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# Leah Vosko, *Disrupting Deportability: Transnational Workers Organize* (Ithaca and London: Cornell University Press 2019)

Manuel Salamanca Cardona

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## REVIEWS / COMPTES RENDUS

**Leah Vosko, *Disrupting Deportability: Transnational Workers Organize* (Ithaca and London: Cornell University Press 2019)**

LEAH VOSKO'S *Disrupting Deportability* focuses on two legal defence experiences of Seasonal Agricultural Work Program (SAWP) workers by the United Food and Commercial Workers (UFCW) Local 1518 in British Columbia (BC). It addresses how two Collective Bargaining Units (CBUs) made legal moves to certify and maintain their operations within two agricultural enterprises: Sidhu and Floralia. Although the book does not give a detailed description of the organizing process leading to the CBU creation (outreach and organizing strategies with migrant workers), readers engaged to activism and mobilizing will find that the description of these two experiences widens the possibilities of foreign workers' rights advocacy through political and legal responses. The book also offers new knowledge regarding systemic barriers workers from the SAWP face to assert their labour rights even though they have a collective agreement (CA).

Vosko's analysis centers on the concept of "deportability," understood as the workers' migrant condition which broadens employers' ability to prevent unionizing or weaken established CBU. Vosko identifies three modalities which emerge from workers' deportability: termination without just cause, blacklisting, and attrition. In addition, the author portrays the legal and organizational complexity

surrounding these practices, enriching the discussion on deportability and creating a critical view upon the whole system of migration of the SAWP, not just on the closed work permit of these workers. It also calls attention to the limited scope of union defence for foreign workers due to the legal and regulatory constraints coming from BC labour code and the SAWP regulatory regime. This last theme enriches questions around unions and their poor results when defending migrant rights. Then unions limitations may not be attributed only to their bureaucracy or short views of organizing foreign workers (i.e., their migratory status defining them as "unorganizable" [Voss, K. et Sherman, R. (2000) "Organize or Die: Labor's New Tactics and Immigrant Workers." in: *Organizing Immigrants: The Challenge for Unions in Contemporary California*. Ruth Milkman, ed. Ithaca, N.Y.: Cornell University Press.]), but also to the transnational frames which socially and politically oppress migrant labour in Canada.

The book is divided into four chapters and a conclusion. The first chapter presents the global policy approach known as "migration management," its history, development, and trends in the case of Canada's SAWP. The analysis contributes to understanding deportability within temporary work programs, specifically the SAWP. This section also points to the need of moving from studies focused solely on migrant workers' experiences of deportability, and focusing also on "the actions (and interactions) of actors and institutions, including consular officials,

officials inside sending states responsible for implementing labour and immigration” (35). It describes the administrative processes and procedures that allow employers to develop anti-union practices based on workers deportability.

The second chapter chronicles Local 1518’s legal battle through BC’s Labour Relations Board (LRB) to achieve the certification of the collective bargaining unit at Sidhu, a horticultural nursery. It describes the arguments proving the need of a CA with protections against termination without just cause. It also shows other gains enhancing the protections set out in the SAWP agreement between Canada and Mexico. In spite of these victories, the author proves employers still have an exceptional power to circumvent protective measures set in a CA. The concluding section parallels other studies: current institutionalized local mechanisms for protections are not enough to overcome migrant status constraints for exerting their rights effectively in Canada (Choudry, A. and Smith, A. [2016]. *Unfree Labour? Struggles of Migrant and Immigrant Workers in Canada*. Oakland: pm Press.). Ultimately, this segment shows that protective dispositions provided by a CA are always constrained, given the transnational “paramountcy” (53) of the TFWP upon labour protections and workers’ rights.

Chapter 3 is especially interesting and novel. It documents the proactive role of Mexican State officials blacklisting workers in conjunction with employers. Blacklisting prevents pro-union workers from returning the next work season. The author demonstrates how the entire SAWP structure and its operative agents (employers, staff of the receiving state and especially staff of the sending state) institutionalize these procedures. These practices still work even with a CA demanding circularity of the recruitment of workers based on seniority. This

section also states that the BC labour code’s ability to address the transnational character of the SAWP is extremely limited; it cannot be applied to foreign officials (embassy, consulates and ministry personnel from Mexico) who resort to blacklisting actions. As this chapter is especially interesting, an expanded discussion in chapter 2 about mixed private and public actors, other than Canadian employers involved in migration processes (Rodriguez, R. M. [2010]. *Migrants for export: How the Philippine state brokers labour to the world*. Minneapolis: University of Minnesota Press.), would have heled complement it.

Chapter 4 describes the efforts of Local 1518 to keep the Sidhu and Floralia CBUS functioning despite employers’ ploys to undermine their stability and thus lead to their decertification. It reveals several practices undermining bargaining units (such as using other Temporary Worker Programs to reduce membership, manipulating the calling process for next year, and using employees from a non-unionized farm). The author categorizes these practices under the term attrition because they diminish the power and ability of the CBUS to defend their members despite CA provisions indicating that the seniority of employees for the re-call must be respected. However, the voices of workers are missing from this chapter. This is the moment where the perspectives of foreign workers on belonging to a Canadian union could have been explored and analyzed. Their narratives would have been very useful for unions to widen their reflection of their own role defending migrant workers.

Based on empirical analysis, the conclusion contains recommendations for enhancing protections and collective representation of SAWP workers. The author suggests that new stipulations in the Memorandum of Understanding (MOU) and within the binational agreements

could mitigate termination without just cause; for example, assuring that complaint mechanisms can be triggered every time a SAWP employee is fired. Other measures entail institutionalizing safeguards for the re-call of workers based on seniority, such as making public the calls, the LMIA results, and the employer's evaluation of the worker. However, limiting the employers' resort to other poorly regulated TFWPs and the activation of the worker's readmission in case of unjustified terminations are also important measures. Finally, intergovernmental agreements must ensure the adherence of all the involved parties to the labour law and labour protections of the host state. These recommendations align with other studies that suggest that in some cases, intervention into transnational agreements and MOUs could be defined in ways other than simply unionizing to successfully defend migrant workers' rights (Hanley, et al. 2020). Protecting the rights of migrant farmworkers in Quebec: To what extent can unionization overcome the effects of precarious immigration status? *The Journal of Rural and Community Development*, 15(2), Rural Development Institute, Brandon University.).

Vosko's book is highly informative and innovative. It contains rich veins of reflection about the meaning of precarious migration status, the scope and limitations of Canadian unions defending migrant workers, and the institutional set-up operating upon this unfree labour. But mainly, it provides new directions for the analysis and actions to defend migrant workers' rights in Canada.

MANUEL SALAMANCA CARDONA  
McGill University

**Eric Tucker and Judy Fudge, eds., *The Class Politics of Law: Essays Inspired by Harry Glasbeek* (Halifax and Winnipeg: Fernwood Publishing 2019)**

THROUGHOUT HIS CAREER, Harry Glasbeek has focused on issues of class and the law, from his early writings on the flaws of tort law and advocacy for no-fault liability insurance, to his recent publications, *Capitalism: A Crime Story* (2018) and *Class Privilege: How the Law Shelters Shareholders and Coddles Capitalism* (2017). These take a larger view of the flaws of capitalism as upheld by the law and are the inspiration for this collection of essays. Compiled by Judy Fudge and Eric Tucker, the eleven wide-ranging essays in *The Class Politics of Law* embody Glasbeek's broad interest in legal and legislative reform and fundamental questions of economic justice under capitalism. Glasbeek's interests and key passages from his writings are presented in the introduction by Tucker and Fudge, and further biographical detail is provided in the afterword by Ron McCallum. These bookends provide the structure that unites this collection and highlight key themes from Glasbeek's own work that run through many of the essays.

While the book is not divided into sections, the thought that has gone into placement allows certain themes to develop organically. Non-biographical chapters fall into two broad categories. First, the authors explore the use of law as a tool of reform to address specific problems in the style of Glasbeek's early writing. Second, more theoretical chapters use Glasbeek's class-based approach to the law as a way to envision its revolutionary potential and address corporate criminality.

Of the first group, Neil Brooks discusses potential reforms to the tax system to address the increasingly corrosive effects