

[00:00:09.080] - Rod Mickleburgh

Welcome to yet another edition of On the Line, a podcast that tells stories dug up from BC's rich labour heritage. I'm your host, Rod Mickleburgh. This is our first podcast to deal with events that took place as recently as this century. But the fight of workers for justice against unscrupulous employers is timeless. While the circumstances might be different, the issues you will hear about would be familiar to unions and workers as far back as the Vancouver Island coal miners of 150 years ago. Our story begins 20 years ago. Underneath the busy streets and waterways of Vancouver, a group of 40 tunnel workers from Latin America, mostly Costa Rica, had just started work on the major Canada Line tunnel from Cambie Street to its waterfront terminus. It didn't take these temporary foreign workers very long to discover that they were being paid a lot less than Canadian labourers working on the project above ground. Local 1611 of the Labourers' Union took up their cause. Little did they know that the fight would last more than 5 years and cost hundreds of thousands of dollars. In this podcast, you will hear from Joe Barrett, who was in the forefront of the battle. The son of former BC Premier Dave Barrett, Joe has written a book about it called A Fight for Justice: The Compelling Story of Temporary Foreign Workers and Human Rights. You will also hear a song about the tunnel workers from our own Woody Guthrie, Bill Hood, written specially for this podcast.

[00:02:00.500] - Music: Five Long Years of Fighting

It was 20 years ago this all went down. 42 Latinos brought to town, part of a foreign crew assembled at that time to dig tunnels for that brand new subway line. Not covered by the laws we had then. They got transient visa special treatment. And if any dared to complain, they'd be sent home. Without a union, they faced these threats alone.

[00:03:02.120] - Rod Mickleburgh

The workers began toiling underground in the spring of 2006. Their jobs revolved around the operation of a huge tunnel boring machine that looked like a giant worm as it cut through the bedrock. They worked 12 hours a day Monday to Friday, plus 8 hours on Saturday. For all this work, they were paid just \$1,300 a month. They received a paltry \$5 a day for breakfast and were housed in the bare-bones 2400 Motel in a nondescript part of Vancouver. Spearheaded by business manager Mark Olsen, the Labourers' Union went to bat for them. By then, the workers had discovered how little they were being paid compared to Canadian workers. Despite the risk of being fired and sent home by the contracting company, a large number signed up with the union. With his fluent Spanish, Joe Barrett, then a full-time researcher for the BC Building Trades, was key to the organizing drive's success. The employer tried the usual trick of padding

the voters' list, but eventually the ballot box was unsealed and the votes were counted. Joe Barrett.

[00:04:20.240] - Joe Barrett

The union was very cautious because we knew that the voters' list had been stacked, and so we were the ones that challenged the vote. But also, you never know exactly, can you be sure that we've won this? But the workers were insistent. So it was over a week before we counted the ballots. But the workers, and they don't know what the process is. And we went over the list again and again, and they assured us, don't worry, we've all voted. So we had a big union meeting, of all the organizers, the English organizers and the two Spanish and the lawyers. And we said, look, we can't delay this anymore. So we counted it. I go through the counting, you know, how the votes were dumped out of the box, just like in any regular election. Well, first the challenge ballots had to be opened up, taken out of their envelopes and thrown in with the rest so we didn't know who they were from. And then you could just see the yes, si pile just got very big and the no pile wasn't so big. I was scrutineering that vote and I was just, you know, beaming. I think it was 37 to 22 and that included the 8 challenged ballots which would have all been noes.

[00:06:04.010] - Rod Mickleburgh

The victory was the first union certification of temporary foreign construction workers in Canada. But now came the hard part: maintaining the workers' solidarity long enough to negotiate a first collective agreement with an employer that knew how to play the game. All of a sudden, the workers' wages doubled, and they were now paid overtime. The workers knew this was because of the union, but for many, it also meant they didn't feel they needed the union anymore. The battle was over, and they had won. At the same time, the employer kept stalling at the bargaining table. The Labourers' Union felt they had no alternative but to hold a strike vote. The strike vote failed. Not long after that, there was a vote to decertify the union. Once again, the union lost, and that seemed to be that. In the meantime, however, the tunnel contractor had hired a number of additional workers from Europe, and surprise, surprise, they were paid substantially more than the tunnel workers from Latin America, even after their raises. That gave the Labourers' Union another kick at the can. They filed a complaint with the BC Human Rights Tribunal, arguing that the workers from Latin America were discriminated against because of where they were from.

[00:07:35.090] - Music: Five Long Years of Fighting

So these Latinos who did this special job were paid just half of what the Europeans got. Though they did the same work for the company. Our laws said this inequity could be. But the local labour movement backed their fight. They knew this situation just wasn't right. That if they won this battle at this time, it would help so many others down the line.

[00:08:50.060] - Rod Mickleburgh

As the hearing began, the company intimidated workers into signing a petition that they did not want to be represented by the union. But not everyone signed. Joe Barrett talks about those who stood tall.

[00:09:05.050] - Speaker 3

Most of them did sign the employer's petition to not have the union continue with the case. But there were a handful of workers that really had solid backbone and said, you know. And again, I go back to the trust. By this point it had been over a year. We'd already won a grievance. They'd gotten their wages up. I mean, right after winning the certification, they all got their passports back. Right after winning the certification, their wages went up. So their trust in the union was pretty high. Definitely, like one guy stands out forever, and it's Tony, a young man. And he's one of these people you see— just a dignified man. He's not going to be, but just a big heart too. He's not going to be pushed around. Douglas, the other one, who just stood his ground. Just a solid, stocky guy. And had been, you know, with the company at the beginning. But eventually, you know, you get poked and poked and poked by the employer and they just, they turned on them. Walter was another one. Just, you know, he's not going to have his dignity ripped up into shreds. So that's who they were, those ones. And Cabo, yeah, Cabo. You wouldn't want— these are tough guys.

[00:10:50.000] - Rod Mickleburgh

These workers overcame strong pressure from the company and their own nervousness to testify at the hearing. Their evidence was key. More than two years later, after 24 days of hearings, well after the job was finished and the workers had returned home, the Human Rights Tribunal released its decision in December of 2008. The result was a resounding victory for the union and the workers. The tribunal ruled the company had discriminated against its Latin American workforce in terms of wages, meals, accommodation, and expenses. The company was ordered to make up the difference in wages amounting to as much as \$90,000 per worker. Not surprisingly, however, the company appealed the decision to the courts, and time ticked by without the tunnel workers receiving any of the money they were owed. Finally, after four years of delay and with an uncertain court case still pending, the union agreed to a compromise

offered by the company, that cut the tribunal award in half. But an average payout of \$35,000 after taxes was still a lot of money in Costa Rica, and the workers voted unanimously to accept it. This was early December 2012. The union wanted to deliver the cheques in person, but the workers asked them to stay away until after Christmas.

[00:12:23.040] - Joe Barrett

So we all converged on them in January, and it was just a reunion to see them all, like the lawyers, particularly that star witness Tony and the lawyer Charles Gordon. But, all of them, yeah. It was a real kind of homecoming. It was in their village. I mean, they were from several villages, but one of the central villages. And the next day we went to the bank to go and cash these cheques. Well, that got drawn out, but they did get their money. It took about a month because it was very unusual for people to show up with a cheque for \$35,000 in a small rural town. The country actually has these laws to make sure that it's not illegal money that's coming in, it was part of a legal settlement.

[00:13:28.200] - Rod Mickleburgh

Was there a party?

[00:13:30.310] - Joe Barrett

It was a huge party, yeah. It was— and again, you know, the union fronted it all. We took a film, there is a film available of the party. And we actually did some interviews with the guys at that point. We used clips from that film in the press conference that was held two months later in Vancouver. The families were there. The kids were there, the wives.

[00:14:02.950] - Rod Mickleburgh

The money made a huge difference to the tunnel workers.

[00:14:07.520] - Joe Barrett

But it did— for most of them, it really changed their— most of them bought another plot of land. And, you know, for rural people in their position, they were able to leverage some financing to build another house with the government. There's government money, Costa Rican government. So for one of their kids, for a lot of them it was a house for at least one of their kids. And others started businesses, some of them successful, others not successful. But two of them are just very prominent businessmen right now. And they're young still. You know, they're in their— well, they were 25, so they're like 48, 50 now.

[00:15:01.440] - Music: Five Long Years of Fighting

So these Latino workers' fortunes were reversed. The transient foreign workers' union was the first. And now foreign tunnel workers everywhere. From then on, to each get a fairer share. It took 5 long years of fighting to succeed. But then the wages doubled and they all agreed. That even though each was alone, far from home, they had organized and made it so. They had organized and dared to make it so. They'd organized and dared to make it so.

[00:16:27.110] - Rod Mickleburgh

The story of the tunnel workers is an example of trade unionism at its best. The Labourers' Union poured resources into the fight, and the Building Trades spent a small fortune in legal fees on behalf of 40 workers from another country who didn't pay a cent in union dues. Joe Barrett:

[00:16:46.970] - Joe Barrett

There was no deduction for legal costs on any of the award. The union took zero. And there was— workers were not even charged union dues the whole time. The commitment from the union was you won't pay union dues until you get a collective agreement. So the workers paid zero in money. But the union was clear right from the beginning, the reason they were doing it, and of course, like any democratic organization, the union's got to present this not only to the executive of the union who approves the financing, but to the general members of the union. We're doing this to get a legal precedent just so that this is not allowed to happen. So that's the union's rationale. But the commitment from people like me and others like me that spent many extra, is it was a black and white situation. When you see that there's an injustice being done, and you can actually take a part and play a crucial role in it, of course it makes you feel good. And, you know, when you come from a union background or you come from a democratic socialist background, those are your principles. And of course you're going to do that. It was an injustice that needed to be righted. And of course a lot of times you don't win. But the fight was a just fight. And fortunately we had, I think, a very fair hearing process and a very fair result.

[00:18:50.250] - Rod Mickleburgh

Joe formed a special bond with the Costa Rican workers in their shared fight for justice, and they continue to stay in touch to this day. Two have since died, but the legacy of what they accomplished together lives on. It changed the treatment of foreign tunnel workers around the globe.

[00:19:09.430] - Joe Barrett

So for tunnel workers, it has set a worldwide precedent. One worker, one of the lead of the unionization campaign, left the union after all of the shenanigans of the employer. And I didn't really have any, I wasn't in touch—and he was one of the only ones that continued to work for this company after it was all over. And I wasn't in touch with him until I went back a couple of years ago. And some of the Costa Ricans were very close with him and they said, Joe wants to talk to you on the phone, on WhatsApp. He pulls out his phone and there he is. And Hernán says, Joe, I only have one thing to say to you. I said, what's that? You know, if angry, I had not spoken to him for. Thank you, he said. What you guys did has changed everything for us tunnel workers worldwide. I can tell you, after the decision came—he's telling me this in November when they won the decision. Of course, we didn't see the money, and he never saw any of the money because he had opted out, but six months later, he's working at a job for this company in Peru. And the guy had been working in Dominican Republic for the same company and moved over to Peru. And he says, you know, for some reason, I don't know why, but my wages tripled in 2009, at the beginning of 2009. And Herman man turns to him and says, I'll tell you why. It's because what happened in Vancouver. There was a legal decision out there on discrimination on country of origin. And the companies worldwide, they just don't want that trouble. So they pay—doesn't matter if you're from Latin America, poor country, or from Spain or wherever, you get paid the same wage.

[00:21:32.030] - Rod Mickleburgh

A perfect note to end on.

[00:21:34.410] - Theme song, Hold the Fort

Hold the fort, for we are coming. Union hearts be strong. Side by side, we'll battle onward, victory will come.

[00:21:50.650] - Rod Mickleburgh

We hope you've enjoyed the inspiring story of these feisty Latin American tunnel workers and the unions that fought for them, Local 1611 of the Labourers' International Union of North America and the BC Building Trades. Joe Barrett's book, *A Fight for Justice*, published by Ronsdale Press, is available through your local independent bookstore. Special thanks to Bill Hood for the song *Five Long Years of Fighting*, which he wrote specially for this podcast, and his band, the Gram Partisans. Thanks to our producer, John Mabbott, who put it all together, to podcast collective members Patricia Wejr and Donna Sacuta, and to our sponsors, the BC

Labour Heritage Centre. I did the interview with Joe Barrett, and I'm your affable host, Rod Mickleburgh. We'll see you next time, On The Line.