

# **The State of the Unions / L'État des syndicats**

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Volume 59, printemps 2007

URI : <https://id.erudit.org/iderudit/llt59cnt01>

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Éditeur(s)

Canadian Committee on Labour History

ISSN

0700-3862 (imprimé)

1911-4842 (numérique)

[Découvrir la revue](#)

Citer ce document

Butovsky, J. & Smith, M. E. (2007). The State of the Unions / L'État des syndicats: Beyond Social Unionism: Farm Workers in Ontario and Some Lessons from Labour History. *Labour/Le Travailleur*, 59, 69–98.

# CONTROVERSIES / CONTROVERSES

THE STATE OF THE UNIONS/L'ÉTAT DES SYNDICATS

## Beyond Social Unionism: Farm Workers in Ontario and Some Lessons from Labour History

Jonah Butovsky and Murray E.G. Smith

### I. Introduction

IN ONTARIO, THE NEW CENTURY has seen a major upsurge of interest and activity surrounding the interrelated questions of farm labour unionization and the Seasonal Agricultural Workers Program [SAWP], a “guest worker program” which brings thousands of migrant farm labourers to the province each year. Recent scholarly studies and the documentary film *El Contrato* (2003) have offered vivid portraits of the sub-standard living and working conditions of the migrant workers, as well as critical commentaries on the SAWP.<sup>1</sup> In 2001, several major unions backed the Canadian office of the United Farm Workers of America in launching the Global Justice Care Van Project, whose findings were the basis of a much-publicized report

<sup>1</sup>See among others: Tanya Basok, *Tortillas and Tomatoes: Transmigrant Mexican Harvesters in Canada* (Montreal 2002), and Harold Bauder and Kerry Preibiech, *Community Impacts of Foreign Farm Workers in Ontario: A Comparative Analysis* (Guelph 2002).

and a series of public policy recommendations. In the intervening years, union officials have followed up with court actions, reports, and position papers, and a Toronto-based group, *Justicia* for Migrant Workers [JMW], has campaigned for far-reaching reform of the Canadian state's policies toward SAWP-enrolled workers.

Almost without exception, these initiatives have adopted, explicitly or at least tacitly, a liberal-legalistic frame of reference. From academics to social movement activists to union officials, the assumption appears widespread that "justice" for farm workers can be won through pressuring governments to enact new forms of protective legislation, extend trade union rights, and eliminate the more blatantly discriminatory features of the SAWP.<sup>2</sup> Court challenges, moral suasion, and public education constitute the tactical repertoire of this essentially legalistic and legislative strategy, which accepts as a given the permanence of capitalist exploitation.<sup>3</sup>

In this article, we start from a rather different set of premises. Our view is that the history of the labour movement, in North America as elsewhere, demonstrates that workers' rights have always been won through workers' own direct struggles against capital and the capitalist state, usually in defiance of prevailing legal frameworks. This is especially true for the most brutally exploited, previously unorganized sectors of the working class. Unfortunately, this elementary, Marxist truth has been obscured in recent decades owing to the bureaucratic ossification of the organized labour leadership and the hegemony within it of a social-democratic legalistic perspective that seeks assiduously to avoid and even derail militant, extra-legal forms of working-class struggle.

We believe that significant improvements in the conditions of both Canadian and migrant farm workers, including gaining the same rights that are enjoyed by non-agricultural workers in Canada, depends upon a bold recovery and indeed a further development of the *class-struggle* strategy and tactics that were essential to

<sup>2</sup>*Justicia* for Migrant Workers is a partial exception inasmuch as the demands it raises objectively call into question the continued existence of the SAWP. Even so, JMW stops short of calling for its abolition. A statement on its website reads: "Justicia for Migrant Workers urges Canadians to rethink the SAWP and to extend the rights of citizenship and STATUS to migrant workers and their families." <http://www.justicia4migrantworkers.org/saw.htm>.

<sup>3</sup>In a revealing comment, Basok writes: "Improvements in [migrant workers'] living conditions, paid public holidays and a healthier working environment will create additional costs for growers. And while for some growers the additional costs may make it difficult to stay in business, most can afford these extra costs. Their losses would be much greater if they did not have this 'captive' labour force. With their working and living conditions improved, Mexican workers are likely to feel even more loyal to their *patrones* than they do already, and from that point of view these improvements would be an investment well spent." (*Tortillas and Tomatoes*, 151)

the earlier advances of organized labour.<sup>4</sup> Such a perspective implies the need for a struggle *within* the labour movement against the conservatism and sclerotic gradualism which now pervade it.

The case of farm labour is particularly revealing of the politico-ideological limits of “social unionism” — the most ostensibly progressive form of mainstream unionism in Canada over the past quarter-century. Often contrasted to a business unionism that is wholly preoccupied with narrowly defined collective-bargaining issues, social unionism purports to address wider questions of social justice and welfare, including gender and racial oppression, as well as international solidarity and, more rarely, environmental issues. “Social unionism,” writes Bryan Palmer, “preaches coalition-building, stressing that labour should unite with other progressive sectors to implement reform and better the lot of the weak and the underprivileged.”<sup>5</sup> Union officials who espouse social unionism are also likely to stress the need to organize the unorganized and to organize labour transnationally in response to the new realities of the North American Free Trade Agreement [NAFTA] and economic globalization.<sup>6</sup>

Unfortunately there is a striking dissonance between the rhetoric of social unionism and the practices associated with it. The social unionist official can “talk the talk” (and often with great passion and urgency) but fails to “walk the walk,” relying on litigation and electoral activity in support of the New Democratic Party that promise, at best, a glacial pace of social change. Near-exclusive reliance on such policies amounts to a betrayal of the interests of the “underprivileged” workers that social unionists profess to champion; and this is abundantly clear in the activity of the organized labour movement on behalf of farm labour, perhaps the most super-exploited sector of the Canadian labour force.

<sup>4</sup>In this article, “Canadian workers” refer to workers who enjoy citizenship or landed-immigrant status in Canada. In the broader literature on the subject, and in some contexts within this article, the expression “domestic worker” is also used in counterpoint to “migrant worker.”

<sup>5</sup>Bryan D. Palmer, *Working-Class Experience: Rethinking the History of Canadian Labour, 1800-1991* (Toronto 1992), 371.

<sup>6</sup>The critical discussion of social unionism in this article targets the way in which union officials have *appropriated* the progressive themes and sensibilities associated with “rank-and-file social unionism” in order to deflect attention from the need for a class-struggle policy. Accordingly the article does *not* discuss the more salutary aspects of social unionism as a manifestation of democratic, grassroots union activism. For a discussion of this dimension of social unionism, see Kim Moody, *Workers in a Lean World* (London 1997) and Dan Clawson, *The Next Upsurge: Labor and the New Social Movements* (Ithaca 2003). Some suggest that a new “social movement unionism” has surpassed the limitations of the social unionism of the 1980s and 1990s and should be regarded as a new trend in the labour movement distinct from the latter. We discuss this development in the conclusion to this article.

Compounding the problem, in our view, has been the general reluctance of scholars in the field of Canadian labour studies to undertake a critical analysis of the contemporary labour movement from a Marxist, class-struggle perspective. This article is offered as a modest contribution to such an analysis. Our purpose, it bears emphasizing, is not to provide new and original research findings on either farm labour or recent trends in organized labour, but to synthesize the findings of some of the best critical scholarship on these issues with a Marxist-socialist theoretical and historical-analytic perspective. By critically examining the response of the union officialdom to the farm labour issue, we hope to illuminate the current impasse of organized labour and to outline some directions for its reorientation on the basis of a militant, class-struggle policy.

Our central concern is to show how specific lessons drawn from past labour struggles can inform such a reorientation. We recognize that this enterprise is likely to arouse skepticism among those who are ill-disposed to accept the relevance of such lessons, as well as among many who are keenly aware of the formidable obstacles that exist to their assimilation by contemporary labour movement activists. But it is our view that the issue of relevance is ultimately inseparable from the capacity of militants to acquire and utilize forms of knowledge that an array of powerful forces seeks to suppress. A great many obstacles exist to the activation of this capacity; the silence of labour studies scholars, we think, should not be one of them.

Foremost amongst these obstacles is the *regression in class consciousness* that has resulted from the heavy defeats that capital has inflicted on labour on a world scale since the 1970s. Two issues, which in our judgement were critically important factors in these defeats, have received scant attention in the labour studies literature. The first is the long-standing dominance of conservative bureaucracies within the organized labour movement. The second is the “anti-hegemonic” and “anti-vanguardist” perspective that has developed among so many critical intellectuals and leftist social movement activists in recent decades. Each of these issues deserves some preliminary comment here to better situate our argument theoretically and politically.

The problem of bureaucratism has been a persistent one within organized labour movements of advanced capitalist societies for well over a century.<sup>7</sup> At bottom, the bureaucratization of the labour movement is a product of three factors: the need for a functional division of labour and a cadre of full-time leaders and staff members within trade unions once these organizations have established themselves as on-going apparatuses commanding significant material resources; the ability of capital and the state to transform the full-time leaders of trade union organizations

<sup>7</sup>For a survey of the literature on this question up to the 1970s, including the contributions of Marx, Engels, Lenin, Michels, Gramsci, Trotsky, and a number of mid-century academic sociologists, see Richard Hyman, *Marxism and the Sociology of Trade Unionism* (London 1975). See also Ernest Mandel, *Power and Money: A Marxist Theory of Bureaucracy* (London 1992).

into "labour lieutenants" of the capitalist order, both through the cultivation of a labour aristocracy enjoying significant material privileges in relation to the mass of workers and through the institutionalization of a state-sanctioned collective-bargaining process which legally obliges union officials to contain workers' struggles within prescribed limits; and, finally, a "dialectic of partial conquests," which predisposes the labour movement as a whole to reject or retreat from more radical goals in order to avoid any confrontations with capital and the state that might jeopardize previously won gains.<sup>8</sup>

Together these factors tend to continually reproduce conditions conducive to "bourgeois trade union consciousness" — an "economistic" outlook which limits workers' struggles to an incremental improvement in the terms and conditions of the sale of labour-power within the framework of capitalism. The corollary to this in the parliamentary-electoral arena is an "independent working-class political practice" whose ostensible purpose is to exert pressure on the capitalist state apparatus to safeguard workers' rights and to implement pro-labour policies (without encroaching upon the fundamental prerogatives of capital). This form of working-class political practice is usually referred to as *social democratic reformism*. From a Marxist perspective, the essential problem with trade union economism and social democratic reformism is their shared assumption that working-class interests can be reconciled with the requirements of the capitalist social order, and that this reconciliation can be effected on the basis of bourgeois institutions.<sup>9</sup>

Historical experience testifies resoundingly that a challenge to the dominance of social democratic reformism and gradualism within the labour movement is unlikely to emerge from within the trade union bureaucracy itself, for this bureaucracy's materially privileged position is tied up with its perennial role as a mediator between capital and labour and its determined containment of workers' struggles within the capitalist framework. Instead, a counter-hegemonic, oppositional cur-

<sup>8</sup>On the concept of the dialectic of partial conquests, see Mandel, *Power and Money*, 66-67.

<sup>9</sup>Marxists deny this assumption on three main grounds: 1) ephemeral improvements in the material conditions of the working class under capitalism are unevenly distributed across the world system (such that working-class gains in some countries or regions are offset by losses in others); 2) such improvements are *conjuncturally reversible*, owing to the fact that the recurrent crises of the capitalist mode of production must periodically compel capital to attack working-class interests in order to restore an adequate average rate of profit; and 3) the historical interest of the working class lies not in gradual improvements to its position as a social class, but in the realization of a classless society committed to human emancipation. The first consideration points to the need to combat national chauvinism and racism within the working class, to champion working-class internationalism, and to organize workers on an international level; the second points to the need to educate the labour movement that the contradictions and laws of motion of capitalism are such that global progress in the quality of life of working people is impossible under this system; and the third points to the need to construct a socialist workers movement that regards the realization of world socialism as the only way to secure general human progress.

rent must be organized in the rank-and-file of the labour movement to challenge it. Yet history also shows that a key subjective factor in the emergence and development of such a political class consciousness has always been the presence of an organized current — a vanguard — of socialist activists committed to educating the rank-and-file, bolstering its self-confidence, and galvanizing it in opposition to the bureaucratic leadership.<sup>10</sup>

The emergence (or re-emergence) of a counter-hegemonic, anti-bureaucratic opposition is long overdue in the Canadian labour movement, as it is in most other labour movements throughout the world. But two developments in particular have militated over the past period against any serious attempt to address the chronic crisis of leadership afflicting the working class: the huge propaganda victory scored by world capitalism that was associated with the demise of Stalinist “actually existing socialism” in the former Soviet bloc in the early 1990s, and the severe disorientation of leftist activists that attended this fateful event. Reinforcing as well as reflecting these developments has been the abandonment of working-class socialism by a large majority of ostensibly left-critical intellectuals in favour of an *anti-hegemonic* politics, inspired by a postmodernist “politics of identity” and by new, reform-oriented social movements that have prioritized their own autonomy and goals over any attempt to articulate a *counter-hegemonic* basis for the mobilization of progressive forces.<sup>11</sup> This anti-hegemonic politics stands in explicit and

<sup>10</sup>We hasten to add that such vanguard formations within the trade unions may or may not take the form of ostensibly Leninist vanguard parties, and they may or may not be committed to an ostensibly revolutionary practice and program. Syndicalists, classical Leninists, Stalinists, Trotskyists, left social democrats, radical nationalists, and socialist-feminists have all played vanguard roles in particular times and places, demonstrating a capacity to spark and lead workers struggles that have heightened class consciousness and transgressed the boundaries of struggle normally imposed by the trade union bureaucracy. It should also be noted that in many countries the role normally played by Social Democracy in containing workers’ struggles within a reformist framework was also assumed by mass pro-Moscow Communist Parties.

<sup>11</sup>In a recent critique of postmodernist political fashions, *The Postmodern Prince* (New York 2004), John Sanbonmatsu has written: “If Gramsci today is largely remembered as the theorist of hegemony — the forging of political unity across cultural differences — Foucault might well be described as the theorist par excellence of *anti-hegemony*, what Aronowitz describes as a politics ‘recognizing the permanence of *difference*,’ and in which ‘movements for liberation ... will remain autonomous both in the course of struggle and in the process of creating a new society’.” (131) Sanbonmatsu points out correctly that to “say that experience is only a ‘discourse’ is to remove any basis for substantive human knowledge of any kind, including knowledge that might be helpful to the oppressed.” (113) Against Sanbonmatsu, however, we regard Gramsci’s ideas as congruent with an authentic (that is, non-Stalinist) Leninism — and in particular with Lenin’s concept of the vanguard party as a “tribune of the people.” For two quite different treatments of the Leninist theory, see Ernest Mandel, *The Leninist Theory of Organization* (London 1971) and Joseph Seymour, *Lenin and the Vanguard Party* (New York 1997).

conscious opposition to those trends within the socialist left (for example, Leninism and revolutionary syndicalism) that have traditionally stressed both the necessary leading role of the labour movement in the struggle against exploitation and oppression, and the need to build an opposition to its existing leadership. The anti-vanguardism and reformist sectoralism of the proponents of a politics of identity have served, in other words, to *divert* left-critical intellectuals and radical activists from precisely the sort of political practice which, in the past, played such a vital role in enabling the labour movement to break free of its bureaucratic strait-jacket, even if only episodically.

It has been in just this political and intellectual context that social unionism has flourished as a seeming compromise between a narrow, economistic business unionism and a purportedly outmoded, Marxist-inspired class-struggle unionism. While projecting a more modest role for organized labour in the struggle for social change (on the grounds that labour is merely one among several progressive constituencies), the social unionist bureaucrat has found common ground with “postmodern progressives” by accepting the idea that progressive change is necessarily limited to the incremental *reform* of capitalism.<sup>12</sup>

The common basis of social unionism and of all “new social movement” sectoralisms is precisely *reformism* — the faith that human needs (whether for material necessities, world peace, environmental sustainability, or human equality) can be met adequately within the capitalist system. Such a faith has little use for historical memory; indeed, it must devalue it. And it is for just this reason that the lessons of labour history must remain a closed book to bureaucratic conservatism and to postmodern sectoralism alike. Contrariwise, for those who uphold a politics of working-class emancipation and socialist transformation, these lessons constitute a crucial repository of hard-won knowledge that remains indispensable to defeating the now decades-old capitalist offensive against labour and to informing the latter’s future struggles for a better world.

Our itinerary in this article is as follows. We begin with a general overview of the situation of farm workers in Ontario, with special attention to the Niagara region.<sup>13</sup> This is followed by a review of organized labour’s response to the issue to date. By viewing this response in light of the concrete historical experiences of farm worker mobilization in particular and industrial union organization in general during the last century, we think that it is possible to lay the basis for formulating a winning strategy to organize the agricultural sector and win substantial improvements in the living and working conditions of all farm workers. This approach is

<sup>12</sup>Thus, as Palmer argues: “Social unionism ... might be seen as simply a progressive façade behind which a wing of the labour hierarchy adroitly masks its traditional business unionist refusal to use and extend the class power of the unions to launch a struggle for social change.” (*Working-Class Experience*, 372)

<sup>13</sup>Both Basok’s study and the documentary film *El Contrato* focus on the area surrounding Leamington, Ontario, considered the centre of the greenhouse industry in Canada.



sharply opposed to the devaluation of historical memory and experience common to bureaucratic conservatism, reformist sectoralism and postmodernist fashions. We conclude by outlining some elements of a class-struggle approach to the problem of farm labour and with some general observations on the current malaise of organized labour and the need for a socialist intervention to renew it.

## II. *Farm Labour in Ontario, the SAWP, and the Response of Organized Labour*

In North America, migrant farm labour tends to be associated in the public imagination with dusty sun-drenched Hispanic workers or the itinerant Joads of John Steinbeck's *Grapes of Wrath*, set in the Depression-era United States. It is less commonly associated with Canada. Yet migrant agricultural wage labour is a large and growing phenomenon within the Canadian economy, particularly in Southern Ontario.

The Commonwealth Caribbean and Mexican Seasonal Agricultural Workers Program was introduced by Canada's federal government in phases between 1966 and 1974 to address a chronic shortage of labour in the agricultural sector.<sup>14</sup> During this period, the importation of migrant workers seemed to be the only way to maintain a supply of cheap agricultural labour. Over the next three decades, however, the labour market in Southern Ontario underwent a significant change, and growing numbers of Canadian wage labourers entered the agricultural sector alongside migrant workers. These changes reflected the transformation of Canadian agriculture as small family farms were progressively displaced by highly capitalized agribusiness operations.<sup>15</sup>

The Niagara region strikingly illustrates the growing concentration and capitalization of the agricultural sector. In the 40 years since the SAWP was introduced, Niagara has seen a shift from industrial manufacturing (cars, paper, and steel) to a predominantly service-sector economy.<sup>16</sup> Today, farm operators and greenhouse growers in the region employ an expanding army of migrant workers, not because Canadian workers are being absorbed into a well-paying manufacturing sector, but because the use of migrant workers renders their operations significantly more

<sup>14</sup>HRDC, *Caribbean & Mexican Seasonal Agricultural Workers Program — Overview*, <http://www.hrsdc.gc.ca/asp/gateway.asp?hr=/en/on/epb/agri/overview.shtml&hs=on> (retrieved 17 April 2005).

<sup>15</sup>As the absolute number of farms has decreased, the average farm operation in Canada has grown dramatically since the 1960s, and particularly since the early 1990s. Statistics Canada (2005) reports that between 1996 and 2001, the number of farms in Canada dropped to 246,923 — an 11 per cent decline, which was the greatest census-to-census change since 1971. In Ontario, the number of farms appraised at less than \$100,000 decreased by 58 per cent between 1996 and 2001 (from 4730 to 1995), while the number of farms worth more than a million dollars increased by 38 per cent from 15,050 to 20,580 over the same period.

<sup>16</sup>HRDC, *Shift in Employment by Industry Division*, [http://www.hrsdc.gc.ca/en/on/lmi/caid/industry/3865\\_3.shtml](http://www.hrsdc.gc.ca/en/on/lmi/caid/industry/3865_3.shtml) (retrieved 23 September 2005).

profitable. Legislation proscribing unionization in the agricultural sector — once motivated by the precarious position of small family farms facing tight profit margins — is now a guarantor of a compliant labour force vulnerable to super-exploitation by agribusiness.

In the traditional farming communities of Niagara-on-the-Lake, Grimsby, Lincoln, and Pelham, family farms are being rapidly replaced by winemaking operations and greenhouses. Westbrook Flowers and Greenhouses Inc. in Lincoln, for instance, employs 600 workers in veritable “factories in the field” — albeit open-shop factories whose workers lack union-bargained wages and benefits. The Niagara Chamber of Commerce boasts over 250 greenhouses in operation with “18.2 million square feet under glass or plastic” in the region.<sup>17</sup>

Agricultural work in Ontario tends to be low-paying and relatively dangerous, and the historic discrimination against agricultural workers in law makes it difficult to win improvements. The importation of migrant “guest workers” from Mexico and the Caribbean serves to depress wages and complicates union organizing by dividing workers along linguistic, racial, and national lines, as well on the basis of citizenship.

Vic Satzewich, who was among the first to analyse migrant labour in Canada as an aspect of capitalist political economy,<sup>18</sup> has observed that the importation of migrant labour has provided employers with a pool of “unfree” (effectively indentured) workers to perform work that would otherwise have to be undertaken by costlier “free” Canadian workers. Migrant workers are tied to a particular employer, prevented from seeking alternative jobs, and denied many of the rights enjoyed by workers with citizenship or landed-immigrant status. Despite this, they remain eager to come to Canada due to a lack of economic opportunity in their home countries stemming from semi-colonial mal-development.

The role of racism in the super-exploitation of the migrant labour force has also been highlighted by Satzewich. Beginning in 1962, Canadian immigration policy underwent a formal deracialization, but the subsequent introduction of the SAWP was predicated on a *de facto* racialization of the migrant segment of the labour force and the deepening of divisions in the agricultural labour market. Racialization refers to practices that result in a specific group of people being cordoned off for special (discriminatory) treatment, typically based on considerations of physical appearance and putative ancestry. The fact that migrant workers arriving from the Caribbean and Mexico under the SAWP are almost exclusively black and Hispanic has made it far easier for the Canadian state to deny them rights that are normally accorded to foreign workers recruited by Immigration Canada to meet specific la-

<sup>17</sup>Niagara Chamber of Commerce, <http://www.nigaracanada.com> (retrieved 5 May 2005).

<sup>18</sup>Victor Satzewich, *Racism and the Incorporation of Foreign Labour: Farm Labour Migration to Canada since 1945* (New York 1991).

bour market needs.<sup>19</sup> The denial or attenuation of basic rights and protections (employment insurance, health and safety regulations, the ability to organize against coercive practices, etc.) lowers labour costs, thereby facilitating the extraction of larger magnitudes of surplus labour from SAWP-enrolled migrant workers relative to non-racialized “free” wage-workers. In short, the racialization of unfree “guest labour” results in a regime of labour control that is both onerous and pernicious.

### *The Seasonal Agricultural Workers Program*

As previously noted, the SAWP was introduced in the 1960s ostensibly to help satisfy a demand that was not being met by the Canadian labour force.<sup>20</sup> Agricultural labour shortages have existed since the turn of the 20th century in Canada,<sup>21</sup> but during a period of low unemployment and rising real wages in an expanding manufacturing sector it was particularly difficult to recruit Canadian-born as well as landed-immigrant workers to low-paying and physically demanding agricultural jobs. Consequently, growers intensified their pressure on the federal government to open the door to migrant workers.<sup>22</sup> Over the course of four decades, the SAWP expanded considerably even though wages and benefits for agricultural work are not now substantially different from the low-paying, service-sector jobs that presently dominate the Ontario economy.

The SAWP is part of the Non-Immigrant Employment Authorization Program run by Human Resources and Development Canada [HRDC] and Immigration Canada. A sister program is the Live-In Caregiver Program that brings “domestics” to Canada. Interestingly, the Caregiver Program permits workers to leave their positions after two years to pursue other jobs, with the prospect of eventual Canadian citizenship.<sup>23</sup> Migrant agricultural workers enrolled in SAWP, by contrast, are legally tied to their employer and must return home after a contractually stipulated

<sup>19</sup>Of course, the phenomenon of racialization extends far beyond “guest workers.” Increasing numbers of immigrants to Canada from the Global South have been subjected to racialization in recent decades and find themselves in disadvantaged positions within a segmented labour market. For a comprehensive analysis, see Grace-Edward Galabuzi, *Canada’s Economic Apartheid: The Social Exclusion of Racialized Groups in the New Century* (Toronto 2006).

<sup>20</sup>As early as the 1930s, American workers were employed in the Ontario tobacco harvest, although the numbers were typically less than 3,000 per year. See Satzewich, *Racism and the Incorporation of Foreign Labour*, 108.

<sup>21</sup>See, for example, Joy Parr, “Hired Men: Ontario Wage Labour in Historical Perspective,” *Labour/Le Travail*, 15 (Spring 1985), 91-103.

<sup>22</sup>Satzewich, *Racism and the Incorporation of Foreign Labour*, 104.

<sup>23</sup>By no means do we mean to suggest that the Live-In Caregiver Program represents a benign or enlightened policy. See Nona Grandia and Joanna Kerr, “Frustrated and Displaced: Filipina Domestic Workers in Canada,” *Gender and Development*, 6 (1998), 7-12; A.B. Bakken and D. Stasiulus, “Foreign Domestic Policy in Canada and the Social Boundaries of Modern Citizenship,” *Science & Society*, 58 (1994), 7-33.

period of no more than eight months. As Nandita Sharma has suggested, a SAWP migrant farm worker is the “quintessential flexible employee” — a wage-labourer whose labour-power is deployed on a “just in time” basis and tailored to a post-fordist strategy of accelerated capital accumulation.<sup>24</sup> Indeed, the state-sponsored expansion of a migrant labour force vulnerable to super-exploitation has served Canadian capital well at a time when business and government have been seeking new and innovative methods (under the rubrics of lean production and flexible labour markets) to jack up the overall rate of exploitation and thereby raise levels of profitability on an economy-wide scale.<sup>25</sup>

In recent years, up to 20,000 migrant agricultural workers have come to Canada annually under the auspices of the SAWP. From 2000 to 2004, the (mostly male) migrant agricultural labour force in Ontario increased from about 13,000 to 15,000,<sup>26</sup> even as the total agricultural work force declined from 99,000 to 78,000.<sup>27</sup> The proportion of migrant workers within the farm labour force jumped from 13 per cent to 19 per cent in just four years. In Ontario, half of migrant workers are now from Mexico, with the other half coming from Barbados, Jamaica, Trinidad and Tobago, and other Caribbean countries.<sup>28</sup> This is down from 75 per cent in the late 1980s, before NAFTA increased dramatically the influx of Mexican workers into Canada.<sup>29</sup>

The SAWP stipulates that transportation costs to Canada are to be covered by the employer, but these costs are partially recouped later through deductions from workers’ wages. SAWP-enrolled farm workers toil for nine to fifteen hours per day for little more than minimum wages. While the SAWP requires equality between wage rates for Canadian and migrant agricultural workers, and employers incur additional expenses by providing the migrants with housing, the flexibility afforded by having employees “on call” at any time, as well as the migrants’ “willingness” to endure hard, physically debilitating labour, makes the SAWP especially attractive to growers. Not surprisingly, the program’s “equal pay for equal work” directive is often violated in practice.

<sup>24</sup>Nandita Sharma, “On Being not Canadian: The Social Organization of ‘Migrant Workers’ in Canada,” *Canadian Review of Sociology and Anthropology*, 38 (2001), 415–439, esp. 435.

<sup>25</sup>See Murray E.G. Smith, “Political Economy and the Canadian Working Class: Marxism or Nationalist Reformism?,” *Labour/Le Travail*, 46 (Fall 2000), 343–368. For a global account of the neo-liberal, post-fordist strategy, see Michael Yates, *Naming the System: Inequality and Work in the Global Economy* (New York 2003). See also Tony Smith, *Technology and Capital in the Age of Lean Production: A Marxian Critique of the “New Economy”* (Albany 2000).

<sup>26</sup>Farms Website <http://www.farmsontario.ca/>.

<sup>27</sup>Government of Ontario website [http://www.2ontario.com/welcome/oolf\\_303.asp](http://www.2ontario.com/welcome/oolf_303.asp).

<sup>28</sup>“Statistics,” *Foreign Agricultural Resource Management Service*, [www.farmsontario.ca](http://www.farmsontario.ca) (retrieved 24 August 2005).

<sup>29</sup>Basok, *Tortillas and Tomatoes*, 34.

Workers enrolled in the SAWP contribute to the Canada Pension Plan and the Employment Insurance Program, but are ineligible to collect from either. They, like all agricultural workers, are excluded from several provisions of employment standards legislation and, in Ontario, from legislation that permits unionization. These exclusions are especially significant given that agricultural workers are exposed to unique hazards associated with the use of heavy farm machinery and toxic pesticides.<sup>30</sup> Migrant workers are particularly vulnerable to such hazards because they risk repatriation at the discretion of their employer if they resist — or even complain about — unsafe working conditions.

While the conditions facing migrant agricultural workers are uniquely onerous, they are also constitutive of more general conditions in what has become a split labour market.<sup>31</sup> By topping up the agricultural labour pool, the SAWP serves to keep wages for all farm workers low. In a structural, if not in an immediate day-to-day sense, Canadian workers compete for employment with racialized, migrant workers. The resulting dynamics of this split labour market discourage unionization in the agricultural sector as a whole. The question is therefore posed: *Can agricultural workers in Canada mount a serious struggle for union organization so long as the SAWP remains in place?*

### *The Response of Organized Labour*

Historically, the Canadian labour establishment has displayed little interest in the plight of farm workers. In part, this indifference has reflected the equanimity with which the leaders of organized labour have accepted the exclusion of farm labour from legislative protections of the right to trade union organization. In part, it has reflected the growing bureaucratic conservatism and passivity of the trade unions since the high water mark of private-sector union organization in the period immediately after World War II. Recently, however, Canadian labour leaders have begun to protest the discriminatory treatment of migrant workers and to demand that agricultural workers be allowed to organize. To some extent, this change in attitude is attributable to the development of a social unionist sensibility. But it probably is also related to the fact that agribusiness constitutes a promising new target for recruitment at a time when union membership is declining among manufacturing, transportation, and primary resource workers.

<sup>30</sup>Veena Verma, *The Mexican and Caribbean Seasonal Agricultural Workers Program: Regulatory and Policy Framework, Farm Industry Level Employment Practices, and the Future of the Program under Unionization* (Ottawa 2002).

<sup>31</sup>It should be noted that while SAWP-enrolled migrant farm workers are severely disadvantaged compared to their Canadian counterparts their legally precarious position has not entirely prevented them from engaging in limited forms of resistance to their super-exploited status. The National Film Board of Canada documentary *El Contrato* reveals some instances of this resistance — along with harsh responses by agribusiness and the state.

The Federal Government's 1948 Industrial Relations and Disputes Investigations Act [IRDLA] obligated employers to recognize the right of workers to representation through duly certified trade unions. This legislation was a product of a number of historic (illegal) strikes waged during the 1930s and 1940s.<sup>32</sup> In Ontario, a parallel piece of provincial legislation, the Collective Bargaining Act of 1943, predated the IRDLA and had been modelled on the American Wagner Act of 1935. Both the IRDLA and the Collective Bargaining Act excluded agricultural workers on the grounds that farm enterprises had such low profit margins that they could not pay higher wages.

This exclusion has remained in effect in Ontario for more than 50 years, although it was suspended briefly in 1994 when Bob Rae's New Democratic Party [NDP] government passed its Agricultural Labour Relations Act [ALRA]. The ALRA gave *non-seasonal* agricultural employees the right to unionize and allowed for the settlement of disputes through mediation and "final offer selection" arbitration. At the same time, however, the Act banned strikes on the grounds that they could damage perishable produce. This made the NDP's reform little more than a feeble half-measure, one which was reversed the next year in any case when Mike Harris's victorious Conservatives rolled back labour reforms enacted by the NDP. The United Food and Commercial Workers [UFCW], which had organized a few hundred poultry and mushroom workers in Leamington, responded with a court challenge, arguing that the exemption of agricultural workers from the Labour Relations Act was discriminatory and therefore a violation of the Canadian Charter of Rights and Freedoms.

This challenge culminated in a 2001 Supreme Court of Canada decision (*Dunmore v. Ontario*) that directed the provincial government to extend the right of association to agricultural workers — but not the right to bargain or to strike. In response to the Supreme Court ruling, the Conservative government in 2002 introduced Bill 87, the Agricultural Employees Protection Act — a supremely cynical piece of legislation permitting farm workers to form toothless "associations," without requiring employers to recognize them. The upshot was that agribusiness remained entirely free from any legal obligation to bargain collectively with its employees.<sup>33</sup>

Despite this discouraging history, the labour officialdom has remained committed to a strategy of "judicial activism" and legislative lobbying. Since 2002, three new court challenges, all backed by the Ontario Federation of Labour [OFL], have been mounted on issues relating to Canadian and migrant agricultural work-

<sup>32</sup>See, for example, Palmer, *Working-Class Experience*; Irving Abella, ed., *On Strike: Six Key Labour Struggles in Canada 1919-1949* (Toronto 1974); Craig Heron, *The Canadian Labour Movement: A Short History*, 2nd ed. (Toronto 1996).

<sup>33</sup>For a more detailed discussion of the very limited scope of the *Dunmore v. Ontario* decision, see Leo Panitch and Donald Swartz, *From Consent to Coercion: The Assault on Trade Union Freedoms*, 3rd ed. (Aurora 2003), 210-213.

ers. The first, supported by the UFCW, demanded the inclusion of agricultural workers under health and safety legislation in Ontario.<sup>34</sup> A second has been directed against the federal government's practice of deducting Employment Insurance premiums from migrant workers' pay cheques despite their ineligibility to receive benefits. Finally, a court challenge against the Ontario government's exclusion of agricultural workers from collective bargaining legislation has been launched by workers seeking UFCW representation at Rol-Land Farms in Kingsville, Ontario.

In 2001, OFL President Wayne Samuelson endorsed a series of recommendations made by the United Farm Workers of America [UFWA] (Canadian Office) to "address the sub-standard conditions ... migrant workers face."<sup>35</sup> The OFL highlighted the following demands raised in the UFWA report:

- "The exclusion of farm workers from occupational health and safety legislation must be addressed. The Federal Government must either mandate the provinces to include this occupation within its legislation in order to be eligible for the SAW program or must itself include farm workers in the federal legislation for occupational health and safety."
- "Provincial agricultural industries and employers should not be eligible for participation in the SAW programs until their respective provincial governments institute protection for the migrant farm workers."
- The establishment of a national bipartite board to oversee the migrant farm worker program.
- The re-direction of the employment insurance premiums that migrant farm workers are obligated to pay to finance occupational health and safety training, community services, and an appeals process.
- The signing and ratification by the Canadian government of the United Nations' Convention on Migrant Workers Rights.

While uncritically endorsing the UFWA report, the OFL leadership failed to propose any concrete means for implementing the proposals. Its implicit stance was to trust in the good will of the Federal Government to eliminate the discriminatory features of the SAWP and to apply pressure on provincial governments to extend legislative protections to agricultural workers. In any case, there was no demand to unionize the agricultural sector in defiance of existing legal prohibitions; no call to campaign for full citizenship rights for migrant farm workers; and no recognition that the SAWP is an important factor in perpetuating the deplorable conditions

<sup>34</sup>In July 2005, the newly elected Liberal provincial government agreed to this inclusion beginning on 1 July 2006. Chris Ramsaroop of JMW points out however that "When the changes come into effect ..., migrant farm workers will still be unprotected because the basic legal conditions of their employment have not changed.... [We] continue to press the government to implement real changes that ensure that migrant farm workers can refuse unsafe work without fear of reprisals from the employer." Quoted from interview by Mary-Jo Nadeau, "Migrant Farm Workers Organizing in Canada," *Arthur*, 23 January 2006, 8-9.

<sup>35</sup>Ontario Federation of Labour, *Report on Agricultural Workers* (Toronto 2001).



detailed in the UFWA report. Faced with overwhelming evidence of the super-exploitation of farm labour in general and the abuse of migrant workers in particular, the OFL leadership limited itself to plaintive calls for *government* action, followed up by support for the court challenges described above.

Given its history in California, one might have expected the UFWA to propose direct action to terminate the SAWP as part of a union organizing drive in the agricultural sector. Instead, it praised the SAWP while also calling for its reform:

All parties involved in the SAW agreements realize benefits from the migrant worker program. Consulates from the participating countries oversee their programs to ensure that their workers' rights are maintained. However conflicts may arise between the opposing needs of protecting migrant farm workers' rights and creating an environment that encourages continued employer participation....

The United Farm Workers of America — Canadian Office is not confident that the current structure of the SAW agreement, and the investigation and enforcement of the provisions contained therein are meeting current demands and needs. We do not believe the status quo of limited advocacy, community services, and training will meet the needs of an expanded program and increased workers.<sup>36</sup>

This position echoes the conservative and anti-labour conventional wisdom according to which the SAWP reflects permanent structural realities: a presumed necessity in the agricultural sector for indentured labour, given the reluctance of free wage workers to seek employment there; and the convergence of agribusiness and state interests in both Canada and participating “developing countries.” Ignored is the preponderance of domestic agricultural wage workers labouring in the greenhouse industry in particular. At the same time, the UFWA position gives ground to traditional arguments by capital and the state, extending back to the earliest years of union organizing, that fixed economic barriers exist to improvements in hours of labour, working conditions, wages and collective bargaining, not only in agribusiness but in other sectors as well.

The attitude of the UFWA toward the SAWP attested to two things: a changed policy toward guest worker programs (in both the US and Canada) since the union's heyday in the 1970s, and a desire to accommodate the social unionist vision of its partners in the Global Justice Care Van Project, the history of which was noted in the report:

The United Farm Workers Union, Canadian Office was contacted early this spring with regard to a group of migrant farm workers in Leamington, Ontario. Concerns were raised over the repatriation of some twenty migrant farm workers who had expressed dissatisfaction with their living and working conditions. As a result of these early conversations with migrant workers in Leamington, the UFWA — Canadian Office proposed the Global Justice

<sup>36</sup>Quoted in United Food and Commercial Workers Canada, *Status of Migrant Farm Workers in Canada, 2003* (Toronto 2003).



Care Van Project. The Care Van project allowed the UFWA to continue the discussions and undertake preliminary research and investigation of migrant farm worker issues. The Canadian Labour Congress, United Steel Workers of America, United Food and Commercial Workers and Canadian Auto Workers Unions contributed the necessary funding to finance the program as a measure of their commitment to worker global solidarity.

This solidarity, however, stopped well short of any attempt to organize the unorganized or to transgress the boundaries of the judicial process and legislative reform politics.<sup>37</sup>

### III. *Some Lessons from the History of the Labour Movement*

Those who seek to advance the interests of farm workers in Ontario today would do well to study the important lessons of the struggles of the United Farm Workers in California since the 1960s. The necessity for an *industrial* form of union organization makes the lessons of the earlier, historic battles that forged industrial unions like the United Auto Workers, the Teamsters, and the International Longshoremen and Warehousemen's Union equally important to recall.

We recognize that the agricultural labour market of California in the 1960s and 1970s differed in some important respects from that which exists in Ontario today. One difference is that domestic farm workers in California in the 1960s were overwhelmingly Chicano and Filipino. Divisions within the farm labour force were not clearly along the lines of race or ethnicity, and so these were not major factors in defining the contours of the split labour market. In Ontario, today, where the migrant labour force is racialized, combating any and every manifestation of racism toward migrant workers is a necessary precondition for successful organizing. A second difference is that, after the *Bracero* Program ended in 1964, the most significant division within the farm labour force was between US domestic workers and undocumented migrant workers (so-called "wetbacks" or "illegals"), whose influx into the farms and orchards of California not only continued but expanded enormously from the 1950s up to the present day.

<sup>37</sup>The UFCW, to its credit, has organized five "support centres" for migrant farm workers in Southern Ontario over the past decade, but not, evidently, with a view to preparing a serious organizing drive. In a 7 August 2005 press release announcing the re-opening of its support centre in Niagara, union-staffer Stan Raper noted: "The migrant workers come to Canada under a federal program that contracts workers to specific area farms, but leaves the workers with no social, or legal support; and no protection from retaliation for reporting an abusive employer. UFCW Canada has filled this justice gap for over a decade, at its own expense, by providing health and safety training, translation assistance, ESL classes, legal assistance (compensation, insurance, etc.), and recreational activities. UFCW Canada has also fought a decade-long public and legal campaign to gain farm workers decent, safe working conditions and workplace rights." The UFCW maintains that a *precondition* for any organizing drive among farm workers in general is a reform of the labour laws that currently prohibit unions in the agricultural sector.

These differences should be kept in mind as we review the general lessons of the California experience and assess their relevance to the current situation of farm workers in Ontario. It should be said, however, that neither of these differences made the unionization of farm workers in 1960s California easier than it is today in Ontario. On the contrary, the growing army of undocumented Mexican workers in California has presented an unusually formidable problem that is not faced by those seeking to organize Ontario's agricultural workers.

Our purpose here is not to review in detail the history of the UFW, but rather to focus on what worked and what failed to work in the UFW's organizing efforts. Such a balance sheet requires that the policies of Cesar Chavez and his successors in the UFW leadership be subjected to a searching criticism — one which is entirely warranted, we think, in view of the dismal long-term results of the UFW's reliance on pacifism, consumer boycotts, and legislative initiatives by "friends-of-labour" Democrats following the UFW's initial successes with the strike weapon in the early phases of its organizing drive. In short, the UFW experience offers both positive and negative lessons for Canadian farm workers.<sup>38</sup>

*Lesson One: The existence of a government-sponsored "guest worker program" that provides unfree migrant farm labour constitutes a major obstacle to successful organizing.*

Most accounts of the UFW's history agree that the termination of the *Bracero* Program was a necessary, if not sufficient, condition for the dramatic successes achieved by the union in the 1960s. The program, which originated during World War II as an informal agreement between the US and Mexican governments to sup-

<sup>38</sup>Our appreciation of the history of the UFW has been shaped by a number of scholarly as well as partisan accounts. An excellent, sympathetic overview written from the perspective of a liberal-minded agricultural economist is Philip L. Martin, *Promise Unfulfilled: Unions, Immigration and the Farm Workers* (Ithaca and London 2003). However, Martin does not place union strategy and tactics in the forefront of his analysis. Two classics of the "social movements" literature do address problems of leadership, strategy, and tactics in the UFW's history, but are flawed by largely uncritical assessments of Chavez's policy. See the "political process" analysis developed by sociologists Craig Jenkins and Charles Perrow in their 1977 article "Farmworkers' Movements in Changing Political Contexts," and the critical response to this by long-time UFW activist Marshall Ganz in "Another Look at Farmworker Mobilization," both reprinted in J. Goodwin and J.M. Jasper, eds., *The Social Movements Reader* (Oxford 2003). Our understanding of the limitations of the UFW's methods of struggle under the Chavez leadership benefited greatly from a review of journalistic reports and analyses produced by American left groups in the 1970s — particularly those published in the International Socialists' *Workers Power*, the Socialist Workers Party's *The Militant* and the Spartacist League's *Workers Vanguard*. Correspondence with long-time California labour activist Howard Keylor provided several useful insights corroborating this understanding.

ply Mexican labour for American growers, was formalized in 1951 as Public Law 78:

Public Law 78 stated that no *bracero* — a temporary worker imported from Mexico — could replace a domestic worker. In reality this provision was rarely enforced. In fact the growers had wanted the *Bracero* Program to continue after the war precisely in order to replace domestic workers.

The small but energetic National Farm Labor Union, led by dynamic organizer Ernesto Galarza, found its efforts to create a lasting California farmworkers union in the 1940s and 50s stymied again and again by the growers' manipulation of *braceros*.

Over time, however, farmworkers, led by Cesar Chavez, were able to call upon allies in other unions, in churches and in community groups affiliated with the growing civil rights movement, to put enough pressure on politicians to end the *Bracero* Program by 1964.<sup>39</sup>

The *Bracero* Program was undoubtedly an important factor in a set of objectively unfavourable circumstances that militated against the success of farm worker organization in the 1940s and 1950s. In his history of the *Bracero* Program and of the NFLU's attempted organizing drive, Ernesto Galarza noted:

Adverse effect brought the National Farm Labour Union to [California] in 1947. In the following five years the Union established locals in Kern, Imperial, Monterey, Fresno and other major production centers ... A strike was called against the DiGiorgio Fruit Corporation in October 1947, and another attempt was made against large commercial producers of cantaloupes in the Imperial Valley in 1951. In both instances the *bracero* was a most effective weapon in turning back unionization.<sup>40</sup>

However, what is ignored in Galarza's account and in other histories depicting the *braceros* as strikebreakers is the fact that the first response of the *braceros* was to leave the fields in support of the National Farm Labor Union's strike of 1947. Only the threat of deportation forced them back to work, thereby sealing the defeat of the strike. The NFLU played into the hands of the growers and alienated the *bracero* workforce for years to come by calling for deportations in order to stop scabbing. The outcome of the 1947 strike and the history of farm worker organization in the 1950s and beyond might well have been very different had the NFLU and its allies in the American Federation of Labor opposed deportations and taken a strong stand on behalf of *bracero* rights.<sup>41</sup>

<sup>39</sup>Fred Glass, "A Long Time Coming: The United Farm Workers, from Golden Lands Working Hands," <http://sunsite.berkeley.edu/calheritage/UFW/documents/Farmworkers-lesson9.pdf> (retrieved 11 May 2005).

<sup>40</sup>Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story — An Account of the Managed Migration of Mexican Farm Workers in California* (San Jose 1964), 216.

<sup>41</sup>While agreeing with Galarza that *bracero* strikebreaking was important in blocking unionization during this period, Martin argues that the main factors were "a surplus of workers, which made the traditional union weapon of withholding work (strikes) ineffective; inappro-

It is widely accepted that Chavez had little choice but to campaign for the exclusion of *braceros* in the early 1960s as part of his organizing drive. Yet, it is at least conceivable that the changed political climate fostered by the civil rights and other movements in the 1960s might have allowed for a union strategy aimed at organizing farm workers across the *bracero*-domestic divide. By linking the struggle to organize US farm labour with a campaign for full citizenship rights for all immigrant workers — both *braceros* and undocumented migrants — the UFW could have laid a solid basis for a powerful union movement. Such a strategy could have undercut later efforts on the part of the growers to use undocumented Mexican workers as scabs in the 1970s — efforts to which Chavez responded, to his discredit, by cooperating with the Immigration and Naturalization Service [INS] in operations to round up and deport “illegals.”<sup>42</sup>

Chavez’s organizing strategy depended crucially on winning the support of liberal-minded consumers, the Catholic Church and “labour-friendly” (Democratic Party) capitalist politicians, elements unlikely to favour extending citizenship rights to Mexican migrants. To be sure, Chavez’s nativist orientation appeared to work for a time. The elimination of the *Bracero* Program in 1964 helped pave the way for the UFW’s organizing successes later in the decade. But in sacrificing the principle of class solidarity across national lines to avoid offending the political mainstream, Chavez’s policy eventually undermined the union’s position.

What lesson does this hold for Canadian farm labour? Clearly, the SAWP is similar to the *Bracero* program in its essentials, involving the government-managed importation of unfree migrant labour and the creation of a two-tier agricultural labour market. The lesson of California is that to win free collective bargaining and significantly improve living and working conditions for agricultural workers in Canada, *the SAWP must be abolished*. But in taking this stand, the Canadian labour movement must also make clear that it defends the right of migrant farm workers who have come to depend on the SAWP to continued employment in Canada. Indeed, a case can be made that significant *reparations* are owed by the Canadian state to migrant workers for the injustices perpetrated upon them since the 1960s.

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prate leadership and tactics, such as organizing workers via employers or contractors; and confusion among workers as to the source of their low wages.” (Martin, *Promise Unfulfilled*, 66)

<sup>42</sup>Bert Corona, a long-time labour organizer and Chicano nationalist leader, clashed with Chavez over this fundamental issue, as did many on the socialist left. Corona was quoted years later as saying: “I did have an important difference with Cesar. This involved his, and the union’s position, on the need to apprehend and deport undocumented Mexican immigrants who were being used as scabs by the growers ... [I] believed that organizing undocumented farm workers was auxiliary to the union’s efforts to organize the fields. We supported an open immigration policy as far as Mexico was concerned” (qtd. in *Rural Migration News*, April 2001, and reprinted in Martin, *Promise Unfulfilled*, 53). By the late 1990s, the UFW had drawn close to Corona’s position on the issue. See as well Bert Corona, *Memories of Chicano History: The Life and Narrative of Bert Corona* (Berkeley 1994).

In view of these considerations, the Canadian labour movement should advance the demand: *For the abolition of the SAWP and the extension of full citizenship rights to all workers enrolled in it, past and present.* The intent is not to deny trans-migrant workers access to agricultural jobs in Canada but to oppose the state's use of discriminatory guest worker programs to split the labour market to the detriment of Canadian and migrant workers alike. This demand should be part of a general policy of supporting full citizenship rights for all "foreign" workers, regardless of how they arrived in Canada.

Such a policy would resonate powerfully with migrant workers and could serve as a key plank in the drive to organize agricultural labour. Backed by the full power of the trade union movement as a whole, such a drive could unite Canadian and migrant workers in a common struggle against the split labour market and for significant improvements in wages and working conditions in the agricultural sector.<sup>43</sup>

*Lesson Two: Reliance on legislative remedies and consumer sympathy rather than class struggle is a recipe for defeat.*

To a considerable extent, the early success of the UFW in Southern California can be attributed to the spontaneous militancy of Chicano and Filipino farm workers who had a long history of conducting (extra-legal) strikes to win wage increases. The intervention of the Filipino-dominated Agricultural Workers Organizing Committee [AWOC] and of Chavez's National Farm Workers Association [NFWA] in 1965-1966 made it possible for these largely uncoordinated and dispersed strikes to find a common focus around the demand for union recognition. A major breakthrough came in 1966 in Delano with the signing of union contracts by the area's two biggest grape growers, Schenley and DiGiorgio. Key to these victories was militant strike action in the fields, backed by roving pickets to disperse scab labour. Chavez's much-publicized 25-day march on the state legislature in Sacramento in March-April 1966, culminating in a 10,000-strong rally, as well as the UFW's appeal to consumers to boycott non-union grapes, played a supplementary role. The subsequent fusion of AWOC and NFWA into the United Farm Workers Organizing Committee led to affiliation with the AFL-CIO, which made available significant financial assistance to the ongoing organizing drive.

Following the victories over the wine growers, the UFW campaigned for a new consumer boycott of table grapes, one that became famous as *La Causa*. Support from high-profile politicians like Senator Robert Kennedy made the table grape boycott a *cause célèbre* in liberal circles, and this both encouraged and appeared to

<sup>43</sup>This struggle would be spearheaded by domestic agricultural workers and their allies in the Canadian labour movement. To the extent that the organizing drive addresses the migrant labour issue successfully, SAWP-enrolled workers could be brought into the struggle at a later stage.

vindicate Chavez's strategy of appeals to consumers (and even to grocery chain executives!) rather than engaging in militant strike action. Yet, *La Causa* was by no means an unqualified success. Undercut by the Pentagon's purchase of huge quantities of scab produce as well as by non-cooperation from many AFL-CIO affiliates, the boycott lasted *five years*. While the pressure of the consumer boycott eventually forced the growers to sign contracts with the UFW, most of these proved short-lived. Despite its limited effectiveness, Chavez and liberal supporters of the UFW elevated the consumer boycott tactic to the level of a strategy, depicting it as key to the UFW's early successes and downplaying the vital role that strike action by the UFW rank-and-file and cross-union labour solidarity had played.

By 1970 the UFW had organized most of the grape growing industry, signing more than 50,000 dues-paying members, the most ever represented by a farm union in California.<sup>44</sup> In addition to winning higher wages, the UFW had established a union-run hiring hall, a health clinic and health plan, a credit union, a community centre, and a cooperative gas station. The union hiring hall was a particularly significant concession wrung from the growers, as it brought an end to the rampant favouritism of labour contractors whose long-time practice had been to divide the farm workers against one another along ethnic and national lines.<sup>45</sup>

The forward march of UFW organization came to an abrupt halt, however, in the early 1970s. Beginning in 1970 the venal leadership of the Teamsters union under Frank Fitzsimmons signed sweetheart agreements with Salinas Valley lettuce growers to block what appeared to be the imminent victory of the UFW throughout California agriculture. This signalled the start of a grower-Teamster alliance against the UFW that nearly destroyed the Chavez-led union. By 1975, the Teamster bureaucrats, who presented themselves as a conservative alternative to the "militant" UFW, claimed 95 per cent of farm workers' contracts in California.<sup>46</sup>

The battle between the UFW and the Teamsters union was an especially egregious and tragic episode in the history of the US labour movement, and responsibil-

<sup>44</sup>Susan Ferriss and Ricardo Sandoval, *The Fight in the Fields: Cesar Chavez and the Farmworkers Movement* (San Diego 1997).

<sup>45</sup>The hiring regime sanctioned by the SAW Program in Canada has parallels with the labour contracting system in California. Union control of hiring would be an important element in advancing the interests of the Ontario agricultural labour force as a whole.

<sup>46</sup>In the fight with the grower-Teamster alliance in lettuce, Chavez relied on the consumer boycott tactic once again, but it was largely ineffective. Martin notes that "the Teamsters wound up representing 70 percent of California lettuce workers and the UFW 15 percent." (*Promise Unfulfilled*, 70) Despite this setback, the UFW held its own and even extended its base in other sectors of California agriculture over the next couple of years, reaching a "high-water mark in March 1973 when it claimed sixty-seven thousand members and 180 contracts covering forty thousand farm jobs," although some UFW members "were employed only a few weeks under UFW contracts." (70) In 1973, most table grape growers switched to the Teamsters with the expiry of the UFW's 1970-1973 contracts. By the end of the year, the UFW was left with twelve contracts while the Teamsters had 305.



ity for it rests squarely with the Fitzsimmons leadership of the Teamsters. To protect its contracts and dues base, the Teamster bureaucracy worked closely with the growers and the police to intimidate an agricultural labour force that looked overwhelmingly to the UFW for representation, frequently deploying thugs to disperse UFW pickets.<sup>47</sup>

As reprehensible as the Teamster bureaucracy's actions were, the response of the Chavez leadership to this attempted union busting was itself a departure from the best traditions of the labour movement. By the early 1970s, Chavez was relying increasingly on the consumer boycott "strategy," the success of which, he believed, depended on the UFW's ability to present itself as both a union and a "civil rights movement" committed to moral suasion and "turn-the-other-cheek" Christian pacifism. Chavez called on "friends of labour" Democrats to pass legislation to guarantee free elections for union representation in the agricultural sector. Rather than calling for militant strike action, mass picketing, self-defence by UFW pickets, and hot-cargoing of scab produce, Chavez appealed to the federal government to investigate Teamster corruption and launched court actions against the union. Objectively, this targeted not only the corrupt officials but also rank-and-file Teamsters, despite indications that a direct appeal to the latter for solidarity action could have struck a receptive chord and catalyzed opposition to the Fitzsimmons leadership from within.<sup>48</sup> At the same time, Chavez persisted in his antagonistic attitude toward "illegal" Mexican workers — supporting the anti-"wetback" Rodino-Kennedy Bill and cooperating with the INS border patrol in 1974-1975. During the UFW's strike against grape and lettuce growers in 1973, he reacted to the killing of two strikers and other violent attacks by police and Teamster thugs by calling off the strike in favour of yet another consumer boycott.

The dividend reaped by this pacifist-legalist policy was California's Agricultural Labor Relations Act [ALRA], signed by California governor Jerry Brown in 1975. While making it easier for the UFW to turn back the Teamster-grower offensive, the legislation also imposed legal restrictions on union activity in the agricul-

<sup>47</sup>The attitude of the Teamster bureaucrats toward the UFW was captured in a newspaper interview with Einar Mohn, a West Coast Teamster official: "I'm not sure how effective a union can be when it is composed of Mexican-Americans and Mexican nationals with temporary visas. Maybe as agriculture becomes more sophisticated, more mechanized, with fewer transients, fewer green carders, and as jobs become more attractive to whites, then we can build a union that can have structure ... and have membership participation." (*Los Angeles Times*, 28 April 1973) According to a contemporary account in a revolutionary socialist publication: "Teamster bureaucrats are using hired professional thugs largely recruited from motorcycle gangs, paid \$67 a day and armed with clubs and chains to beat pickets and force workers to stay in the fields." (*Workers Vanguard*, 22 June 1973)

<sup>48</sup>In our view court suits by one union against another are anathema to the fundamental principles of labour solidarity, which include opposition to any and all intervention by the capitalist state in the internal affairs of the labour movement.

tural sector that were to hamstring the UFW in the years to come. The victory that Chavez proclaimed in 1975 looked largely hollow by 1979.<sup>49</sup>

The ALRA was the product of a compromise between the UFW, the Teamsters-growers alliance, and Governor Brown. It provided for union representation elections supervised by a five-member Agricultural Labor Relations Board [ALRB] appointed by the governor while also banning strikes to win bargaining representation. While sanctioning harvest-time strikes as part of the collective bargaining process, it also prohibited the union from appealing to workers in other unions to refuse to handle scab goods (hot-cargoing and “hard” secondary boycotts). The Act recognized the principle of industrial unionism by stipulating that all agricultural employees in any given farm establishment had to be organized into a single union, irrespective of craft or skill distinctions, and recognized the right of the union to organize consumer boycotts against scab produce (so long as it had not lost a representation election at the farm operation being targeted).

The ALRB-supervised elections in 1975 were won resoundingly by the UFW. In 1977, Chavez and Fitzsimmons signed a five-year agreement recognizing UFW jurisdiction over field workers while reaffirming long-standing Teamster jurisdiction of cannery, food-processing, and produce-trucking workers. Before long, the Chavez leadership’s cautious tactics and its strict adherence to every restriction imposed by the ALRA emboldened the growers to resume their offensive. The ALRB was at first rendered dysfunctional by a multitude of “unfair labour practices” grievances (provoked by the growers) as well as by legal wrangling surrounding the interpretation of the ALRA. The board was subsequently transformed into an undisguised agency of the growers’ interests as conservative appointees replaced liberals under the Republican administration of Governor George Deukmejian.

During the 1980s, a period of generalized labour retreat and decline in the US, the UFW’s ranks were decimated. When Cesar Chavez died in 1993, UFW contracts covered a mere 5,000 workers. Although it has made a partial comeback over the past decade, it remains a shadow of the union that burst on the scene in the mid-1960s and rapidly organized almost 70,000 farm workers — *at a time when these workers enjoyed no legislatively sanctioned right to unionize or to strike.*

Various factors can be adduced to explain the UFW’s decline: unfriendly Republican-appointed ALRB members; the rising tide of undocumented workers from Mexico; and the declining clout of organized labour in the US in a deeply reactionary political climate. Yet the UFW’s decline was not simply the result of an accumulation of unfavourable external factors but also a product of a *strategic orientation* to turn away from direct, militant strike action and to rely instead on the good will of consumers and supposedly pro-labour legislators.

<sup>49</sup>By the mid-1980s, Chavez was himself calling the ALRA/ALRB an obstacle to farm worker organization. “The UFW, described as ‘one of the biggest contributors to Democratic legislative election campaigns’ in 1986, asked that the ALRB be defunded.” (Martin, *Promise Unfulfilled*, 172)



Canada has yet to witness any farm worker mobilization or organizing drive remotely comparable to what occurred in the fields and orchards of California in the 1960s. This is perhaps why the NDP's short-lived Ontario Agricultural Labour Relations Act was such a pale imitation of its California namesake. Where Jerry Brown's ALRA recognized the right to strike at harvest time, Bob Rae's ALRA forbade all strikes and provided only for mediation or binding arbitration. Yet the California ALRA hardly secured the position of the UFW. The lesson is hard to miss: for Canadian unionists to pursue a strategy of pressuring governments to pass pro-labour legislation is to abdicate the fight for farm workers' rights before it even really begins.

*Lesson Three: Militant action and labour solidarity are key to long-term gains.*

Contrary to the mythology and iconography surrounding Cesar Chavez, the early successes of the UFW were due to the determined militancy of its rank-and-file to forge a union capable of winning major concessions from the farm bosses. Chavez's organizing skills and political perspective were much better suited to fashioning a union bureaucracy, albeit one adept at moralistic appeals to its membership and to a liberal-minded public, than to leading militant workers' struggles. In effect, Chavez rode a rising tide of worker militancy during a favourable political conjuncture for "social movement unionism" in the 1960s, only to channel it into the dead end of consumer boycotts, pro-Democratic Party politics, and nativist chauvinism towards immigrants by the 1970s.

The militant direct action carried out by rank-and-file UFW activists in the early organizing strikes of the 1960s belongs to the best traditions of industrial union organization in North America. They recall the examples of labour militancy that made possible the victory of the Teamster strikes in Minneapolis, the Auto-Lite strike in Toledo, the UAW sit-in strikes in Flint, the ILA-led general strike in San Francisco and numerous other class battles that laid the foundation for the Congress of Industrial Organizations [CIO] in the 1930s and 1940s.<sup>50</sup> What many of these historic battles had in common was a leadership that was prepared to transgress the boundaries of legality, to arm the workers for self-defence, to call upon support from other unions in the form of secondary boycotts and respect for picket lines, and, above all, to refuse to subordinate workers' struggles to a policy of collabora-

<sup>50</sup>See Art Preis, *Labor's Giant Step — Twenty Years of the CIO* (New York 1972) and Irving Bernstein, *Turbulent Years 1933-1941* (Boston 1969). See also Farrell Dobbs, *Teamster Rebellion* (New York 1972) and *Teamster Power* (New York 1973), as well as Sol Dollinger and Genora Johnson Dollinger, *Not Automatic: Women and the Left in the Forging of the Auto Workers Union* (New York 2000) and Chris Knox, "Revolutionary Work in the American Labor Movement: 1920s to 1950s," in Leon Trotsky, *The Transitional Program*, ed. International Bolshevik Tendency (London 1998). For the Canadian experience, see Palmer, *Working-Class Experience*.

tion with the employers or with capital's political representatives, whether liberal or conservative.

The UFW experience, however, contains a precious and unique lesson that is more directly germane to the labour struggles of the 21st century than it was to any of the historic fights for industrial unionism in the manufacturing, mining and transportation sectors: *The principle of labour solidarity is one that must be fought for not only across craft or occupational or industrial lines, but across national lines as well.* In a context of increasing economic globalization, in which capital is already highly mobile and transnational in its reach and in which labour is increasingly so, organized labour must champion the rights of all workers, regardless of their nationality, and counter the unrelenting capitalist drive to divide them on the basis of "citizenship."

#### IV. Conclusion: The Capitalist Offensive and the Future of Unionism

In a recent study of the implications of legal and political contexts for union organizing strategies in the US, Tamara Kay has argued that there is little evidence to support the view that union strategies centred on reform of labour laws are effective in bringing about significant pro-labour social change. Citing the influential work of Gerald Rosenberg, Kay writes: "Litigation, even liberal litigation, is largely useless as a method of pursuing social reform, for not only does it produce few if any results, it also saps movements of resources and obscures other, more effective strategies."<sup>51</sup> Kay's analysis of the experience of two unions, the UFW and the UNITE garment workers' union, led her to conclude that "[for] labor activists, the law does matter ... but it matters more as a constraint than as a resource."

Arguably, the Kay-Rosenberg thesis may be less germane to Canada than it is to the United States given the different situations confronting organized labour in the two countries. Clearly, the Canadian labour movement has not been subjected over the past decades to the magnitude of defeat (as reflected in declining union density) that has been inflicted on US trade unionism. Further, the labour movement has a political arm in Canada, the NDP, whose existence has made a difference for Canadian workers by fostering a political climate less hospitable to open union busting by capital and the state.

Even so, the (relative) success of Canadian labour in defending past gains is a warrant neither for complacency nor for illusions that legal action and legislative reform offer a promising road forward for the labour movement. Canadian unionism is in slow decline and has suffered significant defeats in recent years, not least in the realm of labour law.<sup>52</sup> For this situation to be reversed and for the labour

<sup>51</sup>Tamara Kay, "Bypassing the State: The Effects of Legal and Political Contexts on Union Organizing Strategies," paper presented to the Department of Sociology, Berkeley, 1998. See also Gerald Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (Chicago 1991).

<sup>52</sup>For a comprehensive analysis, see Panitch and Swartz, *From Consent to Coercion*.

movement to take the offensive through the organization of new sectors of the labour force (such as agricultural, retail and service sector workers), the gradualist, social-democratic vision that has long been hegemonic within the Canadian labour movement will need to be superseded in favour of more militant policies and tactics. This is not to say that court actions and legislative lobbying should be entirely abandoned; but an effective, forward-looking policy must *subordinate* such methods to a strategy centred on the mobilization of labour's ranks in direct mass action, up to and including general strike action.

Such a reorientation will depend upon the assimilation by ordinary workers of the crucial lessons of organized labour's history. But it will also require an adequate understanding of the structural roots of capital's current offensive against labour and the systemic obstacles to pro-labour reform. In this connection, the farm labour question throws into sharp relief many of the principal strategies that have been and continue to be employed by capital and the state to overcome the economic malaise and associated profitability crisis that has afflicted the Canadian economy for much of the past three decades. These strategies centre on increasing the rate of exploitation through measures that maximize *absolute surplus value*: intensifying the labour process; lengthening the working day; reducing the value of labour power by driving down real wages; and weakening the capacity of workers to resist intensified exploitation through an assault on trade union rights and freedoms.<sup>53</sup> The deliberate fostering of a split agricultural labour market in Ontario through the SAWP unmistakably serves this neo-liberal strategy. At the same time, the SAWP may also be seen as a harbinger of how capital and the state will seek to address labour shortages in specific sectors through "managed migration" and the super-exploitation of foreign workers. As such, it poses a critical challenge to the organized labour movement as well as to activists broadly concerned with issues of immigration, race, and citizenship.

### *Toward a Class-Struggle Program*

An adequate response by the labour movement and its allies to the capitalist offensive will require a fundamental strategic reorientation. The following points constitute a partial programmatic distillation of the lessons of labour history sketched in

<sup>53</sup>Such measures for increasing "absolute surplus value" differ from "relative surplus value" methods that involve displacing living labour from production through technological innovation, thereby producing what Marx called a rising "organic composition of capital" and a downward pressure on the average rate of profit. See Murray E.G. Smith and K.W. Taylor, "Profitability Crisis and the Erosion of Popular Prosperity: The Canadian Economy, 1947-1991," *Studies in Political Economy*, 49 (Spring 1996), 101-130. It should be noted that one of the effects of the SAWP is to encourage continued reliance on back-breaking human labour and therefore to discourage investment in labour-saving innovation in the agricultural sector.

this article and constitute, we think, the necessary starting point for an effective counter-offensive:

- Opposition to existing and proposed guest worker programs.
- Championing full citizenship rights for all immigrant workers in Canada, regardless of the circumstances of their arrival.
- Opposition to the deportation of foreign-born workers, particularly those targeted for their political and labour-organizing activities.
- A campaign of reparations for workers enrolled in SAWP and other guest worker programs, past and present. Workers formerly enrolled in guest worker programs in Canada should also be extended citizenship rights.
- Organizing the unorganized. The Canadian labour movement must uphold the right of all workers employed in Canada to organize themselves into unions and to withhold their labour power in the pursuit of their demands, notwithstanding legislative prohibitions.
- Labour solidarity across craft, industrial, national, ethnic, racial, and gender divides must be vigorously championed, including the organization of secondary boycotts (refusal to handle struck goods) and general strike action, notwithstanding legislative prohibitions.
- Self-defense against anti-labour attacks organized by capital and the state.
- No reliance on the political parties of the capitalist class or the agencies of the capitalist state (including its judicial and legislative branches).
- A policy of extending support only to candidates for office who champion the interests of labour and the oppressed, and of seeking to build a mass workers' party to advance those interests.

By themselves, these points form an insufficient basis for transforming the trade union movement into an agency of fundamental social change, but they do adumbrate a strategic orientation that could significantly strengthen organized labour's position in relation to the farm labour issue and beyond.

### *Beyond Social Unionism and Bureaucratic Conservatism*

In the 1980s and 1990s, social unionism was very much about forging defensive alliances with "sectors" (women, minorities, the poor) that were being targeted along with the labour movement by neo-liberal and neo-conservative governments. It was decidedly not about unleashing the power of the labour movement to challenge a social system that was manifestly in crisis. More recently, however, social unionism has also come to mean participating in collaborative projects with other unions, community organizations, and advocacy groups with a view to refurbishing the image of organized labour and shoring up or extending its base. This was precisely the import of the participation of such traditional business unions as the UFCW in the Global Justice Care Van Project of the UFWA. The union bureaucracy, having recognized the impotence of the old formula of "business unionism plus the NDP," is hopeful that the inclusion of a third element — movement unionism — will stem the decline of organized labour.

Like Cesar Chavez, the trade union leadership in Canada has little appetite for direct strike action or worker militancy. Even as it defends its conciliatory policies by pointing to structural changes that have allegedly undercut labour's capacity to fight back against capital in a new era of corporate globalization, the labour bureaucracy fails to pursue a militant organizing drive even in those sectors of the economy, like agriculture or retail (Walmart), where capital is least able to credibly play its "global relocation" card. The strategy of the OFL, the UFCW, and the UFWA in relation to farm labour in Ontario is, of course, in no sense determined by the political economy of globalization. Rather, it is dictated by bureaucratic conservatism and fearfulness of mobilizing the full power of organized labour in defiance of the capitalist state and its laws.<sup>54</sup>

The question is thus posed: what are the prospects for a fundamental, class-struggle reorientation of the Canadian labour movement, one emanating not from its existing leadership but from its rank-and-file? In this connection, Smith has argued:

[In] presiding over the decline of the very movement that provides its material basis, the trade union bureaucracy is undermining itself as well, and inviting the emergence of militant alternative leaderships that, consciously or unconsciously, will put the interests of working people ahead of respect for the economic, political, and juridical framework of capitalist society. It was the presence of such a breed of new labour leaders — typically socialists, Communists, and Trotskyists — during the labour upsurge of the 1930s and 1940s that ensured the success of North American industrial unionism and that forced even some of the more politically conservative union leaders to strike a militant pose. It remains to be seen if history will repeat itself in this respect.<sup>55</sup>

However, a repetition much less a positive surpassing of this historical experience will not result from an accumulation of defeats by the labour movement, nor from the deepening material privation of the working class and its (existing and potential) allies. The intervention of organized socialist forces seeking to forge what Gramsci called a "collective will" — the *subjective factor* in the struggle for real social change — will be indispensable to this process. One of the key tasks of such forces today must be the articulation of a satisfactory programmatic and strategic foundation for the development of a truly counter-hegemonic opposition within the organized labour movement.

<sup>54</sup>Bryan Palmer correctly notes that "no successful struggle against capital and the state on our home ground, let alone internationally, can be successful with the working class inhibited by a leadership fearful to lead and antagonistic to the one force that has historically insured humanity's advance: civil disobedience." Quoted from "What's Law Got to Do with It? Historical Considerations on Class Struggle, Boundaries of Constraint, and Capitalist Authority," *Osgoode Hall Law Journal*, 41 (Summer/Fall 2003), 489-490.

<sup>55</sup>Judith Blackwell, Murray E.G. Smith, and John Sorenson, *Culture of Prejudice* (Peterborough 2003), 301.

Elements of such a counter-hegemonic project have been sketched by leftist intellectuals in a number of recent works on the labour movement. What is disappointing about so many of these contributions, however, is the assumption that the problems confronting the movement can be addressed by combining a marginally more left-wing version of the prevailing reformist perspective with some organizational innovations. Panitch and Swartz, for example, rightly reject the “progressive competitiveness” strategy espoused by many Canadian labour leaders, pointing out its corporatist and formally class-collaborationist implications. However, instead of calling for an explicitly class-struggle socialist program, they recommend a campaign by labour for “democratic capital controls” and a restructuring of unions to encourage greater rank-and-file democracy, coalition-building, and international solidarity. In a similar vein, Dan Clawson argues that, historically, the union movement has grown through large leaps rather than gradually and that the next leap must involve a stronger and more positive orientation on the part of organized labour toward the new social movements.<sup>56</sup>

The thrust of these proposals is toward a more democratic, internationalist, and cross-sectoral “movement unionism,” all of which, in general terms, is unobjectionable and necessary. Yet, as we think is indicated by the experience of farm workers in Ontario and the UFW’s record in California, such a refurbished social (movement) unionism is unlikely to gain much traction unless it has the perspective of mobilizing the working class to “stop the productive forces of advanced capitalist society in their tracks” as an essential component of the struggle to “transform social relations.”<sup>57</sup> Such a perspective will require, sooner rather than later, the compass of a class-struggle and internationalist socialist program — one that is not only attentive to the new conditions, opportunities, and challenges confronting organized labour, but has also assimilated fully the political, strategic, and tactical lessons of labour’s past.

*Our thanks to Bryan Palmer and the reviewers at Labour/Le Travail for their many valuable suggestions. Thanks are also due to Tom Reid, Howard Keylor, and Karen Hofman for their helpful input. All remaining weaknesses are the responsibility of the authors alone.*

<sup>56</sup>See Panitch and Swartz, *From Consent to Coercion*, 223-242, and Clawson, *The Next Up-surge*.

<sup>57</sup>Palmer, *Working-Class Experience*, 415.





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