

November 9, 2017

Pensions Belong to the Workers by Right
Steelworkers and Allies Demand Action
to Stop the Legalized Theft
of Their Pensions



Steelworkers and their allies outside the Parliament buildings, November 6, 2017.

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Pensions Belong to the Workers by Right

Steelworkers and Allies Demand Action to Stop the Legalized Theft of Their Pensions



Inside the parliament buildings.

Two busloads of steelworkers and their allies from Hamilton and Toronto converged on Parliament Hill on November 6, to demand an end to the legalized theft of their pensions and benefits under cover of the criminal *Companies' Creditors Arrangement Act* (CCAA). Workers across Canada are fed up with the continuing CCAA attacks on what belongs to them by right. United Steelworkers (USW) Local 1005, which has led the fight against the CCAA, organized the bus from Hamilton along with the USW District 6 Hamilton. Also participating from the Hamilton area were steelworkers locals 4153, 8214, 16506, and 5328. The Firefighters' local, the Steelworkers Organization of Active Retirees (SOAR) and the Congress of Union Retirees of Canada (CURC) also sent delegates from Hamilton.

The workers filled the galleries of Parliament to witness the introduction of a private member's bill by MP for Hamilton Mountain Scott Duvall to amend the bankruptcy and insolvency legislation. Duvall, also the NDP Pensions Critic, says his bill introduces changes to the CCAA that will stop this particular form of legalized theft of workers' pensions. If passed, the amended legislation would require companies under CCAA insolvency protection to fund pension plans fully before paying the claims of others from the assets of the company. The amendment also puts severance payments to workers ahead of other claims and prevents CCAA judges from allowing companies to stop paying medical benefits while under bankruptcy protection.



Stan Pickthall, General Vice President of IAMAW, speaks to crowd. Scott Duvall stands on the left.

In speaking to the assembled workers on the steps of Parliament before entering the galleries, Duvall said he knew first hand the effects of the CCAA as he was a worker at Stelco when it entered the CCAA for the first time in 2004. "I have the utmost pride in the steelworkers from my city who have worked so hard since then to defend the pensioners not only in their own local but all workers who have been affected by the CCAA," he said. "Likewise, the International Association of Machinists and Aerospace Workers (IAMAW) have been front and centre in drafting and supporting the amendments I am proposing in my bill," he said. Duvall introduced Stan Pickthall, the

General Vice President of the IAMAW to address the crowd. Pickthall said the changes to the CCAA are important to all workers in Canada. This travesty of taking workers' pensions from them after having worked their entire lives has to stop. Workers perform their duties on the job and earn the right to retire in dignity, Pickthall said.

Ken Neumann, USW National Director; Marty Warren, USW District 6 Director; Larry Russo, Executive Vice President of the Canadian Labour Congress, and Jagmeet Singh, leader of the federal NDP also addressed the crowd. They denounced the hardships imposed on Canadian retirees through the CCAA, while those same CCAA courts award bonuses to the executives of failed companies. They pledged their support for MP Duvall's "Campaign to Stop the Organized Theft of Workers' Pensions" and called on everyone to lobby their Members of Parliament to support his bill.

The workers and retirees who travelled all the way from Hamilton and Toronto to witness the introduction of Duval's bill entered the parliamentary galleries during question period. A full house of MPs were present when Duvall informed them through a question, that he would introduce his CCAA bill immediately after question period. To the shock of those in the galleries, when question period ended the vast majority of MPs quickly deserted the chamber, including many NDP members. This left Duvall to present his bill to a virtually empty House of Commons, except for the workers in the galleries.

MP Duvall, undeterred by the obvious disrespect and disinterest of other MPs for such an important matter, held a press conference and reception, which were likewise mostly ignored by the media. He thanked everyone, in particular the steelworkers from his hometown of Hamilton where he worked for years at Stelco, for their more than decade long struggle to bring attention to the organized theft of workers' pensions and the need to put a stop to it. Despite the cold reception in Parliament, he called on everyone to go all out to have other MPs support his bill.

For details on Bill C-384 click [here](#).

Opening Remarks for Bill C-384, *An Act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act*

- Scott Duvall -



Scott Duvall holds press conference, November 6, 2017, after introducing private member's Bill C-384.

I rise today to introduce a private member's bill titled, *An act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act*. This bill will amend the *Bankruptcy*

and *Insolvency Act* and the CCAA so that companies will have to bring any pension plan fund to 100 per cent before paying any other secured creditors. It also makes amendments to require companies to pay any termination or severance pay owing before paying any secured creditors.

Other amendments will prevent a company from stopping the payment of any post-retirement benefits during any proceedings under the BIA or CCAA. These amendments will inject some fairness into a process that often sees the interests of workers, retirees, and their families placed behind all others.

We must fix the imbalances in current legislation and provide Canadian workers, retirees, and their families with the protection they expect and deserve. I am hopeful that all my colleagues in Parliament will put aside their partisan differences and support this bill. Canadian workers, retirees, and their families deserve no less.

(Hansard, November 6, 2017)



Ontario College Employer Council Forced Strike Vote Negotiate Don't Dictate!

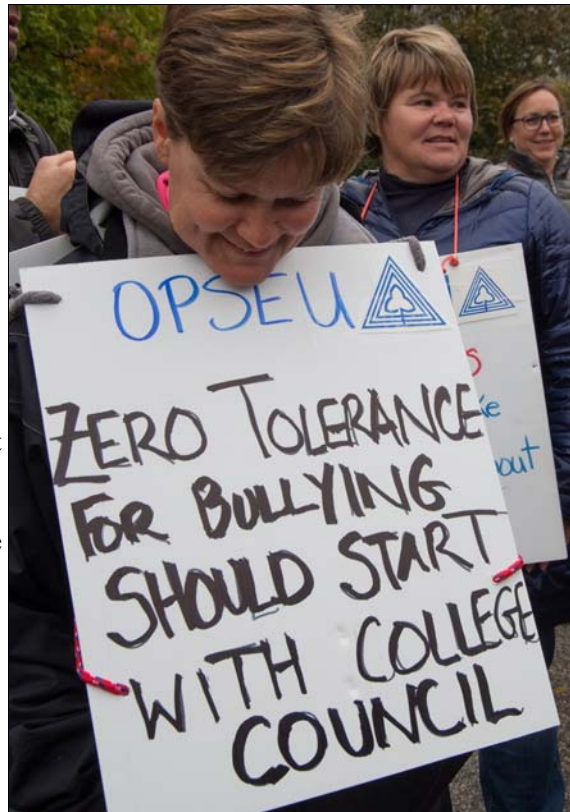


On November 6 while negotiations were progressing with the union representing Ontario College Faculty the Colleges Employer Council (CEC), the bargaining agent for the 24 Ontario colleges in negotiating collective agreements with unionized staff, abruptly asked the Ontario Labour Relations Board (OLRB) to schedule a vote on an offer which excluded much of the progress that had been made in the negotiations. According to the union this was done in response to union proposals on academic freedom. Under existing labour law the employer can force a vote of the members of a union on an offer without the tentative agreement of the negotiators representing the union.

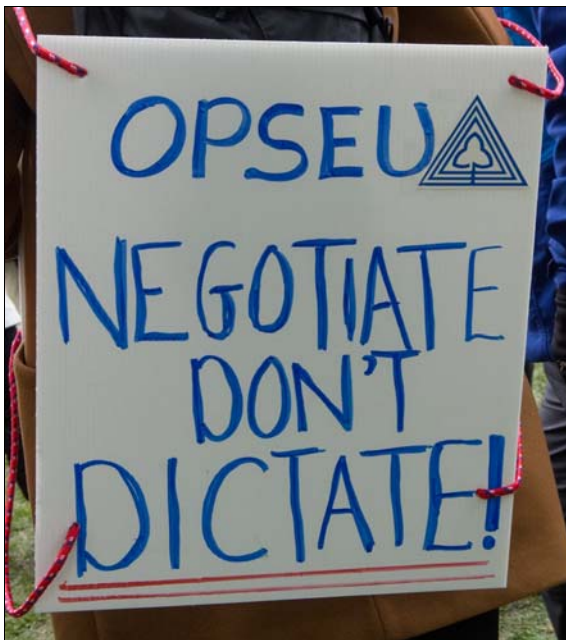
The union informs that under the *Colleges Collective Bargaining Act (CCBA)*, votes by unionized college employees must be supervised by the OLRB, meaning OLRB staff must be in attendance for votes at more than 100 campuses across the province. A strike vote under the CCBA by college faculty in September took two weeks to organize and complete. The CEC's forced vote will keep the strike going instead of trying to reach a negotiated settlement.

Along with the forced vote, the CEC is waging a disinformation campaign to call for the faculty to stop the strike while they wait for the vote to be organized. It hopes to paint the faculty and their union as wanting a strike, to create conditions for them to be ordered back to work by the government. Previously, the Wynne government has shown it is ready and willing to pass back-to-work legislation against striking secondary school education workers. Either way the aim is to break the faculty's unity by having them back at work, where the CEC thinks faculty will be easy targets for further disinformation, spin and blackmail about why they should accept the offer "or else."

Workers' Forum condemns this latest scheme by the colleges in cahoots with the government to try and avoid negotiating an agreement which establishes an equilibrium acceptable to the workers who provide College education. Furthermore, *Workers' Forum* calls on its readers to step up their support for the College faculty at this time and combat attempts to create conditions to justify back-to-work legislation.



The request that college faculty end their strike is irrational. It relies on anti-worker laws to force the workers to vote on the employer's offer without the consent of their negotiating team and against its mandate from union members.



The use of the labour board to undermine workers' collective actions reveals that it is not neutral. It is set up to criminalize workers who refuse to submit to threats and dictate and who affirm that they want negotiation. Anti-worker and anti-union mechanisms like the forced vote on the employer's offer are means to try to break the workers' collective defence and incite divisions. The CEC's ploy is sure to fail because college faculty are affirming the rights of all by striking and raising the problems facing the college system. They have already taken strike action to back up negotiations towards a new equilibrium in the college system which affirms that faculty's working conditions are students' learning conditions. That the CEC has abruptly stopped negotiating and wants teachers to give up their strike is also irrational given that the strike itself is the means to ensure that negotiations take place.

Regardless the outcome of such a vote, an arrangement imposed in this manner will not contribute to an equilibrium in the schools which benefits the colleges, the faculty or the students. It will only contribute to disequilibrium. An equilibrium acceptable to all parties can be established based on negotiation without resorting to dictate. Faculty are favoured by finding ways and means to express their *No!* to such anti-union anti-worker schemes so that no matter the result, they are in a fighting

position for whatever comes next. This includes the fact that campaigning for the Ontario election scheduled for June 7, 2018 has begun in all earnest. College faculty live and work in all major cities in the province and are favoured by making a statement in these negotiation that they do not accept the illegitimate austerity agenda which claims that workers' rights must be restrained while the monopolies are given whatever they demand. *Workers' Forum* encourages faculty to send in news of their actions and views on these matters to share them with one another and with others across the country.



An Increase in Ontario College Funding is Just and Necessary for a Modern Society

- David Starbuck -



Group of students express support for faculty at November 2, 2017 rally.

Ontario's colleges have been underfunded for thirty years. There can be no solution to the crisis in the Ontario college system without an increase in provincial funding for Ontario colleges to a Canadian level. An increase in funding is not only necessary to provide a just solution to the issue of contract employees and precarious work, it is necessary to relieve Ontario college students from the burden of tuition fees and debt and to provide the investment needed to prepare our youth and those who need re-training to participate in the modern workforce and to become full, conscious, participating members of society.

Ontario college faculty have been fighting for an increase in funding for college education commensurate with the needs of a modern society to educate and train our youth since the first cutbacks of David Peterson. They continued through the Rae Days and the 15 per cent across-the-board cutbacks of Mike Harris and his Common Sense Revolution. They faced the 'Education Premier' Dalton McGuinty and now Kathleen Wynne who has continued to starve funds for faculty and students while encouraging privatization wherever possible.

The College Employer Council and the college presidents have declared that it would cost \$250 million per year to fund faculty's proposals on contract employees and precarious work. This they say is unaffordable and hence the faculty strike is unnecessary. Faculty are told that they must limit their demands to whatever the Ontario government and the College Employer Council find acceptable. This level of funding is not even at the Canadian funding level let alone at that resulting

from a scientific assessment of the funding needs of Ontario colleges.

The College Employer Council rejects the modern view that putting value into hiring new full-time faculty lifts up the entire college education system adding enormous value to the economy and society. Instead, the College Employers' Council seems determined to vilify faculty and demonize them in the public eye as a cost, not a valuable asset adding essential value to a modern society. The Council's propaganda smells of ulterior motives to take value out of the college system and put it elsewhere. At the very least, it does not show any inclination on the part of college management to find a principled settlement with faculty.



In 2013-14, Ontario funded its community colleges at a rate of just under \$6,000 per student per year. The Canadian average was slightly over \$10,000 per student per year, a difference of approximately \$4,000 per student per year. With approximately 250,000 full-time students underfunded at this rate, Ontario colleges are underfunded at approximately one billion dollars per year in comparison to what their funding would be if Ontario colleges were funded at the national average. This figure is actually larger if the funding requirements of part-time students are included. Ontario faculty and students are entirely justified in demanding provincial funding at a Canadian level.

In 2014-2015, the Ontario government provided only 44.4 per cent of college revenues, down from 51.7 per cent in 2001. Only PEI gave its college students less in provincial government support than Ontario in 2001 but PEI increased its support to 55 per cent in 2015, leaving Ontario as the stingiest provincial jurisdiction in Canada. In 2014-2015, government funding as a share of total community college operating revenues averaged 61.7 per cent in Canada. Quebec provided 85.4 per cent of its colleges' revenues. Kathleen Wynne and the Ontario Liberal government have much explaining to do, as to why Ontario supports its college students at a rate only slightly more than half that of Quebec.

Provincial funding of Ontario community colleges at a Canadian level will also directly benefit Ontario college students. Ontario college students pay the highest tuition fees in Canada and many come out with significant debt, an average of more than \$13,000 for a two-year diploma program in 2013. Tuition, in Ontario, for students in diploma programs, is \$2,400 according to Colleges Ontario, rising to \$6,100 per year for degree programs. In Quebec, tuition at CEGEPs is free for Quebec residents and only \$1,300 for non-Quebec residents. In Ontario, fees for international students are now about \$14,000 per year. Only 5.2 per cent of Quebec college revenue came from tuition in 2014-2015 while 31.7 per cent of the revenue of Ontario colleges came from the same source. Funding Ontario colleges at a Canadian level will enable the reduction or elimination of tuition fees at Ontario colleges; which even the Liberal government has been admitting in the last few years is needed with their 30 per cent off tuition and other schemes.

Increased funding for Ontario colleges will also enable them to tackle the issue of deferred maintenance of buildings and instructional equipment. In 2015-2016, this amounted to over \$3,900 per student for the Ontario college system. For northern and small colleges, the shortfall is much higher; \$10,800 per student in northern colleges and \$9,300 in the small colleges. At current rates of underfunding, this shortfall will amount to \$29,000 per student in northern colleges and \$27,300 per student in small colleges by 2024-2025. There is a real need for investment in ancillary services

such as mental health services, the demand for which has been skyrocketing as the crisis in the colleges and in society as a whole intensifies.



Community colleges are more directed to educating and training people for working class jobs, while universities are geared more to training people in the professions. Initially tuition fees in Ontario colleges were minimal but they have become significant. In Ontario, there are far more part-time students than in Quebec. Could this be that inadequacies in funding cause higher tuition fees that cause more students to have to work and study at the same time? This is delaying the development of the human potential of Ontario society.

It is my opinion that the introduction of high tuition fees into Ontario colleges where working class youth must complete their education and training at significant expense to themselves is a breakdown in the social contract established in Ontario society (then Canada West) before

Confederation with Egerton Ryerson and the introduction of public education. Youth were guaranteed public education up to the Grade 13 essentially free of charge. Youth completed their training in an apprenticeship system at the expense of the employer. This sufficed for over a century. However, in the last third of the twentieth century, employment paying adequate remuneration to support a worker and family, increasingly required a college diploma. Now, training does not take place with the employer in the workplace but in the colleges. With the introduction of the community college system, a large chunk of the cost of education and training was shifted to the backs of students and their families and to the state, freeing the employer from paying the cost of developing their workforce, while the employer remains the main beneficiary of the increased labour capacity that comes with advanced education and training.

To fund or not to fund public education is a political decision. The College Employer Council and the provincial government plead lack of money and cite \$250 million per year as the cost to fund faculty's proposals on contract employees and to end precarious work. This would amount to \$5 billion over 20 years. Provincial underfunding at a \$1 billion a year totals \$20 billion over twenty years. This amount of money would be required to increase funding for Ontario colleges to bring it up to the Canadian level. These are big sums and talk of big amounts of money are used to intimidate faculty into giving up their job actions. However, let's give this number some context. The Trudeau federal government announced earlier this year a military procurement program entitled *Strong, Secure, Engaged* in response to Trump's demand to increase military spending of NATO countries to 2 per cent of their Gross Domestic Product. *Strong, Secure, Engaged* promises \$550 billion over twenty years to purchase new military hardware. If the federal government can find \$550 billion to spend on non-productive military hardware, why can't the Ontario government find \$20 billion over twenty years to fund Ontario colleges at a Canadian standard which will greatly contribute to the development of the economy?

College education is not a cost to society. It is an investment in our future, in the future of our youth and in a modern society that recognizes the rights of all. It is an investment in the human potential of society. The College Employer Council bemoan the monies necessary to fund a modern college system as a cost, as a loss to society.

Education is primarily a people industry. It is involved in the transfer of knowledge and accumulated

experience from one generation to the next. For one generation to shortchange the next and starve them of necessary investment in education is to commit a grave injustice to the coming generation. For successive Ontario governments to underfund Ontario colleges is to commit a crime against the next generation. It goes against the grain of Canadians who wish to leave the world a better place for their children and grandchildren.

College management does not seem to realize that education is a people process but treats it as an industrial process. To them, anyone can be hired to teach a course at the last minute for the lowest price possible. This attitude does not foster the hiring and retention of a professional teaching corps; it encourages a fly-by-night mentality among contract employees who have to scurry around every few months to renew their employment.

Ontario college faculty are on the right side of history in their struggle to recognize the rights of all and for an Ontario college system that is funded at least to a Canadian level. An increase in funding is not only necessary to provide a just solution to the issue of contract employees and precarious work, it is necessary to relieve Ontario college students from the burden of tuition fees and debt and to provide the investment needed to prepare our youth to participate in the modern workforce and to become full, conscious, participating members of society. The recognition of the right of faculty to participate in academic decision-making is necessary to ensure that academic decisions are made in the interests of students and all members of the college community and not in those of college management and the monopolies they serve.



***An Increase in Ontario College Funding is Just and Necessary for a Modern Society!
Increase Funding for Ontario Colleges to a Canadian Level!
It Can Be Done! It Must Be Done!***

David Starbuck is a retired Ontario community college teacher and the federal Marxist-Leninist Party candidate in Sudbury. He taught technical mathematics at Cambrian College in Sudbury for over 32 years. For many years, David served as a steward and communication officer for the faculty union, OPSEU Local 655. In his later years, the Cambrian faculty members elected him to defend their interests as the sole faculty representative on the Cambrian College Board of Governors.



Statement of OPSEU College Faculty Negotiating Team

- November 6, 2017 -

On November 1, Day 17 of the strike, the College Employer Council (CEC) finally announced that they were prepared to return to the bargaining table. While this was welcome news at the time, their actions since returning indicate that this was clearly a publicity stunt.

Today, instead of negotiating a fair settlement at the table, Council has called for a forced vote on an

offer that largely peddles the same concessions that they have been pushing for months. Instead of addressing the core issues of fairness and quality, Council has put forward proposals that will have devastating negative consequences on the college system for generations to come. Council's actions, in forcing a vote at this late date, are recklessly playing with students' lives, and delaying any potential end to this strike.

Their forced offer vote:

- Attacks and undermines Article 2 by excluding part-time workloads from consideration in staffing grievances. It also doesn't allow locals to file staffing grievances that include workload data for the past few years. This will profoundly affect our capacity to get new full-time jobs.

- Establishes an Academic Freedom Letter of Understanding that is less than worthless and that will enshrine the same policies that have given rise to the problem. This is likely more harmful than no language at all.

- Undermines an agreed-to taskforce that the union proposed by including as key stakeholders parties that aren't bound by our Collective Agreement.

- Implements specific provisions that will help Council evade its obligations to contract faculty under Bill 148.

- Allows for unlimited overtime and teaching weeks. This allows faculty to be pressured into unlimited overtime, and also leads to fewer full-time hires and fewer contract faculty positions.

- Seeks to narrow the definition of professional development and increase management control over PD [professional development].

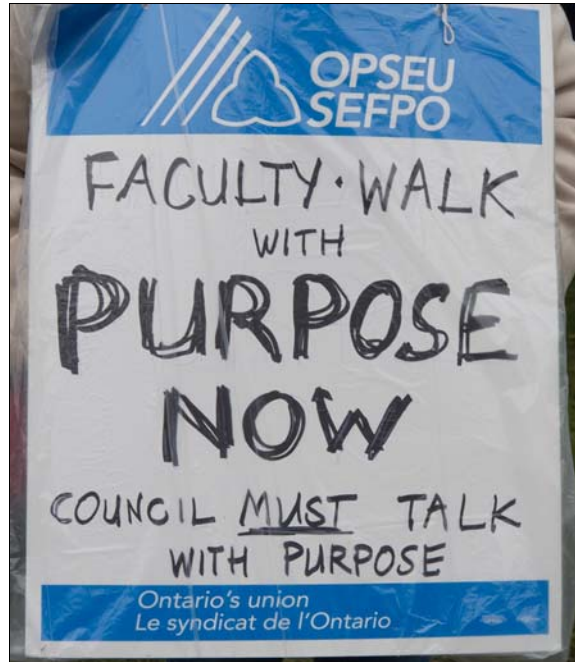
- Attacks the union's ability to have its members work for their union locals and on the bargaining team. Includes the same deeply flawed Return to Work protocol that saw over 1,400 unresolved grievances from the 2006 strike.

When they called for this vote, only one no-cost item remained: academic freedom, the right of faculty to make decisions in our classrooms. We had negotiated to eliminate all immediate monetary costs. We are .25 per cent apart on salary. This offer takes us backwards not forwards.

This forced offer vote is unnecessary, harmful and will delay the end of the strike. We will be providing more information shortly, but we will need to stand strong and reject this offer.

In solidarity,
The CAAT-Academic Bargaining Team

For ongoing updates from OPSEU click [here](#).



Queen's Park Rally Expresses Support for Striking College Faculty



Some 5,000 striking college faculty, students and supporters rally at Queen's Park, November 2, 2017.

On November 2, the day that bargaining was set to re-start between the College Employer Council and the Ontario Public Services Employees Union (OPSEU), some 5,000 striking college faculty, students and their allies from around Ontario converged on Queen's Park to affirm their resolve to stand together till a just and fair contract is won. They came from Thunder Bay, Sault Ste. Marie, Toronto, Windsor, Kingston, Oshawa and Ottawa, London and Barrie, Niagara and elsewhere. Also present were representatives of other unions especially those from the education sector as a whole.

The fighting spirit and unity of the college faculty was everywhere evident throughout the rally. Participants carried placards raising their demands including for equal wages for full and part-time seasonal faculty, and an end to faculty being forced to work from contract to contract without benefits such as paid sick leave.

OPSEU President Warren (Smokey) Thomas, Ontario Federation of Labour President Chris Buckley and Canadian Association of University Teachers President James Compton all addressed the rally. Compton noted that what is going on in the university and college system in Ontario is happening across Canada and also around the world. Neo-liberal policies are being applied to post-secondary education resulting in the lowering of the quality of education and the increased use of part-time faculty. Compton read a message from Danish college faculty to the rally expressing their support for the Ontario college teachers. A similar message was also received from Australia.







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