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"Unions Aren't Native": The Muckamuck Restaurant Labour Dispute, Vancouver, B.C. (1978-1983)

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"IN THIS SOCIETY," explained First Nations union organizer Ethel Gardner to a skeptical First Nations community, "being in a union is the only way we can guarantee that our rights as workers will be respected."[1] Ethel was an employee at the Muckamuck restaurant in Vancouver, British Columbia when its First Nations workers decided to organize into an independent feminist union in 1978 and subsequently struck for a first contract against white American owners. The dispute allied First Nations people with predominantly white trade unionists and made an even wider community aware of their circumstances. The union picketed the restaurant for three years, discouraging customers from entering, while the owners kept the restaurant functioning with the use of strikebreakers, many of them from the First Nations community. When the owners closed their operation in 1981, the union ceased picketing and both parties waited a further two years for a legal ruling from the Labour Relations Board. Finally in 1983, the owners were ordered to pay remedies to the union, but sold the restaurant and pulled all their assets out of Canada, refusing to comply with the decision.

The following case study of this dispute will include an examination of the role of the First Nations community, organized labour, the employer and the government. This case study draws on archival materials and other sources as well as my own recollections as a former organizer and clerical worker in the union which organized the Muckamuck workers and as a "regular" on the Muckamuck picket line. My perspective is as a white feminist trade unionist, sensitive to ethnicity because of a Lebanese/Scottish heritage. This story has yet to be written from the First Nations strikers' cultural and political vantage point.

[1] *Union of B.C. Indian Chiefs News*, June 1979.

Janet Mary Nicol, "'Unions Aren't Native': The Muckamuck Restaurant Labour Dispute Vancouver, B.C. (1978-1983)," *Labour/Le Travail*, 40 (Fall 1997), 235-51.

The Organizing Campaign

The Muckamuck Restaurant opened in 1971, and advertised "authentic" First Nations cuisine. The restaurant was located in a downtown Vancouver West End neighbourhood, at 1724 Davie Street. Three white American owners, Jane Erickson, Teresa Bjornson and Doug Christmas also had investments in art galleries and other restaurants in California and British Columbia.[2] The owners maintained an informal policy of hiring First Nations people as restaurant staff. At the time of the union drive an equal ratio of First Nations men and women were employed as restaurant workers. The managers however, were white. Eighteen out of 21 Muckamuck restaurant workers signed union cards with a local independent union, the Service, Office and Retail Workers' Union of Canada (SORWUC) and were certified as a bargaining unit 21 February 1978. SORWUC, a feminist union active in the 1970s and early 1980s, formed with a primary goal to organize women in industries neglected by trade unions.[3]

In an interview for this study, former Muckamuck employee and organizer Ethel Gardner described her role in the early stages of the union organizing campaign:

> I was referred to an employment agency which recommended that I take a federal training program connected to the Muckamuck restaurant. I agreed and eventually was working in the cold kitchen making salads and drinks. A few incidents occurred which got the staff upset. The cook was charged for getting the soup burnt and I was fined for leaving the bannock out overnight. When the manager told me to serve the bannock to a customer, I refused because I had been fined for leaving it out. The manager agreed and I threw it out. Incidents such as these led a few of us to go to the Labour Standards Branch where we were told we needed a union in order to enforce our grievances. I went back to the employment agency and said I wanted to quit, that the employer was racist. The counsellor said, 'Why don't you join a union?' She told me about SORWUC's organizing efforts at Jerry's Cove and Bimini's. I called SORWUC and met with two union reps. They talked about the union and suggested we talk to the unionized employees at Jerry's Cove which we did.[4]

[2]Teresa Bjornson sold her portion of shares in the restaurant early in the strike, according to a newspaper account, because she was upset by the accusations of racism. *The Indian Voice*, June 1978.

[3]SORWUC was formed in 1972 to organize women in "pink collar" wage ghettos. The founders believed a separate union led and controlled by women could address women's unique needs and ways of participating more effectively. SORWUC reached a peak membership of 500 made up of small bargaining units and members-at-large. The union folded in 1986 and its documents were donated a year later to the University of BC Library, Special Collections. Also see, The Bank Book Collective, *An Account to Settle: The Story of the United Bank Workers* (Vancouver 1979).

[4]Interview with Ethel Gardner, 25 November 1994. Ethel is currently the Assistant Director of the First Nations House of Learning at the University of BC. Ethel was a Muckamuck employee, union organizer and primary spokesperson for the striking workers.

Ethel said Muckamuck staff had tried to organize before with another union but were unsuccessful and the instigator had been fired. SORWUC was chosen because it had some success organizing in the restaurant industry; Jerry's Cove and Bimini's, as mentioned, were two examples. When asked if there were First Nations groups the staff could have approached instead of SORWUC, Ethel said, "There just weren't any out there."[5]

After the union certification, Muckamuck employee Christina Prince told the press that management had told workers they "should be happy" to have a job because of their race.[6] Christina said the racial issue emerged when employees realized that the owners were getting rich off Native culture. Management responded, "If there has been any discrimination, it has been against the highly qualified whites who we've passed over to hire untrained Native people."[7]

Not only did First Nations people experience difficulty obtaining employment in the city, but when they were hired, often the jobs were in low-wage occupational ghettos. Notes taken by a SORWUC representative at an initial meeting with the Muckamuck workers show that most staff made between $3 and $4 an hour, averaging $60 a night with tips. (The BC minimum wage in 1978 was $3 an hour.) The head cook made $7. Notes on the high turnover and lack of training for staff also included this comment: "All restaurants have a high turnover rate which is only proof of how much people need a union there and in other places. So some people are untrained. It's not true for all and certainly implies a slur on Native people."[8]

The employer took advantage of government legislation and programs to save on labour costs. Workers under eighteen earned less than minimum wage and management made extensive use of the Canada Manpower Training Program, offering to "train" First Nations people to work in the restaurant and, in return, received 75 per cent of the trainee's wages from the government.[9]

As Ethel Gardner stated employees had approached the BC Labour Standards Branch with complaints of management practices. Although it is illegal, an employer in the restaurant industry will "fine" an employee for making a mistake (such as mishandling cash or food) and will deduct money from an employee's pay cheque. Muckamuck workers were told that the Standards Branch had little power to enforce laws which forbid such employer practises. A local First Nations newspaper, *The Indian Voice*, published Ethel's description of the situation:

[5]Interview with Ethel Gardner.
[6]*The Province*, 30 May 1978.
[7]*Vancouver Sun*, 30 May 1978.
[8]University of British Columbia Library, Special Collections (hereafter UBCSC), SORWUC Records (hereafter SR), Box 2, June 1978.
[9]*The Indian Voice*, June 1978.

Some of us went to the Department of Labour to have the law enforced. The Department of Labour would tell the employer to behave or to give the employees back their money, but there was nothing they could do to prevent any of the illegal acts from happening again, unless we had a union contract.[10]

Ethel outlined the staff's grievances to the First Nations readership:

Breaks were few, if any. Heavy fines were given out for petty reasons, like not tying garbage bags, or forgetting to put tin foil over bannock. Staff meetings were held every week, and it was compulsory to go to these meetings. Employees were suspended two weeks at a time for not attending such meetings, even if it was their day off. At these meetings, employees were put down for every possible mistake that could have been made on the job, big or small, true or false. According to the owners, it seemed like the workers couldn't do a thing right. Maybe it was because the workers were Indians? I doubt it.[11]

Ethel stated that workers who complained were fired, bribed or harassed. Further, "We are also told that we must wear Native jewelry and if we do not we are badgered about not being proud of our culture. These extras are very expensive for us as we only make the minimum wage." Scheduling, job security and fines were also major issues, Ethel claimed.[12]

Ethel asked for the support of the First Nations community in the dispute and stated:

For too long the fact that Native workers in B.C. are badly treated has gone unnoticed. At the Muckamuck we are told by our management that we are slow, stunned, inexperienced and hard to train, rude, stupid and ungrateful for the beautiful place that they have built for us (the Indians) to work.

Connecting this situation with other First Nations issues, Ethel stated: "We are doing our part to add to the renewed struggle by Native people to gain the rights and respect that have been denied to us since Captain Cook landed here."[13]

The list of grievances goes on. According to an information leaflet distributed by SORWUC, employees sometimes received "non-sufficient funds" stamped on their pay cheques. The leaflet also stated: "Employees were proud of the restaurant, nonetheless because it promoted a good image of Native culture. They (the workers) only approached management and then SORWUC because working conditions were so poor that they could not feel proud of themselves."[14] In an interview

[10]*The Indian Voice*, November 1978. Also see UBCSC, SR, SORWUC Information leaflet, January 1980, Box 11.
[11]*The Indian Voice*, November 1978.
[12]*The Indian Voice*, June 1978.
[13]*The Indian Voice*, June 1978.
[14]UBCSC, SR, Box 11.

with a California newspaper, SORWUC representative Muggs Sigurgeirson said: "The owner would tell the staff that she had 100 applicants from other Natives as a way of threatening staff. Workers could end up working twenty days straight. One worker refused to work the 21st day and had to wait 10 days to work again. She has children to support. Workers were told that whites would be hired if they were dissatisfied."[15]

A union leaflet contained further workers' demands and reasons for organizing:

> We want to have decent working conditions and to be treated with respect. Some of our grievances are: poor pay, no job security, no say in scheduling, short notice of changes in scheduled hours, illegal deductions for uniforms (T-shirts) and fired or intimidated into quitting.[16]

Another leaflet indicated workers had political grievances as well: "None of the profits made from this sale of Native culture were put into the Native community."[17] Workers also wanted more input into the menu planning of the cuisine.[18] Ethel Gardner stated in *The Indian Voice:*

> It's not so much they were white owners, it's just they were giving the illusion ... in their advertising it says 'staffed and run by Native people.' People really liked to believe it was owned by Natives — they think they're contributing to the Native community and Native Indians, but they're contributing to the pocketbooks of these three owners.[19]

The Muckamuck restaurant employees organized to improve wages and working conditions but also organized as a reaction to their exploitation as First Nations people. While gender issues were discussed by First Nations women workers, it was racial issues which dominated the union agenda. SORWUC organizers recognized these layers of oppression because of their own experiences as women workers in occupational wage ghettos neglected by organized labour. And so out of this dispute came an alliance of white and First Nations workers as SORWUC organizers encouraged and supported Muckamuck employees to voice their demands for respect and autonomy.

What were the features of this situation which brought these groups together to challenge the status quo? As an independent local union, SORWUC had the autonomy and decision-making abilities lacking in larger unions. A larger union

[15] *Beachhead* (Venice, California) March 1979.
[16] UBCSC, SR, Box 11.
[17] UBCSC, SR, Box 11.
[18] Interview with Ulryke Weissgerber, 9 November 1994. Ulryke was a clerical worker and volunteer union organizer with SORWUC as well as legal representative for Muckamuck employees at the Labour Relations Board hearings.
[19] *The Indian Voice*, June 1978.

would likely have pulled out much earlier than SORWUC. Muckamuck staff chose a feminist, independent union, which suggests that First Nations culture is more readily linked to a small, "alternate" union than to a large, mainstream one. The structure of larger unions could have been alienating and counterproductive to organizing First Nations workers.

Furthermore, SORWUC was committed to class, race and gender struggles. Attempts by visible minority and women's groups to set up their own caucuses within mainstream unions or to conduct separate organizing have provided some important initiatives in the struggle for workplace equity. However, an independent movement of women workers, even a temporary one, may drive these developments forward more forcefully, a contribution SORWUC can claim to have made during its short existence.

It was also important that the white working class and First Nations groups supported this strike. SORWUC activists had experience and expertise in trade union practices and were able to share this with the First Nations workers. They were able to access the resources of mainstream unions, which was crucial in providing financial and moral support. The endorsement of First Nations groups was also important and though there were conflicts, the dispute also provided an opportunity for the strikers to discuss the benefits of unions with First Nations people.

Certification and Negotiations

The Labour Relations Board (LRB) certified SORWUC as a legal bargaining agent on 20 March 1978 and on 3 April the union served notice to bargain with the employer. A Muckamuck employee summarized events in the *Vancouver Sun*: "The primary union organizer was fired the day that management was notified of the application for certification. Since then six more of us have been fired or intimidated into quitting. All seven are union members, most quite active."[20] The union launched charges of unfair labour practices on behalf of these workers on 21 and 23 February, and on 29 March.

The sequence of events following certification are noted in the SORWUC log book. The log book was used to make daily entries of union activities for potential evidence in legal dealings and was especially important during new organizing campaigns, contract negotiations and picketing. The book was available for union staff, officers and members to make records. An excerpt documented the workers' treatment by the employer after the union application proceedings:

21 February — application for certification
Cay fired
23 February — Ethel fired
21 March — Rag suspended

[20] *Vancouver Sun*, 24 May 1978.

28 March — Rey fired
29 March — Lauretta harassed into quitting[21]

The log book described the first steps in contract negotiations from 17 April to the rapid breakdown of relations between the union and management by 20 May:

17 April — first bargaining session (to negotiate a contract)
2 May — second bargaining session
10 May — first date of hearing (of LRB, re: complaints on firings)
12 May — second date of hearing
17 May — third date of hearing
20 May — first date of leafletting (SORWUC information picket)
— owner tries to bribe Marge and Christina (Muckamuck employees)
21 May — second date of leafletting
23 May — management walks out (of contract talks)
— illegal picketing charge (against the union)
— management puts out own leaflet[22]

The union had organized an information picket, handing out leaflets to customers in front of the restaurant on 20 and 21 May as a means of applying pressure against management. Business dropped dramatically during the picketing. A LRB official contacted a SORWUC representative and made an informal request that the union cease leafletting until the board decided on management's illegal picketing charge. SORWUC declined the request.[23] Muckamuck employee Christina Prince described the LRB's unfair actions in deciding to hear management's complaint before the union's:

> It took us two and a half months to get in front of the LRB with our unfair labour practice suits. Yet when this leafletting started, they took us in front of the board within 24 hours. The management got an informal hearing. They called it illegal picketing. And since it was hindering business, the LRB had to automatically fall on management's side. That's what we were told. So we thought 'forget it, we'll get these people back to their jobs another way, at the negotiating table.'[24]

Management retaliated further by distributing the first of a series of leaflets defending their actions and attacking the union. The dispute was described in the *Vancouver Sun* as one which "pits Indian workers against white managers."[25]

In *The Indian Voice*, Ethel Gardner described the frustrations at the bargaining sessions with management in April and May:

[21]UBCSC, SR, Box 2.
[22]UBCSC, SR, Box 2.
[23]UBCSC, SR, Box 2.
[24]*The Indian Voice*, June 1978.
[25]*Vancouver Sun*, 24 May 1978.

Management generally came late, left early, complained about how long the contract was and generally treated us and our union rep with contempt. For example, they refused outright our suggestions that we bargain in the Indian Centre because it was 'not devoid of colour.' These were the words of their lawyer, Bill MacDonald.[26]

Management held a final meeting with staff before relations deteriorated completely. The records from a LRB hearing describe management's interference, in contravention of the labour code, with the union campaign:

At a meeting of the employees in April or May, shortly before the strike commenced, all of the owners — Erickson, Bjornson and Christmas — were present and Christmas made a number of statements concerning SORWUC, the restaurant and its future. According to one of the employees present, Sandra Eatman, the gist of these remarks was that the restaurant provided considerable assistance to Native people, that the employees should work hard to make the restaurant prosper, that the employees could thereby earn much more money, and that the employees did not need a trade union. There were some further statements made by one of the owners to the effect that the restaurant had been opened for Native people, that the Native people should be grateful and that SORWUC would destroy the restaurant.[27]

Management tried another tactic to undermine SORWUC as the bargaining agent for the staff. The owners contacted Russell Means, a member of the American Indian Movement (AIM), to talk to the workers. Means met with the Muckamuck staff at the Indian Centre in Vancouver in late May. SORWUC representatives were not allowed to attend. Means suggested the workers buy out management and take over the restaurant, but it seemed impossible to get the money to do this.[28]

Management contacted the Hotel, Restaurant and Bartenders Union (HRBU), Local 40 and, believing they would be a more "reasonable" union in negotiations, suggested they raid SORWUC. A raid did not occur, however, and the international unions, such as the International Woodworkers of America (IWA) and its leader Jack Munro, supported SORWUC's efforts.[29]

The Strike

Muckamuck workers took a strike vote. A majority voted in favour of a strike and on 1 June began picketing in front of the restaurant. Christina Prince stated to the

[26]*The Indian Voice*, June 1978.

[27]British Columbia, Labour Relations Board, *Muckamuck Restaurant Ltd. v. SORWUC*, (1981). The government-appointed panel was comprised of Rod Germaine, John Brown and Herbert L. Fritz. The decision does not include remedies which the board withheld pending an application by the strikebreaking employees to be certified as the Northwestern Hospitality Employees Association. The LRB decided on remedies March 1983.

[28]*The Indian Voice*, June 1978. Also from interview with Ulryke Weissgerber and UBCSC, SR, Box 11.

[29]Interview with Ulryke Weissgerber.

media: "We'll be out for as long as it takes to get some serious bargaining done." She called the management proposals at the initial bargaining sessions "unacceptable and unjust."[30]

The employer maintained an adamant opposition to the union and hinted at using strikebreakers early in the strike. On 7 June management stated they were prepared to sell their business rather than have a union in the restaurant. Management told the *Vancouver Sun* that seven workers were prepared to cross the picket line.[31]

The employer also used racial issues to divide workers from each other and the union. SORWUC representative Ulryke Weissgerber said in an interview for this study:

> Management promoted the idea that the workers were selling out in terms of their traditional culture by joining a white union. But I think the workers felt an alternative union was more in line with their traditional culture. I don't think a big union would have held out as long as we did either. There was a huge sign in the restaurant window stating the workers were in a 'white union.' The strikers were really angry about this. We discussed things to do and went to Harry Rankin (a Vancouver lawyer) who offered free legal advice. Many strategies were discussed.[32]

A First Nations organization could have made a difference in maintaining unity. Sandra Eatmon, a Muckamuck employee, said in a recent interview that the workers did not have very many options in terms of choosing a union which would represent their interests as First Nations workers. She said, "I admire the dedication of SORWUC members but after the first year of picketing, most of the Muckamuck staff had left the picket line and white people were picketing while Native people were crossing the line and working inside." She suggests that if a First Nations group had done the organizing, First Nations people may have stayed on the picket line longer.[33]

But Ethel Gardner believes many First Nations people did not have a union consciousness:

> The Native population by and large is not a working population. There is about 90 per cent unemployment. Even getting a job is difficult, let alone a union job. Native people don't have much experience with unions. There is a lot of anti-union sentiment. Even the Native community didn't support the strike to the extent they could have. People say "unions aren't Native." There's no union consciousness. The staff of the Union of B.C. Indian Chiefs (UBCIC) came down to the Muckamuck picket line but that was due to George Manuel, the

[30] *Vancouver Sun*, 2 June 1978.
[31] *Vancouver Sun*, 7 June 1978.
[32] Interview with Ulryke Weissgerber.
[33] Interview with Sandra Eatmon, 15 November 1994. Sandra was 17 when she worked at the Muckamuck restaurant and joined the union.

head of UBCIC at the time. The United Native Nations sat on the fence. They said Natives were working inside the restaurant and picketing outside so they weren't going to take a stand. Bill Wilson was head at the time.[34]

Support from the First Nations community was crucial to the strikers. The UBCIC expressed their support for the Muckamuck strikers in a public statement: "Problems being experienced here by our people are the same problems we have been experiencing all over B.C. for 100 years." And further, "The owners of the Muckamuck exploit our resources — Indian work, Indian culture, Indian foods — yet refuse to treat our people fairly." Management responded: "It was with a sense of respect, not a desire to exploit that we put together a restaurant which most business people advised us against."[35]

The employer's anger at the First Nations community was also expressed in a copy of a letter sent to the UBCIC and publicly displayed in the restaurant window. It read in part:

> We, however, no longer want to be directly involved with Native culture in British Columbia to the degree of commitment required in the past by Muckamuck. We had tried on many levels to achieve a positive statement and seemed to be progressing well until recently when the labour dispute first arose. The amount of energy required to pull the now shattered situation back together is too much if possible at all, the financial situation to us simply does not warrant it and the desire no longer exists.[36]

Workers picketed a closed restaurant for the first six months of the strike. They received $50 a week in strike pay. Voluntary picketers, members of SORWUC, other trade unionists and supporters, joined the picket line. Shifts were maintained from 4 pm to 10 pm seven days a week.

Some of the strikers got other jobs. Sam Bob, 17, a bus-person at the Muckamuck, was hired at a nearby Polynesian restaurant, the Kontiki, but was fired when his former employer talked to his new employer. The Kontiki manager denied this to the media, stating, "He (Sam Bob) didn't even know how to use his tray."[37] Sam Bob told the media that the manager asked if he was a union member. "I said 'yes,' then he said 'well Carolyn was in and told me you were picketing at the Muckamuck and I don't want any of that here.' He said I was a good worker and would have worked fine but because of the union bit I was fired."[38] SORWUC members picketed the Kontiki for a short time, but Sam Bob did not get his job back.

Ethel Gardner kept the First Nations community informed of the strike and wrote in the *Union of B.C. Indian Chiefs News*:

[34]Interview with Ethel Gardner.
[35]*Vancouver Sun*, 13 June 1978.
[36]BC LRB decision (1981), 26.
[37]*Vancouver Sun*, 12 July 1978.
[38]*Vancouver Sun*, 14 July 1978.

Being able to bargain collectively with Muckamuck management, we can negotiate a just and equitable contract so that in the future Indian people who choose to work there will be treated with dignity and respect. In this society, being in a union is the only way we can guarantee that our rights as workers will be respected.[39]

The city newspapers' labour reporters maintained regular news coverage of the strike. One *Vancouver Sun* business writer, Eleanor Boyle, spoke out in favour of the owners. She accused First Nations workers of "using their Indian-ness to make money, exploiting their own culture if you like." She suggested SORWUC was out looking for a cause and that management "should get a little credit for ensuring 90 per cent of its staff was Native Indian. It should also be spared from crucifixion for hundreds of years of Canadian neglect of Native people."[40]

In October, management re-opened the upstairs lounge and in November they re-opened the restaurant, employing a few former staff and hiring new workers, many of them First Nations people. The lounge was renamed the "Chilcotin Bar Seven" and had a "cowboy" theme. A *Vancouver Sun* headline read: "Cowboys Lasso Indians on Davie Street."[41] Strikers viewed these incidents as insensitive to First Nations culture and the union spoke out publicly against these actions.

While most customers did not cross the picket line and business was minimal, the strike took an ugly turn with the emergence of verbal and physical abuse between strikebreaking employees and strikers. The police were frequently called and numerous assault charges were launched in the courts during the ensuing months.[42] Generally these assaults involved strikebreakers taunting, kicking and hitting picketers. In late November, counter-picketing by the strikebreaking staff brought more abuse — physical and verbal — on the street.[43] Counter-pickets were strikebreaking staff, many of them Native, who came out on to the street and held signs critical of the union and supportive of management. For passersby, it was confusing "street theatre."

A union picketer described the scene in a SORWUC newsletter:

They [management] seemed to particularly delight in pitting the Native staff against the picketers. For several weekends in a row now, the Native scabs [not the Caucasians] have

[39] *Union of B.C. Indian Chiefs News*, June 1979.
[40] *Vancouver Sun*, 13 October 1978.
[41] *Vancouver Sun*, 11 October 1978.
[42] Assault charges were made during the dispute. The SORWUC archives document these incidents, which escalated after the restaurant re-opened and the employer hired strikebreakers.
[43] Union participants believed that because the majority of picketers were women, there was less physical violence than would have been the case if men dominated the line. The verbal abuse hurled at women by some of the male strikebreakers, however, was considered a form of "psychic violence" in its demeaning sexual and sexist references.

been coming out to picket with strikers. They carry signs like — Muckamuck Open, We Support Muckamuck, etc. To passersby it looks like our line is bigger. One such passerby tried to give one of these counter-pickets a donation to the strike fund and she [the counter-picket] scuttled back inside![44]

As the strike progressed, fewer original Muckamuck staff showed up to picket. Many had other jobs and some felt a need to maintain a low profile. To keep their current jobs, they did not want to be seen picketing. SORWUC members, other trade unionists and supporters became essential picketers. Most were white and the core picketers, reflective of SORWUC membership, were female. As legal proceedings against the management dragged on, and picketing persisted into the second year, SORWUC members spent a lot of time clarifying the confusing appearances which emerged from the strike as many First Nations people crossed a white picket line to work inside. Picketers were motivated by their determination to establish unions, and by the knowledge that the majority of original strikers supported their efforts, attended the three separate decertification hearings over the duration of the dispute and were prepared to return to work. Some First Nations people chose to join the strikebreakers for a number of reasons, including the confusion created by divisions within their community regarding the dispute, a lack of familiarity with unions and contempt encouraged by the employer for the "white" union.

Entries in the log book by white strikers (unintentionally presenting racial stereotypes of First Nations people) described the picket line atmosphere:

October 12, 1978 — 3:00 — entry by Heather: ... former waiter came by to check it out. Had been picketing first two months. Now has job. Got into a hassle with one of the Indian cooks who crossed the line. She said she wasn't going on welfare and at least they paid her — she doesn't care about anyone else — only herself. (She's a young, slim Indian woman).

4:45 — Older Indian man (medium height-lean) went in, greeted by owner (?) in red cowboy shirt (full beard) who smiled and poured him coffee.[45]

The employer hired Ben Paul, a First Nations employee of the Federal Department of Indian Affairs and his wife Evelyn, to assist the strikebreaking staff in composing anti-union leaflets and various labour relations complaints and applications for decertification. SORWUC attempted to charge the employer with hiring a "professional strikebreaker" (in contravention of the labour code) but the LRB ruled that Paul was not legally defined as a "professional."[46]

[44]UBCSC, SC, Box 11.

[45]UBCSC, SC, Box 2.

[46]BC LRB decision (1981), 34-8. The board ruled that though the Pauls "have been actively involved in the efforts of the Muckamuck staff — efforts influenced and supported to some degree by the Employer — to defeat SORWUC's strike by means of appeals to the public and applications to this Board, there remains no evidence which would suggest that this involvement is motivated by anything other than a personal interest in this one labour dispute."

The strikebreakers, with employer encouragement, used the legal process in an attempt to stall and subvert organizing by applying on three separate occasions for decertification. All three applications were rejected by the Labour Relations Board because the union was able to prove that a majority of the original staff were still members of SORWUC. These proceedings had the potential to wear down the union as some of the original staff moved out of the city or province and were not always easily available to testify for the union.[47]

The first of three applications for decertification to the LRB was made January 1979, seven months after the original employees had joined SORWUC. SORWUC was able to prove that only one striker crossed the picket line to work inside. At the second hearing on 25 August 1979 the LRB stated, "... in every lengthy strike there will be some employees who do not picket but remain interested and willing to return to work when a settlement is reached."[48] By the third hearing 14 May 1980, the strikebreakers applied as a new bargaining unit, the Northwestern Hospitality Employees Association. Five of the eighteen original strikers were working inside the restaurant. The remainder had other jobs and one was picketing regularly.[49] Still, SORWUC was able to present testimony from a majority of original staffers that they supported the union and were prepared to return to work when the dispute ended.

Another legal tactic used by management was their application for an injunction in the BC Supreme Court on 1 June 1979 against SORWUC picketing in front of the restaurant. Justice Patricia Proudfoot agreed to ban picketing and then after a union appeal on 8 June ruled that only six pickets per shift were allowed. Muggs Sigurgeirson, speaking for SORWUC, told the press: "We don't consider it a victory because the number of pickets has been limited. But we're certainly ecstatic at being back on the street where strikers should be."[50] SORWUC appealed the limit but the court turned down the appeal. The reason given for the decision was that the picketers were "harassing" customers and employees.[51]

Management distributed and posted leaflets in the west end community. The LRB described and commented on these activities:

> The single most disturbing theme throughout the material produced by the (strikebreaking) staff is the persistent accusation that SORWUC is a racist organization or, at least, that SORWUC's position in this dispute amounts to racial discrimination against Native Indians. This accusation is asserted baldly in some of the material. For example, one leaflet distributed during the summer of 1979 is entitled "Stop Racial Prejudice" and its concluding words are as follows: "This issue is no longer a labour dispute. It has been escalated into arguments over the right to strike. Do not destroy job opportunities for Native People! Ninety per cent

[47]Interview with Ulryke Weissgerber.
[48]*Vancouver Sun*, 25 August 1979.
[49]*Vancouver Sun*, 14 May 1980.
[50]*Vancouver Sun*, 8 June 1979.
[51]*Vancouver Sun*, 29 June 1979.

of British Columbia's Native People are unemployed. Help our economy and stop inflation. Support the Native workers at the Muckamuck. Bring a halt to racial discrimination. Support Muckamuck traditional Indian food."[52]

While the LRB condemned these actions, the board did not provide remedies requested by the union which included a public apology in *The Native Voice* and *Westender* newspapers. SORWUC's newsletter contains a description of the First Nations community's support:

We have recent letters of support from the Vancouver Indian Centre and the United Native Nations. In April of this year when management put a sign in the window saying the Union of B.C. Indian Chiefs supported the strikebreakers, the UBCIC lawyer threatened to sue and the sign was promptly removed. Wayne Clarke, the administrator of the Vancouver Indian Centre has walked the picket line along with other people from the centre. In a recent letter to SORWUC, Debbie Mearns (President of the Indian Centre) told the strikers she "admired their dedication to this complex issue."[53]

Muckamuck strikers solicited support from the First Nations community through fundraising, conference speeches and articles in First Nations newspapers. SORWUC activists also embarked on major fundraising activities within the trade union and political left community.[54] Financial donations for strikers accumulated into thousands of dollars by the end of the dispute.

The strikebreakers faced working conditions similar to those of the original staff, with the added pressure of working behind a picket line and serving very few customers each night. Turnover among them was high. They were paid $3 to $5 an hour. The media reported on 19 December 1979 that the strikebreakers were laid off over Christmas with non-sufficient funds marked on their pay cheques at the bank.[55]

As the dispute wore on the union declared the strike a "civil rights issue" for First Nations people. A leaflet by the union stated: "In their actions and leaflets they (management) make it plain that they do not believe Native workers should have the right to strike."[56]

On two occasions during the strike when the owners tried to meet with SORWUC, the strikebreakers attempted to stop them. One vocal First Nations strikebreaker, Florence Differ, told the local media, "If management negotiates with SORWUC, we'll walk out. I think we had a dirty deal pulled on us again. The

[52]BC LRB decision (1981), 40-1.
[53]UBCSC, SR, Box 11.
[54]SORWUC attended BC Federation of Labour conventions to solicit financial donations. Individual members of the labour, left and First Nations community of Vancouver donated generously to the strike fund.
[55]*Vancouver Sun*, 19 December 1979.
[56]UBCSC, SR, Box 11.

Indians are done in again."[57] Manager Sussy Selbst defended the owners' actions: "We just want to talk to the union. It's been 17 months — we had seven customers last night. But the staff turned on us and screamed at us and called us turncoats. I was almost in tears myself."[58]

Again on 25 April 1980 management made moves to contact the union and strikebreakers threatened to quit. The session was cancelled because the owners allegedly feared picketing by strikebreakers outside the negotiating meeting place.[59] By this time, the restaurant was in operation Friday and Saturday nights only. Soon after, the restaurant shut down all operations.

Finally on 25 April 1981, the LRB made a ruling on the various applications by SORWUC. Their main finding was that the Muckamuck management had not bargained in good faith. By October 1981 the owners had no assets in BC.[60] On 1 March 1983 the LRB finally applied remedies to their previous ruling, having waited until they heard an application for certification by the strikebreakers as a new association. The LRB ruled that management owed the union $10,000 in compensation.[61] SORWUC has never been able to collect this money, as the employer moved back to the United States. New owners set up a grocery store on the main floor of the property. Malcolm McSporrum, a local architect and supporter of First Nations issues, viewed the downstairs of the property and discovered that the setting and equipment of the restaurant remained. He contacted some former Muckamuck strikers and suggested they could be part owners in a new restaurant he would help finance. The Quilicum, a restaurant serving First Nations cuisine was reopened and a few First Nations people (including a former Muckamuck striker) have majority shares.[62]

Conclusion

Many First Nations people have believed that "unions aren't Native" partially because of the neglect by organized labour to campaign on their behalf. Consequently their working conditions have been exploitive on an economic and racial basis. But First Nations workers at the Muckamuck restaurant were able to form an alliance with the members of SORWUC to challenge their unjust status. SORWUC

[57] *Vancouver Sun*, 23 October 1979.
[58] *Vancouver Sun*, 23 October 1979.
[59] *Vancouver Sun*, 29 April 1980.
[60] UBCSC, SC, Box 11.
[61] BC LRB decision (1983). Ulryke Weissgerber said in an interview that the union expected financial compensation to the employees by the employer if the restaurant closed down. This had been the case one year previous when SORWUC organized Malibar Tuxedo Rentals. The owners closed their business rather than negotiate with the union. The LRB ruled management was obliged to give employees financial compensation based on seniority. Further, the company could not re-open without negotiating a contract with SORWUC.
[62] Interview with Ethel Gardner.

activists' ideological motivations, expertise, and links to the mainstream labour movement were key motivators to the workers' efforts to resist the cultural and economic status quo.

The state's institutions, however, failed First Nations workers as they were unable to protect workers from discriminatory and illegal employer practices. In this sense, as the strikers observed, the dispute became a "civil rights" issue for First Nations people.[63] Although the federal employment centre attempted to address First Nations employment issues by setting up a program with local businesses, when told that the Muckamuck employer was discriminatory, the agency was only able to suggest informally that workers join a union. Similarly, the Labour Standards Branch admitted to being ineffectual in enforcing sanctions against illegal activities of employers such as fining employees for mistakes on the job, and again informally suggested workers join a union. The LRB moved too slowly and provided remedies they were unable to enforce. The board's decision to hear management's illegal picketing complaint before the union's charges of staff firings, and the delay in rendering a decision on the employer's refusal to bargain in good faith undermined the union's ability to be effective. The court's decision to ban, then limit picketing, also hindered the workers' efforts to establish a union. Furthermore police tended to view picketers as "troublemakers" so that picketers were more likely to be charged than protected in assault incidents.

The employer was not tied to the local community and institutions to the same extent as the union, so its attempts to seek legitimacy eventually failed. Their corporate values nonetheless were insufficiently challenged by the state as the long list of their illegal and unethical practices demonstrates. The fact that foreign owners can sell their business and move south without adhering to legal remedies indicates the global scope of workers' struggle for justice.

The analysis of the role of the union can be extended further by examining the contradictions and conflicts First Nations workers experienced within SORWUC. Although SORWUC was ideologically committed to racial issues, the leaders and activists of SORWUC were female, mostly white and functioned within an adversarial and hierarchial trade union structure and culture. First Nations peoples' ways of dealing with conflict, negotiation and decision-making were not introduced into the process. This imposition of values and culture on the First Nations workers could explain in part the eventual departures of strikers from the picket line. First Nations workers spoke on the specific strike situation in public forums, but did not speak on behalf of SORWUC as a union. Nor did First Nations workers take an activist position within SORWUC or other trade unions.

Further research by First Nations people could provide insights into how their community felt about this dispute and about trade unions in general. What were the repercussions of this strike within their community? How did the women

[63]As discussed in Francis Adu-Febiri, "The State, Racism and Domination in Contemporary Capitalist Society," *Berkeley Journal of Sociology*, 38 (1993-94), 193-219.

strikers view the relationship between race and gender?[64] Did the aspect of a visibly divided leadership among the First Nations organizations and among First Nations restaurant workers create long term problems, negative feelings about trade unions and distrust of the "white" community?

The closure of the restaurant and the loss of jobs for First Nations strikers does not suggest a victory for the workers. And while the LRB ruled in favour of the union, the monetary remedies were not rewarded to the strikers. Muckamuck workers, however, gained a sense of dignity and respect because they stood up for their rights. Restaurant employers elsewhere in the city may have improved their practices in light of the publicity and support for this dispute. The wider community had been made aware of First Nations, class and trade union issues. The First Nations and trade union communities found an opportunity to develop a bridge which can be crossed in the future.

Two of the original strikers spoke positively of their experience. Sandra Eatmon said she gained a respect for trade unions. "I learned about unions and workers' rights," Sandra said. "I thought it was the right thing at the time. We deserved better treatment."[65] Overall Ethel Gardner believes the dispute was a success. She said, "Looking back now, I see how we took it upon ourselves as a group of Native workers to make a statement that we weren't going to be run in that way. So I think it was a success. We learned a lot, gained a lot and it was empowering."[66]

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[64]In her writings on ethnicity Ronnie Leah states, "The relationship between race and gender within the labour movement is seriously underresearched." Ronnie Leah, "Black Women Speak out: Racism and Unions," Linda Briskin and Patricia McDermott, eds., *Women Challenging Unions: Feminism, Democracy and Militancy* (Toronto 1993), 157-71.

[65]Interview with Sandra Eatmon.

[66]Interview with Ethel Gardner.