But as the case of Niagara’s casinos has demonstrated, unionization is highly contested, and employers are willing to fight tooth and nail to avoid having to deal with unions. All the same, the CAW persists in active efforts to organize casino workers in Niagara.

**Migrant Farm Workers in Niagara**

Agricultural workers in Niagara have faced greater obstacles to gaining union power than any other group of workers, largely because the law excludes them from many of the labour rights available to the rest of the workforce in Canada.

As far back as the beginning of the twentieth century, Niagara farmers had to import immigrant women from Buffalo during the harvest season to pick fruits and vegetables. Because the work was physically demanding, ill-paid, and temporary, it was generally avoided by workers who had other options. Growers were thus forced to rely on marginalized groups of workers. During the interwar years, the consolidation of canners and food retailers intensified pressure on growers to sell their produce at lower prices. The growers could maintain profitability only by paying seasonal workers low wages.\(^1\) During this time, immigrant women, whose number in Niagara increased after World War I, provided the bulk of seasonal agricultural labour in the area. Understandably, however, they gravitated toward more permanent or better-paid jobs whenever such jobs became available. Consequently, during the Second World War, when many immigrant women found manufacturing jobs thanks to the enlistment of men and the growth in war production, farmers were forced to find new sources of labour. Japanese Canadians forcibly relocated from coastal British Columbia and excluded from most other types of work as a result of racism and discrimination picked, packed, and canned fruits and
vegetables in the region. Their ranks were augmented by high school students brought to Niagara during the agricultural season by government programs. Since the students generally returned to school in September, and because hiring and housing them required special provisions, their employment was strictly a wartime emergency measure.

After the war, the government once again stepped in, offering contracts to refugees and immigrants from war-torn Europe, who would work for a year for specific employers in agriculture and other sectors suffering from labour shortages, as a condition for gaining entry to Canada. This denial of labour mobility — a key right for Canadian citizens — was the only way to guarantee the availability of workers to tend and harvest highly perishable fruits and field crops in Niagara. Once they fulfilled their contracts, however, these workers also left the agricultural sector in search of more secure, better-paid work.

In the 1960s, state officials tried to fill seasonal agricultural jobs in Niagara and elsewhere in southern Ontario with Native workers from northern Ontario reserves. But while the officials saw migration to agricultural jobs in the south as a way of encouraging Native people to assimilate into mainstream society, many Native workers preferred to return to their reserves at the end of the harvest season.

In 1966, the federal government launched the Seasonal Agricultural Workers Program (SAWP), a migrant worker program designed to address the enduring problem of labour shortages in the agricultural industry. The program, which still exists, brings Caribbean and Mexican workers to Canada on a seasonal basis to work on farms and in greenhouses. It has in fact expanded dramatically over the past few decades, as employers in the agricultural sector have become ever more reliant on migrant labour. Indeed, because the growth of temporary worker programs coincided with deindustrialization and hence with the decline of immigration to Niagara, migrant workers with no right to obtain permanent resident status are now more visible than immigrants in the region.
Thousands of migrant agricultural workers arrive in Niagara each year to work on farms, in orchards, and, increasingly, in nurseries and greenhouses. The vast majority of these labourers are married men, from Mexico or Jamaica, who leave their families behind for most of the year in hopes of providing them with a better life back home. Most make slightly more than minimum wage. While popular with employers, the SAWP has been criticized by labour activists and others who argue that the program institutionalizes exploitation.

In September 2008, the St. Catharines and District Labour Council and the Centre for Labour Studies at Brock University co-sponsored a film screening and panel discussion on migrant agricultural labour in Niagara. The event began with a screening of the award-winning National Film Board documentary *El Contrato*. The documentary, which explores the appalling living and working conditions of migrant agricultural labour in Leamington, Ontario, takes direct aim at the federal government’s SAWP. In one of the film’s most poignant scenes, a worker from Mexico, who complains about employer abuse and exploitation, tells the filmmaker, “In my mind, slavery has not yet disappeared.”

After the screening, Min Sook Lee, the film’s director, joined a representative from the United Food and Commercial Workers and local migrant agricultural workers in a panel discussion of the challenges facing the growing ranks of migrant agricultural workers in Niagara. With the help of a translator, the workers took turns describing feelings of isolation and exploitation and testifying to poor housing conditions, difficult working conditions, and employers who care more about the bottom line than the health and safety of workers. The timing of the event was significant in that it coincided with the Niagara Wine Festival — one of the region’s premier events. Although the grape and wine industry is integral to the region’s economy and cultural identity, the migrant agricultural workers who sustain the industry are completely excluded from the festival. Showcasing the actual process of wine production would require telling the stories of hundreds of migrant agricultural
workers and their struggles with isolation and substandard working conditions — a reality that would not mesh well with the Wine Festival’s elite image of swank decadence. Given that the festival is an important source of advertising revenue, it is hardly surprising that local media chose not to cover the panel discussion.

Even though the plight of migrant agricultural workers in Niagara has garnered little media attention, unions, church-based groups, and community organizations have made a concerted effort to raise the profile and dignity of offshore workers by organizing social events and acting as advocates for improved training, housing, and occupational safety.7

Back in October 1994, the United Food and Commercial Workers Union, spurred by a complaint received from a Jamaican agricultural worker in Niagara, held a press conference to shed light on the deplorable treatment of migrant workers in Ontario. Walter Lumsden, president of UFCW Local 1993, and Ralph Ortlieb, regional director of the Service Employees International Union, explained that they had been able to gain a very direct and personal understanding of the conditions under which migrant agricultural labourers work and live by touring several local farms dressed as farm workers. Lumsden and Ortlieb indicated that their findings confirmed what they had heard from migrant workers during a secret meeting organized by the union in an abandoned Niagara-on-the-Lake farmhouse.8 “We found everything, from workers being sent into fields just hours after the crop had been sprayed to workers with sores all over their bodies,” Lumsden told the press conference.9 In terms of housing, the union leaders described the situation as “beyond description,” explaining that migrant workers are often forced to live in sheds or trailers, without any utilities. The union estimated that mistreatment of migrant agricultural workers was widespread and that any attempt by workers to assert their rights was met by threats and intimidation by farm employers.10

For their part, local farmers dismissed the union’s claims as sensational. In the ensuing years, however, more and more worker and community organizations began to echo the concerns of the
UFCW about the plight of migrant agricultural workers not only in Niagara but all across Canada. Petra Kukacka, president of ENLACE Community Link, a Mexican migrant worker support organization, described the situation as follows:

The interests of the governments involved defer to the interests of farmers and the profit margin, which often means long hours, little pay and few benefits for the workers. Although many workers are thankful for the opportunity to work, reciting accounts of positive experiences and expressing excitement about not being idle, there are many whose experiences include abuse and exploitation on a daily basis. For these workers, the S.A.W.P. does not present as an opportunity to convert their skills and hard work into purchasing power back home; it is seen more as a jail sentence where his or her only “crime” is that of being a citizen of a developing country struggling for a grip on globalization’s spoils. Absent from the S.A.W.P. is any viable mechanism which might work effectively to put an end to experiences of exploitation and abuse. In the end, workers are beholden to the goodwill of their employer which, too often, is not forthcoming.11

Vincenzo Pietropaolo, a photographer and journalist who has documented the lives of migrant workers in Canada, makes a similar argument. According to Pietropaolo, “the principle of being ‘beholden’ to your employer for all your needs, even after work, is reminiscent of the indentured labour practices of the nineteenth century, whereby immigrants came to North America on contract to work for a number of years in exchange for passage and accommodation. Although the practice is different today, the principle of near-total dependence on the goodwill of the employer is not.”12 Pietropaolo’s eloquent photograph of migrant farm workers being driven into the city of St. Catharines by their employer after work simply reinforces his provocative argument
In response to concerns about worker loneliness and isolation, faith communities in rural Niagara launched the Caribbean Workers Outreach Program, which aims to address the spiritual needs of migrant workers and involve them in social activities outside the farms. Growing Respect for Offshore Workers (GROW), a community organization dedicated to building relationships with migrant farm labour in Niagara-on-the-Lake, established the “Migrant Worker Fan Club,” which provides workers with electric fans in the summer months in order to make life more bearable in their poorly ventilated living quarters. In 2004, the UFCW, in partnership with the Agriculture Workers Alliance (AWA), established an agricultural worker support centre in the village of Virgil. The centre offers free support and advocacy services, helping temporary foreign agricultural workers with health insurance claims, parental leave benefits, and workers’ compensation. Also available through the centre are English as a second language classes and workshops on everything from occupational health and safety to bicycle safety. The centre has become an important resource for migrant agricultural labourers in the Niagara region.
The AWA has been at the forefront of calls to reform the federal government’s Seasonal Agricultural Workers Program so as to ensure stronger protection for temporary agricultural workers, including full collective bargaining rights, as well as a path to landed immigrant status. Since the AWA set up shop in Virgil, the wages and living conditions of migrant agricultural workers have steadily improved. The existence of the AWA and other watchdog groups has effectively put pressure on farmers to increase wages and to treat workers in a more humane fashion. However, migrant agricultural workers continue to be excluded, by law, from accessing many of the labour rights available to Canadians working in other industries.

In 2003, the UFCW launched three legal challenges in support of migrant agricultural labour. The first, Fraser v. Ontario (Attorney General), challenged the constitutional validity of the provincial government’s Agricultural Employees Protection Act, which granted agricultural workers the freedom to “associate” but, absurdly, not the related rights to strike or to bargain collectively. The second challenged the exclusion of agricultural workers from the province’s Occupational Health and Safety Act. The third asked the courts to strike down a law requiring mandatory Employment Insurance deductions for seasonal foreign workers, on the grounds that these workers are not eligible to collect Employment Insurance benefits.

When the federal government argued that the union could not legitimately represent migrant agricultural workers who were not members of the UFCW, the legal challenge concerning access to Employment Insurance was derailed. Instead, the union capitalized on a decision by the Employment Insurance Board of Referees to extend parental benefits to SAWP workers by antedating thousands of cases, thereby winning millions of dollars’ worth of benefits for migrant workers. In 2006, the UFCW also succeeded in gaining health and safety coverage for agricultural workers from the provincial government. In April 2011, the Supreme Court of Canada finally rendered a decision in the Fraser case, ruling that Ontario’s
Agricultural Employees Protection Act did not violate the guarantee of freedom of association found in section 2d of the Charter of Rights and Freedoms. The UFCW’s heavy reliance on expensive and time-consuming legal strategies to protect and enhance workers’ rights has thus produced mixed results. More importantly, though, these results underscore the extent to which politicians and legislatures have been unwilling to help drive organized labour’s agenda forward.

In view of this situation, some migrant workers and their allies have turned to direct action to influence public opinion. On 4 September 2011, roughly sixty migrant agricultural workers and dozens of their allies descended on the Niagara region as part of the “migrant worker solidarity caravan.” The event, organized by Justicia for Migrant Workers, brought together migrant agricultural workers from Mexico, Jamaica, the Barbados, Trinidad and Tobago, Guatemala, and Thailand to highlight the plight of migrant labourers working in Niagara’s multi-billion dollar agricultural industry and to demand improvements to Canada’s labour laws. Organizers chose the Salem Chapel First British Methodist Episcopal Church on Geneva Street in St. Catharines as the departure point for the caravan. The choice was historically significant: the Geneva Street church had been a key stop on the Underground Railroad, the secret and informal network of routes and safe houses set up by abolitionists and used by black slaves in the United States to escape to Canada in the 1850s. Tzazna Miranda Leal, an organizer with Justicia for Migrant Workers, explained the significance of launching the caravan from this particular spot:

We are here to pay homage to the struggles of the past, and the tremendous sacrifices undertaken by those who travelled along the Underground Railroad. Freedom was the dream that brought them north, yet today Canada’s temporary foreign workers are subjected to conditions that deny migrants rights to fair treatment. We demand an end to indentureship.
From St. Catharines, the caravan made its way to Virgil and on to Niagara-on-the-Lake, where migrant workers passed out peaches to bemused tourists in the Old Town. The workers also distributed brochures to passers-by explaining the purpose of their caravan and reminded restaurant patrons in the quaint dining establishments along Queen Street to thank a migrant worker for their meals. All along, the workers waved placards reading, “Justice, Respect, and Dignity” and “We Demand Better Medical Care.” They also encouraged the public to think about the part played by towns in the Niagara region in the Underground Railroad and to ask themselves, “Do these towns still symbolize freedom and hope or do they now evoke oppression and exploitation?” Caravan organizer Chris Ramsaroop explained to local media that workers were taking a “tremendous risk” by joining the caravan because it would make them vulnerable to possible retribution by their employers and perhaps even to deportation. Nonetheless, the migrant workers clearly saw participation in the Labour Day weekend caravan as a risk worth taking in pursuit of justice, dignity, and respect in both their workplaces and their host communities.

Organized Labour and the New Democratic Party in Niagara

On 1 June 1960, the St. Catharines and District Labour Council adopted a resolution endorsing the CLC’s drive to create a new political party in Canada that would represent working-class interests first and foremost. The Labour Council was an enthusiastic supporter of the New Party. Only one delegate to the council voted against the resolution — Gerry Haugerud, of Local 268 of the IAM, who told delegates, “My local doesn’t feel it should tell its members