



Tree Worker's Industrial Group is a grassroots advocacy collective that is pushing for worker representation within tree planting. Since its founding in October 2018, TWIG has grown to include members from across "Canada" and has been involved in collective action at multiple planting companies: advocating and promoting the legal rights of workers; developing tree-planting specific policies, bringing awareness to sexual violence; and, returning over \$60,000 of stolen wages to the pockets of planters.

Our mission is to support workers from the bottom up and to build solidarity and representation across company lines. We are volunteer-run and are spearheading a sectoral culture shift toward worker empowerment and transparency. We aim to educate and empower workers to both support each other and be critical and aware of the colonial, patriarchal and capitalist aspects of this industry.

TWIG's membership is open to any worker within the industry, for more info find us on facebook or visit our website:
treeworkersindustrialgroup.work

2021 FIREWEED 21



Planters' Rights



% OF WORKFORCE IN FORESTRY

Kootenay	10%
Cariboo	22%
South-west	4%
North	19%
Coast	6%
Northeast	20%
Okanagan	8%



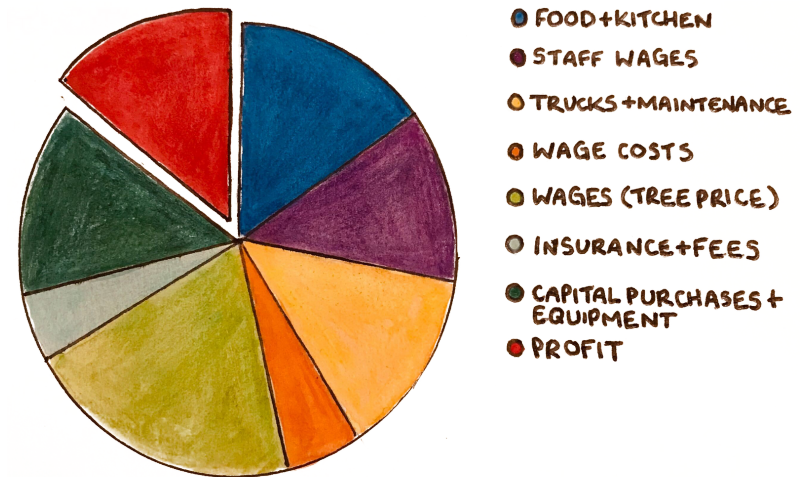
TREECONOMICS 101

The tree-planting industry is based on contracts that come from the lumber mills, who are obligated to replant 100% of what they log from the forests. A lumber mill will log a forest, and get planting companies to anonymously bid for the contract. The mill then selects the lowest bid and awards the contract.

So for example, let's say Colonial Mills Inc. has just logged 2,000,000 trees. They put the land they've just logged up for bidding, and a dozen different companies line up. These companies take a look at the land (hopefully...), estimate the cost to plant it and the profits they hope to make, and arrive at a number. That number is the total price per tree for the bid, and it can be a wide range. In our example, Colonial Mills Inc. awards the contract to Rookie Mill Reforestation, the lowest bid, at a total price of \$0.76/tree.



$$(2,000,000 \text{ trees}) \times (\text{bidding at } \$0.76 \text{ tree}) = \$1,520,000.00$$



That bid price accounts for all of the expenses relating to planting, such as wages, equipment, camp, and profit margin. Only a fraction of it becomes the tree price you hear on the block. How big or small is that fraction? As a planter, you'll almost never know. In most larger companies, even the supervisors aren't told what the bid price was. This is mostly in the interest of the lumber mills, who can continue to ensure companies try to under-bid each other to remain "competitive", with planters feeling the costs (see Treestory 101).

Just like the lumber mills, the aims of a typical capitalist tree planting company is to expand that profit margin. There are many ways to do this, and they range from the traditional (maximize production by any means possible, which shortens the season, and therefore the "fixed costs" associated with running a camp), to the illegal - the rampant industry practices of wage theft (see Common Forms of Wage Theft).

TREESTORY 101

Content Warning: racism, sexual violence. Treeplanting, as an industrial workforce, has gone through multiple shifts in worker representation & culture over the past few decades. From the perspective of a treeplanter, it has been a history of continuously worsening conditions, as unions have more or less evaporated for planters in “Canada”. This comes despite the success unions have had in the sector, with both environmental victories (successful protests against toxic industrial practices) and economic victories (increases in wages and benefits).

Unfortunately, forestry was rearranged to be super-capitalist. Mostly starting in the 1980’s...the usual story: Privatization of markets. Concentration of ownership. Reduction in government regulation. Agreements that literally put the budgetary concerns of treeplanting, as an industry, in the “bottom 20%”.



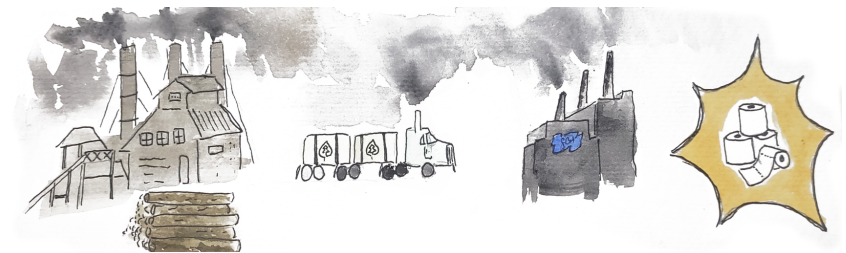
And now today, the vast majority of treeplanters in “Canada” have no union representation. This disempowerment of the workforce coincided with a decade-long span from 1996–2006 in which it was estimated that “when indexed for inflation, bid prices decreased by almost 40 percent” (see Figure 1).



Figure 1.

The quotes and sources for the text information can be found on our website, and is based on the work of researchers from University of Toronto and Queen's University.

The current state of treeplanting is the product of a systematic disempowerment of the workforce. In addition to overall reductions in wages and representation, there is a rampant industry complacency in sexual violence (of which there are too many examples to cite). There is also rampant racism and xenophobia, with migrant workers in one case being housed in shipping containers, deprived of food for days, and taunted. This particular incident was settled with a \$700,000 lawsuit in 2014, with the judge ruling their conditions as “slave-like”.



TWIG continues to study the history of worker representation, as we seek to build lasting planter advocacy. For any planter who loves the culture of our job, and takes pride in their work, we encourage you to join TWIG, and become part of a future history we are actively shaping for workers in this industry.

COMMON FORMS OF WAGE THEFT

Bonuses

Bonuses are slowly becoming an extinct form of payment in the industry, and for good reason. Generally paid out in the postseason, they are often promised in the form of “vehicle equipment bonuses” and/or “performance bonuses”, as part of your payment structure. In other words, if the vehicles and equipment are not harmed during the season/the worker performs well during the months of grueling work, the company will recognize that. This allows the company to hold part of these workers' payments over their heads while imagining creative ways to take them away.



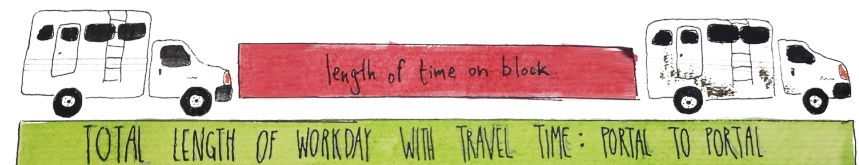
It's easy enough, for example (and common) to hear “We couldn't find your driving logbook entry from May 21st, so we are going to cut your vehicle bonus in half.” By the time it's August, the memory of May is long gone, as is the strength to fight the pay cut. The expectation that vehicles don't sustain damage during their extensive use in every condition imaginable on bush roads for 3 months is absurd. Financiers of the operation should be taking on that risk, not the workers. Bonuses are difficult to contest, as they are technically legal and do not fall under the definition of “wages” as defined by most employment standards codes; therefore, withheld bonuses require collective action to force the company's hand.

Overclaim tally reduction

Your employer is only required to pay you for work that is actually performed, and so if they can prove that you have overtallied (claimed to have planted more trees than you actually did) they are allowed to reduce/adjust your pay accordingly - this would also likely result in the termination of your employment. However, what often happens in planting camps is that a supervisor notices that more trees have been claimed than have been planted, but is unable to pinpoint the source of the overclaim. They then dock everyone's pay in order to make up the difference. This is wage theft. An employer can only make a reduction to your pay if they can prove that you have overtallied, and can only reduce it by the amount that they can prove you have overtallied.

Portal-to-portal top ups - minimum wage

Treeplanters are compensated through “piece-rate”, meaning you're paid for how many trees you plant. However, if your piece-rate compensation is less than if you were to be paid minimum wage for the hours you worked, you are legally required to be “topped up” (this is a common practice for rookies). The question then becomes - how are hours calculated?



The answer: Portal-to-portal. In other words, your time on the clock begins when you leave your camp (or hotel), and ends when you return - not, as many companies would have you believe, when you arrive at your workplace to when you leave your workplace. The crucial difference is that you are entitled to be compensated for travel time. Keep in mind that every hour over the 8-hour mark must be compensated at a time-and-a-half rate, meaning that these stolen hours add up very quickly over the course of your pay period. If your pay needs to be topped up, and your employer is compensating you without using the portal-to-portal system of calculating hours, they are engaging in wage theft.

Overcharging Camp Fees

In addition to having the bid price non-transparent, tree planting camps have the unusual practice of having the workers subsidize the cost of their own campsite through "camp fees".

Across BC for example, the maximum allowable amount that camp attendees (whoever is living and eating at a campsite) can be charged is \$25/workday. If you are charged more than this amount, that is wage theft. Some camps will serve meals on the days off, with an arrangement of having (possibly reduced) camp fees on these days. Some companies don't charge camp fees, which they advertise proudly. But if a camp has no camp fees, it means those camp fees were incorporated into the bid price, which means they ultimately came out of your tree price, so the difference is pretty meh.

Shifting Tree Prices

Whenever you arrive on the block, one of the first things you should ask (and must be told to you) is how much you are being paid per tree. Whatever price you are given on the block is how much you are legally obligated to be paid. This amount can be increased, but it can never be retroactively reduced. If your employer attempts to tell you a lower price days later, or if a different price appears on your paystub than you were told on the block, that is wage theft. To understand why, it's helpful to consider what this would look like in another industry. If you worked as a carpenter, and you were commissioned to make 100 chairs for \$10/chair, your client could hardly decide after you delivered the chairs that, in fact, they were only worth \$9 each.



YOU ARE ENTITLED TO

Hygiene

Hygiene in camp, despite what you may think, is extremely important in a planting environment! The nature of the work means the smallest cuts and dirt you may even ignore in the normal world could become serious issues. You have a right to care for yourself and your body. Running water and functioning hot-water showers, in most cases, are required by provincial worksafe law to be provided by your employers. In addition, employees are technically also required to protect their own health and safety. All that is to say, if you don't see these basic facilities (that you may or may not be paying camp costs for), you are fully within your rights, as an individual worker or, even better, a group of workers, to demand these basic rights be met, or to refuse work in their absence.

OH&S

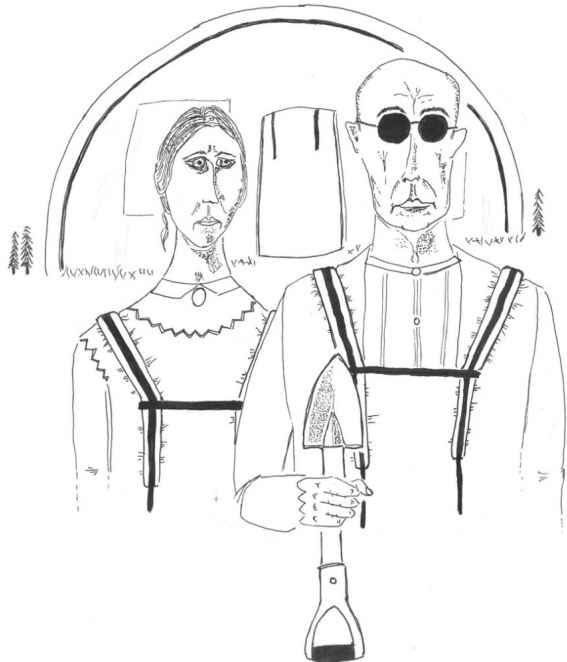
Occupational Health and Safety Legislation of "Canada" outlines that all employees have the Right to Know, the Right to Participate, and the Right to Refuse. The Right to Know means workers have the right to the information about the work they're performing for their employers that pose any sort of risk to their health and safety, and they have the right for each of those risks, safety protocols, and emergency procedures to be identified. The Right to Participate means that workers have the right to provide input on health and safety measures to protect each other. This could be joining a Health and Safety

Committee (many planting companies require one committee per camp), making a suggestion to an employer, reporting an incident or concern, etc. The Right to Refuse is, as it would suggest, the right that every worker has to refuse to work in unsafe working conditions. Workers may be expected to identify the conditions to a boss during this process, but each worker should be confident they are legally protected in their decision to rightfully protect themselves and each other from harm.

Workers Comp

Anyone who suffers trauma or injury that causes loss of earnings, or results in accrued costs for rehabilitation or therapy, etc. are eligible to receive Worker's Compensation. Some folks may not know this exists in the tree planting workplace. Rest assured it does, and the reason people don't know their rights to receive compensation is very intentional. Worker's Comp is a very scary word for supervisors and higher ups to hear, and the reason for this is simple (and you probably already can guess): it's bad for business. Worker's Comp is basically an insurance policy companies take out for their workers. Workers give up their right to sue if anything bad happens at work in exchange for a no-cost coverage of any workplace injury that results in lost earnings or financial damage. Where does the money come from? Your company pays a premium to an insurance company. If they submit claims in a timely manner and are accident-free for periods of time, they are eligible for a discount. If a Workers Comp claim is filed to the WCB, their premium increases. So the incentive is to be safe and have no accidents, right? Wrong! More often, a supervisor or foreman will urge an injured planter to jump

onto "light duties" with no formal injury-related decrease of pay and, therefore, no case to file to the Workers Compensation Board. Even more often, someone might just hear: "Get back in your land!" Often, supervisors may not even tell planters Workers Comp is an option, because any claim at all or loss of your working time could potentially lose the company a lot of (your hard-earned) profits in premium costs. Here's what you need to know: Workers Compensation exists to protect you. The fact that a company's business model pits profit-motive against workers' safety should not mean you have to suffer. You cannot be denied compensation if something was "your fault," it legally doesn't matter - all that matters is if you were injured and are entitled to compensation. You have a right to learn about the company's workers compensation protocols and use those resource:



WHAT YOU CAN DO

One of the most basic ways you can protect yourself is simply by recording notes. Bring a bound book to camp and record what you're told, when, and by whom. In this way you can build a case if you were promised one thing (for example the tree price) and given another, or if there's a discrepancy between how many hours you worked and how many hours your employer reported you worked.

Use email whenever possible. When communicating with higher ups that you don't necessarily trust, email is an excellent tool to hold them accountable because of the accurate papertrail it leaves. If this is not possible/cumbersome, you can also simply take notes of what you were told, so long as you include where and when.

However, in many cases of worker exploitation, and perhaps most notably wage theft, the difficulty lies in waging a one-person war against the company, especially if this is to take place during the off-season. When faced with a situation like wage theft, the most effective means of ensuring that you and the rest of your coworkers are being treated fairly is always to take some form of collective action. This is difficult, daunting, and very specific to the context that you find yourself in. Should you consider this course of action, you can take a look at what TWIG members have accomplished in the past, including at Coast Range in 2019 or Outland in 2020. Most of all, we recommend getting in touch with us.