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Contesting Big Brother

Legal Mobilization against Workplace Surveillance in the Puretex Knitting Company Strike, 1978–1979

Mason Godden

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Article abstract

In 1978, over 200 textile workers affiliated with Local 560 of the Canadian Textile and Chemical Union went on strike at Puretex Knitting Company, a small garment factory in Toronto, Ontario. Of the strikers, 190 were immigrant women who opposed management's installation of nine security cameras on the premises, one of which was trained on the entrance to the women's washroom. To have the cameras removed and win the strike, Local 560 used a combination of traditional strike tactics and legal mobilization. This article makes a case for the significance of the Puretex strike by arguing that workplace surveillance acted as a flashpoint around which feminist and legal allies could mobilize in support of exploited immigrant women in the textile industry during the 1970s. By the strike's end, the Puretex women had not only gained invaluable and transformative strike experience but engaged with industrial legality and the state in a way that brought about meaningful change in their workplace. The Puretex strike is therefore a significant case of immigrant women's militant organizing in the labour and feminist movements during the 1970s and an important reminder that engagement with industrial law and the state, in certain historical contexts, can provide avenues for successful worker resistances.

ARTICLE

Contesting Big Brother: Legal Mobilization against Workplace Surveillance in the Puretex Knitting Company Strike, 1978–1979

Mason Godden, McMaster University

I've got to see where my people are all day. I don't have time to waste fooling around. How the hell am I supposed to run this place unless I know everyone's doing their job? It's necessary. Psychologically, they feel like they are being watched. And I can sit at my desk and cover 100,000 square feet and know my company is running the way it should. I'm telling you the workers here don't even think about it.

—Gary Satok

THIS IS HOW PURETEX KNITTING COMPANY president Gary Satok justified the installation of seven closed-circuit television (CCTV) cameras on the shop floor of his Toronto textile factory in 1976.¹ Another camera was installed outside to monitor the exterior of the premises, but the most problematic of the shop-floor cameras was trained on the entrance to the women employees' washroom. Puretex employed 220 to 250 garment workers, 190 of whom were immigrant women from southern and eastern Europe, primarily Italy, Portugal, and Greece.² The installation of CCTV cameras instigated an immediate uproar from the women in the plant, who insisted that the cameras were not, as Satok insisted, meant to deter theft (accusations of which were frequent

1. Margaret Mironowicz, "Union's Fight over TV Monitors Going to Civil Rights Board," *Globe and Mail*, 9 November 1976.

2. Most media estimates placed the total workforce population of Puretex at 220, but former Puretex worker Salome Lukas claims there were 250 workers. Lukas also identifies Italian, Portuguese, and Greek as the major ethnic groups represented in the plant. See Judy Rebick, *Ten Thousand Roses: The Making of a Feminist Revolution* (Toronto: Penguin, 2005), 134–135.

at Puretex despite only one proven incident) but meant to exert greater control over the workers in the plant. As sewing operator Vendelin Renford explained, “the supervisors are more pushy since the cameras [were installed] since they know they are being watched by the cameras. ... [T]hey tell you to speed up, do more work, they go around and they time you.”³

Furthermore, Local 560 of the Canadian Textile and Chemical Union (CTCU), the union that represented the Puretex workers, declared the installation of the cameras a violation of human rights and an oppressive exercise infringing on the privacy of workers. Madeleine Parent, the militant labour leader and working-class feminist activist who led the CTCU and its larger affiliate, the Confederation of Canadian Unions (CCU), believed that the surveillance of these women was meant not to deter theft but instead to exercise control over a disadvantaged ethnic group within the working class, one that held longstanding fears of intrusion into their private lives.⁴

Two years after Satok installed the cameras, a year-long strike began at the Puretex plant that brought immigrant working women to the forefront of a battle against workplace surveillance, exploitation, and a slew of other labour issues indicative of the industrial unrest in Canada during the postwar era. Though the postwar compromise between organized labour, capital, and the state had ensured a host of legal freedoms such as the right to bargain collectively, the 1960s and 1970s saw these privileges slowly stripped away by an increasingly austere state that tilted Canadian industrial legality in favour of capital.⁵ A telling example of Canadian labour law’s penchant for disabling

3. “In the matter of an arbitration between the Puretex Knitting Company Limited and the Canadian Textile and Chemical Union: Points intended to be argued on behalf of the Union,” n.d., 3, Frank and Libbie Park fonds, MG31 K 9 33, box 33, “Puretex Knitting Mills – Camera Grievance – Arbitration Hearing, 1979,” Library and Archives Canada (hereafter LAC).

4. Donald H. Avery, *Reluctant Host: Canada’s Response to Immigrant Workers, 1896–1994* (Toronto: McClelland & Stewart, 1995), 66. Avery argues that Italian immigrants were particularly prone to “economic and social exploitation” in Canada. For a feminist perspective on the experiences of working-class Italian women in Toronto, see Franca Iacovetta, *Such Hardworking People: Italian Immigrants in Postwar Toronto* (Montréal & Kingston: McGill-Queen’s University Press, 1992), esp. Chap. 5. For a more general analysis of working-class encounters with surveillance in the 20th century, see Gregory S. Kealey, “State Repression of Labour and the Left in Canada, 1914–1920: The Impact of the First World War,” *Canadian Historical Review* 73, 3 (1992): 281–314; Kealey, “The Early Years of State Surveillance of Labour and the Left in Canada: The Institutional Framework of the Royal Canadian Mounted Police Security and Intelligence Apparatus, 1918–26,” *Intelligence and National Security* 8, 3 (1993): 129–148.

5. Leo Panitch & Donald Swartz, *From Consent to Coercion: The Assault on Trade Union Freedoms* (Toronto: University of Toronto Press, 2003). Panitch and Swartz list a series of stringent measures undertaken by federal and provincial governments in the 1970s and 1980s that demonstrated the “assault on trade union freedoms” during the breakdown of the postwar compromise, such as the introduction of “statutory income policy” in 1975, the arrests of leaders associated with the Common Front in Quebec during the 1970s and public-employee strikes in Newfoundland during the 1980s, and the increasing reliance on back-to-work laws.

striking workers' collective action was the ex parte injunction imposed on textile workers in the 1966 Tilco strike, which resulted in criminal convictions for 26 strikers and the strict regulation of subsequent Textile Workers Union of America (TWUA) strike action.⁶ Injunctions could be obtained by employers with relative ease and were thus used frequently by management as a strike-breaking tactic in Canada during the twentieth century.⁷ Despite this, strike action continued throughout the 1960s, ensuring that the Canadian labour movement "walked a new unruly line" that sustained its militancy in the face of rigid economic policy and a historically pro-capital industrial-legal system.⁸ Even outlier unions outside of the organized labour mainstream of the period, such as the United Electrical Workers (UE) led by C. S. Jackson, matched the militant activism of the broader labour movement with both legal and wildcat strikes.⁹ By the 1970s, this militancy had blossomed into a turbulent though productive relationship with the second-wave feminist movement and the New Left, an alliance that bolstered picket line militancy and effectively fought back against encroachments on trade union organizing previously promised by the postwar compromise.¹⁰

Against this backdrop of continued labour, feminist, and leftist militancy, the Puretex strikers fought against ethnic and gendered exploitation, and the strike became a well-publicized labour dispute in the Canadian media, significant and successful enough to precipitate a provincial investigation into workplace surveillance by the Ontario Legislative Assembly. As such, the strike has left an indelible archival footprint. The CBC Digital Archives offer access to media coverage of the picket line; the *Toronto Star* and the *Globe and Mail* contain dozens of articles covering nearly everything about the strike; sociological and legal texts reference (though sparingly) the peculiarity of the strike;¹¹ the 1977 CBC TV drama *Maria*, directed by Allan King and written

6. Joan Sangster, "We No Longer Respect the Law': The Tilco Strike, Labour Injunctions, and the State," *Labour/Le Travail* 53 (Spring 2004): 47–87.

7. Judy Fudge & Eric Tucker, *Labour Before the Law: The Regulation of Workers' Collective Action in Canada, 1900–1948* (Toronto: University of Toronto Press, 2001), 18.

8. Bryan D. Palmer, *Canada's 1960s: The Ironies of Identity in a Rebellious Era* (Toronto: University of Toronto Press, 2009), 240.

9. For UE strike activity during the 1960s and 1970s, see Doug Smith, *Cold Warrior: C.S. Jackson and the United Electrical Workers* (St. John's: Canadian Committee on Labour History, 1997), Chap. 14, esp. 231, 241, 246.

10. For detailed case studies of Canadian strikes in the 1970s that garnered widespread support from feminists and leftists alike, see Joan Sangster, "Remembering Texpack: Nationalism, Internationalism, and Militancy in Canadian Unions in the 1970s," *Studies in Political Economy* 78, 1 (2006): 41–66; Ian Milligan, *Rebel Youth: 1960s Labour Unrest, Young Workers, and New Leftists in English Canada* (Vancouver: UBC Press, 2014).

11. See, for example, David Lyon, *The Electronic Eye: The Rise of Surveillance Society* (Minneapolis: University of Minnesota Press, 1994); Michel G. Picher, "Truth, Lies, and Videotape: Employee Surveillance at Arbitration," *Canadian Labour and Employment Law*

by Rick Salutin, used the female textile workers of the plant and many others in similar situations as the inspiration for a popular interpretation of textile strikes; and nearly any tribute to Parent identifies the strike as one of the greatest victories of her career.

Despite all the interest that the strike garnered from the media, politicians, and the labour movement, however, a comprehensive study or detailed analysis of the strike's significance to Canadian labour history has yet to be done.¹² This article makes a case for the significance of the Puretex strike by arguing that workplace surveillance acted as a flashpoint around which feminist and legal allies could mobilize in support of exploited immigrant women in the textile industry. By doing so, the Puretex women not only gained invaluable and transformative strike experience but also engaged with industrial legality and the state in a way that brought about meaningful change in their workplace. I will demonstrate this in two ways: first, by detailing the strike activity of the Puretex women alongside the CTCU and their allies in the feminist movement, to offer a sense of how the issue of workplace surveillance was used to mobilize around broader issues of gender and ethnicity; and, second, by examining the legal and political methods that the CTCU employed to engage Canadian industrial law (and by extension, the state), to suggest that the state was an important arena of contestation that might provide important gains for working-class immigrant women in the 1970s.

Journal 6 (1998): 345–367. Both texts mention the Puretex strike, and note its peculiarities, yet add little to an overall understanding of the relationship between surveillance and the working-class in a historical context.

12. The most comprehensive examination of the strike can be found in Linda Briskin, "Beyond the Average and the Aggregate: Researching Strikes in Canada," in Sjaak van der Velden, ed., *Striking Numbers: New Approaches to Strike Research* (Amsterdam: International Institute of Social History, 2012). Briskin's article provides important insight into the material, but as the title suggests, it is far more concerned with evaluating quantitative and qualitative historical methodologies and the use of "newspaper archives." The article does not focus directly on the ethnic and gender issues brought up during the strike. Ian Milligan makes brief reference to the strike but does not expand on its significance beyond noting that it grappled with workplace surveillance: Milligan, "The Force of All Our Numbers: New Leftists, Labour, and the 1973 Artistic Woodwork Strike," *Labour/Le Travail* 66 (Fall 2010): 37–71; Milligan, *Rebel Youth*. Former Puretex worker Salome Lukas highlights the beginnings of her feminist activism resulting from her involvement in the Puretex strike, in Rebick, *Ten Thousand Roses*, 134–135. Brief reflections on and mentions of the feminist activism, strike support, and "struggle for dignity" over the cameras are also found in Linda Briskin & Lynda Yanz, eds., *Union Sisters: Women in the Labour Movement* (Toronto: Women's Press, 1983); in this collection, see esp. Judy Darcy & Catherine Lauzon, "The Right to Strike" (pp. 171–181); Jane Adams & Julie Griffin, "Bargaining for Equality" (pp. 182–197); Carolyn Egan & Lynda Yanz, "Building Links: Labour and the Women's Movement" (pp. 361–375). Additionally, brief mention of Madeleine Parent's involvement, as well as some very useful images of the strike, appear in Andr  e L  vesque, ed., *Madeleine Parent: Activist* (Toronto: Sumach Press, 2005).

Legal Mobilization Theory and the Relative Autonomy of the State

ACCORDINGLY, THIS ARTICLE draws on Marxist theories of the state that argue that the state possesses a “relative autonomy” from the ruling class and is “by no means immune from the pressure” of working-class resistance.¹³ A political concept developed by Marxist thinkers Nicos Poulantzas and Ralph Miliband, the premise of relative autonomy understands that while states can (and often do) reinforce the power of the capitalist class, they still exercise an agency of their own in the political and juridical realm that the working class can use to pursue their own agendas rather than remain beholden to the interests of capitalist accumulation.¹⁴ Relative autonomy was therefore a response to the traditional Marxist interpretation of the state as an “instrument” through which the bourgeoisie acted out “their common political and economic interests.”¹⁵ Poulantzas and Miliband suggest instead that the state is not a monolith but rather “a site of class struggles and political compromises, which, in turn, shaped the structure of the economy.”¹⁶ The two accept the observation that many state actors in capitalist societies overlap with the capitalist elite but remain hopeful that democratic politics can successfully curtail bourgeois influence over the state. Poulantzas points out that states need to secure the “consent” of the oppressed and points to “the gains made by social democratic reformers” in the postwar period as well as their “failure ... to overturn the economic inequalities produced by capitalist social relations” as evidence of the state’s relative autonomy from capital.¹⁷

As Canadian political scientists Greg Albo and Jane Jenson warn, however, the debate over the relative autonomy of the state is not a simple binary between ruling-class instrumentalism and democratic pluralism. Albo and Jenson note that a series of fundamental questions arose as the theory of relative autonomy matured in the 20th century, two of the most pertinent being whether or not the state possessed “more or less autonomy” across time, and how “pressures from civil society registered in state policy” in different historical periods. They insist that such questions are “crucial to knowing how states

13. Ralph Miliband’s formulation of relative autonomy can be found in Miliband, *The State in Capitalist Society* (New York: Basic Books, 1969). It is elaborated upon in Leo Panitch, “The Role and Nature of the Canadian State,” in Leo Panitch, ed., *The Canadian State: Political Economy and Political Power* (Toronto: University of Toronto Press, 1977).

14. For a succinct outline of Nicos Poulantzas’ side of the relative autonomy debate, see Poulantzas, *Political Power and Social Classes* (London: NLB and Sheed & Ward, 1968), esp. Chap. 1, part 3 (“The Capitalist State and the Interests of the Dominated Classes”).

15. Greg Albo & Jane Jenson, “A Contested Concept: The Relative Autonomy of the State,” in Wallace Clement & Glen Williams, eds., *The New Canadian Political Economy* (Montréal & Kingston: McGill-Queen’s University Press, 1989), 181.

16. Albo & Jenson, “Contested Concept,” 181–182.

17. Albo & Jenson, “Contested Concept,” 182.

vary across space, over time, and in institutional form.”¹⁸ In this article, I will demonstrate that interest arbitration (a right guaranteed to unionized workers by the industrial legality of the postwar compromise) provided immigrant women with an avenue through which to engage with the state via industrial law and win important changes in their workplace. Despite the hesitancy with which unions historically viewed the legal system, the Puretex strike proved that in select cases, unions could engage Canadian law via interest arbitration with relative success.¹⁹

To be sure, the CTCU combined legal mobilization with other forms of direct action during the strike, but, as Larry Savage and Charles Smith indicate, unions can be “pushed and pulled in different strategic directions” depending on the context of each individual campaign.²⁰ Despite experienced labour leaders’ knowledge that labour arbitrations (in particular, grievance arbitration) were “hegemonic tools” that favoured the desire of management to maintain industrial peace, Parent and the CTCU chose to take the camera dispute to interest arbitration knowing that “greater power” was afforded to arbitrators in interest cases.²¹ The CTCU could thus frame the strike as a rights issue and build a case for the arbitrator that argued the cameras were violating the Puretex workers’ human rights rather than protecting the employer’s property.

Given that legal mobilization was one of the key strategies the CTCU used to win the strike, it is imperative that the intricacies of legal mobilization theory are understood. This article draws on the strand of legal mobilization theory posited by American political scientist Michael McCann in his 1994 monograph *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*, in which he argues that “litigation and other legal tactics [provide] movement activists an important resource for advancing their cause” within the boundaries of postwar North American industrial law.²² McCann studied the relationship between the increasing number of American women entering the workforce and their turn to litigation to attain pay equity reform in the

18. Albo & Jenson, “Contested Concept,” 182.

19. Larry Savage & Charles W. Smith, *Unions in Court: Organized Labour and the Charter of Rights and Freedoms* (Vancouver: UBC Press, 2017), 13.

20. Savage & Smith, *Unions in Court*, 13.

21. Larry Haiven, “Hegemony and the Workplace: The Role of Arbitration,” in Larry Haiven, Stephen McBride & John Shields, eds., *Regulating Labour: The State, Neo-Conservatism, and Industrial Relations* (Toronto: Garamond, 1990), 84. For Madeleine Parent’s assessment of interest versus grievance arbitration in the Puretex case, see “Spy Cameras Out at Puretex,” *Canadian Union News* 8, no. 1 (July 1979): n.p. Parent acknowledged that “the union might have lost the case against the cameras” had it decided to wait for a new collective agreement rather than go straight to interest arbitration.

22. Michael McCann, *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* (Chicago: University of Chicago Press, 1994), 2–4.

1970s and 1980s. He observes that “nearly all of [the gains made by pay equity cases] were authorized by unit-specific collective bargaining or local legislation rather than directly by the courts.”²³ Tommaso Pavone has argued further that despite early American court rulings against such reform, “the beneficial legacy of legal mobilization was captured by its ability to provide politicizing experiences for women workers, to legitimize their claims via a familiar rights discourse, to forge political opportunities for collective action by raising expectations, and to cultivate an enduring legal consciousness.”²⁴ Quoting Harvard legal scholar Martha Minow, McCann suggests that legal mobilization theory, as practised by working-class women and feminists in the United States during the 1970s and 1980s, “[gave] rise to a rights consciousness so that individuals and groups may imagine an act in light of rights that have not been formally recognized or enforced.”²⁵ In essence, McCann hypothesizes that while the American court system ruled unfavourably against pay equity reform cases, the smaller hearings, collective bargains, and arbitrations between lawyers, unions, management, and workers usually resulted in victories for women (and other underpaid) workers.²⁶

Legal mobilization was not a new method of American labour and feminist mobilization in the 1970s and 1980s, however. Dennis Deslippe’s study of the American feminist and labour movements demonstrates that Title VII of the *Civil Rights Act* of 1964, which banned employment discrimination based on sex, served as a “catalyst” for feminist mobilizing around labour rights.²⁷ Deslippe argues that “the drive for legislation” that occurred in the immediate postwar period and led to the enactment of Title VII “opened up a new dialogue on women’s roles in the labour movement and society at large that would gather force in the 1960s.”²⁸ Similarly, Dorothy Sue Cobble has argued that “the 1960s legislative initiatives to ... end unfair sex discrimination in employment were the culmination of a twenty-five-year reform effort.”²⁹ Although the

23. McCann, *Rights at Work*, 2–4.

24. Tommaso Pavone, “Michael McCann: *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*,” unpublished notes, Princeton University, 3 April 2015, 1, https://scholar.princeton.edu/sites/default/files/tpavone/files/mccann-_rights_at_work.pdf.

25. McCann, *Rights at Work*, 7.

26. McCann, *Rights at Work*, 4. See also Pavone, “Michael McCann.” Both McCann and Pavone note that wage and labour laws changed over time and that, as a result, the courts were not an entirely reliable means with which to secure pay equity reform. Both scholars draw attention to the conservative and privileged powers that resided in the court process. These works highlight the fact that arbitrations, mediations, and collective bargaining were aligned with traditional collective agreements and labour laws that struggle over pay equity.

27. Dennis Deslippe, “*Rights Not Roses: Unions and the Rise of Working-Class Feminism, 1945–1980* (Chicago: University of Illinois Press, 2000), 2.

28. Deslippe, “*Rights Not Roses*,” 6.

29. Dorothy Sue Cobble, *The Other Women’s Movement: Workplace Justice and Social Rights in*

1960s and 1970s saw many labour feminists “turn to the courts” in order to “test the limits and language of the new antidiscrimination laws,” the passing of such laws were the results of decades of feminist activism, within and outside of the courts.³⁰ Legal mobilization has thus been a part of the activist and reform tradition in the postwar period, though its use in the United States increased in the 1960s and 1970s.

The concept of legal mobilization is generalizable to Canadian industrial legality in the 1970s and, as such, is a helpful way of understanding why the Puretex strike was successful. As will be detailed later in the article, the removal of the cameras relied on the legal acumen of the CTCU’s lawyer, Frank Park, who built a case for the arbitrator based on the testimony of the Puretex women. The human rights discourse that Park brought to the case effectively persuaded the arbitrator to order the removal of the cameras, an outcome that may not have been achieved had the CTCU relied on common law precedents set by the courts (which tended to favour management property rights) or the rigidity of grievance arbitration, which could only address issues specifically outlined in collective agreements, effectively mitigating the power of arbitrators to pass progressive rulings. Furthermore, legal mobilization theory showcases how the relative autonomy of the state can be advantageously exploited by the working class to win concessions from capital. By engaging the judicial branch of the state, the CTCU found a forum (interest arbitration) that allowed it to fairly petition for a redistribution of power from capital. Just as the state’s relative autonomy from capital varies across time and space, so too does legal mobilization’s chances of success. McCann and George Lovell have observed that the 1970s saw “courts, legislators, and bureaucrats [interpreting] civil rights law in diverse and contradictory ways” that led to progressive results for workers across the globe, whereas the 1980s saw a rise in “neoliberal legal justice” that “dramatically narrowed civil rights regulation.”³¹ The 1970s was thus a decade wherein the state’s relative autonomy could be leveraged against capital by legal mobilization through interest arbitration.

McCann and Lovell have recently warned that legal mobilization theory suffers from two common pitfalls: the first being the tendency to characterize the state as “a largely reactive rather than proactive institution,” which fails to account for the prescriptive and “repressive workings of state institutions”; and the second being an overconfidence in the “responsiveness of judicial institutions and judges to citizens’ claims for novel rights and legal justice,” which “reinforces views of the state as a passive, even impartial reactor to

Modern America (Princeton: Princeton University Press, 2004), 9.

30. Cobble, *Other Women’s Movement*, 206.

31. Michael McCann & George Lovell, “Toward a Radical Politics of Rights: Lessons about Legal Leveraging and Its Limitations,” in Paul Christopher Gray, ed., *From the Streets to the State: Changing the World by Taking Power* (Albany: SUNY Press, 2018), 146.

social pressure.”³² Marxist theorists have similarly wrestled with the function of the law in capitalist society and debated how advantageous it is to the working class. Antonio Gramsci cautioned that the law commonly operated as the “repressive and negative aspect” of the state that curtailed working-class dissent, while Poulantzas, agreeing that certain historical junctures were less amenable to pressure from below, maintains that “juridical subjects could potentially leverage rights claims and appeals to the rule of law in order to exploit the internal contradictions of the capitalist state and thereby wrest concessions from it.”³³ While this article assumes neither of the presuppositions that McCann and Lovell outline, it will show that legal mobilization via interest arbitration in the Puretex strike was a viable course of action for the CTCU to take (outside of traditional strike tactics authorized by the postwar compromise) in a legal framework that favoured management at nearly every turn.

Separate from legal mobilization, the CTCU engaged the state directly via the Ontario legislature, though this method was ultimately less successful than legal mobilization. The strikers appealed to Liberal and New Democrat members of provincial parliament (MPPs) for strike support, who in turn introduced workplace surveillance as an issue to be rectified by the provincial government. Although the Legislative Assembly was another potential avenue through which working-class immigrant women could capitalize on the relative autonomy of the state and fight to contest their exploitation, a proposed workplace surveillance ban tabled by the provincial Liberals and NDP failed to materialize into any kind of meaningful legislation. Sympathetic politicians used their positions in the provincial government to advocate for the Puretex workers, yet they were unable to influence the minority government of Progressive Conservative premier Bill Davis to legislate against workplace surveillance. Legal mobilization was therefore the most effective strategy the CTCU could invoke to engage productively with the industrial relations arm of the state and shift the balance of power away from employers into the hands of the working class.

32. McCann & Lovell, “Radical Politics of Rights,” 143.

33. Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, ed. and trans. Quintin Hoare & Geoffrey N. Smith (London: Lawrence & Wishart, 1971), 247; Rafael Khachaturian, “Poulantzas and the Juridical Constitution of the Subject,” *Legal Form: A Forum for Marxist Analysis of Law* (blog), 29 October 2017, <https://legalform.blog/2017/10/29/poulantzas-and-the-juridical-constitution-of-the-subject-rafael-khachaturian/>. Political theorist Rafael Khachaturian makes the important distinction between Poulantzas’ assessment of law in *Political Power and Social Classes* and in *State, Power, and Socialism*. In the latter, Poulantzas is more agreeable to the idea that the law can regulate a plurality of interests rather than just those of the ruling class.

The Fight for a First Contract

PURETEX WAS UNIONIZED IN 1972 by the CTCU, a union affiliated with the larger CCU labour body, an alternative Canadian nationalist labour union that opposed the bureaucracy and perceived conservatism of the Canadian Labour Congress (CLC). The CCU's militant founders, Parent and her husband, Kent Rowley, had been cast out of the United Textile Workers of America (UTWA) by the American Federation of Labour (AFL) in 1952 after leading a series of successful strikes in Quebec textile mills during the 1940s. Their militancy and outspoken critiques of the UTWA's union bureaucracy ran afoul of the anticommunist Canadian and American trade union movements and angered the unabashedly anti-labour Quebec premier Maurice Duplessis. Parent and Rowley's activism led to not only their removal from the UTWA but their vilification by the CLC and jailing in Quebec on charges of conspiracy and communism. Their formation of the CCU in 1969 was thus an attempt to create a more democratic and progressive labour body that was open to socialism and rejected the dominant positions of power occupied by American-based international unions in the CLC. To Parent and Rowley, large American unions were unaccountable, disinterested, and ill-equipped to handle the issues and demands of the Canadian labour movement.³⁴

The CCU also represented one expression of the broader left-wing nationalism that emerged in Canada between 1960 and 1980. Left-wing nationalism in Canada was particularly critical of the imperialist foreign policy of the United States and served as a rallying cry under which many leftists – socialists, immigrants, women, and workers – rallied during the 1960s and 1970s. Unions affiliated with the CCU came to prominence in the 1970s and, along with the CTCU, included the Canadian Association of Industrial, Mechanical, and Allied Workers (CAIMAW) and the Food and Service Workers of Canada Union (FASWOC). These unions organized workplaces in Canadian industries that employed large numbers of female immigrant workers from eastern and southern Europe who were often exploited and earned low wages.

Before unionizing with the CTCU, Puretex employees worked 48 hours per week, were paid “the legal minimum wage of \$1.65 an hour,” and enjoyed few to no benefits.³⁵ By contrast, unskilled labourers in the Toronto area employed in other industries, such as auto and plastic, worked a maximum of 40 hours per week and earned an average of \$2.68 per hour.³⁶ Compared with the average worker, the Puretex workers made much less but worked far longer hours than their unskilled counterparts, who even then were bringing in meagre wages

34. I have synthesized two biographical texts in order to briefly contextualize Parent's and Rowley's union careers. See Lévesque, ed., *Madeleine Parent*; Rick Salutin, *Kent Rowley: The Organizer: A Canadian Union Life* (Toronto: Lorimer, 1980).

35. *Toronto Star*, 25 July 1972.

36. “Small Metro Factories.”

that hardly covered the cost of living. These circumstances were typical not only for textile and garment workers in Toronto but for immigrant workers in Canada generally. Immigrant workers were vastly underpaid and overworked despite having entered Canada under “ostensibly liberalized” and “expanded” immigration policies and composing an estimated 20 per cent of the Canadian workforce by 1981.³⁷ Comparatively, the Quebec textile mills that Parent and Rowley had organized decades prior fared no better in the 1970s, as industrial deafness – a result of long hours in plants with loud, unsafe machines – plagued many workers.³⁸

The Puretex workers also had to contend with management’s staunch anti-union politics. The prevalence of piecework positions in textile plants, as well as the threat of being reduced to piecework pay for not meeting quota, was a condition of the industry “leftover from the 1930s and 1940s” that ensured textile workers remained acquiescent to management.³⁹ When management caught wind of the CTCU’s attempt to organize the plant in October 1971, “the Company fired three workers and searched the lockers and private effects of its employees for any trace of union membership.”⁴⁰ The CTCU accused management of this at an Ontario Labour Relations Board (OLRB) hearing, but the OLRB chose not to penalize management and trusted that such an incident would not happen again. In March 1972, the CTCU successfully filed for certification with the OLRB, and when the certification hearing was held on 10 April 1972, “the CTCU demonstrated that it had signed up 74 per cent of the Puretex employees and it appeared that automatic certification was warranted.”⁴¹ In a noticeable display of bias in management’s favour, however, the OLRB allowed Puretex to submit a written complaint made by an anonymous worker who alleged that their union fees were obtained via coercion and intimidation. The hearing was thus rescheduled, despite the submission date having long passed, and a separate hearing was opened to determine the

37. The 1981 estimate on immigrant labour force participation can be found in Warren E. Kalbach, “Ethnicity and the Labour Force: A Discussion Paper,” unpublished paper, University of Toronto, 1987. Kalbach’s research was authorized by the Institute for Research on Public Policy as part of a large social research study known as the Demographic Review. The argument that postwar immigration policy between 1970 and 1990 was less restrictive is found in Aziz Choudry, Jill Hanley, Steve Jordan, Eric Shragge & Martha Stiegman, *Fight Back: Workplace Justice for Immigrants* (Halifax: Fernwood, 2009), 17. On how immigration policy was expanded during the period from 1961 to 1977, see Ravi Pendakur, *Immigrants and the Labour Force: Policy, Regulation, and Impact* (Montréal & Kingston: McGill-Queen’s University Press, 2000), esp. Chap. 4.

38. The unsafe and unhealthy conditions under which Quebec textile workers laboured in the late 1960s and early 1970s are documented in Denys Arcand’s 1976 National Film Board documentary *On est au Coton*, released in English as *Cotton Mill, Treadmill*.

39. Laurell Ritchie, interview by the author, 11 April 2019.

40. *CTC Bulletin*, Summer 1972, LAC microfilm holdings.

41. “Puretex Workers Fight Continues.”

validity of management's evidence. The OLRB's review discovered that the employee did in fact voluntarily sign up with the union, but the certification hearing was nevertheless postponed to 12 June 1972 as a result of stalling and bureaucratic scheming by management's counsel. These were common tactics that management could employ when dealing with lower-paid, more transient workers whose employment was often precarious.

Frustrated with the ineffectiveness of the certification process, the CTCU used its monthly publication, the *CTC Bulletin*, to criticize the provincial labour board's "long history of ... discrimination against Canadian unions," an action that prompted outcry from the OLRB.⁴² As the adjudicative branch of the provincial Ministry of Labour, the OLRB was – in theory – the state forum wherein labour, capital, and state interests were to be mediated within the postwar compromise. In practice, however, the labour board often showed heavy bias in favour of management.⁴³ After the CTCU had levelled its criticism against the OLRB, the board demanded that the statements be redacted since the board members saw themselves as "neutral," linked neither to management nor to labour. The CTCU ignored this outcry and demanded that the certification process continue uninterrupted. Meanwhile, the union asked Stephen Lewis (who at the time was the provincial NDP's labour critic) and a handful of Liberal MPPs to pressure the OLRB into granting the CTCU an audience and checking its management bias. The CTCU also asked parliamentarians to launch an investigation into the OLRB's conduct and even recommended placing two representatives from Canadian unions on the board to mitigate pro-management bias. With the NDP's help, the certification hearing was set for 26 June 1972, and four days later the CTCU was officially certified as the Puretex workers' union.⁴⁴

Immediately after the hard-won battle for certification, negotiations with management began for the workers' first contract, which proved to be just as tiresome and arduous. Negotiations between the CTCU and Puretex management had been "stalemated" for several months, prompting a provincial mediator from the labour department to intervene.⁴⁵ The CTCU was ready to organize a strike at Puretex if management failed to bargain in good faith, which was a likely outcome owing to the pattern of behaviour established during the certification process. Puretex management hired as their counsel

42. "Puretex Workers Fight Continues."

43. A strong example of OLRB's bias toward management can be found in Sangster, "'We No Longer Respect the Law.'" She notes that much of the anti-union behaviour and rhetoric by Tilco's owner, Harold "Dutch" Pammett, was ignored by the OLRB when hearing the Textile Workers' Union of America's case accusing Pammett of bargaining in bad faith. It is noteworthy in this case that the OLRB sided with Tilco, a decision that Sangster argues "confirmed the illusory nature of the state's 'neutrality'" (p. 70).

44. "Union Walks Out at Knitting Mill Returns in Hour," *Toronto Star*, 2 November 1972.

45. *CTC Bulletin*, October 1972, LAC microfilm holdings.

Edwin L. Stringer, an employment lawyer “notorious” for stalling contract negotiations and insisting on strong management rights clauses in workers’ contracts.⁴⁶ A 1979 *Maclean’s* editorial describes Stringer as the “unofficial leader of a new strain of Canadian labour lawyers whose prime intention is to see that unions don’t come into play at all.”⁴⁷ Perhaps unsurprisingly, Stringer was the same lawyer who represented management in the fight against the CTCU in the certification hearing. One issue of the *CTC Bulletin* describes Stringer’s stalling attempts in detail: Stringer – refusing to negotiate with the CTCU on any matter other than wages before settling vacation, benefits, and seniority – arrived at one conciliation meeting with the “monetary” section of the draft contract completely blank; when asked to return with a wage proposal and a set of job classifications, he and management “never did”; and when Stringer finally *did* come prepared to a meeting, he proposed a management rights clause that triggered a “lengthy wrangle” between management and the CTCU.⁴⁸

The management rights clause proposed by Stringer was characteristic of other such clauses he had won for management in previous contract disputes. In the Puretex negotiations, his proposal suggested allowing management to mandate work hours, piecework pay for certain employees, and the demotion, reclassification, or firing of workers at will. Stringer’s proposed management clause, in contrast to those in most contracts, had seniority dictated by a worker’s physical ability and level of skill, which would jeopardize the pay of many of the unskilled labourers employed at the plant. The CTCU maintained that the union’s definition of seniority, which did not match Stringer’s, should be the determining factor in a layoff and that long-time employees should receive job training to advance, rather than having the company resort to outside hires for promotions.

A conciliation date was set for 6 October 1972, but these negotiations resulted in more stalling from Puretex management when a wage offer was once again withheld.⁴⁹ By 2 November, the workers at Puretex were within their legal right to strike. All of the workers on the bargaining team were women, which was no doubt intentional, as Parent was ardent in her belief that only women workers could account for female-related demands.⁵⁰ An all-female bargaining team therefore gave the Puretex workers the assurance that their problems would be taken seriously. Despite the calls for immediate strike

46. “Puretex: Conciliation Date Set.”

47. “The Man Who Loves Labour Pains,” *Maclean’s*, 2 April 1979, Frank and Libbie Park fonds, MG31 K 9 33, box 33, “Puretex Knitting Mills – Camera Grievance – Notes on hearing 1 of 5, 1979,” LAC.

48. “Puretex: Conciliation Date Set.”

49. “Puretex: Strike Deadline,” *CTC Bulletin*, November 1972, LAC microfilm holdings.

50. Leone Kirkwood, “Organizer Uses Direct Approach to Get Women Involved in Unions,” *Globe and Mail*, 7 December 1972.

action, the CTCU overruled the 64 members in favour of strike, instead opting to wait for a response from management once the contract was finalized.⁵¹ When negotiations between the CTCU and Puretex management carried on until 4 a.m. on 2 November many feared that these negotiations – like the many others that had preceded it – would end in stalemate. In a final effort to end management's interference with bargaining, a picket of striking women began to form outside the company's gates, huddled under umbrellas that shielded them from the rain, carrying banners reading "Puretex on Strike."⁵² Not long after the picket line formed, management conceded and agreed to the first contract.⁵³

By conceding, Puretex management agreed to the following demands: "a minimum increase of at least 40 cents an hour in two stages [a maximum of 80 cents an hour]," overtime pay after 45 hours of work, "eight paid statutory holidays, improved vacation pay, bereavement pay, and company payment of health insurance premiums."⁵⁴ CTCU organizer Laurell Ritchie described this agreement as one of the best in place at the time in the Canadian textile industry.⁵⁵ The *CTC Bulletin* made little mention of the egregious management rights proposals made by Stringer; however, based on the glowing editorial it *did* publish, highlighting the "important" clauses for grievance procedures and seniority rights, it is clear that the management rights clause contained few of Stringer's demands or did not exist at all.⁵⁶

In 1974, Puretex workers began bargaining for their second agreement with the CTCU. This time around, a new agreement had to remedy the raised costs of living, which "had eroded the general increase" that Puretex workers had won during their fight for a first contract. The *CTC Bulletin* noted that "even wage increases that looked very good a year ago look small today," adding that "prices have jumped upward in all directions – food, clothing, transportations, rents, etc."⁵⁷ When canvassed by the CTCU, nearly all of the Puretex

51. "Nine to Get Civic Award of Merit," *Globe and Mail*, 2 November 1972; "Strike Is Suspended until Vote on Offer," *Globe and Mail*, 3 November 1972.

52. "Union Walks Out."

53. "Puretex Settlement," *CTC Bulletin*, December 1972, LAC microfilm holdings. Accounts of why the November picket line dissipated were disputed. One *Toronto Star* article reported that the CTCU informed picketers of the decision to postpone strike action, suggesting a miscommunication between the union and the workers. The *CTC Bulletin* suggests that the picket line forming in the early hours of 3 November 1972 hastened management's decision to review the union's terms and prepare a response of their own.

54. "Puretex, Union Reach Accord on First Pact," *Globe and Mail*, 6 November 1972.

55. "Puretex, Union Reach Accord."

56. "Puretex Settlement."

57. "Union Asks Puretex Increase Due C.O.L.," *CTC Bulletin*, March 1974, LAC microfilm holdings. In 1974, a global economic recession hindered the Canadian economy by creating stagflation, wherein the prices of goods and the cost of living rose while wages fell and jobs

workers signed a document agreeing to open a discussion with management about renewing the contract to adjust to the new costs of living. When ratified, the renewed and updated agreement ensured “a general increase of 40 cents an hour immediately, an additional 35 cents an hour on 10 November 1975, plus 5 cents on 1 August 1976.”⁵⁸ This agreement would raise the Puretex workers’ wages to \$3.00 per hour in a province where the minimum wage was then \$2.25 an hour. This agreement also ensured that the workweek for Puretex employees would be reduced to a total of 42 hours by 1976 and guaranteed “nine paid statutory holidays, three weeks vacation after eight years ... [and] a minimum of 12 weeks maternity leave and a maximum of nine months.”⁵⁹

Local 560 on Strike

SATOK INSTALLED THE CAMERAS in November of 1976, just as negotiations for a third collective agreement had concluded. Though the use of CCTV cameras was a relatively new monitoring tactic in the 1970s, it represented the ever-expanding repertoire of surveillance strategies available to management, who had historically relied on measures such as “clocking in,” production quotas, and piecework wages to control their workers.⁶⁰ Workplace surveillance was therefore “nothing new” and was in fact part and parcel of working life under capitalism, but the use of cameras was a method few workers had confronted prior to the 1970s.⁶¹ As such, the CTCU had to be inventive in mobilizing against a new form of surveillance ushered in by technological advancements available to employers in the period.⁶² Unable to legally strike, the CTCU reached out to the Ontario Human Rights Commission (OHRC) for help in its case against the cameras, but the union’s plea went unanswered for two years before abruptly being denied without explanation. Satok was

were lost. The federal government under Pierre Trudeau implemented wage freezes and price controls in order to curb the financial crisis, intensifying the effects of the recession on working-class Canadians. For an overview of how the 1974 recession affected working people in Canada, see Craig Heron, *The Canadian Labour Movement: A Short History*, 2nd ed. (Toronto: Lorimer, 1996); Desmond Morton, *Working People: An Illustrated History of the Canadian Labour Movement*, 5th ed. (Montréal & Kingston: McGill-Queen’s University Press, 2007). Additionally, recent American scholarship on labour and the working class in the 1970s contains strong survey analyses of the recession. See Jefferson Cowie, *Stayin’ Alive: The 1970s and the Last Days of the Working Class* (New York: The New Press, 2010); Lane Windham, *Knocking on Labour’s Door: Union Organizing in the 1970s and the Roots of a New Economic Divide* (Chapel Hill: University of North Carolina Press, 2017).

58. *Globe and Mail*, 12 November 1974.

59. “Union Ratifies 2-Year Contract.”

60. Kirstie Ball, “Workplace Surveillance: An Overview,” *Labor History* 51, 1 (2010): 89.

61. Ball, “Workplace Surveillance,” 89.

62. Ball, “Workplace Surveillance,” 87.

incensed by the CTCU's decision to go to the OHRC, telling the *Globe* that he was "being robbed blind" and needed the cameras to prevent theft.⁶³ Parent, who was dissatisfied with the OHRC's silence, noted that the cameras were only one of a number of concerns for the workers, who were not only under surveillance but also "much too far apart on wages and on certain fringe benefits."⁶⁴

The strike began in 1978 immediately after the third collective agreement expired. Parent spoke to the CBC on 5 May 1978 to draw public attention to the cameras, noting that they were "noticeable from the plant gates" and that Satok's claims of theft were "just an excuse," as some of the cameras were turned off during the night shifts, which comprised primarily male workers. The area most overtly scrutinized in the plant was the assembly line, where garments were finalized by women workers. Parent also informed the CBC that many women workers in the plant felt "nervous" and "degraded" by the presence of the cameras. She explained that "these are honest workers who earn a living the hard way. They're not thieves, but [Satok] is so intent upon keeping them insecure and making them feel like he watches them all the time, not for purposes of theft, but for the purpose of keeping their nose to the ground all the time."⁶⁵ Parent made sure to emphasize the surveillance of *women* workers in the plant, suggesting they were cast as criminals and thieves while their male counterparts worked without the burden of being under surveillance or increased supervision.

Despite the oppressive and demeaning work environment they faced, the Puretex women turned into powerful feminist actors once they began striking. One piece of media coverage of the Puretex picket line describes the strikers' picket in detail: the portable toilet installed near the picket line was dubbed "Judy-on-the-spot," and many of the striking women joked with reporters that they could finally "go in peace"; "resentment" brewed toward their male co-workers who entered the plant for the night shift with the cameras turned off and left their shift without being searched by management; and songs of liberty and solidarity were shared among and written by the Puretex women. The *Toronto Star* published the words to one of the Puretex women's strike songs: "We're Italian, we're immigrants, we came to a new country to work. We strike because you don't give a raise. We make a lot for you. We want to work, so you better let us work but give us good money. We want to make progress, we're not scared, we're not worried."⁶⁶ When asked by journalist Helen Bullock

63. Mironowicz, "Union's Fight over TV Monitors."

64. Margaret Mironowicz, "Strike Likely against Knit Firm by Immigrant Workers," *Globe and Mail*, 5 November 1976.

65. "Madeleine Parent discusses Puretex strike," interview by Barbara Frum, *As It Happens*, CBC Radio, 5 May 1978, CBC Digital Archives, accessed 6 May 2018, <https://www.cbc.ca/archives/entry/madeleine-parent-discusses-puretex-strike>.

66. Helen Bullock, "Workers on Candid Cameras Don't Want Screen Careers," *Toronto Star*, 16 November 1978.



Women Strikers at Puretex Knitting in 1978.

Rise Up! A Digital Archive of Feminist Activism.

for comment, management read a prepared statement that read, “Madeleine Parent ... and the media are trying to make this little strike news. We are not news and we have no comment.” When pressed further by Bullock, the deputy simply reiterated, “We are not news.”⁶⁷

The irony of the deputy’s statement was realized when media coverage of the CCTV cameras attracted the attention of Organized Working Women (oww), a labour-feminist organization – established in Toronto only three years prior to the strike – dedicated to elevating women to positions of power within the labour movement and uniting unionized women across the boundaries of industry, skill level, and location.⁶⁸ oww women joined Local 560 on the picket line and helped the CTCU organize the Puretex strikers while simultaneously supporting strikes at Fleck, Inco, “York University, RadioShack, Blue

67. Bullock, “Workers on Candid Cameras.”

68. “Organized Working Women (oww),” *Rise Up! A Digital Archive of Feminist Activism*, n.d., accessed 10 July 2018, <http://riseupfeministarchive.ca/activism/organizations/organized-working-women/>. *Rise Up!* specifies that oww was “open to any woman who was a member of a ... collective bargaining unit,” meaning that the organization dealt strictly with *unionized* women.

Cross ... Bell, Irwin Toys, and Mini-Skools.”⁶⁹ Their strike-support campaign at Puretex culminated in a fundraising concert featuring popular performers, with Canadian folk singer Marie-Lynn Hammond headlining the event.⁷⁰ Additionally, the Puretex women received picket line support from the Red Berets, a self-described “group of socialist feminist women who [liked] to sing,” who provided moral support and encouragement to the strikers.⁷¹ According to Ritchie, the Red Berets “didn’t just visit picket lines” and donate; “they’d practise classic labour songs,” albeit with a socialist feminist twist in the lyrics, and “entertain” picketers “to try and lift [their] morale and spirit by playing songs.”⁷²

The effectiveness with which Parent and the CTCU could control their message in the media also bolstered the feminist dimensions of the Puretex strike. This became most noticeable when CBC Television aired two contrasting interviews regarding the surveillance debate: one with a male picket captain who maintained, much like Satok, that people were accustomed to surveillance in public buildings, and another with the female picketers who were outspoken in their anxieties and shame in being watched.⁷³ This broadcast sharpened the reality of widespread “gender conservatism” throughout the male-dominated labour movement in spite of the “important and active” contributions by immigrant women workers who occupied traditionally male union roles on picket lines and bargaining units.⁷⁴ The difference in perception indicated that, besides the stark divide between management and workers on labour surveillance, there was a divide between men and women workers in terms of how workplace surveillance affected them. Historically, women workers were subjected to much heavier surveillance than men, who were

69. “Organized Working Women (oww).” In addition to its work with Puretex and the strikes noted above, oww also supported the Canadian Union of Postal Workers (CUPW), Ontario Public Service Employees Union (OPSEU), and Canadian Air Line Employees’ Association (CALEA) in the 1970s.

70. Maria Iori, interview by Laurell Ritchie & Joan Sangster, n.d., personal collection of Joan Sangster. Iori was the president of CTCU Local 560.

71. Ritchie, interview. The description of the Red Berets can be found at “The Red Berets,” *Rise Up! A Digital Archive of Feminist Activism*, n.d., accessed 11 April 2019, <https://riseupfeministarchive.ca/culture/music/red-berets/>.

72. Ritchie, interview.

73. “Workers Walk Out over Orwellian TV Monitors,” segment on *The National*, CBC Television, 28 December 1978, CBC Digital Archives, accessed 6 May 2018, <https://www.cbc.ca/archives/entry/workers-walk-out-over-orwellian-tv-monitors>.

74. For a glimpse at the gendered dynamics of union leadership and strike action, see Sangster, “We No Longer Respect the Law.” Also, for an example of immigrant women holding executive positions in unions, including “president, vice president, secretary-treasurer ... steward and bargaining committee positions,” see Susana Miranda, “An Unlikely Collection of Union Militants: Portuguese Immigrant Cleaning Women Become Political Subjects in Postwar Toronto,” *Atlantis* 32, no. 1 (2007): 117.

by no means free of management monitoring strategies but typically held positions that provided them “some mobility, distance, and autonomy from managers.”⁷⁵ Immigrant women’s ethnic identity “also played a decisive role in shaping the circumstances of women’s employment,” as eastern and southern European immigrants had historically been racialized and were therefore considered less deserving of respect and dignity on the job.⁷⁶

Aside from holding the attention of the media, Parent played a prominent role in the strike by leading workers in song and demonstration, even amid Toronto’s cold winter.⁷⁷ Speaking at a labour rally at the Bathurst Street United Church, she criticized the OHRC for refusing to take Puretex’s case in the surveillance dispute. In her speech, Parent characterized the use of CCTV cameras at Puretex as a human rights violation, echoing her earlier statements that the surveillance was “degrading” and “offensive.”⁷⁸ On 22 January 1979, Parent distributed the CTCU’s call for an appeal to labour allies, outlining the goals of the strike and calling for aid in a variety of forms. She outlined the strike’s objectives: the removal of all nine cameras, a \$0.40 raise to improve the \$3.60–\$3.75 hourly rate, improved welfare benefits, better seniority rights to “protect against layoffs” and to train “seniority workers into other skills,” and “a better grievance procedure.”⁷⁹ The appeal made explicit mention of the Puretex women’s ethnic identity, stressing that they faced job exploitation because of their southern and eastern European heritage. Parent’s appeal asked for financial donations to the CTCU; a letter-writing campaign to R. E. Elgie, Ontario’s labour minister, to urge him to take an active role in mediating the strike settlement; and education by consumers of their local department

75. Joan Sangster, *Transforming Labour: Women and Work in Postwar Canada* (Toronto: University of Toronto Press, 2010), 124. Sangster explains how female-dominant industries such as retail and telecommunications had strong management surveillance schemes attached to women’s positions (e.g., telephone switchboard operators at Bell) (pp. 166–168).

76. Ruth Frager & Carmela Patrias, *Discounted Labour: Women Workers in Canada, 1870–1939* (Toronto: University of Toronto Press, 2005), 12.

77. “Workers Walk Out.” Not all media representations of Parent were positive, however. One *Globe and Mail* article denounced her left-leaning nationalism and her desire to organize outside of American internationals as “[inhibiting] the growth of [the CTCU] by cutting it off from the mainstream labour movement.” Describing her view as “myopic,” the item disparages Parent for “only” championing “five agreements [and] 1,500 members,” which was apparently “little to show for so many years of effort.” Ironically, however, the same journalist went on to write a glowing account of Parent’s years of service to the Canadian labour movement shortly after Parent announced her retirement in 1983. See Wilfred List, “A Zealous Champion of Working Women,” *Globe and Mail*, 24 January 1979; List, “Union Organizer Retires: No Rocking Chair for Madeleine Parent,” *Globe and Mail*, 11 June 1983.

78. “Delay by Rights Group Led to Strike, Union Says,” *Toronto Star*, 5 December 1978.

79. Madeleine Parent & Maria Iori, “Appeal from the Strikers at Puretex Knitting Co., Toronto,” 22 January 1979, (copy of a letter sent to various union locals and feminist groups), in the author’s personal collection.

stores that sold Puretex clothing, explaining that their products were tainted with exploited immigrant labour.

The strike ended as the CTCU and management convened at the bargaining table in early February 1979. After 52 hours of negotiations, 90 per cent of the Puretex workers voted for a contract that would remove the camera that monitored the women's washroom door.⁸⁰ Additionally, the agreement promised a \$0.35 increase in the first year of the agreement and \$0.30 in the second year, or "15 to 17 cents more an hour than the company's final prestrike offer on Nov. 12, 1978."⁸¹ Parent made sure that the female cutters received financial compensation, since they were previously the lowest-paid workers at Puretex and were also subject to the most scrutiny and surveillance by the company. This agreement brought an end to the strike but did not remove the seven other cameras still in operation inside the plant. In order to remove the remaining cameras, the CTCU relied on a labour lawyer who knew his way around the bureaucratic web of industrial law.

Frank Park and the Camera Arbitration

TORONTO LAWYER FRANCIS ("FRANK") PARK had been the CTCU's lawyer since acting as legal counsel during the first contract negotiations in 1972. His commitment to the legal protection of the Puretex workers was fierce and focused. When the union failed to obtain a wage increase prior to the second collective agreement, Park was the one whom Parent and the CTCU trusted to hold management to task.⁸² Unsurprisingly, then, it was Park who was tasked with challenging Stringer, who remained management's legal counsel, on the issue of the cameras. The camera arbitration was spread across four hearings held roughly one week apart, beginning on 20 April 1979 and ending on 18 May 1979.

Park's strategy was to demonstrate that Puretex's use of CCTV cameras was a violation of human rights that created anxiety and tension in the workplace. To this end, Park brought in a handful of witnesses, all of whom were female workers at Puretex, to testify that the cameras were causing them stress. Vendelin Renford, who was at that point the vice-president of Local 560, testified that she was experiencing "a lot of strain" and "constant headaches while working."⁸³ Salome Tsakonas, a cutter who had been working at Puretex for

80. "Union Contract Kills Washroom 'Spy' tv," *Toronto Star*, 7 February 1979.

81. *Globe and Mail*, 7 February 1979.

82. "In the matter of an arbitration between Puretex Knitting Company Limited and the Canadian Textile and Chemical Union: Respecting a grievance of claim for retroactive pay" (hereafter "Arbitration papers" followed by appropriate subtitle), n.d., Frank and Libbie Park fonds, MG31 K 9 29, box 29, "Canadian Textile and Chemical Union: Puretex Arbitration, 1975," LAC.

83. "Arbitration papers: Points intended to be argued on behalf of the Union," n.d., 3, Frank

nine-and-a-half years, testified that when she had returned from a brief work hiatus, her co-workers appeared "more nervous" than before, noting that "they didn't even talk to each other" after she returned.⁸⁴ Tsakonas admitted that the cameras made her nervous as well and that she felt as though she was not considered "responsible enough and that someone always has to watch [her]," prohibiting her from "using [her] judgement" on the job. During her testimony, Tsakonas was asked if she would "feel better" if management explained what the cameras were for, and she reaffirmed under persistent questioning that she would not.⁸⁵ Linda Caulfield, an administrator in the plant who did not even work on the shop floor, was another witness called by Park who cited unease with the cameras, testifying that whenever she passed the production area, she felt "an invasion of privacy."⁸⁶

After Renford's, Tsakonas', and Caulfield's testimony, Park brought in Dr. Gordon Atherley, an expert in occupational health (though, by his own admission, not a psychologist) to provide expert testimony regarding the cameras. Atherley conceded that the cameras themselves were not a stress-inducing factor but explained that it was the workers' perceptions of the cameras that could lead to stress, anxiety, and tension. Stringer repeated his question to Atherley, asking him if telling the workers what the cameras were for would put them at ease, and Atherley responded that "if there was an obvious incompatibility between the explanation and what the worker can see the camera doing, then ... the problem [cannot] be resolved."⁸⁷ Atherley went on to say that "what people believe about the environment or equipment is a very important component in many cases of industrial stress" and that "an object or a circumstance may be quite neutral to the casual observer, but so charged with meaning to someone else [that it can acquire] the force of a stressor."⁸⁸ Here, Atherley's testimony aptly described the relationship between Puretex workers and management, demonstrating that the surveillance was no simple matter of theft prevention; rather, it signified a mistrust of the female employees on the grounds that they were immigrants, and therefore thieves.

What won the day for Park and the CTCU was the legal precedent surrounding the use of electronic surveillance. In the arbitration award, Justice S. R.

and Libbie Park fonds, MG31 K 9 33, box 33, "Puretex Knitting Mills – Camera Grievance – Arbitration Hearing, 1979," LAC.

84. "Arbitration papers: Points intended to be argued on behalf of the Union," n.d., 5, Frank and Libbie Park fonds, MG31 K 9 33, Box 33, "Puretex Knitting Mills – Camera Grievance – Arbitration Hearing, 1979," LAC.

85. "Arbitration papers: Points intended to be argued," 5.

86. "Arbitration papers: Points intended to be argued," 6.

87. "Arbitration papers: Points intended to be argued," 7.

88. "Notes Re: Puretex Arbitration Evidence of Dr. Gordon Atherley – 4:15p.m. April 24, 1979," 24 April 1979, Frank and Libbie Park fonds, MG31 K 9 33, box 33, "Puretex Knitting Mills – Camera Grievance – Arbitration Hearing, 1979," LAC.

Ellis cited six cases where unions had successfully disputed their employers' use of spy cameras or other "mechanical spy" devices: the US cases of *Electronic Instrument Company, Inc. (EICO) v. IUE* (1965) and *FMC Corporation v. UAW* (1966); the Canadian cases of *Milk and Bread Drivers v. Dominion Dairies, Ltd.* (1969), *Caproco Inc. v. Upholsterers' International Union of North America*, and *Liberty Smelting Works v. UAW* (1972); and a case referred to only as "Colonial Bakery."⁸⁹ Regarding the significance of these disputes to the Puretex case, Ellis wrote that

it is clearly a matter of balancing competing considerations after recognizing that any use of cameras that observe employees at work is intrinsically seriously objectionable in human terms, with the degree of objection depending on the way the cameras are deployed and the purpose for which they are used and ranging from unacceptable in the case of constant surveillance of conduct and work performance to probably non-objectionable in the case of short-term individual application for training purposes. Applying these principles to the present case, I find that the use of the cameras in production areas of the plant cannot be justified. It is true that they are rotating cameras which do not keep employees under constant surveillance and that they are not used to check on production performance or conduct. But they are objectionable for all that – the employees, for example, experience a constant surveillance since they cannot keep track of the camera's movements and cannot know from minute to minute whether or not they are in the camera's eye – and I find that there is no sufficient countervailing justification.⁹⁰

Ellis ordered the removal of all cameras from the shop floor on the grounds that they violated basic human dignities and an individual's right to privacy, while permitting Puretex to keep only the cameras installed in storage areas and the camera that monitored the exterior. Park successfully framed his case in a context of human rights that persuaded Ellis to rule in favour of the union. Because interest arbitration does not bind arbitrators to a collective agreement, Ellis had considerable legal leeway to rule as he saw fit. Had the removal of the cameras been pursued during the life of the previous collective agreement, Ellis would have been confined to the narrow arena of grievance arbitration, where any issue not covered by the collective agreement would have been difficult to introduce to the case. Park, Parent, and the CTCU strategically used legal mobilization at the opportune moment (the expiration of a previous collective agreement), and in the opportune forum (interest arbitration), to engage the state and win an important concession (the removal of the cameras) from capital.

89. The case of *Milk and Bread Drivers v. Dominion Dairies* involved tachographs that were installed on delivery trucks to measure "the time and rate of engine speeds as well as idle times," thus differentiating it from the other cases, which were more explicitly about cameras – but these devices were still found to be a form of surveillance. See "In the matter of an arbitration ... between Puretex Knitting Company Limited, and Canadian Textile and Chemical Union – Concerning: Dispute Between Company and Union Re Electronic Surveillance of Employees" (hereafter "Ellis award"), June 1979, 21, copy, in the author's personal collection.

90. Ellis award, 28–29.

Workplace Surveillance and the Ontario Legislature

ON 31 MAY 1979, PURETEX was ordered to remove the cameras in the production areas of the plant, and management opted not to appeal the decision.⁹¹ Parent described Ellis' ruling as "important for all workers in Canada," as "it upholds the right of people to privacy and to human dignity at the workplace."⁹² Likewise, the CBC reported the decision as a victory not just for the workers at Puretex but for all unions in Canada.⁹³ Despite the \$0.60 pay increase that the Puretex workers eventually gained after the arbitration (an impressive increase from the \$0.40 that was originally asked for), Parent maintained that more was still to be done and called for legislation to be passed on electronic surveillance. She warned that "with so many uses of electronic devices, our civil liberties are constantly in jeopardy."⁹⁴

Such legislation was introduced in the Ontario legislature by Liberal and NDP MPPs during the Puretex strike, and after Ellis' decision in favour of the CTCU, discussion of the issue became more salient. Liberal Opposition Leader Stuart Smith had tried to contact Puretex management during the strike in order to view the setup of the plant's surveillance cameras; this was after Smith had pressed Labour Minister Elgie to start on a workplace surveillance ban through provincial legislation. When Smith was denied access to the Puretex plant, he and "some thirty picketers" – two of whom were women who made \$130.00 per week or less, and one of whom was a single mother who was on the picket line with her child because she could not afford to pay for a sitter – gathered outside the factory gates.⁹⁵

When no progress was made, Elgie was asked again, in early December 1978, to legislate against the use of surveillance cameras in the workplace. Smith challenged Elgie to "come forward with a simple amendment making it illegal to have that type of surveillance, or ... [legislate] that a permit be obtained proving that it is needed for security [or] safety."⁹⁶ Smith and NDP MPP Antonio Lupusella even called for Elgie's direct involvement in the strike

91. "Puretex Surveillance Cameras Ordered Removed," segment on *The National*, CBC Television, 31 May 1979, CBC Digital Archives, accessed 6 May 2018, <https://www.cbc.ca/archives/entry/puretex-surveillance-cameras-ordered-removed>.

92. Ellis award, ii. Parent distributed copies of Ellis' decision with her preface to CTCU locals and various allies of the Puretex strike.

93. "Puretex Surveillance Cameras."

94. Parent echoes these sentiments in her preface to Ellis' arbitration, noting that the provincial legislature had shot down two bills put forth by the Liberals and the NDP, respectively, proposing a ban on "spy cameras."

95. Marina Strauss, "Doors Closed to Smith for Opposing 'Spying,'" *Globe and Mail*, 30 November 1978.

96. Ontario, Legislative Assembly, *Hansard*, 31st Parl, 2nd Sess (7 December 1978), <https://www.ola.org/en/legislative-business/house-documents/parliament-31/session-2/1978-12-07/hansard-1>.

at Puretex. Lupusella in particular was a key political ally for the CTCU. An immigrant himself, Lupusella was critical of the exploitation of the immigrant workers at Puretex and advocated for them in the legislature after listening earnestly to the CTCU's call for aid.⁹⁷ Elgie's response to the political pressure placed on him to legislate, however, was less than promising: he merely assured the members of the legislature that he was "looking into it."⁹⁸

In response to Lupusella's introduction of a private member's bill aimed at "restricting" the electronic surveillance of workers, the province established a task force to investigate whether banning electronic surveillance would curb labour unrest.⁹⁹ After the task force's study concluded that regulating surveillance could placate workers, Elgie circulated the findings of the study to unions and managers "across the province," hoping to prompt input on how to implement the ban.¹⁰⁰ Elgie's own suggestions included amending the *Criminal Code*, the *Employment Standards Act*, the *Labour Relations Act*, and the *Human Rights Code* to account for abuses of electronic surveillance. Additionally, Elgie suggested the implementation of privacy committees, to include a combination of management and union representatives, that would be responsible for resolving surveillance disputes in workplaces. Once again, however, the legislature was criticized for moving too slowly. One outspoken critic in this vein was Clifford Pilkey, then president of the Ontario Federation of Labour and former NDP MPP, who charged Elgie with delaying the ban and failing to seriously consider the potential costs of such breaches of workers' privacy.

Though the Puretex strike precipitated a state-sanctioned investigation into workplace surveillance and mobilized legislators to exercise their political power in favour of working-class interests, no official ban on workplace surveillance materialized, either from the task force study or from Lupusella's bill. Discussion of the issue eventually faded from the legislature. Even with a minority government, the Progressive Conservatives withstood pressure to enact legislative change. Ultimately, it was legal mobilization in interest arbitration – and not direct engagement with the legislature – that allowed the union to effectively manoeuvre around different arms of the state to achieve a victory for the strikers.

97. Ritchie, interview.

98. Ontario, Legislative Assembly, *Hansard* (7 December 1978).

99. Joe O'Donnell, "Ban Spying at Work: NDP," *Toronto Star*, 19 May 1979.

100. Joe O'Donnell, "Shop-Floor Spying Ban Could Ease Unrest – Study," *Toronto Star*, 10 October 1979.

A Limited Victory

AS THE PURETEX STRIKE ENDED, signs of further unrest were materializing in the textile industry. In April 1979, a pamphlet entitled *Our Health, Our Safety, Our Right: Voice of Garment and Textile Workers* was widely distributed to textile workers by “an ad hoc safety task force that grew out of a December conference on women’s occupational health and safety.” The pamphlets were sponsored in part by OWW and were translated into “Chinese, Italian, and Portuguese ... for the mostly immigrant readers.”¹⁰¹ They criticized the hazards of working in garment factories, management’s apathy and resistance to workers’ compensation for injury, and the lack of rights and social supports afforded to the immigrant women who dominated the industry. “In a mini bill of rights,” the *Toronto Star* reported, “the pamphlet calls for ‘the right to work in complete safety, the right to refuse a job that is unsafe, full compensation for job-related injuries or sickness and the right to set up worker-controlled safety committees in every factory.’”¹⁰² Health and safety therefore joined workplace surveillance as a key issue on labour’s agenda, signalling the emergence of new issues that the labour movement could use to mobilize itself and its allies in support of immigrant workers.

Despite the promising horizons that marked the end of the 1970s, the CTCU’s victory at Puretex served as only a brief reprieve from the precarity of textile jobs for immigrant workers. Early in the 1980s, Puretex management declared bankruptcy amid the economic recession that marked the arrival of the decade, as the company was unable to pay back the various loans it had accrued. Management was rendered inert by the impending shutdown and refrained from direct action, which led the CTCU to mobilize once again. Approximately fifteen union members surrounded the plant and forced a “sit-in on a meeting of the owners,” refusing to leave until an agreement was struck with the banks to forgive the loans.¹⁰³ Simultaneously, the CTCU and some of its supporters “marched in on the Toronto Dominion bank” in downtown Toronto and “took over the office.”¹⁰⁴ A stay of execution on Puretex’s loans was eventually granted following a meeting that was set up in response to the dual occupations.

Forgiving the loans had little effect, however, and the Puretex plant officially shut down in March 1984.¹⁰⁵ An employment task force was formed in April 1984 by job placement firm Manpower Consultative Services (MCS), in

101. Louise Brown, “Pamphlet on Workers’ Safety Causes Furor,” *Toronto Star*, 6 April 1979.

102. Brown, “Pamphlet on Workers’ Safety.”

103. Ritchie, interview.

104. Ritchie, interview.

105. “Puretex Placement Committee: Final Report – Nov. 1984,” n.d., 2, MG31 K 9 29, “Labour Market Development – Manpower Consultative Services – Puretex Canada, Ltd. File 7485/Ont. 1082,” LAC.

partnership with the CTCU, the Minister of Employment and Immigration, and what remained of Puretex management, in order to train the laid-off Puretex workers for new jobs.¹⁰⁶ Of the 135 Puretex workers who signed up with the MCS task force (128 of whom were female), only 60 had found employment by November 1984.¹⁰⁷ Of the rest, 45 remained out of work, had retired, had taken a maternity leave, had sought employment elsewhere, were receiving worker's compensation, or had lost contact with MCS entirely. Twenty-six workers remained in professional development and language training seven months after the task force was established. The new jobs available to the former Puretex workers were mostly piecework; after the hard-won victories for their pay at Puretex, the 45 unemployed workers were unable or unwilling to accept such positions.¹⁰⁸ Additionally, the language barrier and the distance from new job sites to the workers' homes made new work placements undesirable. As a result, less than half of the Puretex workforce was employed after the plant's closing.

Conclusion

THE WANING DAYS OF PURETEX were bleak, but several developments during the 1978–79 strike had served as important victories for the Puretex women. The union's decision to frame workplace surveillance within a human rights discourse highlighted the exploitation of immigrant women in the textile industry and served as "a simple message that could be rallied around" by feminist groups such as OWW and the Red Berets, who mobilized crucial strike support.¹⁰⁹ This likely resulted in more sympathetic media coverage. Even more significant, it also led to the politicization and subsequent transformation of many of the Puretex women into experienced union and feminist activists. Salome Lukas, an immigrant from Cyprus who worked in the plant, claimed that the Puretex strike was her first organizing experience and that it helped cultivate her career as a feminist organizer. Reflecting on her experiences, Lukas wrote,

I came to Canada in September 1969 from Cyprus, when I was twenty. I didn't bring a lot of political experience with me. A lot of things were new to me, but I'm a fast learner. I

106. These details, as well as additional objectives of the MCS task force, are laid out in "Puretex Placement Committee: Final Report – Nov. 1984," 1–8. The appendices attached to this document were compiled by the leaders of each objective of the task force, and provide even more detail on how job training, professional development, employment assistance, and language training were facilitated.

107. "Puretex Placement Committee: Final Report," 6.

108. "Puretex Placement Committee: Final Report," 8.

109. Milligan, "Force of All Our Numbers," 55. Milligan argues persuasively that one of the CTCU's strengths was its ability to mobilize supporters by distilling strikes down to simple messages.

was involved with the organizing campaign at Puretex, where I was working. It was a significant organizing campaign and strike. The importance was that the workers there were immigrant women, with a majority of Italian, Portuguese, and Greek, 250 of us. There was support on the picket lines and I remember a number of women coming. This was in 1978, and that's how I got involved in the organized movement. We weren't successful in saving our jobs, and the plant was closed down, so I applied for a job at Women Working with Immigrant Women (WWIW).¹¹⁰

As a union organizer, Laurell Ritchie observed the politicization of many of the Puretex women. Many of the strikers who were initially "intimidated" by the financial clout of business quickly "saw through the mask," and for them the "illusion" of business's "superior understanding of what makes the economy run" no longer existed after Puretex.¹¹¹ Even with prior union and feminist organizing experience, Ritchie admitted that the Puretex strike taught her how to "work with people that weren't [her] immediate ... community" and that she could "put lessons [learned at Puretex] into play during other strikes" involving immigrant workers, which she eventually went on to do in another CTCU-led strike, at McGregor's Hosiery, where the majority of employees were immigrants.¹¹² Over the course of organizing, bargaining, and finally striking, the Puretex strike indicated the importance of a feminist labour alliance.

The state may be concerned more often with accommodating capital than legislating progressively in favour of workers, but it is not "immune from the pressure" of working-class resistance.¹¹³ If we consider Park's legal case within the framework of legal mobilization theory, we can argue that challenging the judicial branch of the state is not always a futile endeavour and might in fact result in working-class victories over employer abuses. Legal mobilization, when combined with strike action, is thus one of many possible ways in which workers can take advantage of the state's relative autonomy from capital. Not all options for directly petitioning the state are guaranteed successes, however, as the state is not a passive body that reacts affirmatively to calls for legal change. The Legislative Assembly of Ontario could not be engaged as effectively as industrial law, even with a minority government that was pressured by two sympathetic opposition parties to impose a ban on workplace surveillance. There are limits to the state's relative autonomy, with one arm of the state proving more agreeable to contestation than another. What works, of course, is a matter of historical context as well as worker tactics and union agency: the extent to which various branches of the state are amenable to pressure from labour is something that changes over time. The Puretex strike reminds us that, at this historical juncture, the comparatively less regulated boundaries of

110. Salome Lukas in Rebeck, *Ten Thousand Roses*, 134–135.

111. Ritchie, interview.

112. Ritchie, interview.

113. Panitch, "Role and Nature," 4.

interest arbitration made it a more likely avenue for progressive outcomes than the provincial legislature.

The Puretex strike also shows the ongoing contestation of the state's uneven management of the postwar compromise, an accord that was being challenged and undermined in the 1970s. Despite the erosion of worker freedoms previously guaranteed by the compromise, the successful combination of legal mobilization and direct action in the Puretex strike demonstrated that the state could still be contested effectively. The Puretex strike is not only a significant case of immigrant women's militant organizing in the labour movement during the 1970s, and the importance of labour's alliance with other social movements, but an important reminder that engagement with the state and with discourses of rights may, in certain contexts, provide avenues for future worker resistance.