



HOSPITAL EMPLOYEES' UNION

NEWSLETTER

PLEASE POST

Ontario Court of Appeal strikes down provincial legislation that denies farm workers the right to unionize

Supreme Court of Canada's Bill 29 decision set the stage for agricultural employees' win

The Ontario Court of Appeal has declared that Ontario's *Agricultural Employees Protection Act (AEPA)* violates the constitutional rights of more than 100,000 agriculture workers in that province.

The appeal court's written decision, issued November 17, ruled that *AEPA* violates freedom of association rights guaranteed under Canada's *Charter of Rights and Freedoms* because it denies Ontario farm workers the right to unionize.

The United Food and Commercial Workers Canada (UFCW) applauded Monday's decision in a news release, stating: "The ruling [of the Ontario Court of Appeal] was reinforced by a June 2007 precedent setting decision by the Supreme Court of Canada."

As a result of the Supreme Court of Canada's ruling – that struck down key sections of the B.C. government's contract-breaking *Bill 29* and extended charter protection under freedom of association to cover the right to collective bargaining – UFCW Canada brought forward an appeal on behalf of three Ontario agricultural workers last May.

"When B.C. health care workers won at the Supreme Court of Canada, it was a win for all workers in the country," says HEU secretary-business manager Judy Darcy. "The Ontario Court of Appeal's ruling demonstrates the importance and application of that ground-breaking decision."

Darcy says that the Supreme Court of Canada recognized one of the key principles of being able to organize and belong to a union when it stated that "recognizing that workers have the right to bargain collectively as part of their freedom to associate reaffirms the values of dignity, personal autonomy, equality and democracy that are inherent in the charter."

The Ontario Court of Appeal has given the Ontario government 12 months to bring farm workers under the *Ontario Labour Relations Act*, or draft new legislation that respects the rights of farm workers to unionize.

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