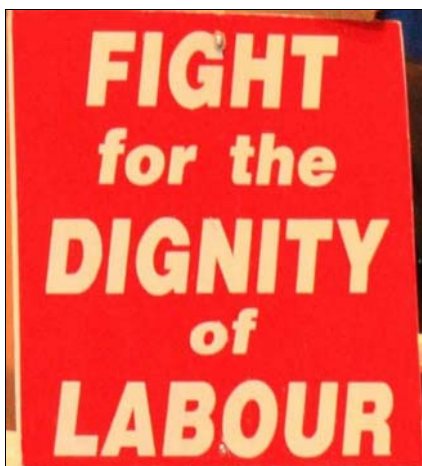


June 27, 2019

**Opposition to Anti-Social Offensive in Alberta**

**Growing Resistance to Bill 9 and Kenney Government's Contempt for Workers and the Rule of Law**

*- Peggy Morton -*



- **Information Pickets -- No! To Bill 9, the Public Sector Wage Arbitration Deferral Act**
- **Alberta Teachers' Association to Launch Legal Challenge of Bill 9 - Cory Hare, Managing Editor, ATA News**

**Quebec Workers Defend Their Rights**

- **Municipal Workers and Retirees' Constitutional Challenge to Anti-Worker Pension Act**
- **Continued Opposition to Changes in Crane Operator Training that Endanger Workers and the Public**

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**Workers and the Rule of Law**

- Peggy Morton -



**Workers in Lac La Biche hold information picket to protest Bill 9's attack on public sector negotiations, June 15, 2019.**

Workers in Alberta are organizing actions across the province to express their resounding No! to Bill 9, the *Public Sector Wage Arbitration Deferral Act*. Workers gathered at the Alberta Legislature on the evening of June 19, as the government rammed through the bill. During Question Period the following day they expressed their outrage and determination to fight to uphold their rights and defend the public services they deliver.

The Alberta Union of Provincial Employees (AUPE) has initiated information pickets at workplaces across the province. The first pickets will take place during the noon hour at hospitals, and all the unions are organizing to make them a big success. AUPE is also organizing telephone town hall meetings for their members. The AUPE has applied for an injunction against Bill 9 and the United Nurses of Alberta (UNA) is likewise launching a legal challenge on the basis of breach of contract and violation of its members' *Charter* rights. The Alberta Federation of Labour (AFL) says unions are meeting to plan further actions.

The United Conservative Party (UCP) Alberta government forced the passage of Bill 9 through the legislature using time allocation to end debate and passing the bill after an all-night session. Both the bill itself and the manner in which the UCP forced its passage demonstrate the wrecking of politics and crisis of Canada's democratic institutions. The UCP's utter contempt for the legislature was seen in the spectacle of a smirking Premier Jason Kenney handing out earplugs to his caucus members so they did not have to listen to the opposition's arguments and amendments. The bill itself is widely believed to be illegal and in violation of the right of workers to negotiate collectively their terms of employment.

Gil McGowan, President of the Alberta Federation of Labour, said, "Kenney didn't want his caucus listening to the NDP explain how the bill violates decisions from the Supreme Court of Canada on the definition of good faith bargaining and the obligations of governments when it comes to collective bargaining."

McGowan also addressed the UCP's bogus claim that it has a mandate to attack public sector workers supposedly on behalf of the Albertans who elected them: "They also didn't want to be reminded that nowhere in their 118-page campaign platform did the UCP mention that they would

break contracts with public-sector workers, undermine the independent third-party arbitration process or give themselves powers to impose wage cuts without negotiation. The arrogance and cocky disrespect shown by the Premier and his caucus was truly breath-taking.

"If the Premier thinks he can tear up contracts and trample on workers' rights without a fight, he has another think coming. And, he should understand that ear plugs aren't going to help him in weeks ahead, because we can guarantee that if the UCP continues on this course, things are going to get really loud."

United Nurses of Alberta (UNA) points out, "With final passage of Bill 9, UNA's negotiations are on hold until Halloween. By then, the government is expected to introduce legislation allowing more aggressive intervention in public-sector collective bargaining and arbitration, although the timeline appears to have been designed to delay controversy until after the fall federal election."

The Alberta Union of Provincial Employees (AUPE) notes that Finance Minister Travis Toews refused to comment when asked by reporters if the government would allow arbitration hearings to take place after October 31. The AUPE states, "It is now clear that Bill 9 may not just be a tactic to delay arbitrations, but possibly to cancel them. It is the first step in the government's plan to freeze or cut wages."

The legislation impacts 24 collective agreements covering roughly 180,000 public sector employees, some directly employed by the government but most by public agencies such as Alberta Health Services.

Workers targeted by the government through Bill 9 go to work every day to provide the services the people and society need. They are the front line of defence of the public services and programs a modern society requires. By showing such disrespect and contempt for the rights of public sector workers, refusing to engage in good-faith bargaining, and instead using dictate, the UCP and other similar anti-social governments in Canada are attacking all working people and taking society down a retrogressive and dangerous path.

*Workers' Forum* calls on everyone to go all out to stand with the public sector workers. Join the information pickets in your city or town. For details see below. Discuss what is at stake with your fellow workers, friends and neighbours, and encourage them to join in and speak out as well. Stand as one in defence of the right of workers to a say on wages, working and living conditions and retirement. Say *No!* to dictate and arbitrariness. Defend the right of all working people to negotiate collectively! Bill 9 must be withdrawn!



**Information picket against Bill 9, Wetaskiwin, June 14, 2019.**

(Photos: AUPE)





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## Information Pickets -- *No!* to Bill 9, the Public Sector Wage Arbitration Deferral Act

The Alberta Union of Provincial Employees (AUPE) is holding information pickets across the province to say *No!* to Bill 9. The bill is directed at public sector workers, and tears up the provisions in collective agreements for 180,000 workers which required arbitration on a wage-re-opener to take place by June 30. While the bill targets public sector workers, an attack on these workers is an attack against all workers. Join in to defend the right of workers to a say and control over their working and living conditions, and *No!* to dictate and contempt for the rule of law. Bill 9 is unacceptable and must be withdrawn! AUPE locals are holding the following information pickets:

### Central Alberta

#### **Vegreville Care Centre**

Thursday, June 27 -- 11:30 am-1:00 pm

#### **Tofield Health Centre**

Friday, June 28 -- 11:30 am-1:00 pm

#### **Lamont Health Care Centre**

Tuesday, July 2 -- 11:30 am-1:00 pm

#### **Two Hills Health Centre**

Wednesday, July 3 -- 11:30 am-1:00 pm

*For information on the above pickets: AUPE Local 043 Chair Judy Fader,  
local4308@gmail.com*

### Calgary

#### **Foothills Medical Centre**

Wednesday, July 3 -- 11:30 am-1:00 pm

*For information: AUPE Local 095 Chair David Choy, chairlocal095@aupe.ca*

### Edmonton

#### **Leduc Hospital**

Tuesday, July 9 -- 11:30 am-1:00 pm

*For information: Local 054/010 Chair Teresa Bergen, teresa666@live.ca or  
Local 046/003 Vice-Chair Sharon Conium, 780-903-5133*

*([www.aupe.org/fightback](http://www.aupe.org/fightback))*



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## Alberta Teachers' Association to Launch Legal Challenge of Bill 9

**- Cory Hare, Managing Editor, ATA News -**

The Alberta Teachers' Association (ATA) is launching a legal challenge of Bill 9, the UCP government's legislation that will delay an arbitrated decision on teacher salaries.

During a weekend meeting, the Association's table officers authorized the organization's law firm to launch a constitutional challenge on the grounds that the act violates the ATA's right to free collective bargaining.

"We are standing up for our rights along with the rest of the public sector," said ATA President Greg Jeffery. "We will continue to demand that contracts and agreements, freely entered into, are respected."

A central table agreement reached earlier this year included a provision to employ interest arbitration to determine teacher salaries. The agreement stipulates that this arbitration must take place by Sept. 30. However, Bill 9 delays that arbitration from proceeding until after Oct 31.

The new deadline for arbitration is Dec 15. Regardless of the length of the delay, it's necessary to fight the government's move on principle, Jeffery said.

"Teachers are certainly frustrated with taking six zeroes in seven years, and there was hope for this arbitration that we might finally get some relief, and to have that snatched away at the last moment has been frustrating for our membership," Jeffery said. "We need to tell the government that this is not an acceptable way to handle labour relations."

Also on Monday, the Alberta Union of Provincial Employees announced that it was launching a legal challenge. The United Nurses of Alberta made such an announcement last Friday [June 21]. It's believed that a number of other public sector unions are preparing similar challenges.

## **Freedom of Association**

The challenge will be in regard to section 2(d) of the *Charter of Rights and Freedoms*. The unions will argue that the Act interferes with their right to free collective bargaining and, therefore, violates their freedom of association, said Sandra Johnston, co-ordinator of the ATA's Teacher Welfare program area.

"Interest arbitration was a compromise teachers and TEBA [the Teachers' Employer Bargaining Association] agreed to when we could not agree on salary but still wanted to come to an agreement. Now, the compromise of interest arbitration is being treated like it is an affront to the public interest. It is in the public interest," she said.

The government has justified Bill 9 by saying it needs to get a better picture of its upcoming budget before determining public sector salaries, but Jeffery isn't buying that argument.

"They've cut corporate taxes already ... there's a 30-million-dollar war room being created ... so that seems like language from the government that really doesn't stand up because they've made a number of large-scale fiscal moves already, but suddenly they can't honour collective agreements bargained in good faith," he said.

Jeffery noted that the government is expecting to receive a report on Aug. 15 from a blue ribbon panel established to inform its fall budget, and the chair of the panel has previously said that a simple solution would be a two per cent wage rollback throughout the public sector.

"If they're just waiting for that to be formalized, certainly we have no interest in that whatsoever," Jeffery said. "There would be absolutely no appetite for a rollback or for another zero."

Bill 9, the *Public Sector Wage Arbitration Deferral Act*, passed third reading on June 19. Despite its legal challenge, the ATA is primarily focused on preparing for interest arbitration, whenever it does take place.

"We're not losing sight of the fact that we need to succeed in this arbitration," Jeffery said.



## **Municipal Workers and Retirees' Constitutional Challenge to Anti-Worker Pension Act**



**Montreal municipal workers demonstrate in defence of their pensions, April 23, 2014. (SCFP)**

Dozens of unions representing municipal workers in Quebec are pursuing a constitutional challenge to Bill 15, *An Act to foster the financial health and sustainability of municipal defined benefit pension plans*, which the Quebec government adopted in December 2014. The unions involved represent tens of thousands of municipal employees across Quebec, blue collar, white collar, fire fighters and police.

According to the unions, the pension legislation, among other things, violates the right to collective bargaining. They say Article 2 of the *Canadian Charter of Rights and Freedoms* protects workers' freedom of association, which is required if the right to collective bargaining is to have any meaning in practice.

In a press release dated June 21, the Canadian Union of Public Employees (Quebec) reports that after 85 days of hearings before the Quebec Superior Court, all the evidence provided by both parties has now been entered. The next step is the presentation of arguments of both parties, which is expected to begin in August and last two weeks.

The Quebec government and mayors of major cities such as Montreal and Quebec City presented the Act in 2014, as a necessary step to foster the sustainability of municipal defined benefit pension plans and to ensure "intergenerational equity." They used figures alleging huge deficits in certain municipal pension plans, which the workers and their unions challenged as being inaccurate and fraudulent. In the case of Montreal, the figures did not take into account the fact that the alleged deficits were based on the City of Montreal for years not putting the money it was legally bound to put into the plans.

A main feature of Bill 15 is to remove from collective bargaining issues related to municipal employee pensions and instead make them a matter of government dictate. The Act decreed 50-50 employer/employee contribution rates for upcoming pensions and banned any automatic indexing. The act broke existing collective agreements and required workers and retirees to pay 50 per cent of any predicted actuarial deficits, which were the responsibility of the municipalities according to past collective agreements.

In the case of retirees, the bill allowed municipalities to cancel indexing of their pensions and to use that money to pay off any deficits. It is estimated that Montreal municipal retirees have been deprived of millions of dollars in pensions since the City of Montreal suspended indexation on retirement plans in 2016. To damage public opinion opposing this attack on pensioners and their rights, the monopoly media launched slanderous propaganda that municipal retirees were well off and abusing the budget of the city. The truth is far from what the propaganda alleged with most retirees living on \$30,000 or even \$20,000 a year, depending on when they retired. Workers reject with contempt that a decree of the state can force retirees into poverty and deprive them of their contracted rights.

The Act has forced retrogressive restructuring of some 216 different defined benefit pension plans in 1,100 municipalities across Quebec. Municipal workers now pay considerably more in contributions to the pension plans, amounting to an actual significant reduction in their wages during their working life in addition to the amounts they had to pay for past deficits, which were not their responsibility.

Through their words and deeds the municipal authorities in Montreal and Quebec acknowledge that this state-organized theft of pensions and lowering of the living standards of city workers was initiated so they could divert more of the wealth produced by municipal workers and at their disposal into pay-the-rich schemes for global companies. They seek to make their cities a hub for investment by global supranational private interests at the expense of active and retired workers' well-being and rights.

Municipal workers and their allies waged a protracted struggle in an effort to prevent the government from passing Bill 15, organizing demonstrations and local strikes. A general strike of Montreal white collar workers in 2014 had as its central theme opposition to the bill and defence of pensions and the right to collective bargaining.

Since Bill 15 was passed, municipal workers have tried to offset some of its negative impacts in their negotiations for new collective agreements. An example is the case of the Montreal Transit Corporation maintenance workers who negotiated and organized actions over the course of 23 months in defence of their rights and were able to obtain in 2019 a premium from the employer to offset the increase in contributions they have to make to fund their pension plans.

Workers have not reconciled with the Quebec government's abuse of state power. The constitutional challenge is part of the fight to have Bill 15 withdrawn. Municipal workers, retirees and their allies demand the withdrawal of the act and redress for the damage already inflicted. Workers have the right to negotiate collectively their terms of employment, which include a say on their standard of living while working and in retirement.



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## **Continued Opposition to Changes in Crane Operator Training that Endanger Workers and the Public**

More than a year has passed since the Quebec government and the Quebec Construction Commission (CCQ) arbitrarily abolished the mandatory character of the Diploma of Vocational Studies (DVS) for crane operators and replaced it with a much inferior on-site training program. Crane operators and construction workers gave substantive arguments opposing this change as soon as it was announced. Their scientific and operational reasoning fell on deaf ears as the big construction companies wanted the change as it served their narrow private interests regardless of the dangers.



To ensure their safety and that of the public, construction workers have not given up their opposition to the regressive change and demand that the Quebec government immediately restore the mandatory character of the DVS. They are waging a battle in the court of public opinion using their web site and talking to any media that will listen. They have two demands, which they insist the Coalition Avenir Québec government must meet for the common good of all:

- 1) The regressive regulation must be withdrawn and obligatory crane operator training restarted;
- 2) A roundtable should be created that includes all concerned parties, including vocational teachers, to look into the problems linked to the crane operator sector and construction site safety.

The previous Quebec Liberal government abolished the mandatory character of the Diploma of Vocational Studies at the end of April 2018, without the consent or input of crane operators, the construction unions or vocational teachers. The vocational course to become a crane operator included 870 hours of practical training within a professional educational setting. The government decree made the diploma optional. An on-site training program of only 150 hours was introduced, which the construction companies themselves provide and oversee. The government and CCQ also replaced the vocational course and diploma with an 80-hour course for the operation of boom trucks with a maximum capacity of 30 tonnes. This type of boom truck is precisely the crane that overturns most frequently and causes the most damage.

The crane operators refused to quietly accept this attack on their right to a say and input and have waged a persistent struggle against the new regulation. One bold action was not to show up for work a week in June 2018. In response, the government chose a committee of experts to study the new regulations, which submitted a report in March. While recognizing that greatly reduced on-site training in the workplace is inferior to a vocational setting and training with professional teachers, the committee of experts proposed that the diploma course be considered a "reference" and not a requirement. The committee of experts accepted the government change as permanent recommending only some small tweaks.[1]

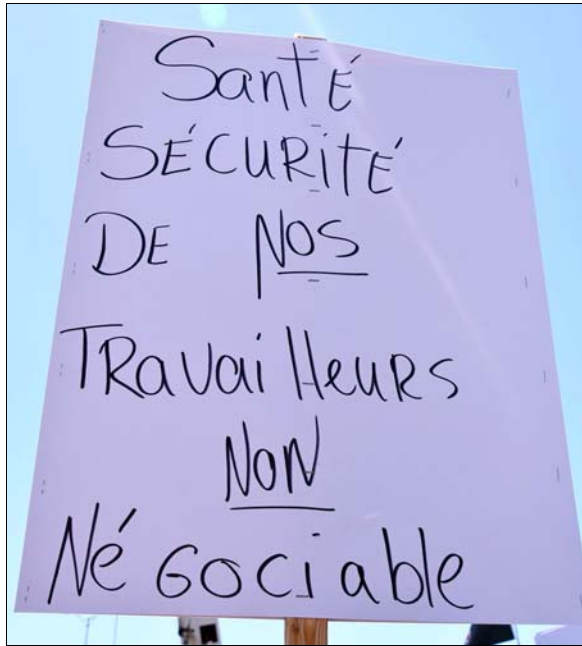
In a TV interview with the TVA network at the end of May, the Director of the Union of Crane Operators, Evans Dupuis, presented the union's point of view: "It's not settled yet after a year now that the new regulation is in force. In the last year, on-site training has been introduced so that anyone can enter the construction industry with only on-site training. Regarding the operation of the boom trucks, the operation of this small crane has been removed from the norm to allow anyone to operate it. We have been denouncing this since the beginning.

"To give a concrete example, since the establishment of the DVS (professional vocational training and diploma), the number of fatal crane accidents decreased by 66 per cent. The DVS has proven its value. What we are waiting for is that the new government make a decision that will respect health and safety and ensure that we have adequate training for crane operators."



**Construction workers protest the CCQ's negligence of health and safety following an incident with a crane: "How is the CCQ going to apply the [new] regulations when it is incapable of doing so now?"**





**"Health and safety of our workers is non-negotiable!"**

Regarding one of the expert committee's recommendations to provide three weeks of initial training prior to on-site training, the Union of Crane Operators says this is far from adequate and does not compare with the 870 hours of vocational training to gain a diploma.

Further, crane operators and their union reject on principle the argument of the construction companies and government that a worker shortage in the construction sector justifies the lowering of safety standards. They point out other ways of meeting workforce needs without lowering training standards and endangering the lives and well-being of workers and the public. For example, enrollment in vocational training can be increased with more candidates accepted and provided an opportunity to become crane operators. This was done in the past, they say, but in 2015 registrations were reduced.

Crane operators recall a period when the government removed the mandatory driving course to operate a vehicle in Quebec. This requirement was soon reinstated because the number of deaths on the road increased. They point out that the same principle of a mandatory course to operate a crane should apply to avoid a rise in accidents and deaths on construction sites. The Quebec government must listen to those who do the work in construction and their unions and immediately reinstate the 870-hour mandatory vocational training course for crane operators.

## **Note**

1. An examination of the report is available here: ["Expert Panel Report Does Not Respect Safety Demands of Those Who Do the Work," Pierre Chénier, \*Workers' Forum\*, April 18, 2019.](#)

*(Photos: FTQ Construction)*



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