company, 1981), 20.

6. Michael Barnholden, *Reading the Riot Act: A Brief History of Riots in Vancouver* (Vancouver: Anvil Press, 2005), 76.

7. George Woodcock & Ivan Avakumovic, *The Doukhobors* (Toronto: McClelland & Stewart, 1977), 353.

of forms to improve prison conditions. Strikes and other forms of peaceful protest, as well as violence, riots, and kidnappings, became increasingly common.

Ontario Prison-Industry Privatization and Outside Managed Industrial Programs

BESIDES BEING A TIME of significant turmoil in Canada's prisons, the 1970s was also a time of experimentation in prison and jail reform. As part of this trend, the Province of Ontario undertook a series of reforms in an attempt to modernize its prison system. In addition to the modernization of physical buildings, Ontario's Ministry of Correctional Services enacted two main policy changes related to work and prison labour: first, it instituted a temporary absence program (TAP) in 1969, which allowed for prisoners to work under "normal" conditions in the community; and second, beginning in 1974, it experimented with OMIPs, which involved for-profit management of select prison industries by outside private firms.

Temporary Absence Programs

Temporary absence and work release programs were introduced with the aim of increasing the ability of prisoners in Ontario to begin to reintegrate into society before the end of their sentences. Increasing prisoners' participation in the workforce was particularly emphasized, both because working prisoners were assumed to be less likely to reoffend, and because more working prisoners allowed the MCS to recoup correctional costs in various ways. For example, temporary absences and work release allowed prisoners to earn wages rather than collect government stipends and provided increased opportunities for the ministry to charge prisoners room and board. In a 1977 interview with the MCS newsletter, *Correctional Update*, Minister of Correctional Services Frank Drea explained that the economic downturn and subsequent austerity agenda of the 1970s offered the ministry an opportunity to become leaner and alluded to increasing expectations that offenders would work: "Instead of people spending part of the weekend in jail on intermittent sentence, let's have them working in the community."⁸

This transformation of Ontario's correctional system was well underway in 1977.⁹ Drea succinctly formulated the new, vehemently neoliberal position

8. "An Interview with the Honourable Frank Drea," *Correctional Update* 5, 5 (September–December 1977): 5.

9. The leaning of the Ontario prison system involved increasing private sector involvement, especially in prison industries. It also involved an expansion and modernization of prison facilities and the phasing out of aging facilities, which allowed for increased concentration of prisoner populations. In 1973, the Province opened the Niagara Regional Detention Centre, which replaced both the St. Catharines and Welland Jails. In 1974 the ministry finalized plans to build new detention centres in Toronto East, Toronto West, Hamilton, and London. Over the

of the government: "We are a work-oriented, success-oriented, incentive-oriented society and we are doing inmates a disservice by not allowing them to be a part of that society."¹⁰ If, for the government, market opportunity rather than a social wage and robust social programs made for a healthy and affluent society, it was easy to argue that prisoners should be first in the job lines. This neoliberal logic was likewise revealed in ministerial references to the goal of instilling an entrepreneurial mindset in prisoners, with officials referring to the creation of "capitalist-inmates."¹¹ The fact that the main path to the creation of these incarcerated "capitalists" was through compelling prisoners to work in industrial manufacturing jobs – jobs that exemplified the traditional industrial proletariat – was seemingly lost on prison-industry architects. Indeed, it should also be noted that private involvement in prison industry was less an innovation of the emerging neoliberal transformation of the correctional service, and more a return to earlier forms of managing prison labour.

In order to "allow" prisoners to be a part of the province's "work-oriented" society, Ontario had instituted a TAP in 1969 that offered limited releases to prisoners for "compassionate leaves" and to pursue "employment or educational opportunities" that the ministry was incapable of supporting in-house.¹² Moreover, working prisoners were expected to support their families, which would have the added benefit of reducing those families' dependence on government welfare programs and private charity while emphasizing the moral duty of "family responsibility." The TAP also potentially provided the provincial government means to strategically deal with labour shortages and subsidize municipal budgets by allowing provincial prisoners to be hired to work agricultural and municipal maintenance jobs – although the practice

same period, the ministry opened a new women's section of the Kenora Jail and the treatment-focused Ontario Correctional Institute in Brampton. Conversion of cellblocks and dormitories to more modern "self-contained living units" also occurred in many older facilities, including the GCC. The Maplehurst Correctional Facility was opened in 1975. See Ontario, Ministry of Correctional Services (MCS), *Report of the Minister* (Toronto 1974); Ontario, MCS, *Report of the Minister* (Toronto 1975). In 1981, the ministry claimed that its prison-industry program reforms had saved tax dollars – mostly in the form of reduced industry supervisory staff salaries. See Martin Dewey, "Prisons Profiting in Joint Ventures with Outside World," *Globe & Mail*, 21 February 1981.

10. "Interview with the Honourable Frank Drea," 5.

11. John Pahapill to Abattoir, 26 March 1974, Guelph C.C. (1973–74) File, Central Registry of the Ministry of Correctional Services, Ontario Government Record Series RG 20-15 (hereafter GCC 1973–74 file), Archives of Ontario (hereafter AO).

12. For the period of 1969 to 1976, the ministry approved 42,852 absences. The program appeared to be quite successful – over this period, fewer than 3 per cent of these passes were revoked or withdrawn for reasons such as minor rule violations or "termination of employment." Over the course of 1975–76, provincial prisoners working through TAP releases earned \$1,305,000. Ontario, MCS, *Report of the Minister* (Toronto 1976), 14–15.

was never widespread. Supplementing labour-market shortages would later be utilized as a justification for the pilot project in the Guelph abattoir.¹³

Other Canadian jurisdictions also explored and instituted new prison-labour and work release schemes over this period. For example, in 1976 Alberta proposed a mandatory work plan for all provincial prisoners, which would have seen them paid below market wages. The plan, which was never implemented, was opposed by the Alberta Federation of Labour, which argued that it was “not very humane.”¹⁴ Quebec, following Ontario, began in the early 1980s to enter into joint ventures with private firms to employ prisoners.¹⁵ The federal system, too, tried its hand at new prison-labour and work release schemes. In 1974 an experimental work release program at the Saskatchewan Penitentiary was forced to shut down after it was found to be in violation of federal penitentiary regulations, which did not have a mechanism to issue temporary absences for employment purposes. Before the program was shut down, about 100 prisoners worked outside the institution for fourteen months. Participants in the project paid taxes and contributed to unemployment insurance. At least some of the prisoners worked union jobs and paid union dues.¹⁶ The federal government would eventually also follow Ontario’s lead, experimenting with its own work release and private employment programs.¹⁷ Similar experiments in the privatization of prison-industry management were also occurring in a variety of other international jurisdictions, such as the United States.¹⁸

Outside Managed Industrial Programs

With the success of the Ontario temporary absence program, politicians and correctional bureaucrats explored the possibility of expanding Ontario’s prison industries. In 1974 the MCS hired outside consultants to study the province’s prison industry. It also added the position of “manager of industrial programming” to the ministry’s bureaucracy, hiring mechanical engineer and former

13. Jim Robinson, “Convicts Offered as Workers in Commercial Abattoirs,” *Toronto Star*, 27 April 1974.

14. “Prison Work Is Opposed,” *Globe & Mail*, 22 October 1976), 31. Alberta was also interested in exploring the possibility of replicating Ontario’s OMIPS. In a letter to Ontario’s Minister of Correctional Services in 1974, Alberta Solicitor General Helen Huntley asked to have the details of the Guelph abattoir privatization sent to her office. Helen Huntley to Syl Apps, 12 March 1974, GCC 1973–74 file, AO.

15. Dewey, “Prisons Profiting.”

16. “Prison Work Program: Successful but Still Illegal,” *Globe & Mail*, 10 October 1974.

17. Dewey, “Prisons Profiting.”

18. US Department of Justice, National Institute of Corrections, *A Study of Prison Industry: History, Components, and Goals* (College Park, Maryland: American Correctional Association, 1986), <https://www.ncjrs.gov/pdffiles1/Digitization/101050NCJRS.pdf>.



In the abattoir at Guelph Correctional Centre; inmates and civilians work at the cutting table preparing meat for correctional institutions and mental hospitals. The inmates earn \$5 a week. Under a new program they're being offered to private industry at regular salaries.

Dick Darrell, *Toronto Star Archives*, 1974.

manufacturing manager John Pahapill to lead the expansion and partial privatization of industrial programs in Ontario's prisons.¹⁹ The MCS explained:

The Ministry intends to increase use of existing facilities and equipment in manufacturing goods for use within the Ministry and elsewhere within the Government. It also intends to introduce more awareness of industrial practices into the industrial programs by inviting private industry to participate in certain industries on a partnership basis.²⁰

This plan to introduce private management of prison industries would eventually be referred to as "outside managed industrial programs" (OMIPs), of which the privatization of the Guelph abattoir would be the initial pilot project. The expansion of Ontario's prison industry and the pilot program at the GCC were first announced to the public in the 1974 Ontario Throne Speech. The announcement was careful to note that prospective participants would receive industry wages and that organized labour, in addition to business, would be involved in the program's development.²¹ The MCS further detailed the plan,

19. Ontario, MCS, *Report* (1974), 14; Robinson, "Convicts Offered."

20. Ontario, MCS, *Report* (1974).

21. Ontario, Throne Speech 1974, Poltext.org, accessed 11 July 2018, <https://www.poltext.org/>

especially emphasizing the potential for prisoners to “contribute” to society through taxes, fees for room and board, and family support:

At the year’s end, as a pilot program, preparations were being made to invite tenders from the meat-packing industry for the operation on an expanded scale of the abattoir at the Guelph Correctional Centre. It was expected that a successful contractor would be able to employ some 50 inmates as full-time employees at wage rates prevailing in the industry. In addition to assuming normal responsibilities for paying income tax, unemployment insurance, etc., inmate employees will be expected to pay room and board and contribute to the support of their families.²²

Other OMIPs included the private management of kitchen facilities by food service and catering company Parnell Foods Ltd. and an electric wheelchair factory by Pedal Power (Canada) Limited, both in the Maplehurst Correctional Complex in Milton.²³ Later, an automotive parts manufacturing plant operated by Carlisle Automotive Parts was also opened at Maplehurst.²⁴ By 1981 the Ministry reported that 75 provincial prisoners worked in OMIPs and indicated that it hoped to increase this number to 150 participants.²⁵

The media’s response to the announcement was predictable – the sensational story of hardened criminals, armed with knives and saws, employed specifically to kill and dismember, was an easy one for the press to pick up. The *Star* pondered the difficulty of selling “a room full of knife-wielding, meat-cutting convicts” to the public.²⁶ For their part, some in the public questioned the logic of rehabilitating those deemed to have antisocial behaviours by putting them on a “kill floor.” As one *Toronto Star* reader wrote,

How can men be helped to a better life if they are to be forced to take part in such a degrading occupation as work in a slaughterhouse? Men have to be made tough and hard to stand the sight of actual killing, the suffering of animals, the smells and atmosphere of violence which fills an abattoir.²⁷

This concerned citizen was not the only one who had reservations about the type of work being done in the program. In the words of one GCC abattoir worker, who spoke favourably to the media about the planned private management and industry wage scheme for the plant, “personally, ... on the

sites/poltext.org/files/discours/ON/ON_1974_T_29_04.txt; emphasis added.

22. Ontario, MCS, *Report* (1974), 14; emphasis added.

23. “Pilot Catering Project in Operation at Maplehurst,” *Correctional Update* 4, 3 (June 1976), 4; “Private Industry Provides Inmate Training in New Centres,” *Correctional Update* 3, 4 (August 1975), 5.

24. Ontario, MCS, *Report of the Minister* (Toronto 1979), 13.

25. Dewey, “Prisons Profiting.”

26. Robinson, “Convicts Offered.”

27. “Abattoir Can’t Help Men Reform, She Argues,” *Toronto Star*, 12 August 1974.

kill-floor – some jobs in there I don't like too much.”²⁸ Even GCC superintendent Scott Keane admitted that he did not like visiting the abattoir, commenting that he thought he had “heard the hogs still making sounds when they [went] into the scalders.”²⁹

The ministry had no apparent concern that slaughterhouse work might have been in tension with rehabilitative objectives.³⁰ It continually emphasized that the program would threaten neither the security of the institution nor public safety. The Throne Speech had promised that participants would be in the program for a short term and under minimum custody. A government spokesperson pledged that the program would actually increase public safety by boosting participants' employability and thus reducing instances of reoffending. MCS industry manager Pahapill conceded that the program involved some risk, noting that “inmates [would] have to be very, very carefully picked.” Joe Ellis, Guelph abattoir foreman, reassured the public, saying, “I've been around here 17 years and I've never been threatened with a knife or anything.”³¹

Organized Labour and OMIPs

THE LABOUR MOVEMENT WAS generally supportive of the planned OMIP but put forward some reservations. The secretary treasurer of the Ontario Federation of Labour (OFL), Terry Meagher, attended several meetings with the MCS in relation to the proposed industrial programs. Although Meagher called the abattoir program “a worthwhile undertaking,” the OFL raised concerns about the program's potential to undermine industry wages.³² Ministry

28. Robinson, “Convicts Offered.”

29. Robinson, “Convicts Offered.” For an additional letter to the editor on the Guelph prison abattoir work and animal rights, see “Killing Animals Not Good Therapy,” *Toronto Star*, 2 November 1985. The same issue would be taken up on an academic level in a 2012 article in the *Journal for Critical Animal Studies*, which argues that not only is the commercial killing of animals harmful, and thus not useful for rehabilitation of prisoners, but that the power systems that see it fit to confine living beings, both non-human animal and human, in “cages, pens, and cells” are intertwined. See Amy J. Fitzgerald, “Doing Time in Slaughterhouses,” *Journal for Critical Animal Studies* 10, 2 (2012): 12–46. For more on the impact of slaughterhouse labour on workers, see Kendra Coulter, *Animals, Work, and the Promise of Interspecies Solidarity* (New York: Palgrave Macmillan, 2016).

30. These issues would emerge decades later when a broad coalition formed to oppose the shuttering of federal prison farms under Stephen Harper's Conservative government. For an account of the struggle, see Philip Goodman & Meghan Dawe, “Prisoners, Cows and Abattoirs: The Closing of Canada's Prison Farms as a Political Penal Drama,” *British Journal of Criminology* 56, 4 (2016): 793–812.

31. Robinson, “Convicts Offered,” B5.

32. Ernie S. Lightman, “The Private Employer and the Prison Industry,” *British Journal of Criminology* 22, 1 (1982): 45.

officials also met with representatives of CFAW, the Canadian section of the Amalgamated Meat Cutters and Butcher Workmen of North America (AMC), as early as May 1974.³³ Labour sought assurances that the GCC abattoir would not run if – hypothetically – there was a strike at a “parent industry” company. Ministry officials assured OFL and Ministry of Labour representatives that the government would not engage in strikebreaking. It noted that under no circumstances would the ministry allow prisoners to picket, but a strike could be allowed in some scenarios.³⁴ Ministry officials stated that

the prison industry would probably have to discontinue its operation for the duration of such a strike at the parent-industry operation(s) as long as such a company operated on a total company-wide labour contract basis. If, on the other hand, such a company operated on a local plant labour-union contract basis, and if at the same time its other plants were not strike-bound, its prison industry plant should not have to stop working either. However, the merits of each case, as they rose [sic], would have to dictate the proper action.³⁵

In his review of private industry experiments in correctional institutions in Ontario, Ernie S. Lightman explains that “several specific reservations were put forward [by the OFL], but most of these were ultimately satisfied in 1977 when the employees – both inmates and civilians – became unionized under the labour laws of the province.”³⁶ Despite Lightman’s claim, the OFL continued to seek assurances from the MCS that correctional-industry initiatives would not displace free workers and was especially concerned about a later proposal to have convicts do municipal maintenance work.³⁷ In 1978, even after the unionization of the Guelph abattoir, some members of provincial Parliament who supported the expansion of OMIPs continued to be very careful to emphasize that they would not take work away from members of the “community” and give it to prisoners.³⁸ This caution was perhaps spurred by additional complaints by unions relating to prison work schemes. In May 1978, the Laborers’ International Union of North America objected to a waterfront-cleanup project that utilized prison labour from the province’s Mimico Correctional Centre under contract to Mississauga city council.³⁹ The issue would arise again in 1980, this time in direct relation to an OMIP, when the United Automobile Workers accused the ministry of undercutting industry wages and taking away union work through its contract with Carlisle

33. M. J. Alger to Thompson, Garraway, Pahapill, and Kerr, 10 May 1974, GCC 1973–74 file, AO.

34. Alger to Thompson et al., AO.

35. Alger to Thompson et al., AO.

36. Lightman, “Private Employer and Prison Industry,” 45.

37. Wilfred List, “OFL Gets Assurance: Inmates Won’t Take Workers’ Jobs, Drea Says,” *Globe & Mail*, 7 February 1978.

38. Ontario, Legislative Assembly, *Hansard*, 31st Parl., 2nd Sess. (30 May 1978), accessed 11 July 2018, <http://hansardindex.ontla.on.ca/hansardeissue/31-2/1074.htm>.

39. “Mississauga Rejects Laborers’ Claim Convicts Taking Jobs,” *Globe & Mail*, 4 May 1978.

Industries, an automotive parts manufacturer. The company, operating out of the Maplehurst Adult Training Centre, employed prisoners at the provincial minimum wage, well below industry standards. The situation forced Minister of Correctional Services Gordon Walker to assure concerned members of the opposition and the labour movement that the program was focused on rehabilitation and was not, in fact, undermining union work.⁴⁰ The opposition, however, was not convinced.

Institutional Fractures

THE OMIP AT GUELPH WAS NOT without its detractors, even from within its own house. In particular, the MCS's adult eastern regional administrator, Sydney Shoom, laid out a number of concerns to Pahapill, the ministry's industrial manager, in a letter sent in April 1974, just months before the OMIP began. Shoom and others, such as GCC Superintendent Keane, worried that the wage differential created by the OMIP at Guelph could serve as a disincentive to work for other prisoners. Indeed, Keane had already raised the issue of pay differentials and had proposed that all working prisoners at GCC should make a base wage (personally suggesting two dollars per hour).⁴¹ This proposal for wages for non-OMIP prisoners would not come to fruition. Moreover, Shoom objected to adding industrial-program capacity to the GCC, which he deemed to be well equipped, while other correctional institutions in the province had significant issues with prisoner unemployment. Perhaps most critically, Shoom feared that the pay differential involved in the Guelph abattoir plan could cause strife at the marker plant in the Millbrook Correctional Centre, which supplied all of the province's licence plates and had a history of worker militancy. In Shoom's words, "Inmates are well aware of the fact that licence plates must be produced and on occasion have utilized sit-downs etcetera to enforce demands or grievances. Has there been consideration given to the ramifications of the Guelph Project on the Marker Plant at Millbrook?"⁴² In response, Pahapill reassured Shoom that his concerns had already been raised and that the pilot OMIP at Guelph in no way indicated a lack of attention to other institutions.⁴³

Despite these assurances, the beginning of the OMIP would in fact have an impact on prison labour at the GCC. In a January 1975 letter to GCC Superintendent Keane, the GCC's deputy superintendent for services and

40. Ontario, Legislative Assembly, *Hansard*, 31st Parl., 4th Sess. (31 October 1980), accessed 11 July 2018, <http://hansardindex.ontla.on.ca/hansardeissue/31-4/1104.htm>.

41. Pahapill to Abattoir, 26 March 1974, AO.

42. Sydney Shoom to J. Pahapill, Abattoir Project Guelph Correctional Centre, 8 April 1974, GCC 1973–74 file, AO.

43. John Pahapill to S. Shoom, Industrial Programs, Adults, 16 April 1974, GCC 1973–74 file, AO.

industries complained that recruitment for the program had taken away all of the institution's most skilled and reliable workers. In particular, he gave an example of a certified plumber who had been working on renovations at the GCC. Despite reportedly preferring plumbing work, this prisoner took a TAP job in Essex Packers' Hamilton abattoir because the pay was better. In fact, the deputy superintendent feared that so many reliable prisoner-workers might be approved for TAPs that the renovations to upgrade the abattoir facilities for the OMIP could be significantly delayed.⁴⁴

Enter – and Exit – Essex Packers Limited

IN JUNE 1975, AFTER A PUBLIC BIDDING process, Essex Packers Limited of Hamilton, Ontario, began operations at the abattoir. Prior to the Essex take-over and the start of the OMIP, the abattoir had employed 15 to 30 prisoners, who butchered cattle and hogs for sale and consumption within the province's correctional centres and mental hospitals.⁴⁵ The abattoir workers were not paid above the five dollar weekly stipend afforded to all prisoners at the GCC, and participating in abattoir work mainly offered prisoners "a way to pass the time."⁴⁶

The deal with the MCS, agreed to last ten years, was a seemingly good one for Essex. In exchange for agreeing to hire "as many inmates as practical, having regard to the efficient operation of the abattoir," the company received a newly renovated commercial facility, capable of producing beef halves and quarters, at below-market rents.⁴⁷ Essex claimed it would also add machinery to allow for the production of smaller products, such as roasts. This expansion was expected to add 35 additional jobs to the operation, with about 40 per cent of those jobs being earmarked for prisoners. The company also agreed to purchase laundry services from the ministry, allowing uniforms and meat shrouds to be cleaned on-site at the GCC's laundry facilities. Laundry services

44. K. Grottenthaler to Scott Keane, T.A.P. and Grading Categories, 15 January 1975, Guelph C.C. (1974–75) File, Central Registry of the Ministry of Correctional Services, Ontario Government Record Series RG 20-15, A.O.

45. Robinson, "Convicts Offered."

46. Robinson, "Convicts Offered."

47. *Amalgamated Meat Cutters and Butcher Workmen of North America v. Guelph Beef Centre Inc.*, 1977 CanLII 489 (ON LRB) (hereafter *AMC v. GBC*, 1977). It is not clear exactly how much of a rent subsidy the Province offered to Essex. Essex's 1975 annual report stated that the company agreed to pay the Province \$170,000 per year to operate the abattoir. It was estimated that by 1976, this subsidy amounted to \$80,000 per year; however, this was after Essex had been replaced by the Guelph Beef Centre as the abattoir operator. See Lightman, "Private Employer and Prison Industry." Frank Drea, the Minister of Correctional Services, reported in the Ontario Provincial Legislature that the Guelph Beef Centre paid \$15,000 per month to operate the abattoir. Ontario, Legislative Assembly, *Hansard*, 31st Parl., 1st Sess. (4 November 1977), accessed 11 July 2018, <http://hansardindex.ontla.on.ca/hansardeissue/31-1/1041.htm>.

were estimated to cost \$40,000, an amount stated to be similar to market rates.⁴⁸ With the plant up and running, Essex began negotiations to also take over GCC's canning facility in order to add new products such as "pet food and possibly sauerkraut and other non-meat products."⁴⁹

Essex was, like many meat packers at the time, in a very precarious financial situation and was partially kept afloat by government subsidies. In 1973 the company reported that it had received federal government assistance in overhauling plant productivity, increasing the capacity of the company's Hamilton plant.⁵⁰ Even with this help, the company was in significant financial trouble even before taking over operations at the GCC abattoir. In 1973 Toronto's Atem Holdings Limited became the company's majority shareholder and fired the board of directors.⁵¹ In 1974, losses allowed the company a rebate of \$37,000 in income taxes.⁵²

Essex plant, office, and sales workers were represented by an in-house employee council. In 1975 the company reported that it had signed a new agreement with the employee council that allowed it to "take the necessary steps to correlate labour rate increases to productivity improvements."⁵³ It is unclear if the newly hired prisoner-workers at GCC were covered by this agreement. There would not be time, however, for the plan to "correlate" wages to productivity to be implemented.

By August 1974, 36 of the company's 79-person workforce at the GCC facility were inmates. For prisoner-workers, a job in the abattoir allowed for wages reasonably close to those that prevailed in industry, as well as the opportunity to earn a company-created training certification.⁵⁴ Under the system, each job in the plant was assigned a rating. When a worker mastered a job, he earned points equivalent to that rating. When a worker had accumulated a sufficient number of points, he received a diploma "specially designed by the company, which he [could] show at job interviews with any other company."⁵⁵ Workers were allowed to retain five dollars per week of their wages for use in the prison canteen. Five dollars per day was deducted from workers' pay for room and

48. "Essex Beef Centre in Production with Inmate Employees," *Correctional Update* 3, 4 (August 1975): 3.

49. "Essex Beef Centre," 3.

50. Essex Packers Limited, *1975 Annual Report* (Hamilton 1975), n.p.

51. Essex Packers Limited, *1974 Annual Report* (Hamilton 1974), n.p.

52. Essex Packers Limited, *1975 Annual Report*, n.p.

53. Essex Packers Limited, *1975 Annual Report*, n.p.

54. Wages for participants in the program had been determined by independent consultants, based on prevailing industry rates. CFAW was also consulted on wages for the Essex workers. John Pahapill, Re: Labour Union's involvement in determining abattoir workers' wages and other working conditions with Essex Packer's Limited, GCC 1973-74 file, AO.

55. "Essex Beef Centre," 3.

board.⁵⁶ Taxes – and in some cases, family support – were also deducted from wages, and the remainder was held by the institution to be disbursed upon workers' release. The MCS was initially optimistic about prisoner participation in the program. The ministry newsletter, *Correctional Update*, reported that

[the] Plant Manager, Bert Christenson, says that although the institution has pre-screened job applicants, his firm's 80 percent acceptance of potential workers from the institution is high compared to their acceptance rate from among civilian applications.

"We've been very pleased so far," he says. "None of the men are bucking the system, and the few who have proved unsuitable because they can't stand the smell of blood or can't live up to the discipline don't last more than two or three weeks."⁵⁷

This optimism may have been premature. A later review of the program revealed that prisoners were highly concentrated within the least desirable, lowest paid, and least skilled abattoir jobs.⁵⁸ Assimilation of prisoner-workers into the workforce was difficult because they were housed together and dressed "differently from the civilian employees and [were] generally given more menial tasks" such as packing and sanitation, raising questions about the extent to which abattoir employment offered workers marketable skills.⁵⁹ Moreover, the program likely suffered from a selection bias in terms of work ethic and discipline common to prison work programs. Since prisoners were pre-screened for "good or better than average work habits," the program may have been drawing on the most disciplined and well-adjusted prisoners for participation, rather than cultivating those skills in others who "needed" them.⁶⁰

Furthermore, nearly two-thirds of prisoner participants in the program were terminated or resigned prior to their release. Unlike the outside world, terminations were not simply the result of poor work performance or violation of work rules. In addition to those reasons, prisoners in the program also were terminated for institutional violations such as institutional misconduct or violations of the TAP. Most worryingly for the ministry, there was evidence that some prisoner-workers worked for only three months and then resigned in order to become eligible for unemployment insurance upon release. Similarly, it was discovered that some workers were saving their earnings rather than

56. M. J. Irvine, *The Guelph Abattoir Programme: An Innovative Approach to Correctional Industries*, vol. 3, *The Follow Up* ([Toronto]: MCS, Planning and Research Branch, 1977), 4.

57. "Essex Beef Centre." 3.

58. M. J. Irvine, *The Guelph Abattoir Programme: An Innovative Approach to Correctional Industries*, vol. 2, *Inmate Response* ([Toronto]: MCS, Planning and Research Branch, 1977), 3.

59. Michael J. Irvine, "Abattoir Programme: A Subjective Impression," 24 May 1977, Guelph Correctional Centre – Future Operation of the Abattoir File, Provincial Secretariat for Justice Cabinet Submissions, Ontario Government Record Series RG 64-18 (hereafter GCC Abattoir file), AO.

60. Irvine, "Abattoir Programme," AO.

sending money home, so that their families could continue to collect welfare and family allowance. This scheme apparently irked guards, who questioned the program's commitment to developing a sense of "family responsibility."⁶¹ Perhaps unsurprisingly, researchers evaluating the program found that wages, rather than work experience, was the primary motivation for prisoners to participate in the program. Throughout its history, however, the efficacy of the program at GCC was of less concern to correctional industry administrators than simply maintaining its existence. In November 1975 Essex succumbed to its financial ailments, going into receivership and initiating the first crisis of the Guelph abattoir program.

The bankruptcy of Essex was a potential disaster for the MCS, threatening to cut short its flagship OMIP before it could be proven as a model for new prison-industry programs. It also opened up the Progressive Conservative provincial government to criticisms of undue meddling in the free market. The bankruptcy was hardly surprising given Essex's rough financial shape, as well as the general situation of the rabidly competitive meat-packing industry in Canada in the 1970s. Rising food prices (as well as the price of cattle and hogs), soaring inflation, and intense competition resulted in a near-continuous string of bankruptcies, mergers, and buyouts by meat-packing and processing firms over the period.⁶² The situation was so extreme that by 1980 the Ontario government was compelled to consider altering the *Livestock and Livestock Products Act* to add protections for beef producers, who were understood to be bearing the brunt of meat-packing industry bankruptcies.⁶³

In the case of Essex, the government had not simply been an outside observer, nor a potential helping hand in bad times. The Guelph Abattoir Program had intertwined the interests of the MCS, if not the whole provincial government, with a particular meat-packing firm. The government thus became at least partially responsible not only for the unemployed Essex workers in Guelph and Hamilton, but also for the farmers who relied on Essex to purchase their hogs and cattle – and who were owed money by the now-defunct company. The situation caused John Riddell, a Liberal MPP, to demand that the government admit to "making a very serious blunder in leasing its facilities to Essex Packers in the first place."⁶⁴ Agriculture Minister William Newman reported to media that the government would not force the firm chosen to replace Essex

61. Irvine, "Abattoir Programme."

62. Robert Stephens, "Meat Packers' Profits Being Trimmed to the Bone," *Globe & Mail*, 22 April 1978. For an analysis of Labour's response to this instability, see Anne Forrest, "The Rise and Fall of National Bargaining in the Canadian Meat-Packing Industry," *Relations industrielles/Industrial Relations* 44, 2 (1989): 393–408.

63. Ontario, Legislative Assembly, *Hansard*, 31st Parl., 4th Sess. (15 April 1980), accessed 11 July 2018, <http://hansardindex.ontla.on.ca/hansardeissue/31-4/1021.htm>.

64. Ontario, Legislative Assembly, *Hansard*, 30th Parl., 4th Sess. (2 April 1977), accessed 11 July 2018, <http://hansardindex.ontla.on.ca/hansardeissue/30-4/1008.htm>.

at the GCC abattoir to settle the debts of cattle and hog producers, but the new firm would be “encouraged strongly to consider the financial plight of the beef producers who would become its suppliers.”⁶⁵

The Guelph Beef Centre

LUCKILY FOR THE MCS, there was no shortage of firms interested in the GCC abattoir. An internal memo prepared by Deputy Minister of Correctional Services G. R. Thompson reported that between November 1975, when Essex went into receivership, and early February 1976, the ministry had received no fewer than twelve phone calls from “companies and groups of individuals” interested in taking over the abattoir operation at the GCC. These included representatives from some of the largest meat-packing operations in the province, including Schneiders, Swifts, and Canada Packers.⁶⁶ In addition to these phone calls, the ministry received a rough proposal from the deJonge family, a trio of brothers who owned several meat-packing enterprises in Ontario. The proposal claimed that the deJonge brothers had been approached by some of Essex’s major creditors and, after “careful consideration,” they were interested in taking over the GCC operation and would be willing to “assist in a reorganization or at least consolidation of the Essex operation.”⁶⁷ Furthermore, the deJonges emphasized that their proposal was developed after “a very careful consideration of the rehabilitation goals of the Ministry on this project and after some direct experience in the operation of the plant.”⁶⁸

Deputy Minister Thompson noted that the proposal submitted by the deJonges was “merely an outline and cannot be used as a true evaluation of the benefits which could accrue to Essex’ [*sic*] creditors and past employees or to the Ministry rehabilitation and inmate training programs.”⁶⁹ The proposal also lacked a plan for a long-term stabilization or reorganization of Essex. Furthermore, the Department of Agriculture raised “a number of concerns” regarding the “operation of deJonge interests.” The most significant among these, and of particular importance to the MCS, arose when it was noted that one of the brothers, Bernard deJonge, had recently been ordered to pay restitution to ten beef farmers, fined \$3,000, and sentenced to a day in jail after being found guilty of eleven charges of fraud for tampering with weights in beef

65. “Meat Packer Sought at Guelph Reformatory,” *Globe & Mail*, 27 February 1976.

66. “Future of the Abattoir: Guelph Correctional Centre,” 16 February 1976 GCC Abattoir file, AO.

67. “Future of the Abattoir,” AO.

68. “Future of the Abattoir,” AO.

69. G. R. Thompson to D. Sinclair, Re: “Future Operation of the Abattoir” – Guelph Correctional Centre, 10 February 1976, GCC Abattoir file, AO.

purchases.⁷⁰ The Deputy Minister of Correctional Services requested that the Provincial Secretary for Justice follow up on this situation and “urge[d] that further inquiries be made through O.P.P. [Ontario Provincial Police] intelligence regarding the background of the deJonge interests.”⁷¹

It is unclear if a public bidding process actually occurred and, if it did, the extent to which it was competitive. In the end, a deal was struck with the deJonges, and a new deJonge interest, the Guelph Beef Centre, headed up by businessman – and former provincial prisoner – Bernard deJonge, was created to run the GCC operations.⁷² Guelph Beef Centre Incorporated began operations in the GCC abattoir on March 18, 1976.⁷³

The transition from Essex to Guelph Beef Centre management of the OMIP, however, did not go as smoothly as the ministry might have hoped. After securing the lease for the GCC operations, Guelph Beef Centre reneged on several of its commitments – most critically by laying off Essex’s Hamilton workforce.⁷⁴ The matter was raised in the provincial legislature by Liberal MPP Murray Gaunt, whose remarks are worth quoting at length:

I wanted to mention the matter of the Essex Packers affair about which my colleague from Huron-Middlesex (Mr. Riddell) asked the Minister of Agriculture and Food (Mr. W. Newman) last week. I want to say to the government that almost everything – indeed everything that I can recall – which we in this party predicted would happen with respect to that matter and the agreement entered into by the government with Better Beef [and the Guelph Beef Centre] has happened.

First of all, on the matter of jobs, the assignment was given on the basis that 200 jobs in Hamilton would be preserved. Those jobs are gone. Those two plants are closed. That is exactly what we said would happen.

70. This would not be the only time Bernard deJonge found himself in trouble with the law. In 1994, DeJonge and fellow Better Beef executive Lorne Goldstein were charged with passing off ungraded US beef as Canadian and interfering with evidence, respectively. The charges against the two men were withdrawn in exchange for the company pleading guilty to violating the federal *Meat Inspections Act*. The company was fined \$9,000. “Short-Changed Beef Farmers, Man Is Jailed” *Globe & Mail*, 29 March 1974; Jim Romahn “Packer Charged over Beef from U.S. Meat Labelled as Canadian,” *Globe & Mail*, 5 May 1994; “News Briefing: Meat Packer Fined \$9,000 for Selling Ungraded U.S. Beef,” *Globe & Mail*, 8 November 1994.

71. Thompson to Sinclair, Re: “Future Operation of the Abattoir.”

72. Guelph Beef Centre would eventually merge into Bernard deJonge’s other company, Better Beef Limited, around 1989. For some time “Guelph Beef Centre” and “Better Beef Limited” were used interchangeably to refer to the GCC abattoir operation.

73. Ministry of Correctional Services (MCS), “Unionization of the Inmates Employed at Guelph Correctional Centre Abattoir,” 25 July 1977, GCC Abattoir file, AO.

74. The closing of the Hamilton operation and centralization of production in the GCC was in direct opposition to MCS promises to the OFL and the Ministry of Labour that the OMIP would not result in the direct loss of industry jobs. Alger to Thompson et al., AO. See also “MPP Criticizes Meat Plant Layoff,” *Globe & Mail*, 28 May 1976.

In terms of the creditors, the creditors who agreed to take the 15 cents on the dollar have not been paid the 15 cents. The assets have been dissipated and there isn't enough money to pay the 15 cents. The creditors who refused to take the offer are not going to get anything at all. That is exactly what we predicted would happen with respect to this matter.

In my mind, there is no question that this entire affair has been a disaster from beginning to end. The first mistake was made by the government when it entered into an agreement with Essex Packers, a company which was very shaky financially at that time. Ultimately, they went into receivership and Better Beef came up with a proposal to save the company and, at the same time, to maintain the 200 jobs in the Hamilton plants, neither of which has been accomplished. I say that in terms of the government's responsibility and its actions in this respect, it certainly hasn't been looking after the public interest in any way, shape or form.⁷⁵

It was not only the jobs that were lost in Hamilton – just weeks after Gaunt's statement, the former Essex plant in Hamilton burned to the ground.⁷⁶ In addition to the layoffs in Hamilton, and the less-than-generous compensation to creditors, the Guelph Beef Centre scaled back the GCC operation, electing not to operate the prison's cannery facility.⁷⁷ All in all, the abattoir was shuttered for approximately two months between the demise of Essex and the takeover by the deJonge Guelph Beef Centre.⁷⁸

Enter the Union

Certification

On 31 January 1977, the Ontario Labour Relations Board heard arguments for and against a unique union certification bid.⁷⁹ CFAW – the Canadian section of the AMC – sought to represent “all persons attached to the production at Guelph Beef Centre Inc., 785 York Road, Guelph, Ontario, excluding foremen and all above the rank of foreman office staff and sales staff.”⁸⁰ Vince Gentile, a CFAW organizer, cited complaints around overtime and inadequate safety procedures as the impetus for the union drive.⁸¹ The drive was supported by

75. Ontario, Legislative Assembly, *Hansard*, 30th Parl., 4th Sess. (12 April 1977), accessed 11 July 2018, <http://hansardindex.ontla.on.ca/hansardeissue/30-4/1009.htm>.

76. “Police Probe Hamilton Fire at Meat Plant,” *Globe & Mail*, 17 May 1977.

77. Before going under, Essex had ceased operation of the GCC's cannery facility in early 1975, citing its inability to compete commercially. The MCS reopened the cannery later that year under its own industrial management. See “Guelph Inmates Will Reopen Pet Food Plant,” *Globe & Mail*, 16 September 1975.

78. Irvine, *Guelph Abattoir Programme*, vol. 2, 3.

79. Wilfred List, “Inmates Employed by Meat-Packing Plant: Union Wants to Bargain for 43 Prisoners,” *Globe & Mail*, 1 February 1977.

80. The union bid was the first in Canada to be made by a group of prisoners; however, the OLRB noted several examples where prisoners on work release were included in the normal bargaining units at their workplaces. See *AMC v. GBC*, 1977 489 (ON LRB).

81. List, “Inmates Employed.”

prisoner-workers, and it appears that the issue of forced overtime was unique to prisoner-workers, or at least affected them disproportionately.⁸² The OLRB noted that the application was “a novel one,” due to the fact that half of the employees of the Guelph Beef Centre were prisoners in the GCC.⁸³

Predictably, both management and the MCS opposed the certification. The company countered the application with a two-pronged legal strategy, initially arguing that the prisoners should be categorized into their own bargaining unit. This would have allowed the company to formalize disparities between incarcerated and non-incarcerated workers and to pit the two groups against each other in bargaining. However, before the hearing was over, the company lawyer argued that prisoner-workers should be excluded from the bargaining unit altogether, because “the control exercised over them [the prisoners] by the institution deprived them of a normal employee-employer relationship.”⁸⁴ This would have resulted in an even more extreme situation, essentially creating an “open shop” in which only some employees belonged to the union. Non-union prisoner-workers, who the company acknowledged were more vulnerable than their co-workers, could be used to undermine the bargaining power of the union. In the case of a strike, the company would have a ready-made scab workforce already on the job.

Officially the government “neither opposed, nor approved” the unionization of the Beef Centre, but instead “urged caution,” saying, “You can’t have a complicated grievance and arbitration procedure. If you take that out and wages out there’s not too much to negotiate about.”⁸⁵ It is unclear why it would be the case that a bargaining unit that included prisoners could not have a standard grievance procedure – indeed, the union’s first and all subsequent collective agreements would contain provisions for a grievance procedure. John Pahapill, MCS industrial manager, emphasized that prisoner-workers, like their free counterparts, were welcome to bring complaints to appropriate government agencies or to the prison superintendent.⁸⁶ The government, however, had much more significant fears than it let on publicly, as will be discussed below.

For its part, the OLRB summed up the situation at the Guelph Beef Centre as follows:

82. At the time, card-based certification in Ontario required 55 per cent of employees to sign union authorization cards. At the time of certification, the Guelph Beef Centre employed 43 prisoners and 35 non-incarcerated workers. For the minimum card-based certification requirements to be met, at least 8 prisoners had to have signed cards, although it is likely that more than that number did. For a discussion of overtime for prisoner-workers during Essex’s management of the facility, see Irvine, *Guelph Abattoir Programme*, vol. 2, 22.

83. *AMC v. GBC*, 1977 489 (ON LRB).

84. List, “Inmates Employed.”

85. List, “Inmates Employed.”

86. List, “Inmates Employed.”

As of the date of the union's application for certification, there were (exclusive of managerial and confidential personnel) 78 persons attached to the respondent's production facility, of which 43 were inmates of the Guelph Correctional Centre. The inmates work as trainees and are paid \$3.50 to \$4.05 an hour for a 40-hour week. They are permitted to work overtime. The Ministry deducts \$35.00 a week for room and board from the wages of each inmate. The remainder is held in trust and distributed to the inmates upon their release from prison. The inmates work side by side with the non-inmate employees of the respondent, often on the same jobs, and using the same skills. During their time at work, the inmates are under the direction and supervision of the management of the respondent, as are all of the respondent's other production workers.

The OLRB identified two main questions it needed to consider: Are prisoners excluded from coverage from the *Labour Relations Act*? And do the prisoners working at the GCC abattoir have an employee-employer relationship with the Guelph Beef Centre?

To answer the first question, the OLRB noted that, rather than listing categories of workers who are covered by the *Labour Relations Act*, the act identifies those groups who are excluded, such as domestic workers. Prisoners are not listed among those excluded from the act:

Prisoners, as such, do not constitute a category of persons specifically excluded from The Labour Relations Act, and the Board is not aware of any external legislation which could be said to exclude them. Accordingly, it must be presumed that the legislature intended to permit this group of people to come under the provisions of the Act, provided that they can qualify as employees.⁸⁷

However, the OLRB – either attuned to developments in attempts to form prisoners' unions with legal standing in other North American jurisdictions, or simply anticipating the potential ramifications of legalizing prisoners' unions in Ontario – was extremely careful to stress that, in this case, the union was attempting to organize prisoners as workers, not *as prisoners*. In the words of the Board:

It should be emphasized that the Board is not, in this case, dealing with a situation where a union has attempted to organize a unit of prison inmates qua inmates to bargain with the prison authorities or the government. The union here has organized the entire production work force of a private meat-packing firm without regard to the status of the individual workers while outside the plant. It is true that a majority of the persons in the unit applied for are inmates of the Guelph Correctional Centre, but the applicant is seeking only to represent these people in their relationship with the respondent.⁸⁸

The OMIP was specifically designed to mimic an “outside” employer-employee relationship as much as possible; moreover, the OLRB noted that the lease agreement between the company and the government went so far as to refer to prisoners as “employees.” Furthermore, prisoner-workers were paid at normal industry rates. The fact that convicts and their “free” counterparts worked side

87. *AMC v. GBC*, 1977 489 (ON LRB).

88. *AMC v. GBC*, 1977 489 (ON LRB).

by side meant that the OLRB had to also concern itself with the interests not only of the workers, but of the union attempting to organize them:

A fundamental premise of The Labour Relations Act is that the bargaining power of individual employees must be combined so as to provide a sufficient countervailing force to the economic power of the employer. Accordingly, it is appropriate, in deciding the question of employee status, that we consider not only the position of the individuals whose collective bargaining is at issue, (i.e. whether collective bargaining is a necessary and/or suitable vehicle for the settlement of terms and conditions under which they work), but also the collective bargaining concerns of the union which seeks to represent them.⁸⁹

The concern that the company could rely on prisoner-workers excluded from the bargaining unit in the case of a strike was overwhelming. The ability of the union to serve as a “countervailing force” to the employer’s power depended on organizing the shop wall to wall, irrespective of workers’ incarceration status.

In sum, the OLRB found no reason to exclude prisoners from coverage by the Ontario *Labour Relations Act*. It also found that prisoner-workers were “employees” of the Guelph Beef Centre, working under similar conditions and at similar rates of pay to other meat packers. Despite the rehabilitative aims of the program, the workers provided essential labour to the company that would otherwise have to be sought elsewhere. Moreover, the nature of a mixed workforce of prisoners and non-prisoners created a strong possibility that prisoners would be used as scab labour in the event of a strike or lockout. For these reasons the OLRB certified the union and decided to include prisoners in the single bargaining unit.

Government Response

The successful certification caused considerable concern for the MCS and represented a new potential crisis. An internal strategy document, drafted by Deputy Minister Thompson, outlined the ministry’s perspective and offered several potential courses of action. Most critically, the document laid out several options for smashing the nascent union, including pulling the plug on the OMIP outright, ordering a judicial review in the hope of overturning the OLRB decision, and requesting that Ontario’s *Labour Relations Act* be amended to exclude prisoners.⁹⁰ The ministry’s position seemed clear: if the rules of the game allowed their prisoners to unionize, the rules would need to be changed.

Despite this, the MCS took considerable care in its intervention, aware that a misstep could result in a backlash by “concerned lobby groups” in general and the labour movement in particular. The document included an appendix of potentially relevant excerpts from the *Labour Relations Act*, which demonstrated the basis of some of the ministry’s fears. Three sections of the act had particular bearing on the union at the GCC and potential union drives in

89. *AMC v. GBC*, 1977 489 (ON LRB).

90. MCS, “Unionization of the Inmates,” AO.

other OMIPs. The concern was far reaching: Could labour law empower prisoners and their allies at the expense of ministerial power? Could unionization unlock a new host of rights for prisoners that could be used to undermine the goal of rehabilitation and community reentry? The first article of the Ontario *Labour Relations Act* quoted was section 10:

Where employees of an employer reside on the property of the employer, or on property to which the employer has the right to control access, the employer shall upon direction from the Board, allow the representative of a trade union access to the property on which the employees reside for the purpose of attempting to persuade them to join a trade union.⁹¹

If enforced, could union organizers have unchecked access to Ontario's prisons? Could former prisoners become organizers, and thus allowed back into institutions in which they once resided? Would unions attempt to organize working prisoners outside of OMIPs? The idea of a precedent for the unionization of prisoners was especially troubling for the MCS, which noted that "other jurisdictions are also experiencing problems with so-called 'prisoners' unions.'"⁹² Moreover, labour law protected against employers' prohibiting access to union meetings. This would "conflict with the need for security and control of certain employee inmates."⁹³ Although it was initially unclear how the conflict between these rights would be resolved, in November 1977, Minister Drea reported to the provincial Parliament that prisoner-union members, upon completion of their probationary period, were issued temporary leave passes in order to attend union meetings outside of the correctional facility. In response to this report, New Democratic Party MPP Michael Cassidy asked what may have been the most critical question with regards to the independence of the union from government interference: "Will you allow them to go on strike?"⁹⁴ The question went unanswered.

The next section of the *Labour Relations Act* quoted in the strategy document, section 56, stated:

No employer or employers' organization and no person acting on behalf of an employer or an employer's organization shall participate in or interfere with the formation, selection, or administration of a trade union or the representative of employees by a trade union or contribute financial support to a trade union, but nothing in this section shall be deemed to deprive an employer of his freedom to express his views so long as he does not use coercion, intimidation, threats, promises, or undue influence.⁹⁵

This raised questions about the degree to which the MCS could interfere with or influence the collective bargaining process. Had control of the OMIP

91. *Labour Relations Act*, RSO 1970, c 232, s 10, in MCS, "Unionization of the Inmates," AO.

92. MCS, "Unionization of the Inmates," AO.

93. MCS, "Unionization of the Inmates," AO.

94. Ontario, Legislative Assembly, *Hansard*, 31st Parl., 1st Sess. (4 November 1977), accessed 11 July 2018, <http://hansardindex.ontla.on.ca/hansardeissue/31-1/1041.htm>.

95. *Labour Relations Act*, s 56, in MCS, "Unionization of the Inmates," AO.

slipped out of the ministry's hands at the moment of certification? The government's position was that meaningful collective bargaining could not occur for prisoner-workers. But what recourse would there be if the company agreed to demands that undermined ministerial prerogatives? This worry may have been partially exacerbated by the OLRB's decision, which stated:

It may be, as counsel for the respondent suggested, that the scope of the bargaining, in respect of some of the inmates' other terms and conditions of employment, will be circumscribed in certain areas by reason of their prisoner status. But we are not persuaded, on the evidence and representations before us, that meaningful collective bargaining cannot occur.⁹⁶

The final section of the *Labour Relations Act* cited in the MCS strategy document was section 58:

No employer, employers' organization or person acting on behalf of an employer or an employers' organization,

(a) shall refuse to employ or continue to employ a person, or discriminate against a person in regard to employment or on any term or condition of employment because that person was or is a member of a trade union or was or is exercising any other rights under this Act;

(b) shall impose any condition in a contract of employment that seeks to restrain an employee or a person seeking employment from becoming a member of a trade union or exercising any other rights under this Act; or

(c) shall seek by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or other penalty, or by any other means to compel an employee to become or refrain from becoming or to continue to be or to cease to be a member or officer or representative of a trade union or to cease to exercise any other rights under this Act.⁹⁷

This raised another critical question for the ministry: Would free union elections result in the capture of the local leadership by prisoners? The math was worrisome: prisoner-workers outnumbered non-prisoners; moreover, the leasing agreement between the company and the MCS guaranteed that the ratio of prisoner-workers to non-prisoner workers would remain high. What would a trade union with a prisoner leadership demand? Even if they failed to take the local leadership, it was almost guaranteed that prisoners would have an "active voice" in the union.⁹⁸ The ministry identified a major possible consequence of prisoner leadership of the local, which represented the fundamental fear of prison administrators with regards to prisoners' unions: that the prisoners could seek to address issues of their captivity rather than workplace problems through the union. This could cause, at minimum, "economic hardship on the Company and embarrassment to the Government."⁹⁹ Despite all the issues raised, the MCS nonetheless noted that "there is a need

96. *AMC v. GBC*, 1977 489 (ON LRB).

97. *Labour Relations Act*, s 58, in MCS, "Unionization of the Inmates," AO.

98. MCS, "Unionization of the Inmates," AO.

99. MCS, "Unionization of the Inmates," AO.

to maintain good relations between the Ministry, the Company, and the Union.”¹⁰⁰ The deputy minister recommended that the ministry proceed with a request for a judicial review and, if faced with an undesirable outcome, seek an amendment to the *Labour Relations Act*. Despite this, the ministry backed down on its initial opposition to the union. Its 1978 annual report simply stated, “Progress was made in the past year both in the outside-managed and Ministry-managed institutional industry operations. At Guelph, where the outside-managed industry was first introduced a few years ago, a collective agreement between the local union and the beef centre management was introduced in August, 1977.”¹⁰¹

Even if prisoners’ labour unions were envisioned by some as an organizational wedge capable of shifting power away from prison officials, and toward prisoners and their allies, there is no evidence to suggest that CFAW in any way sought to undermine MCS objectives or fanatically pursue a program of prisoners’ rights.¹⁰² The fears regarding the potential scope of prisoner unionization in Ontario proved to also be unfounded – CFAW Local 240 would be the one and only such case.

Although the negotiations for the union’s first contract went through a conciliation process, the company reported that bargaining went “smoothly,” and the union’s first collective agreement was ratified on 29 August 1977 – four months after the union was certified.¹⁰³ Guelph’s *Daily Mercury* noted that “Local 240 is the first bargaining unit in Canada and possibly North America to represent both inmate and civilian employees” and also that prisoners “participated fully in negotiations.”¹⁰⁴

100. MCS, “Unionization of the Inmates,” AO.

101. Ontario, MCS, *Report of the Minister* (Toronto 1978), 32.

102. The debate between what could be called “bread and butter” prisoner unionism and revolutionary prisoner unionism was well underway in Canada and the United States at this time. CFAW Local 240, along with the North Carolina Prisoners’ Labor Union and the Prisoners’ Labor Union at Green Haven (Local 65, Distributive Workers of America), represent the more legalistic and reformist attempts to form prisoners’ labour unions. The degree to which issues of work and labour should be the focus of a prisoners’ union was contested in the more social movement-oriented California Prisoners Union and its split, the United Prisoners Union, as well as the British Preservation of the Rights of Prisoners (PROP) and the Prisoners’ Union Committee in Canada. For an account of this debate in the California case, see John Irwin, *Prisons in Turmoil* (Boston & Toronto: Little, Brown, 1980).

103. John D’Alton, “Inmate Workers at Beef Centre Ratify Agreement,” *Daily Mercury*, 1 September 1977; Yves Lavigne, “Guelph Inmates Win First Pact,” *Globe & Mail*, 2 September 1977.

104. D’Alton, “Inmate Workers.”

The Collective Agreements

Despite the early fears of the ministry, and perhaps the hopes of some prisoners' rights advocates, the collective agreement was a fairly standard one.¹⁰⁵ In spite of government predictions, it included a grievance procedure, as well as normal management rights, union security, and no-strike clauses. Workers won wage gains across the board, and discrepancies in pay between prisoner and non-prisoner workers working the same job classification were eliminated. Prior to the signing of the collective agreement, a majority of prisoner-workers were making about \$3.15 per hour. When the collective agreement came into effect, minimum starting pay for all workers was raised to \$5.00 per hour. After a 90-day probationary period, workers were given a \$1 per hour raise.¹⁰⁶ Workers also won health benefits, long-term disability pensions, and vacation and holiday pay.¹⁰⁷

With a single exception, prisoner-workers and non-prisoner workers were covered identically under the agreement. Prisoners' employment at the Guelph Beef Centre was dependent on their status as provincial inmates; however, this status was, by its nature, temporary. All prisoners at the GCC were serving sentences of, at most, two years less a day. This meant clear limits on prisoner-workers' ability to accrue seniority and presented its own challenge to job security. Additionally, a key aspect of the ministry's prerogative of rehabilitation depended on its ability to segregate former prisoners from the general prison population, a typical aspect of correctional policy. For the ministry this meant that prisoners would not continue their employment with the Beef Centre after their release. This understanding was worked into the original leasing agreement with the Guelph Beef Centre. The company agreed to attempt to hire newly released workers in its other operations, but it "was agreed that the purpose of this latter provision was not to grant former inmates a preference in hiring in respect of the operation of the [GCC] 'Abattoir,' which would have the effect of frustrating the continued operation of the Ministry's rehabilitation programme at the Guelph Reformatory."¹⁰⁸

In response, the union negotiated a hire-back policy for prisoner-workers that attempted to provide more job security for those workers. The result was a curtailment of the ministry's unilateral power over which prisoners/ex-prisoners

105. An interesting aspect of the formation of CFAW Local 240 is the seeming lack of support for or interest in the union by the radical left and the Canadian prisoner rights movement, who seem to have been unaware it was even occurring. This is all the more curious due to the left's keen interest in radical prisoners in British Columbia and Quebec. For one example, see "LSO Backs Prisoners' Work Stoppage," *Labor Challenge*, 16 February 1976.

106. D'Alton, "Inmate Workers."

107. Lavigne, "Guelph Inmates."

108. *AMC v. GBC*, 1977 489 (ON LRB); *Essex Packer's Contract*, 24 July 1974, Guelph C.C. (1974) File, Central Registry of the Ministry of Correctional Services, Ontario Government Record Series RG 20-15, AO.

could work at the abattoir, at least in principle. The hire-back clause read as follows: "When an inmate is released from the Institution his name shall be removed from the seniority list, however he shall be entitled to first refusal of a job opportunity to be filled by hiring from outside."¹⁰⁹ However, this ability for released prisoners to get rehired at the Guelph Beef Centre was limited by a number of factors, most importantly, ministerial approval.¹¹⁰ Nevertheless, this provision represents the most important contribution of Local 240 to the prisoners' union movement – a concrete example whereby both employer and correctional administrative power were moderated by union power.

Subsequent contract deals won the union wage gains throughout the 1980s. The 1981 agreement was particularly significant and saw the union gain a dental plan, a footwear allowance, a pension, and improvements to vacation and overtime break policies.¹¹¹ By 1989 the Guelph Beef Centre had merged into deJonge's other commercial interest, Better Beef Limited, and had moved to a new property adjacent to the GCC, at 781 York Road. There are no references to "inmate" workers in the 1992 or subsequent collective agreements. The last references to Better Beef or the Guelph OMIP appear in MCS documents in 1993. Presumably the OMIP program had shut down by that time, with much less fanfare than its opening.

Prison Labour, Economic Rights, and Citizenship

THROUGHOUT ITS EXISTENCE, the OMIP at the GCC generated a debate in Ontario about prisoners' rights and, in particular, raised questions of citizenship and its limits. The day after the provincial Throne Speech had announced the OMIP, the *Guelph Mercury* ran a front-page story on the plan, taking up an unexpected angle: "If the inmates at the Guelph correctional centre work for a private company and have income tax deducted from their wages, will they also get a chance to vote in municipal, provincial and federal elections?" After posing the question to the superintendent of corrections, a local MPP, and various other government officials, the paper concluded, "No one seems to know."¹¹²

By virtue of the prisoners' newfound status as "normal" economic actors, politicians and the press were prompted to reconsider their rights as citizens. MPP Harry Worton stated, "Certainly if the inmates are going to pay taxes on the wages they earn while in the prison then they should be guaranteed

109. Guelph Beef Centre Inc, Collective Agreement, 1977–1979, RG 7-33 Company – Union Agreements and Construction Industry Collective Agreements, AO.

110. Guelph Beef Centre Collective Agreement, 1977–79, AO.

111. Guelph Beef Centre Inc, Collective Agreement, 1981–1982, RG 7-33 Company - Union Agreements and Construction Industry Collective Agreements, AO.

112. "Inmates Will Pay Income Tax, Will They Vote?" *Guelph Mercury*, 9 March 1974.

the right to vote.”¹¹³ It seems that, at least for the press and certain MPPs, in Ontario one’s status as a “tax payer” was the determining factor in one’s enfranchisement. The unionization of the OMIP at Guelph did not result in the enfranchisement of provincial prisoners.¹¹⁴ However, by asserting their economic rights as workers, the GCC prisoners who unionized were able to expand rights that had been curtailed as a condition of their incarceration. Specifically, they gained freedom of movement to attend union meetings and increased freedom of association to join the union and hold union office, and, critically, they won the ability to (potentially) keep their jobs upon release.

The unionization also spurred productive discussions about the normalization of prison labour in Ontario. This is evident in a 1978 statement by NDP MPP Robert Mackenzie that health and safety protections should be extended to working prisoners:

They have every right, where they are engaged in an actual industrial installation, to have some input or some say in terms of the actual safety conditions, and the right to question them. I can really see nothing wrong whatsoever in suggesting that these employees have a committee. ... I would sure as blazes like to know, if we are going to run something such as an abattoir or a textile operation, or you name it, that those employees have the right to that kind of protection. I am not at all convinced that it’s there as it stands now.¹¹⁵

The notion that prisoners could be entitled to union representation also had repercussions federally. A report prepared for the Federal-Provincial Steering Committee on Inmate’s Rights and Responsibilities in 1977, the year that CFAW Local 240 was certified and successfully bargained its first contract, made explicit reference to Local 240 in a consideration of the economic rights of prisoners. It also alluded to the idea of collective bargaining by prisoners *as prisoners*:

Despite a recent decision of the Ontario Labour Relations Board concerning the Guelph Correctional Centre ... in which it was held that a group of prisoners working for a private employer could be included in the bargaining unit of a union which acted for non-prisoner employees working for the same employer, the vast majority of prisoners who do not work for private employers seem to be excluded from the benefits of collective bargaining. Though it has yet to be decided by a Board or court, either on the theory that a prisoner has only those rights expressly preserved by prison legislation or on account of the express provisions requiring that a prisoner do the work assigned to him/her, there seems to be nothing with which the prisoner can legally “bargain” whether individually or collectively.¹¹⁶

113. “Inmates Will Pay,” *Guelph Mercury*.

114. For a brief overview of the enfranchisement of prisoners, see Elections Canada, *A History of the Vote in Canada*, Chap. 4, “The Charter Era, 1982–2006,” accessed 11 July 2018, <http://www.elections.ca/content.aspx?section=res&dir=his&document=chap4&lang=e>.

115. Ontario, Legislative Assembly, *Hansard*, 31st Parl., 2nd Sess. (14 December 1978), accessed 11 July 2018, <http://hansardindex.ontla.on.ca/hansardeissue/31-2/1150.htm>.

116. B. C. Hofley, Lawrence J. Cohen & Joan Nuffield, *A Working Paper relating to the Protection of the Rights of Persons Confined in Penal Institutions*, prepared for the Federal-Provincial Steering Committee on Inmates’ Rights and Responsibilities (Ottawa 1977), 140.

Moreover, the report noted that working prisoners, unlike their free counterparts, were denied coverage by workers' compensation schemes – something that prisoners in CFAW had won in bargaining. The fact that prisoners were guaranteed some minimum material standards by the prison system might have mitigated the need for prisoners to access full workers' compensation; however, a question remained for the authors of the report. Does basic access to the necessities of life compensate prisoners for the deprivations they suffer? In particular, did a guarantee of “three hots and a cot” make up for the “lack of workers' compensation rights and collective bargaining rights, far more limited job opportunities, far poorer public amenities and the threat of severe punishment for failure to do whatever work is assigned to the best of one's abilities”?¹¹⁷ The answer at which the authors arrived is somewhat philosophical:

How many non-prisoners would trade all the rights they now have over their own labour (including the right to do as little work as is necessary to get by) for the bare essentials which prisoners are guaranteed, even if these essentials were offered outside of the prison context? The answer must be very few, if any.¹¹⁸

Regardless of the answer to that hypothetical question, it is clear that prisoners will struggle to extend both their economic and civil rights. In the case of CFAW Local 240, prisoners won concrete victories in this regard. They won collective-bargaining rights and access to employer-provided workers' compensation, and they extended their rights of association in at least two key ways. First, they won the right to attend union meetings and hold union office. Second, they won a job security provision that allowed for the possibility for released workers to be rehired at the Guelph Beef Centre, despite longstanding correctional policy that rigidly segregated prisoners from former prisoners.¹¹⁹ These expanded rights were significant, even if they fell far short of the loftier aims of the more radical wing of the prisoners' rights and prisoner labour union movement.

Conclusion

IN THE END, THE OMIP at Guelph proved to be profitable. DeJonge reported that in 1981 the company made sales in excess of \$140,000,000 and returned “profits well in excess of \$1,000,000.”¹²⁰ Despite the seeming success of the

117. Hofley, Cohen & Nuffield, *Working Paper*, 140.

118. Hofley, Cohen & Nuffield, *Working Paper*, 140.

119. In his 1978 review of the program, Michael Irvine indicates that at least some prisoners were allowed to keep their jobs in the abattoir upon release. Irvine, *Guelph Abattoir Programme*, vol. 3, 3.

120. Quoted in G. MacDonald, J. Ekstedt & D. Plecas, *Self-Sustaining Prison Industries* ([Burnaby]: Simon Fraser University Institute for Studies in Criminal Justice Policy, 1982), 31.

GCC example, the MCS quietly shut down its OMIPs during the mid-1980s. The 1985 provincial election ended 42 years of Progressive Conservative rule of the province and ushered in a minority Liberal government. However, even before the change in government, the emphasis on privately managed prison industries was dramatically reduced in both the MCS's annual reports and *Correctional Update*, in favour of increased discussion of ministry-managed ones – although the ministry did partner with a privately managed commercial trout operation at the GCC in 1982.¹²¹ Over the course of the 1980s, the ministry would set up operations to produce mattresses, canned goods, licence plates, and a variety of other goods, all under its own management. By 1987, MCS annual reports referred only to “employment,” “employment experience,” and “vocational training,” rather than the “industrial programs,” and “industries” that ministry reports had covered in the previous decade.¹²² Pahapill, the industrial engineer hired by the MCS to initiate OMIPs, left the ministry in 1988.¹²³

In 1991, the province overhauled its correctional industries program and established “Trilcor Industries.” Trilcor, which is publicly run, produces textiles, licence plates, and other products that are “marketed to government organizations at the federal, provincial and municipal levels, as well as school boards and not-for-profit organizations.”¹²⁴ By 1993, the MCS had made another major shift by privatizing institutional renovations. This was work that had previously been taken for granted as suitable work for prisoners, providing employment (and thus “employment experience”) as well as offering considerable savings for the ministry. Rather than emphasizing the rehabilitative potential in renovation work for prisoners, or the cost savings for taxpayers, the ministry – partnering with the NDP-initiated JobsOntario program – boasted of the creation of “25.5 person years of work for local contractors” as part of a five-year, \$2.3 billion provincial economic restructuring scheme with the goal of “putting 10,000 people to work.”¹²⁵ Apparently, provincial prisoners would not be among those employed.

The Guelph Beef Centre moved off GCC property in 1991, and the last reference to the Better Beef OMIP in public ministry documents is in the January/February 1993 issue of the ministry's newsletter, *Correctional Update*, which noted that 30 to 40 of the company's 200-person workforce were provincial

121. “On-Site Operation: Guelph Inmates to Process Trout,” *Correctional Update* 10, 4 (July/August 1982): 4.

122. See Ontario, MCS, *Annual Reports*, 1975–88.

123. John Pahapill, *Pahapill.ca*, accessed 7 November 2017, <https://web.archive.org/web/20160322062134/http://pahapill.ca/john.htm>.

124. Ontario, Ministry of Community Safety and Correctional Services, “Trilcor Industries,” accessed 11 July 2018, https://www.mcscs.jus.gov.on.ca/english/corr_serv/OffenderProgramsServices/treat_prog_trilcor/treat_prog_trilcor.html.

125. “Institutions Upgraded through Job Program,” *Correctional Update* 21, 1 (Spring 1993): 3.

inmates.¹²⁶ As previously mentioned, the last reference to “inmates” appears in the union’s 1989 contract (which expired on 31 December 1991). The Guelph Beef Centre/Better Beef Limited was bought by the multinational food processing company Cargill in 2005.¹²⁷ CFAW Local 240, along with the rest of the union, had merged into the newly created United Food and Commercial Workers in 1979, becoming UFCW Local 617P. Over the course of company mergers, Local 617P eventually became UFCW Locals 175 and 633. Throughout its history the union avoided a strike or lockout. Bernard deJonge’s 2013 obituary noted that “he was particularly proud there had never [been] a strike at Better Beef.”¹²⁸

A number of factors should be considered when attempting to explain the union’s success. CFAW organized the OMIP at a time when there was relatively high union density, particularly in the meat-packing industry. Additionally, the government was not responsible for the wages and working conditions at the Guelph abattoir, and thus the pecuniary interests of the government were not threatened by the union. Still, CFAW was able to overcome the job segregation built into the initiative and to build enough workers’ unity to certify a precedent-setting union.

Critically, CFAW never attempted to negotiate for prisoners *as prisoners*. The union emphasized that it was organizing the local “not because the majority [of workers] were prisoners, but because all the employees in the plant were entitled to representation.”¹²⁹ It leveraged very little power away from the ministry, though what power it did leverage was significant. The fact that the union made strides toward equalizing conditions for prisoner-workers and non-prisoner workers, seemingly as a matter of principle, is notable.

The legacy of the union is somewhat unclear. The unionization of the Guelph abattoir remains a major victory for both prisoners and those who support prisoners’ rights. The case demonstrates the fundamental similarities – rather than the differences – between prisoners and free workers. The union proved that, at a time of heightened prison turmoil, some form of a prisoners’ union could be compatible with correctional policy. Ultimately, Local 240 represents a unique moment in Canadian labour history, one where the labour movement acted in solidarity with prisoner-workers, organizing them as it would any other group of workers, instead of fearing competition and working against them.

126. “Industrial Programs Provide Work Opportunities for Guelph CC Inmates,” *Correctional Update* 14, 1 (January/February 1986): 6–7.

127. “Cargill Unit Buying Better Beef Assets,” *Globe & Mail*, 16 April 2005.

128. Vik Kirsch, “Guelph Business Pioneer Mourned,” *Guelph Mercury*, 22 August 2013, <http://www.guelphmercury.com/news-story/4042160-guelph-business-pioneer-mourned/>.

129. Wilfred List, “Guelph Meat-Packing Plant: Prisoners Can Be Included in Union, Board Decides,” *Globe & Mail*, 2 April 1977.

Prisoner labour continues to be intertwined with the Canadian carceral system, and the labour struggles of prisoners continue. In one way, the legacy of Local 240 is clear: the union helped to inspire – and formed the legal precedent for – the Canadian Prisoners’ Labour Confederation, an unsuccessful attempt by federal prisoners to certify as a trade union in 2011.¹³⁰ In a less direct way, it represents a phase in a movement of prisoner-worker resistance that has taken various forms and continues today. The same spirit of resistance can be seen in the 2013 federal prison strike against wage cuts.¹³¹

Over the last decade, prisoners have made several attempts to unionize with different degrees of success internationally. Argentina’s Sindicato Único de Trabajadores Privados de la Libertad Ambulatoria, Germany’s Gefangenen Gewerkschaft/Bundesweite Organisation, and the Incarcerated Workers Organizing Committee active in the United States and United Kingdom represent a new generation of prisoner-worker organizing initiatives.¹³² Given this history, and these ongoing struggles, it is less likely a question of *if* Canadian prisoners will again attempt to form a union than it is a question of *when*.

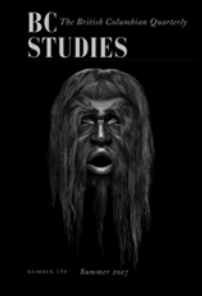
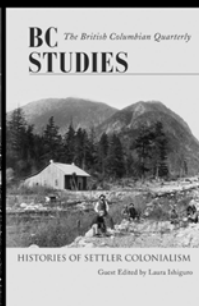
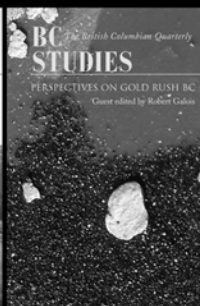
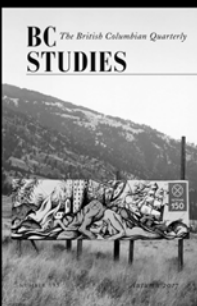
130. See *Jolivet v. Treasury Board (Correctional Service of Canada)*, 2013 PSLRB 1, accessed 12 July 2018, http://www.fpslreb-crtespf.gc.ca/decisions/fulltext/2013-1_e.asp.

131. See Jarrod Shook, “Resistance to Prison Pay Cuts: An Account of Accountability,” *End the Prison Industrial Complex* (blog), 11 April 2014, <https://epic.noblogs.org/full-article-resistance-to-prison-pay-cuts/>.

132. See Marcela Valente, “First Prisoners’ Trade Union Defends Rights in Argentina,” *Inter Press Service*, 7 June 2013, <http://www.ipsnews.net/2013/06/first-prisoners-trade-union-defends-rights-in-argentina/>; Joe Watson, “German Prisoners Form Union, Seek Minimum Wage and Pension,” *Prison Legal News*, 2 August 2016, <https://www.prisonlegalnews.org/news/2016/aug/2/german-prisoners-form-union-seek-minimum-wage-and-pension/>; Incarcerated Workers Organizing Committee, accessed 12 July 2018, <https://incarceratedworkers.org/>.

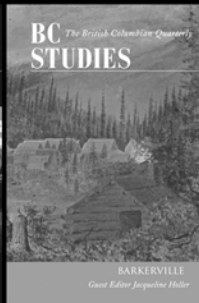
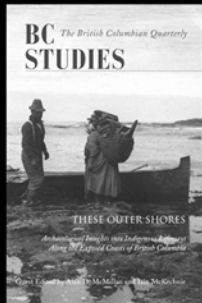
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