

Martha's Monthly  
September 2007  
Nude carpenters and the freedom to associate

While doing some home repair this summer, Martha managed to cause a small injury to her foot because she was wearing flip-flops. Ah, said Henry, flip flops are not sensible shoes for home repairs. Martha, reluctantly, had to agree with Henry and resolved to never go bare during home repairs again. But Martha has found that not everyone shares her sense of safe attire around power tools.

Oakland carpenter Percy Honniball (I am not making up his name!) ([CBC](#) story), 51, was charged with public indecency after he was spotted doing home repairs, at someone else's home, while nude. During Mr. Honniball's defense it was revealed that he enjoys doing home repairs in the nude because it keeps his clothes clean. (Yes, thought Martha, good point but, where **does** all that sawdust go?). Martha quickly logged onto the Alberta Carpenters and Allied Workers Union website to take a peek. In fact, a close look at the Alberta carpenters' website uncovers a lot of quite clothed carpenters. Their newsletter, named "Hard Hat" (again, I'm not making this up) exposes the clothing reality for Alberta's carpenters: hard hats, steel toes, and some sawdust on the pants. ([AB Carpenters](#))

Now, while Mr. Honniball may feel his common sense is enough to keep him safe, most of the rest of us think he is short a few screws. He is a fantastic example of why we have standardized rules about things like safety at work. Standardized rules allow for a baseline of safety equipment and penalties to employers who don't follow those rules.

If you work in Alberta the Occupational Health and Safety Act, Employment Standards Code, and the Labour Relations Code, among others, cover you. These are just some of the rules we have that ensure that if your employer asks you to do something unsafe you can refuse to do it. Let's imagine Mr. Honniball expanded his home repair business to include a restaurant and an agri-business. If you were an employee at his restaurant and he told you that you would be cleaner if you ran the deep fat fryer while nude you could rely on the above rules to refuse to work without safety equipment (in this case clothing). If you worked for Mr. Honniball on his agri-business you could not refuse. In his restaurant you would have rules over the number of hours he could make you work. In his agribusiness you would have no limits. In his restaurant if you were injured you would be covered by Worker's Compensation. If you were in his agribusiness you would not.

The rules try to protect workers from unsafe workplaces and unscrupulous employers. That is, unless you are on of the 13,000 farm workers ([Occupational info](#)) in Alberta. Here is how Alberta Federation of Labour President Gil McGowan described the situation for farm workers:

"In Alberta, if you work on a farm, you work in an environment with almost no protections. Nothing governs the hours of work, rate of pay or working conditions. You can't refuse unsafe work, and you can't get WCB if you are hurt. Farm workers are denied the basic protections all other Alberta workers take for granted... Alberta offers the worst level of protection for farm workers in the country." ([AFL](#))

Here are the grim statistics: **on average 19 people die on Alberta farms every year and 1489 are injured.** This means the agricultural industry has the highest rate of disabling injuries among all industries and farmers are 5 times more likely to be killed through occupational-related accidents than are workers in all other industries. ([AB Farm Safety](#)) According to the Alberta Farm Safety Centre, “rural safety initiatives across Alberta are often quite fragmented.” They are fragmented because there is no legislation requiring it.

Ontario used to be like Alberta and keep farmworkers out of all the labour legislation. They did this for the same reasons claimed by Alberta: protection of the family farm. Ontario was sued. The Dunmore case hit the Supreme Court of Canada in 2001 and the court ruled that the Ontario government’s exclusion of farmworkers from labour legislation was **unconstitutional**. Here is a portion of the court’s argument:

“The reliance on the family farm justification ignores an increasing trend in Canada towards corporate farming and complex agribusiness and does not justify the unqualified and total exclusion of all agricultural workers from Ontario’s labour relations regime...Consequently, the total exclusion of agricultural workers from Ontario’s labour relations regime is not justifiable under s. 1 of the *Charter*.”  
(See [SCC](#))

So not only is the Alberta government not protecting farmworkers from unsafe workplaces they are doing so in contravention of the Canadian Charter of Rights and Freedoms.

The Farmworkers Union of Alberta (FUA) is not allowed to exist under Alberta Law but President Eric Musekamp just can’t go to another funeral or visit another injured farmworker in hospital. Musekamp has been a strong advocate for farmworkers like him that need protection and when Martha met him last month she was impressed by his resolve. But he is up against some powerful forces, like the Canadian Federation of Independent Business (CFIB). The CFIB thinks farmworkers should not be covered by any labour legislation because it would be too expensive for the businesses. They commissioned a survey of their members, owners of small and large agribusiness operations, and guess what the members thought? Well they resisted what they called red tape and **preferred to use their common sense.** ([CFIB](#)) The Common Sense approach has given agriculture the highest rate of disabling injuries. We need legislation to allow farmworkers to unionize, refuse unsafe work, be provided safety equipment, and be financially covered if they are injured on the job.

Please write to the Premier and to Iris Evans, the Minister of Employment, Immigration and Industry to demand that Alberta include farmworkers in labour legislation. We are the only province that still keeps farmworkers out of all legislation and because of that we are in contravention of the Charter. It is time that Alberta did the right thing.

[Send the following letter](#) to the Premier, Minister, and Opposition Critics and to us at Martha’s Monthly. Forward this email on to your friends and ask them to do the same. We need to support Eric Musekamp and the Farmworkers Union of Alberta as they take on the Goliaths of agribusiness. Send to: [iris.evans@assembly.ab.ca](mailto:iris.evans@assembly.ab.ca), [premier@gov.ab.ca](mailto:premier@gov.ab.ca), [edmonton.glenora@assembly.ab.ca](mailto:edmonton.glenora@assembly.ab.ca), [edmonton.beverlyclareview@assembly.ab.ca](mailto:edmonton.beverlyclareview@assembly.ab.ca), [marthasmnthly@yahoo.ca](mailto:marthasmnthly@yahoo.ca)

Premier Ed Stelmach,  
Alberta Legislature

September 11, 2007

Dear Premier Stelmach:

Alberta's agricultural industry is an integral part of this province but the 13,000 farmworkers that make the agricultural industry so strong are not protected. Alberta labour legislation excludes farmworkers, even though the 2001 Dunmore case at the Supreme Court of Canada declared that such an exclusion of farmworkers from labour rights was unconstitutional.

The Farmworkers Union of Alberta, the AFL, and other unions have long called on your government and its predecessor to right this wrong. Farmworkers have the highest rate of disabling injuries among all industries, according to the Alberta Farm Safety Centre. The Alberta government must stop relying on fragmented safety initiatives and instead make immediate moves to include farmworkers under all labour legislation. Then farmworkers could organize, receive the protection of Worker's Compensation, and be covered by the labour legislation that every other worker in Alberta takes for granted.

I look forward to your response.

Sincerely,

Your name and full mailing address.