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Further Ontario Superior Court Rulings Against Steelworkers The State-Organized Assault on Rights at U.S. Steel Canada

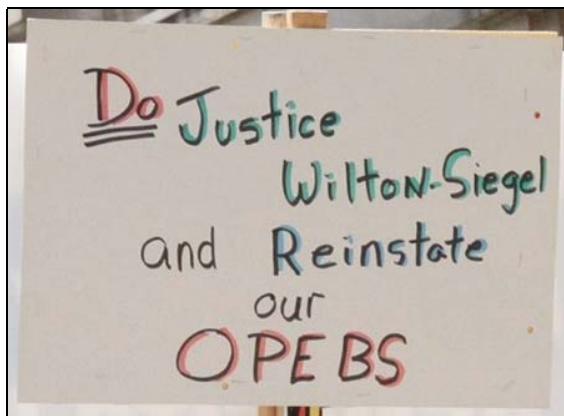


Hamilton steelworkers picket outside CCAA Court Hearing in Toronto, August 17, 2016

The necessity for a new pro-social direction

Two separate but related events highlight the state-organized assault on individual and collective rights at U.S. Steel Canada, where workers, the economy and steel communities are suffering under the federal fraud of CCAA bankruptcy protection.

1) Justice Wilton-Siegel acting under the authority of the federal *Companies' Creditors Arrangement Act* (CCAA), on August 19, denied a union motion to reinstate the Other Post-Employment Benefits (OPEBs) of 20,600 Stelco retirees and their dependents. With this arbitrary and unjust ruling, the judge, using the police powers of the state, deprived Stelco retirees of their collective right to post-employment benefits.



Steelworkers secured their right to OPEBs in exchange for their capacity to work during their working lives at Stelco following union negotiations and a determined struggle with their employer. Steelworkers lived up to their side of

the exchange within the existing relations of production but those who own and control the Stelco means of production refuse to live up to their side of the exchange under the hoax of exceptional circumstances. Those who have inherited ownership and control of Stelco are pushing their narrow private interests through state-organized wrecking of the material productive forces and the theft of what belongs by right to present and retired steelworkers and their communities.

2) The same judge exercising his police powers under the CCAA authority has ordered that U.S. Steel Canada Lake Erie Works' steelworker John Roach no longer has the individual right to be accommodated with suitable work and must either take early retirement or be fired. John's individual right to accommodation due to a work injury suffered at Stelco arose from his own insistence and the persistence of the local union, and is protected under the civil authority of Ontario Labour Law and the individual rights accorded under the Ontario Human Rights Code.



The police power of the CCAA dictates the negation of John's individual rights to accommodation and any recourse to defence under Ontario Labour Law, the union grievance procedure, or any process under the *Ontario Human Rights Code* and its Human Rights Tribunal.

The state-organized assault of monopoly right on both collective and individual rights and the unleashing of unbridled police power pose a big problem for the working class in the defence of

its rights during this period of transition from petty production to industrial mass production. The state-organized assault constitutes an attack on a government of laws, civil society and the existing arrangements for equilibrium under the present relations of production between the working class and those who own and control the material productive forces. The situation has descended into an irrational crisis whereby the state deprives the working class of its individual and collective rights and denies it the power of organized resistance, while the owners of the most powerful monopolies, the other pole in the social relations of production are accorded arbitrary rights and unrestrained police power to impose their will on the working class. This crisis of rights and conflict between monopoly right and human right must be resolved in order to open society's path to progress. The crisis exists because the regime which used to uphold public right in the past no longer does so. Only the police powers continue to exist and they are used to protect monopoly right. Only by creating a regime which upholds human right and defends the people and the rights of all on this basis, can the economy prosper and develop. Nation-building will once again take place on a new, modern basis.

Takeover of the State by Certain Powerful Private Interests and the Absence of a Government of Laws

A civil society is understood to be an all-sided arrangement based on a government of laws. A government of laws is, in turn, understood to be duty-bound to defend the rights of all. It is understood that these rights are to be protected by what are called the democratic institutions (not just the government but the courts, government agencies of all kinds and non-government agencies of all kinds). It goes without saying that such a government is also presumed to be the upholder of all the laws and negotiated arrangements reached under its auspices.

However, today we have a situation whereby a government can call itself a government of laws but it uses its discretionary powers -- also known as police powers -- to negate the rights of all and destroy the laws and institutions that gained a certain legitimacy following the Second World War. Even the discretionary powers of the ministers which were in the past limited by laws which

when enacted were guided by serving the greater good are no longer guided by that aim for society. A society based on public right and serving the public good has been replaced by a society which gives priority to monopoly right and serves the aim of the biggest monopolies to be competitive on global markets.

This is no longer a government of laws but a government which permits anarchy and its corollary, violence. The police powers which are always outside of the government of laws, and the courts in their service, are all that remains of the hitherto known public authority. Any defence of rights is anathema to the new regime. This is precisely what the steelworkers and all Canadians who defend the fundamental conception of inalienable rights are fighting. A government of laws is duty-bound to uphold the rights as defined by the contracts which were legitimately entered into. Arguments about exceptional circumstances are fraudulent in defence of monopoly right, to say nothing about arguments which claim that these monopolies bring prosperity and must therefore receive concessions which negate the rights of all.

In the attack on collective rights, the CCAA judge dismisses the legal arrangements for post-employment benefits spouting trite phrases extolling "creditor rights." Everyone knows "creditor rights" is a euphemism for the rights of the most powerful imperialist forces within the CCAA process.

In the attack on individual right, the CCAA judge declares that steelworker John Roach has no right to proceed with a complaint or "enforcement process in any court or tribunal" while U.S. Steel Canada is under bankruptcy protection and must subsequently abide by any arrangement upon the company's "successful restructuring."

The CCAA judge declares that those in control of U.S. Steel Canada's restructuring are free to act in opposition to and without restriction from any "proceeding or enforcement process in any court or tribunal." The ruling negates a government of laws and its ability to use the discretionary power to mitigate in favour of justice. It makes monopoly right absolute and affirms that civil society is no more. Without a powerful restricting effect of an organized force of the working class in defence of its individual and collective rights, the monopolies, courts and governments are laughing.



The situation is dangerous for the working class and requires a new direction in organizing the struggle in defence of the rights of all and for a new pro-social direction for Canada's economic and political affairs. The path of the working class in defence of its rights and for a new direction lies with the power of itself as an organized force and its ability to create public opinion in defence of rights and for a new society -- not a civil society defined by the priority it gives to property rights, which today have been reduced to monopoly right, but a human society. The working class must expand its own mass media and build its own institutions of working class power. The struggle is focused on depriving monopoly right of its power to crush public right and deprive the people of developing and implementing their own pro-social agenda and solutions to the problems facing the country.

