

November 24, 2016

**BC Government Forced to
Increase Investment in Public Education**

**Teachers' Resistance Results in
Reinstatement of Negotiated Contract**



BC teachers rally in Vancouver, September 5, 2014, during strike in defence of their rights and public education.

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BC Government Forced to Increase Investment in Public Education

Teachers' Resistance Results in Reinstatement of Negotiated Contract

Fourteen years of resistance by teachers, extensive court proceedings, and the condemnation by students, parents and communities of the destruction of public education reached a high point on November 10. In a 7-2 ruling, the Supreme Court of Canada after hearing the legal arguments of the BC Teachers' Federation (BCTF) and the provincial government issued an immediate verbal ruling in favour of the union. As is the practice, the ruling was put in writing and posted on the Supreme Court website and reads as follows in its entirety:



"The majority of the Court would allow the appeal, substantially for the reasons of Justice Donald. Justices Côté and Brown would dissent and dismiss the appeal, substantially for the reasons of the majority in the Court of Appeal."

Neither the union nor the government expected a decision from the court before next spring. In the words of one media commentator:

"Just 20 minutes after hearing arguments from both sides, the justices reconvened to announce an expedited verdict. By a vote of 7-2, the high court restored the finding of bargaining in bad faith, effectively handing the Liberals their ass on a plate."



By indicating that their reasons for allowing the appeal were "substantially for the reasons of Justice Donald" the Court has ruled that the actions of the government of BC, which stripped language from the teachers' collective agreement regarding class size and composition, were unconstitutional.[1] Instead of setting out an entire argument, the Court adopted the remedy put forward by Justice Donald of the BC Court of Appeals.

Justice Donald wrote an extensive dissent to that court's April 2015 majority ruling, which overturned BC Supreme Court Justice Susan Griffin's 2014 decision in favour of the BCTF. In concluding his argument, Justice Donald wrote:

"[...] I would dismiss the appeal in regard to the trial judge's finding that Bill 22 is unconstitutional. I would allow the appeal in regard to the trial judge's additional damages remedy and her declaration that Bill 28 was of no force or effect as of the date of its passage, but I would substitute

a remedy pursuant to s. 24(1) of the Charter and order the Minister of Education to direct the public administrator for the BCPSEA appointed under s. 9.1 of the *Public Sector Employers Act* to reinstate the Working Conditions into the collective agreement immediately."

In plain language this means that the BC Supreme Court Justice Susan Griffin's original finding that Bill 22 is unconstitutional stands. The \$2 million fine she imposed on the provincial government and her ruling that Bill 28 was of no force or effect as of the date of its passage do not stand. Essentially, the ruling means that the employers' association, the BC Public School Employers' Association, must immediately reinstate the class size and composition language and negotiated limits that existed in the collective agreement in 2002 and must institute those conditions in practice.

Note

1. In 2002 the Liberal government of Gordon Campbell passed Bill 28, the *Public Education Flexibility and Choice Act*, prohibiting collective bargaining on class size and composition, staffing levels, specialist teacher ratios and work loads. In 2011, Justice Susan Griffin of the BC Supreme Court found sections of Bill 28 unconstitutional because they "interfered in the process of collective bargaining." In 2012, Premier Christy Clark, the former Education Minister, renewed the assault on teachers' working conditions and the education system in the form of Bill 22, the *Education Improvement Act*, a revised version of Bill 28. Teachers also challenged Bill 22 and in January 2014, Justice Griffin also ruled this legislation unconstitutional. The Liberal government then succeeded in overturning this ruling in April 2015 at the BC Court of Appeals. The teachers' union then took the matter to the Supreme Court of Canada.



Battle for Control of the Education System

The BC Liberal government attack on the teachers' collective agreement aims to weaken any resistance to finding ways to make the education sector a more lucrative business for the global oligopolies. Private companies centred in the U.S. view Canada's education sector as a lucrative region to expand their domination into supplying materials, and constructing, maintaining and managing educational facilities either as public or private schools. For this expansion of their profits and empires to succeed, the oligopolies and their state representatives are determined to break the resistance of teachers, education workers, students and others and their opinion that education is a right, and that the collective resources of the economy must be channeled into guaranteeing the right to education at its highest levels to every member of society.



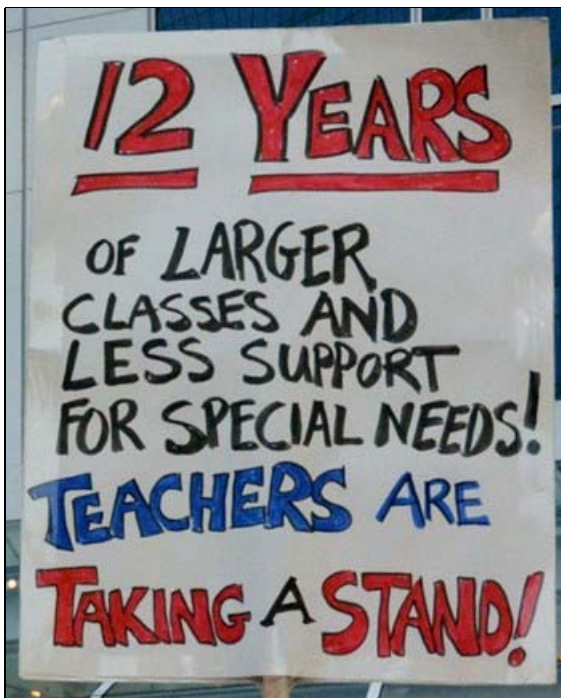
For the oligopolies, the fight is over control of the education sector to make it serve their aim for profit and empire-building. As in every sector of the economy, the oligopolies view the actual producers, those who do the work, as the main enemies in the battle for control, private profit and empire-building. In the education sector, the teachers,

other education workers and their students represent the main targets of the oligopolies in the battle for control of the system. The oligopolies want to ensure the aim of the education system is not to guarantee the right to education for all at the highest level but to guarantee their private profits and empire-building.



Teachers' Defence of Collective Agreement

The BC Liberal government of Gordon Campbell, as soon as it was elected in 2001, launched unprecedented anti-social attacks against the widely held aim to guarantee education and health care for all members of society at the highest levels possible. As part of the anti-social offensive the government attacked the teachers' and health care workers' working conditions and the means to protect these conditions contained within their negotiated collective agreements. These protections ensure the quality of education and health care and are important steps towards guaranteeing education and health care for all.



Placard from 2014 teachers' strike

Bill 28, passed in early 2002, stripped the teachers' collective agreements of all provisions establishing class size and composition standards and also made it illegal for teachers to ask for such standards in negotiations. Public schools in particular have suffered from this attack while state funds provided to private schools have expanded significantly over an entire generation of school children. Most private schools demand large school fees to attend restricting enrolment to those who can pay the additional user fees. While a 2011 BC Supreme Court ruling found Bill 28 unconstitutional, the measures contained were resurrected in Bill 22 adopted in 2012.

The 14 years since Bill 28 was passed have been years of resistance on the part of teachers and their allies, and unceasing underfunding of public education and vilification and attacks on teachers through several rounds of negotiations. The last contract was settled in 2014 after a strike which, despite government and media attempts to

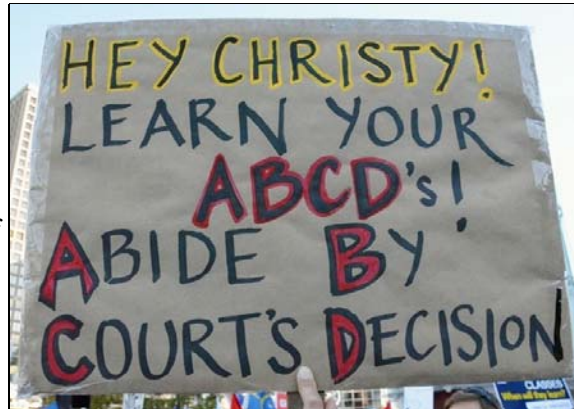
paint teachers as self-centred, anti-student and impossible to reason with, unleashed an unprecedented demonstration of support for public education and its teachers, and reaffirmed the widespread opinion that education is a right and the state is duty-bound to deliver it for all at the highest levels.

In a last-ditch effort to protect the anti-social aims of its 2002 and 2012 legislation, the BC Liberals, through their mouthpiece, the BC Public School Employers' Association, tried to force the union to agree that regardless of what the Supreme Court decided, the contract including the language on class size and composition would be terminated immediately and renegotiated and not allowed to run until June 30, 2019.

The Liberal government was well aware that it was breaking the law and the Supreme Court would likely uphold the law or lose all credibility. The union rejected the pressure and now, instead of

"negotiating new contract language" the court has ruled that the language already bargained and illegally stripped must be immediately reinstated. The union estimates that hiring the classroom and specialist teachers to restore the class ratios to the levels they were in 2002 will force the government to invest an additional \$250 to \$300 million a year into public education.

In a document filed with the court, the school superintendents' association points not only to the increased investments necessary to bring classrooms back to 2002 quality but to many complexities. It suggests the assault on public education and short-sightedness on the part of the Ministry of Education has resulted in the closing of schools and serious overcrowding of others. The government is faced with the task of increasing the number of teachers and the number of (smaller) classes, which may entail reopening or constructing new schools.



The November 10 Supreme Court ruling is a victory won through the persistence and principled stand of BC teachers and their allies. It clearly does not signal an end to the anti-social offensive against the working class and the rights of all. A next step for the teachers is to force the government to implement the ruling.



Government Response to Supreme Court Ruling

BC Premier Christy Clark was the Minister of Education in 2002 when Bill 28 was passed. As Minister and now as Premier she has overseen the gutting of public education in BC and the retrogression in the struggle to guarantee the right to education for all at the highest levels at which society is capable. She constantly tells the people to go along with her government's pay-the-rich LNG dreams of the energy oligopolies, as future revenue from the sector will trickle down to education and health care or so the liberal story goes.

In the meantime, her government has appealed every court decision that rules she is breaking the law and must reinstate negotiated class sizes and composition. Now with the Supreme Court decision upholding the legality of the teachers' contracts, no more appeals are possible and the hammer has dropped.



The court decision has unleashed self-delusion in the Premier, as she now fancies herself a champion of increased investment in public education. Clark is quoted in the *Vancouver Sun* as saying: "We've already put \$100 million aside into this learning improvement fund which is in response to the expectation this is where we'd end up. If it costs more money, that's a good thing in lots of ways because it's a good investment to put money into classrooms and our kids. The discussion then is going to be how do we go about allocating that."

If the Liberal government has always thought that "it's a good investment to put money into classrooms and our kids," this begs the question as to why it passed unconstitutional laws and violated teachers' rights in the first place and constantly wasted state money on appealing court decisions upholding the teachers' contracts, and refused to provide funds to guarantee the existing negotiated class sizes and composition.

Referring to negotiations with the BC Teachers' Federation on exactly how to implement the ruling, Clark hoped the people would wash their collective memories clean of the government's anti-social offensive. She said, "We all want to get to the same place, which is let us have class sizes that work and more special assistants" -- A statement that evoked an "Oh, really" sigh of contempt.

The official statement on the government website, dated November 10, does not quote the Education Minister but rather the Minister of Finance, Mike de Jong. In fact, not a word has been heard from the Minister of Education whose most recent action was to fire all elected Vancouver School Trustees on October 17 because they were not fully complying with the government attacks on education. Mike de Jong's statement reads:

"We welcome the direction from the Supreme Court, as it addresses uncertainty in labour relations.

"The 2014 collective bargaining agreement was the longest agreement achieved with the BC Teachers Federation (BCTF) in BC history and it brought labour peace and stability to our classrooms.

"I would like to assure students, parents, teachers and employees in the education system that this stability continues, and this ruling does not bring disruption to classrooms.

"This was a ruling about the appropriate process to be followed in labour relations and the importance of constitutionally compliant consultation that must take place.



"The Court has confirmed that governments have the ability to legislate amendments to collective agreements. However, the process to legislate specific amendments in Bill 22, the *Education Improvement Act (2012)*, was flawed.

"Government assures all parents and students we continue to be focussed on outcomes for students. We have one of the best education systems in the world; student outcomes have improved significantly over the past 15 years. We have also established added investments like the \$100-million Learning Improvement Fund that involves classroom teachers in how to best meet the unique needs of their students and

classrooms. We are committed to working constructively with the BCTF to keep making our classrooms better."

Teachers, students and parents have a slightly different take on the 2014 collective agreement with the BCTF. It was a settlement reluctantly agreed to by teachers with a gun to their heads. They were bullied into accepting a similar contract to other public sector unions, which had been forced to accept concession laden five-year contracts that expire in 2019.

The teachers' six year contract brings them in line with the other public sectors in the province. It represents no progress in addressing the concerns of teachers for their working conditions, which

are the learning conditions for students. Those conditions are obviously not those of the other public sectors, which have their own objective considerations.

The government was not able to accomplish its main goal to put an end to the resistance of teachers to the attacks on public education by agreeing in advance to reopen their collective agreement when the Supreme Court decision was rendered. Had they done so they would have had to renegotiate what they had already won in the past through great sacrifice. The court ruling reinstates the already negotiated language "immediately." Contained in Minister de Jong's remarks is the not-so-veiled threat that the egregious anti-teacher and anti-student legislation was not the problem, the problem was "the process," suggesting that the assault on the right to education for all centred on attacking working conditions of teachers is far from over.



Quebec Truckers Affirm Their Dignity and Rights Convoy of Hundreds of Trucks Converges on National Assembly



Hundreds of trucks arrive in Quebec City with horns blasting.



More than 500 trucks and dozens of cars rolled up to the National Assembly on November 19, as truck drivers held their largest demonstration in Quebec City in several years. In a disciplined and orderly manner, trucks entered the national capital with horns blaring. Truckers came to express their dissatisfaction with the manner in which the Liberal government of Philippe Couillard and the Ministry of Transport have amended certain provisions of the *Transport Act* relating to heavy

vehicles. Their ire was also directed at the Société de l'assurance-automobile du Québec, which is responsible for the enforcement of certain road traffic rules. The new regulations establish mandatory safety inspections for drivers of vehicles over 4,500 kilograms. They have been imposed without the say, direction and approval of those most directly affected by the changes.

All the streets around the National Assembly were filled with heavy trucks, many bearing the banner of the rally, "United for the Cause -- Enough Is Enough." According to the organizers and participants, this gathering was mainly aimed at restoring truckers' confidence that a new unity is possible. Truckers from various sectors and transportation industries rubbed shoulders with one another and became acquainted. Self-employed drivers, contractors, those employed by transport companies or agencies, bulk drivers, bus drivers and other workers in the industry stood as one. All were there to tell the government that the right to decide their living and working conditions belongs to them.



Rally spokespersons Daniel Beaulieu and Lyne Gilbert greet with enthusiasm the hundreds of trucks passing in front of the Quebec National Assembly.

The slogan "Enough Is Enough," was the rallying cry. Several speeches, notably that of Lyne Gilbert, spokesperson for the event and Daniel Beaulieu, one of the main organizers of the gathering, addressed the importance of truckers to the economy and the need to defend the right to live with respect and dignity. Suzan Sidwell, a former trucker injured at work, and other stakeholders in the sector also addressed the rally. Ms. Sidwell initiated a petition to have the profession recognized by the federal government, which is open for signatures until December 30, 2016.^[1] The rally included a minute of silence to honour all Quebec truckers who died on the job this year.

The rally ended with an expression of determination to continue the movement until federal authorities, including the House of Commons, recognize truckers as professionals with rights. This recognition must have the force of law and fulfill the demands of the truckers and their families for a say and control over those decisions that affect their working and living conditions.



Montreal and South Shore Convoy stops on the way to Quebec City.

Note

1. For petition, [click here](#).



Interviews

Rio Tinto Workers in Alma, Quebec

"We are Facing an Imbalance in Our Relationship with Rio Tinto and We are Asking for Redress to Correct It"

**- Alexandre Fréchette, President,
Syndicat des travailleurs de l'aluminium d'Alma -**

One of the most important issues for us, certainly at the regional level, is the social pact with Rio Tinto. We must ensure that we get fair compensation for the company's use of our natural resources for its hydroelectricity. As we know, hydroelectricity generation has not been nationalized in our region as it has been across Quebec. Fundamentally, Rio Tinto was allowed private use of the hydroelectric resources because we had jobs and wealth in the region. Now Rio Tinto has all the benefits while we no longer have jobs and we have less and less income. In addition, in the 2007 agreement, the secret deal, there were promises of expansion, the AP60 and Alma 2 projects, which should correct some of the imbalance. That's what we're working on, putting pressure on the company, and especially on the policy-makers who are literally sleeping at the wheel.



The pledges of investment are not being implemented and the government, rather than putting pressure on the company to implement them -- and I am thinking in particular of the Premier who is the MNA for Roberval in our region -- defends the company instead of putting pressure on it. The Premier makes excuses and pretexts for the fact that the investments have not been made. So we're in an unhealthy relationship. We are asking for what was promised in return for our natural resources.

The decline in employment has been steady since the 1980s. Over a period of 10 years we went down from about 4,800 unionized workers to about 2,300 as of December 31, 2015. We lost more than 50 per cent of unionized jobs. Outside the Saguenay-Lac-Saint-Jean region, there is a small plant in Beauharnois that has about 35 workers and the Shawinigan plant is now closed.

The drop in jobs has not stopped but the company has retained the same benefits. In some cases they have replaced good jobs with "cheap labour," low-cost subcontracting, and low-quality jobs. Money saved in wages and benefits goes to London and to Australia. Overall, what is happening is that the return on investment in our natural resources is falling.



Presently there is a disengagement of Rio Tinto from Quebec, both in terms of what is happening in Saguenay and also what is happening at the headquarters in Montreal. They announced cuts after cuts there, although there was supposedly a commitment in the 2007 agreement to maintain the headquarters. That is not what is happening. In the meantime no one is saying anything and the government is letting it go, but still provides the company with subsidies, energy tariffs at a discount, and tax credits. Rio Tinto still has all its advantages but its commitments are not being met.

As a first step, we ask that Rio Tinto fulfill the commitments of the 2007 continuity agreement, that is, Phase 2 of Alma and AP60 Phase 2 and 3 in Arvida. They should at least implement the promises made in the past. Then, given that Rio Tinto is constantly demanding benefits from government, whether it be tariffs or other things, we say that the next Rio Tinto benefits should necessarily involve set levels of employment to avoid erosion.

As part of our work on this issue, we participated and were partners in the Forum on the Social Pact, which was organized on September 2 by the Université du Québec à Chicoutimi. We also went to meet several politicians to make them aware of where we are in our relationship with Rio Tinto. We are also talking to the media to put pressure on the company to show that we are not getting our fair share with Rio Tinto at the moment.

We are facing an imbalance in our relationship with Rio Tinto and we are asking for redress to correct it.

(Translated from the original French by Worker's Forum)



Lafarge Cement Workers in Saint-Constant, Quebec

"We Do Not Want Two Classes of Workers!"

- François Cardinal, Vice-President, Steelworkers Local 6658 -

Workers at the Lafarge cement plant in Saint-Constant, part of the construction materials giant LafargeHolcim, went on strike this year to prevent the imposition of an inferior pension plan for new employees. They succeeded in maintaining their defined benefit pension plans for all and are continuing their work now as part of the Quebec Federation of Labour's campaign to call for legislation against two-tier pension plans. *Workers' Forum* interviewed François Cardinal, the Vice-President of United Steelworkers Local 6658, which represents the more than 60 workers at the plant.

Workers' Forum: Lafarge Cement workers held a strike of just over three months this year in defence of their pension plan. Can you summarize the main issues?

François Cardinal: We started negotiations at the end of September 2015 and there was not much progress at the negotiating table. In December, the employer proposed to completely change our pension plan. At first, the employer's proposal was that the pension plan would change for everyone, from a defined benefit plan to a defined contribution plan, which is a much lower pension plan. Seeing that it was going nowhere with this demand, especially given that we had a 100 per cent strike mandate to use at the appropriate time, the company suggested that the new system would apply to new workers only, while current workers would keep their defined benefit plan. For us it was clear that we did not want two classes of workers. We explained to our members why we did not want that to happen.

Since the employer did not want to return to the status quo with regard to our pension plan, we went on strike in February.

We made it clear to our members that when the employer says that we will not be affected, it is not necessarily true, that the new hires must also benefit from what we have won, that this must not end with us. Our members were also well aware, because they see in the media, that it is the tendency at present to put the axe to pension plans, even those which are doing well. Our own was doing well. It was capitalized to 112 per cent. They did not want this to happen here, that the new workers who work alongside us, who do the same job, do not have the same working conditions as we do.

We explained what would happen if these changes were implemented, that one day the new employees that have been left on their own by us will be the majority. So maybe in 15 years the pension fund that we have is going to cost the employer more, because there will be no new contributions to it, and maybe the employer will want to close it and then solidarity will no longer be there.

In addition, the work we do is physically hard. We live with occupational diseases, deafness. We have a lot of noise, heavy machinery, and mining work in the quarry. We have crushers, compressed air, and the guys leave with a hearing impairment. They are at risk of lung disease. We have a case of silicosis.

We managed to preserve the defined benefit pension plan for all. We have also managed to preserve the option that we can retire after 30 years of service without penalty. We need to keep that. They were also proposing that we be penalized if we retire before the age of 65. I do not see anyone working until 65 in a cement factory. That does not happen.

WF: You continued to be active once the strike ended.

FC: We went everywhere to explain our fight, especially when the news spread that we had won. It was not an easy fight and there are few that have been won in Quebec. Many workers are afraid that this will happen to them.

We are really active in the FTQ campaign. There are a lot of affiliates on board. The steelworkers are very strong in this. It's important because these things come back in all the negotiations. For us, it is not over. As long as a law making it illegal to have two-tier pension plans is not adopted, we will not stop our campaign. We need legislation to protect workers from clauses that create disparity in treatment in pension plans. This battle is increasingly important because it is too easy to remove people from good pension funds. It's too easy because there is no law and moreover, for young people, retirement seems so far away, and they are easily excluded. I am thinking of big companies like mine which have the means to pay. Good pension plans are disappearing. That's

why this fight is important to us.

(Translated from the original French by Worker's Forum)



ArcelorMittal Steel Mill in Indiana

Company Must Be Held Responsible for Contract Worker's Death



Steelworkers demonstrate at Gary Works, August 26, 2016 in fight against company attacks on their rights, including deterioration of safety conditions in the plant. (B. Taylor)

Truck driver Kevin Campbell, while securing a steel load at the ArcelorMittal Burns Harbor steel mill, was struck and killed by another truck on November 4. Steelworkers report that the incident was particularly gruesome with witnesses requiring counseling to deal with their grief. Steelworkers at Northwest Indiana steel mills have experienced a devastating year for deaths at their mills. Charles Kremke, a 67-year-old steelworker at U.S. Steel's Gary Works mill was electrocuted and killed on June 15. Steelworker Jonathan Arizzola was killed in a crane accident on September 30, at the same Gary Works. Earlier in the week before his death, Jonathan had survived an electrical shock. Now, barely a month later another worker, Kevin Campbell, has perished hauling product to and from an Indiana steel mill.

On average in recent years, 14 workplace deaths occur annually at steel mills in the United States. These deaths are a brutal reminder for workers everywhere that to make their workplaces safe requires putting the human factor/social consciousness in first place. For this to happen, a workers' front in defence of rights must confront the outmoded and inhuman pragmatic aim for private profit and empire-building that currently dominates their workplaces and force those in control to recognize workers' rights.

In Indiana the state agencies of the financial oligarchy, that normally put on a show of concern over workers' safety, have refused to even investigate the tragic death of truck driver Kevin Campbell at the ArcelorMittal mill. The Indiana Occupational Safety and Health Administration (OSHA) issued a pathetic statement saying it "will not investigate the incident, because the agency does not cover independent contract workers like Mr. Campbell." With this position, OSHA declares open season on truck drivers like Kevin Campbell and other contract workers who have been put outside the norms of civil society and without even the elemental rights of a "real

employee."

For self-serving reasons, the financial oligarchy likes to consider the work of contract truck drivers as somehow independent of the joint work of all to produce steel and realize its value through distribution and sales. In this way, the oligopolies such as U.S. Steel and ArcelorMittal deny "independent," casual and contract workers their right to claim a portion of the value steelworkers produce to cover their health care needs, retirement, and other necessary aspects of modern life, such as proper job and safety training, unemployment benefits, minimum wage guarantees, and overtime pay. Truck driver Campbell is far from the first contract worker to die at Burns Harbor. Just last year, 53-year-old Gregory Sebahar, a contract worker for KONE Elevators & Escalators, was found dead after being crushed working on an elevator at the mill.

It is telling that ArcelorMittal pressured its 14,000 U.S. steelworkers just months ago to accept a concessionary contract, which includes greatly increasing the number of contract and casual workers. The collective agreement includes a three-year wage freeze and gives the oligopoly the right to hire more independent contractors such as truck drivers and other contract and casual workers who are not considered officially part of the company workforce. For every four new hires, ArcelorMittal can now recruit one non-union casual or contract worker.

ArcelorMittal has a growing number of its workforce who do not have the same benefits of permanent employees as they are not considered actual employees. They do not even have the legal right to join the existing trade union or any other collective effort to defend themselves. This reflects the demise of civil society in the U.S. where trade unions no longer play a meaningful role such as establishing equilibrium in the relations between employees and their employers. Such is the dictatorship of the financial oligarchy and its aim at this time to rule with unbridled police powers.

Not to be outdone in denying the actual producers their right to safe working conditions, the Indiana Department of Transportation declared as well that it "will not investigate the accident because it occurred on private property." According to these state institutions, the private property of the oligopolies has rights but not the working class. This irrational position contradicts the modern reality that industrial mass production is social and occurs on social property involving thousands of workers in interrelated activity. Work on social property producing social wealth cannot possibly be considered a private matter.

Steel executives even gloat over their decisions to lay off workers, replacing them with lower paid and less experienced and poorly trained casual or contract workers and force remaining workers to work long hours. The steel barons brag in the imperialist media over their success in "reducing costs." U.S. Steel even gives its campaign against workers a grandiose title, "The Carnegie Way," a hostile banner to increase the private profits of the financial oligarchy at the expense of the actual producers and their working conditions and safety.

The Workers' Centre of CPC(M-L) expresses its profound sorrow over the recent deaths in Indiana steel mills and declares its determination to redouble its efforts to organize and mobilize the working class to defend its rights. The working class has enormous latent strength to engage the financial oligarchy in a battle to defend workers' rights. This requires a collective and conscious effort to organize the class for and by itself to break free from the domination of the oligarchs. The working class can and must become independent in all aspects including the setting of its own agenda both for the present conditions in defence of rights and for a future pro-social direction and aim for the economy and society that empowers the actual producers, the human factor, and puts them at the centre of life and in control of social property, the work they do and the social wealth they produce.