

CCPA-MB

FAST FACTS



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Where's the Justice for Agricultural Workers?

Why are agricultural workers in Manitoba (and workers in the fish and fur industries, for that matter) treated as second-class citizens?

In contrast with other workers, those in the agricultural sector have little protection under legislation that protects and benefits workers in other sectors of the economy. They can form unions and they are covered by (or at least not excluded from) workplace health and safety legislation. However, they are not covered by:

- Workers' Compensation, although employers of agricultural workers can voluntarily seek coverage;
- Minimum Wage Legislation; and
- Employment Standards Legislation, except for maternity and parental leaves, and the equal pay for equal work and payment of wages provisions.

Moreover, workers employed in the construction of farm buildings by the building owners are excluded from coverage under the Construction Industry Wages Act.

Manitoba's situation is not unique. Agricultural work-

ers in other provinces are treated as second-class citizens. People who work in the employment standards fields in western Canada will tell you that the two worst industries to deal with are agriculture and construction in the agricultural sector.

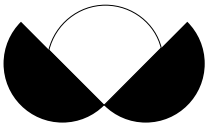
Construction is covered when done by a private contractor. However, it is far too easy for the owners of corporate farms to devise arrangements that subvert the legislation, such as hiring a project manager on their payroll and then having all the accounts laundered through the farm's books.

We were told that "the construction part of the sector is bad, terrible compared to most other sectors. But it's still better than agriculture proper, where workers have virtually no protection at all."

The exemptions in agriculture may have made political sense in western Canada 50 years ago

when agriculture was the dominant sector of the economy and the bulk of farm producers were direct producers seeking to generate a modest standard of living for family members. Whatever sense it made then has long since dissipated

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with the conversion of much of the agricultural sector into corporate farming. This is especially true of intensive live-stock operations and in particular hog barn operations, where the main players are corporations seeking to maximize profits.

In recent years, agricultural workers and their organizations mobilized to try to change this outrageous situation and establish the same standards and rights for agricultural workers as exist in others sectors of the economy. The Grain Services Union in Saskatchewan, for example, has had some modest successes in organizing workers in hog factories. That union is also leading a campaign to have employment standards extended to workers in hog barns. The Saskatchewan government recently announced that it was prepared to move ahead with legislation to include hog factories under the legislation (although it is still consulting with hog barn operators on precisely what form such coverage should take). The United Food and Commercial Workers in Ontario initiated a court challenge to legislation outlawing unions in the agriculture sector enacted by the Harris government in Ontario in 1995. In January, 2002 the Supreme Court ruled that the Ontario legislation contravened the *Charter of Rights and Freedoms*.

Even the sometimes modest changes that are happening in other provinces compare favorably with the lack of progress being made in Manitoba.

The Principles of the NDP?

The issue has been debated at the last three NDP conventions. In general, the resolutions related to this issue have stressed that the exclusion of agricultural workers from coverage under employment standards and other legislation is contrary to the philosophy and principles of the NDP and called on the government to rectify the situation.

Even still, the government has studiously avoided addressing this matter. Indeed, in December 2001 the Minimum Wage Board recommended that minimum wage coverage be extended to agricultural workers, but the recommendation was ignored by the Minister.

Thus the government passed up an excellent opportunity to revise a part of Manitoba's labour legislation that belongs more in the nineteenth century than it does in the twenty-first. This leads us to wonder, what's the problem?

When government Ministers (mainly Labour and Agriculture) are asked when action regarding agriculture workers can be expected, they typically reply that the matter is being studied/reviewed/analyzed. We would submit that there have been enough studies, reviews, etc. In the hog sec-

tor alone, hog production has more than doubled from 2.6 million hogs in 1994 to 5.8 million hogs in 2001. According to Manitoba Pork, employment in hog barns is estimated at between 2,500 and 3,400. Given the growth in demand for hogs in North America and in Manitoba, where the Maple Leaf plant in Brandon will process 90,000 hogs a week when it goes to a second shift in 2003, hog production and employment in hog barns will almost certainly continue to grow. This pattern of development, while less pronounced, is evident throughout the agricultural sector.

It is time for the government to quit stalling and take the action necessary to rectify the second-class status of agricultural workers. The government must include them under the same labour legislation that applies to other workers in the economy.

— *Errol Black and Lisa Shaw*

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Related Reading

Large-Scale Hog Production and Processing: Concerns for Manitobans. Commissioners' Report on the Citizens' Hearings on Hog Production and the Environment, Brandon, Manitoba, October, 1999. CCPA-MB, May 2000. (Available online at www.policyalternatives.ca)

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