

## Aboriginal Organizing in Saskatchewan: The Experience of CUPE

*Don Moran*

**ABSTRACT.** Aboriginal workers are becoming an increasingly important element of the Saskatchewan labour force. Indeed, demographic changes in the Saskatchewan population indicate that one of every four new labour force entrants will be Aboriginal. Consequently, it is important for unions in Saskatchewan to make a greater effort to organize Aboriginal workers and to include them in union affairs. This article discusses several initiatives by CUPE to achieve that end.<sup>1</sup>

**SOMMAIRE.** Les travailleurs autochtones deviennent un élément de plus en plus important de la main-d'oeuvre de la Saskatchewan. En fait, les changements démographiques indiquent qu'un sur quatre nouveaux participants dans la main-d'oeuvre est autochtone. Il est donc important que les syndicats provinciaux s'efforcent d'organiser les travailleurs autochtones et de les inclure dans leurs affaires. Cet article discute plusieurs initiatives de SCFP pour atteindre ce but.

### Introduction

The theme of my article is "Organizing Aboriginal Workers," an area that I have been involved in for about 15 years, first as a union activist and now as a national staff representative for Canadian Union of Public Employees (CUPE). Through my involvement I have come to realize that unions have made some progress on Aboriginal issues but we've only just begun to scratch the surface. There is a lot more to be done and activities have to move more quickly now than in the past. One of the main reasons is that, when we look at the current fast changing demographics in the province, unions need to be doing more to improve the job opportunities and working conditions of an emerging Aboriginal workforce. It will not be easy, and as our union has become more intensely involved in organizing in the Aboriginal community, we have had to constantly reflect on our organizing strategy and adapt to new situations. I am going to base my discussion on some of our experiences in organizing the Aboriginal workforce.

### **Unions are Changing to Include Aboriginal Workers**

Before I describe some of the organizing we have been doing, I would like to give a brief historical overview of how unions have progressed on Aboriginal issues. Probably the first strategy used by unions was to support and negotiate employment equity plans in the workplace to increase employment opportunities for Aboriginal, visible minority, women and disabled workers. Even though unions supported employment equity plans, we often received criticisms from First Nations organizations and some employer representatives that union seniority protections were a barrier to Aboriginal employment. This was an issue that we had to constantly address. Typically we explained that both employment equity strategies and seniority are ways to restrict the employers' discretionary power to hire whomever they wish, and that a strategy was needed since historically, employers have failed miserably at hiring a workforce that is representative of the community. When Employment Equity plans began in the 1980s in Saskatchewan the Aboriginal representation was around 2% of the workforce. Now in workplaces which have employment equity plans the participation rate for Aboriginals is at 7.6% to 9.8%. In workplaces without a plan the Aboriginal participation rate is still fluctuating at a dismal 2%.

Unions came to realize that they needed to show a commitment to the goal of developing a representative workforce, and as a result, unions have made changes to their structures that allow for Aboriginal representation. The Saskatchewan Federation of Labour, for example, created a position of Aboriginal Vice-President on its Executive Council in 1994 and formed an Aboriginal Working Group in 1998. In 1997, CUPE created a National Aboriginal Council to increase the participation and representation of our Aboriginal members in the union. At the provincial level, in 2001 Saskatchewan was the first region in CUPE to establish an Aboriginal Council.<sup>2</sup> We also have an Aboriginal Vice-President on the CUPE Provincial Executive and two diversity positions on the National Executive Board, one of the positions designated strictly for an Aboriginal person.

We've come a long way since the days when Aboriginal issues were delegated to Human Rights committees of our union. I think that this is important to emphasize because part of our long-term vision has been to create an "Aboriginal Union." CUPE's Aboriginal Council is like a union within the union—a place where Aboriginal members can come together, discuss the issues they are facing in the workplace and in their lives, and play an active role in developing strategies and making decisions within the union.

Changing the structure of unions so that Aboriginal members can be involved is an important foundation for our organizing strategy and who better to assist on ideas on how to organize a distinct group than representatives from that distinct group. If we are trying to get Aboriginal workers to sign union cards, we want these workers to know that there is a place within CUPE that represents them, gives them a voice and provides them with the space and resources to be activists in the union.

We've already seen positive results for the union since we formed the Aboriginal Council. At the founding meeting of our Aboriginal Council, we had about 70 Aboriginal CUPE members attend. Some of them had been members of CUPE for

many years, but had never attended a CUPE event. Since that meeting, however, we have seen a greater participation of our Aboriginal members at our provincial convention and many of them were elected to the Executive or as members of provincial committees. We are building activists who can take leadership roles in the union.

### **Why Organize in the Aboriginal Community?**

The demographic changes in the Saskatchewan population indicate that one of every four new labour force entrants will be Aboriginal. Therefore, unions need to prepare for an influx of Aboriginal workers in the workplace and examine their own union structures to see if there are barriers to Aboriginal participation. Unions also need to consider how to represent Aboriginal members in the workplace; this may mean understanding and negotiating different collective agreement language.

We are also seeing a growth in the number of Aboriginal employers as First Nations increase their economic activity and continue to expand their inherent right to govern their own communities. In Aboriginal workplaces—band councils, or First Nations and Metis institutions and enterprises—the workers are mostly unorganized and have little job security or other protections. We need to develop strategies for organizing in the Aboriginal community and CUPE has been developing a working document on this issue for a number of years.

### **CUPE's Aboriginal Organizing Strategy**

Our Aboriginal organizing strategy has been constantly evolving over the years. We already represent support staff at the Saskatchewan Indian Federated College (now the First Nations University of Canada), workers at three Friendship Centres, and the Fort Qu'Appelle Indian Hospital. As we started organizing workplaces such as Friendship Centres or started making contacts on reserves, we faced a number of obstacles that have made us rethink how we do this work. Some of these obstacles include lack of understanding about unions in the Aboriginal community, opposition from Aboriginal leadership, questions regarding jurisdiction in labour relations matters, and the need for different approaches to organizing.

### **Creating a Positive Image of Unions**

One of the lessons we learned quickly in our organizing strategy was that we had to try to build a positive image of our union and unions in general. Several years ago an Aboriginal staff member went out to organize staff at one of the largest bands in the province. Shortly after his visit to this reserve, he received a letter from the band stating that he is not allowed on the reserve unless he got approval first from the band and council.

This incident made us realize that we had to try and change our image and the perceptions that the Aboriginal communities have of us. Since then, we have hired an Aboriginal organizer who is First Nation. This organizer has traveled to all the reserves in Treaty 4, has set up tables at pow wows and has handed out information about our union. CUPE has also hired an organizer from the Métis Nation to attend and set up a table at the largest public event the Métis hold annually, which is the Back to Batoche days. We have also been developing our own materials specific to



the Aboriginal community. Our organizers have developed a database and contact list for all the reserves and urban Indian and Métis institutions and have been making presentations to some of the reserve schools about unions. One of our goals is to create a presence and inform people about unions because there are so many misconceptions in the Aboriginal community.

Another component of our strategy has been to train and sensitize all of the CUPE staff in the province on Aboriginal issues. We felt it was very important that we do staff training on a reserve to send a message to the First Nations leadership and community that our union is working hard on these issues. Our staff has continuous contact with 24,000 CUPE members in different workplaces in the province and can pass down some of that sensitivity to our locals throughout the province.

Other important items needed were to develop educationals and model contract language pertaining to Aboriginal issues and cultural events, which our negotiators across the province can choose from for their contract proposal packages.

### **Dealing with Opposition from First Nations Leadership**

While the lack of knowledge about unions is one barrier, probably a bigger obstacle is the opposition from First Nations leadership, some of whom are anti-union and argue that unions don't have jurisdiction on their reserves or institutions. In fact, First Nations are in the process of developing their own labour codes that would govern employer-employee relations.

My belief is that, if we support the concept of self-government—and our union historically has—then we have to support First Nations governments' right to develop their own laws, including labour laws. What we hope to do is to engage First Nations governments and lobby them on what we think should be part of their labour standards. That is what happened in British Columbia when a First Nations government developed a labour code that was quite unacceptable. The union that had a presence there lobbied the chiefs, band councils and the provincial government until they made some positive changes.

CUPE has negotiated language in collective agreements with Aboriginal employers in British Columbia and Saskatchewan that recognizes the inherent right to self-government. We also have negotiated language that recognizes the role of Elders, provides leave for spiritual or special bereavement duties and to accommodate hunting seasons. One of our major successes is representative workforce language<sup>3</sup> in Aboriginal agreements and in our provincial health care agreement that covers over 12,000 health care workers in Saskatchewan.

### **Jurisdictional Issues**

As mentioned earlier, one method that First Nations' leadership use to thwart unions' efforts to organize Aboriginal workers is to raise questions of jurisdiction. For example, when the Canadian Auto Workers filed an application to certify the casino workers at Northern Lights Casino in Prince Albert, the Saskatchewan Indian Gaming Authority argued that the casino was an Indian business operating outside the jurisdiction of provincial labour laws.

In June 2000 CUPE filed an unfair labour practice and monetary loss and

reinstatement for a member who was trying to organize the Saskatchewan Indian Institute of Technology (SIIT). The reply by SIIT was that the provincial government had no jurisdiction over them, and that they were under federal jurisdiction.

We have also had to deal with the issue of third party funding, which complicates who the employer is. When the Regina Friendship Centre was organized, the government pulled its funding and moved programs that the Centre had been administering to other agencies in Regina. We had to track where the programs surfaced and challenge successor rights under the Trade Union Act. CUPE filed an unfair labour practice (ULP) against the employer and the federal government, but the ULP was challenged on the grounds that the employer fell under federal jurisdiction and therefore the matter could not be heard by a provincial board.

We also faced a situation when trying to certify our union at the Fort Qu'Appelle Friendship Centre where the Centre claimed not to be the employer and stated that Native Leasing Corporation based on a reserve in Ontario was the employer. These jurisdictional issues make it that much more difficult for unions to organize Aboriginal workers and they consume a lot of time and resources of the union. The Union's position when dealing with Aboriginal employers is to let them know that we would rather negotiate than litigate and we encourage them to come to the table with us.

### **Different Approaches to Organizing**

Apart from the barriers and complications involved in organizing Aboriginal workers, we realized from the start that organizing in this sector cannot be done in the traditional way that unions organize workers. First of all, it is important that organizers be First Nations because it is important that they understand the culture and traditions and can establish a level of trust. A much more personal approach is required compared to the traditional union strategy of calling a meeting of interested workers. Our organizer has spent a lot of time sitting and talking one-on-one with people and feeling success if she's allowed into a building on a reserve.

We have also had to adjust our expectations of how an organizing drive should develop. Once we were organizing a large Aboriginal workplace and found that quite a few of the workers were the first generation that had ever had contact with a union. After we had many meetings with them and it looked like they were about to sign union cards, they told us that they had to talk to their elders first before they would sign the cards. It was a frustrating process because we were so close to getting them to sign union cards and then they pulled back. But we had to respect that process and be patient and wait until they talked to an elder.

We have discussed different approaches for organizing in Aboriginal communities such as holding a feast, an activity that involves the whole community, not just potential union members. We had one experience where one of our contacts on a reserve suggested that the idea of forming a union be put to a vote by the whole community instead of just having the workers sign union cards.

These different approaches make us ask "what is the role of the union in the community?" Unions such as CUPE subscribe to the idea of social unionism, the



idea that unions are not just fighting for the bread and butter issues of their members but they have a role to play in creating a better society. When we look at the conditions on reserves—the high unemployment levels, substandard and crowded housing conditions, high suicide rates, poor quality drinking water—it becomes obvious to us that the union has to play a broader role in improving the quality of life on, and off, reserves.

In our strategy meetings with other Aboriginal CUPE activists and staff from across the country, we have spent a lot of time discussing the social and economic conditions in Aboriginal communities. We know that there is a high cost to underutilizing Aboriginal people. In Saskatchewan it is estimated that social services, justice and other costs of underutilizing Aboriginal people is costing us \$600 million a year.

So what can the union do? First, we can continue to sign and push the implementation of partnership agreements and employment equity to increase Aboriginal employment in our workplaces. The partnership agreements and the workplaces where employment equity plans exist are successes that we can point to. Through the partnership agreements we have been able to sit down with Aboriginal and provincial governments and employers to develop a plan to create a workforce that is representative of the community. As part of the partnership agreement in health care, CUPE has hired a First Nations Education Coordinator who is developing training for 12,000 health care members and working with employers to create a representative workforce. This demonstrates to Aboriginal communities and our members that the union can be a positive force in addressing discrimination and under-representation in the workplace.

Second, we must also keep trying to organize in the Aboriginal communities to try to establish better job security and working conditions for Aboriginal workers. And we must demonstrate that we are part of the solutions for the communities, not an outside “white” union that is going to dictate “white man’s” rules. That is why changing our structure to create an Aboriginal Council and our successes in negotiating collective agreement language that reflects the culture and needs of the Aboriginal community have been so important.

## Notes

1. A version of this article has previously appeared in the labour magazine *Our Times* 24, no. 2: 12–17. It was also presented at a conference on “Advancing the Union Equity Agenda: Inside Unions and at the Bargaining table” hosted by the Centre for Research on Work and Society of York University. The article is printed here with permission.
2. The founding meeting of the Aboriginal Council was held in Saskatoon on National Aboriginal Day, June 21, 2001.
3. “Representative workforce language” refers to rules agreed to by both the employer and union which is put in collective agreements to assist in achieving a workforce whose employment numbers are representative of the community.