



## **Background to ILO Complaint**

Complaint to the ILO is against the Ontario government's *Agricultural Employees Protection Act (AEPA)*, which denies agriculture workers in Ontario the right to organize and bargain collectively.

The *AEPA* contravenes ILO Convention No. 87– Freedom of Association and Protection of the Right to Organize (1948), ILO Convention No. 98 – Right to Organize and Collective Bargaining (1949) and the ILO's 1998 Declaration on Fundamental Principles and Rights at Work. These are all conventions that Canada and Ontario have supported.

On March 23, 1972, Canada ratified ILO Convention 87 and today marks the anniversary of that ratification.

Under the NDP government in Ontario, agriculture workers were given the right to join a union and bargain collectively under the *Agricultural Labour Relations Act 1994 (ALRA)*.

In 1995, UFCW Canada organized workers at Highland Farms in Leamington, Ontario, and started the collective bargaining process. But in November of the same year, Mike Harris and his Conservative government repealed the *ALRA* before the union could sign a first contract with Highland Farms.

UFCW Canada launched a legal challenge, and in 2001, the *Supreme Court of Canada* rendered the Dunmore decision that declared the Harris legislation as unconstitutional and gave the government 18 months to implement new legislation.

In June 2003, the Conservative government under Ernie Eves passed the *Agricultural Employees Protection Act (AEPA)*, giving agricultural workers the right to join an association but not the right to bargain collectively.

In 2004, UFCW Canada – on behalf of 300 agriculture workers at Rol-Land Farms, a mushroom factory in Kingsville, Ontario – launched a court challenge against the *AEPA* after a significant majority of employees voted to have UFCW Canada as their bargaining agent. The employer, however, has yet to engage in the collective bargaining process.

In June 2007, the *Supreme Court of Canada* in its *B.C. Health Services* decision declared that collective bargaining is a constitutional right for all Canadians.

On November 17, 2008, the Ontario Court of Appeal ruled in favour of UFCW Canada and declared the AEPA unconstitutional on the basis of the *Supreme Court of Canada's* 2001 Dunmore decision and the 2007 B.C. Health Services decision.

On January 14, 2009, the Ontario government sought leave to appeal of the November 2008 decision of the Ontario Court of Appeal to the *Supreme Court of Canada*.