

**THE REGULATORY EXCLUSION OF AGRICULTURAL  
WORKERS IN ALBERTA**

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## **SOCIAL MOVEMENT THEORY**

**This study seeks to identify the political opportunities and constraints facing those seeking basic statutory employment rights for waged agricultural workers. The opportunity structure facing social movements is one of three sets of factors typically of interest to scholars examining social movements, the other two factors being mobilizing structures (i.e., informal and formal means by**

farmers and agribusiness as key players. In addition, the federal and provincial governments affect agricultural employment through immigration and trade policy, agricultural subsidies and regulating the employment relationship. Labour groups represent both agricultural and other workers and seek to alter the legislative framework of employment. Finally, non-agricultural workers and employers may have an interest in the affect of employment regulation in agriculture because it may affect food prices.

When discussing statutory employment rights, it is important to be mindful that, while these rights provide workers with benefits they do not have under the common law, these rights also reinforce the capital accumulation process and legitimize the existing social structure. They do this in part by channeling conflict into dispute-resolution mechanisms that are highly legalistic and where outcomes are highly individualized, thereby absorbing workers'





employment statutes such as workers' compensation (on the basis of the cost it would entail to farmers) and for wage regulation and a larger worker pool during the First World War (Thompson, 1978). Farm workers were excluded from the ambit of Alberta's 1917 Factory Act and the 1922 Minimum Wage Board Act (Leadbeater, 1984). Farmers also colluded with one another (including one effort in 1920 under the auspices of the United Farmers of Alberta) and with provincial labour offices to set wages (Thompson, 1978). Thompson (1978) also notes that farmers were provided government manuals that encouraged farmers to withhold wage payments until the end of the harvest while the railways provided translations of stall tactics into eight languages. This allowed the farmer to alter the wage-rate bargain after the work had been completed. The time pressure of the harvest work to the farmer was a significant factor.

workers. Yet, cooperation existed, including coordinated provincial and federal voting in Calgary, Drumheller and Medicine Hat (Finkel, 1985). As time went on, the UFA government demonstrated little sympathy with the concerns of labour in general, sanctioning enthusiastic police intervention in a 1932 hunger march in Edmonton and banning demonstrations in the Crow's Nest Pass to dampen union activity among coal miners (Caragata, 1982).

There was little evidence of sustained or widespread collective action among waged agricultural workers during this time. Unionization among beet workers was suppressed and a 1928 move to collective action (caused by the



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I know that if the producers, in their wisdom not ours, were to come forward in a majority view to the minister of agriculture, he would bring that forward to this table. He represents them extraordinarily well. But I must inform the hon. member, being a part of the agricultural community myself, that they are very independent thinkers, and they like to make their decisions and ask us to carry out policy they believe is in their best interest (McClellan, 2006).

It is interesting to note that Alberta politicians identify farmers (instead of agribusiness) as the key source of pressure to exclude workers from statutory protection. This requires some consideration of how the interests of farmers, government and agribusiness are politically and economically intertwined in a way that results in the subordination of agricultural workers' interests. At the core of this seems to be federal and provincial policy designed to ensure adequate and cheap food supplies exist, via the exclusion of waged agricultural workers from statutory employment rights and maintaining the availability of migrant workers. For example, in 2005, Canadian's spent 9.3% of their disposable income on food and beverages, much less than in other western countries and down from 19.1% in 1961 (Shields, 1992; Canada, 2009). This policy requires farmers to adopt a low-wage strategy to manage the cost-price squeeze created by capital determining input and product prices. In this way, the state subsidizes







Further, the cheap food policy (including trade harmonization agreements) is actually a source of the financial pressure on farms and the government provides significant subsidies to the agricultural industry to maintain this policy. Consider, for example, the \$460 million in federal and provincial financial assistance provided to ranchers during the Bovine Spongiform Encephalopathy (BSE) outbreak of 2003. This event was triggered by producers engaging in feed practices known to transmit the disease in order to minimize their costs (and failing to insure themselves against this outcome), behaviour encouraged by market pressures exacerbated by a cheap food policy, including trade harmonization agreements.

### PROSPECTS FOR CHANGE

Despite the hostile opportunity structure suggested by this initial examination, there are some trends auguring in favour of statutory inclusion. Following Ontario's 2006 inclusion of agricultural workers under occupational health and safety legislation, Alberta is now the sole province to deny agricultural workers basic statutory rights such as being informed of work-related dangers and the able to refuse unsafe work. This inequity may be useful as a rallying point for farm worker advocates. A 2008 judicial inquiry (Alberta, 2008c) into the death of farm worker Kevan Chandler saw the judge in the case recommended the application of occupational health and safety legislation to waged agricultural workers, noting that no party adduced evidence that provided a "...logical explanation... as to why paid employees on a farm are not covered by the same workplace legislation as non-farm employees" (p.6). The government has yet to outline any changes it is considering.

The value of health and safety as a opportunity to  
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to exploitation by agribusiness) may obscure the role farmers play (as the employer) in this dynamic and even unintentionally bolstering the agrarian myth.

## CONCLUSION

Analysis of the exclusion of waged agricultural workers from Alberta's statutory framework governing employment relationships identifies the intertwining interests of government, farmers and capital as barriers to altering this arrangement. The interplay of these interests creates a dynamic that makes continued statutory exclusion a desirable policy for these stakeholders. Agricultural workers have historically had no meaningful access to provincial policy making and also lack powerful allies who might assist them in seeking statutory inclusion. Further, agricultural workers face a provincial government known for repressing labour groups and that routinely dismisses demands for statutory protection via issue substitution.

It is unclear the degree to which external events can alter this opportunity structure. Trade unions may be able to use the government's own emphasis on health and safety or the Supreme Court's recent Charter decisions on collective bargaining to alter the rules. If agricultural workers were allowed to unionize (and unions sought to and were successful in unionizing them), this might alter the mobilization potential of the group. This was apparent in Ontario when the unionization of Cuddy Chicks and the Rae government's agricultural collective bargaining legislation gave the United Food and Commercial Workers (UFCW) a toehold in the industry and thus reason to fight for these workers.

While UFCW has made significant effort on behalf of farm workers, particularly in Ontario, it is not clear whether there is broad interest among Alberta unions in social unionism, particularly given the barriers facing unionization drives even in established industries, the high servicing costs, and the limited potential farm units have to generate dues. This would be a useful line of inquiry in an examination of agricultural workers' mobilizing structures. Whether that would create a meaningful opening in the opportunity structure or simply drive the existing policy actors closer together to defend their interests is unclear. The increasingly industrial organization of work in some segments of agriculture may also create conditions more amenable to traditional union organizing tactics.

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