WORKERS' FORUM
ONLINE SUPPLEMENT OF THE MARXIST-LENINIST

January 25, 2018

## Workers Fight to Get Canada Post to Recognize Their Rights

# Negotiations at the Post Office and the Destruction of the Principle of Universality

***- Louis Lang -***

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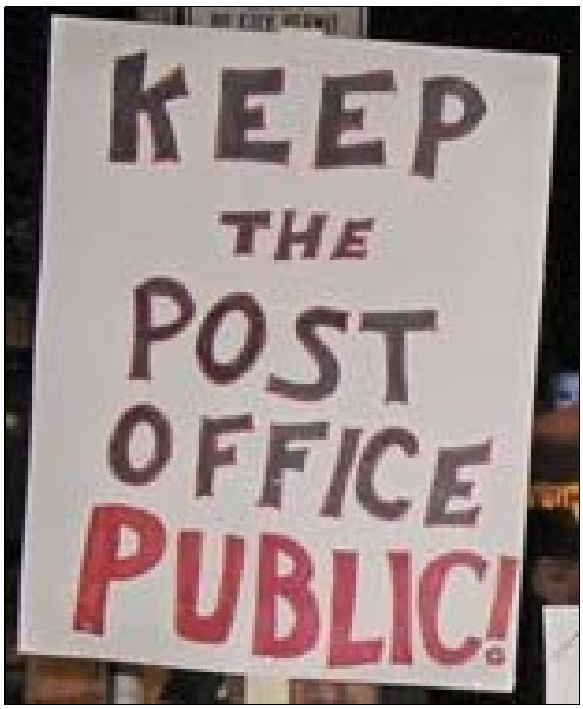
Negotiations are taking place between Canada Post and the Canadian Union of Postal Workers. The contract of the Rural and Suburban Mail Carriers (RSMC) expired on December 31, 2017, and the contract of the Urban Operations group expires on January 31.

Postal workers' defence of the public Post Office is a good example of their defence of nation-building and the rights of all. Amongst other thing, their struggle defends the principle of universality. In Canada, one of the principles of nation-building since its founding was the principle of universality. It was one of the reasons given for why each separate British dominion should become part of Canada. It was said that, by uniting, everyone would enjoy the same standard of living and protection irrespective of their specific conditions. There would be no "have" and "have-not" provinces. Regions far from urban centres would not be deprived of the universal standard of health care, or services of any kind, due to their remote location, smaller populations, colder climate, topography or economic circumstances. In this context, a national postal system was established to provide service at a uniform price to all Canadians regardless of location and this has been essential for the development of Canada right from the beginning.

Of course, one of the reasons for the uniform prices was to facilitate the circulation of necessary business information. A public postal monopoly owned by the government was the most effective way to pool enough capital to create a system of communications vast enough to connect business addresses throughout the country and send out their catalogues and bills.

Abiding by the principle of universality means that the price to send a letter across the street in Toronto is the same as mailing it to Chicoutimi. To guarantee universality, Canada Post shifts some of the added-value postal workers produce from delivering a letter across the street in Toronto towards the transporting of a letter from the city all the way to Chicoutimi. A universal price and service to all Canadians regardless of location affects the overall rate of profit. In the case of mail, the added-value workers produce in relation to the total value decreases as the distance increases. This lowers the overall rate of profit for the corporation.

Canada Post is still a Crown Corporation, not a private business. However it is privatizing the most profitable sections of the enterprise and this negates nation-building. Through the privatization and deregulation of postal services, the ruling class seeks to eliminate the principle of universality both in words and in deeds. This means the added-value workers produce from delivering mail shorter distances will not be used to subsidize the transporting of mail greater distances. Private companies would deliver mail, including packages, in the large urban centres and this production would be separate from the still-public delivery of mail in the rural and outlying suburban areas of the country. To build their empires, the private companies seize for themselves the entire added-value urban postal workers produce rather than have that value go towards nation-building for which, in Canada, it is necessary to provide the principle of universality with a guarantee.




At Canada Post, privatization and deregulation has been going on for many years. As a result of the deregulation of the delivery of parcels by the Liberal government of Pierre Elliott Trudeau in the early 1980s Canada Post has lost its state-mandated monopoly on package distribution to the global monopolies FedEx, UPS and DHL, which deprives Canada Post and Canadians of much needed added-value that could go both into renewing the post office and to general state revenue for investments in social programs.

The fact of the matter is that both Liberal and Conservative government appointments to head Canada Post -- Moya Greene by the Liberals and Deepak Chopra, (past-President of Pitney Bowes Canada) by the Conservatives -- were appointed to oversee the chopping up of the universal postal service.

In 2005, when Moya Greene was appointed CEO of Canada Post by the Paul Martin Liberals, she made it clear in one of her first speeches that the exclusive privilege and universal service obligation were "restrictions from the past" that needed to be eliminated through deregulation. She said, "In order for deregulation to succeed it has to happen gradually. In the places where it was successful, it gave postal administrations more freedom to compete and adjust to the economic environment."

With the appointment of Deepak Chopra by the Harper Conservatives, Canada Post stepped up its systematic selling off of postal franchises to Shopper's Drug Mart and other retailers located near retail Postal Stations.

With Bill C-9, a federal budget bill in 2010, the Harper government succeeded in taking international letters out of the exclusive privilege of Canada Post. With this bill the government legalized the already existing illegal operations of businesses known as "remailers" that were handling letters bound for international destinations. By sneaking deregulation into a budget bill to avoid debate, Harper enabled large private mailers to take millions of dollars of revenue from Canada Post each year.

The direction of the Trudeau government now is no different. In their so-called new vision of Canada Post, they have replaced the need for a public post office and a universal postal service with some vague promises that all Canadians are entitled to "high quality postal service at a reasonable

price." They have kept the final decision about what is "high quality" and what is a "reasonable price" in their own hands.


The backward trend towards privatization and deregulation is accompanied with constant downward pressure on the claims of postal workers on the value they produce in the form of wages, benefits and pensions. The main weapon in the attack on postal workers is the government use of legislation to criminalize the class struggle of the working class to defend its rights and improve its terms of employment -- the direct claim on the value it produces, which makes up a large part of its standard of living. Within this the workers face the problem of misuse of negotiations to get concessions which are unsustainable. In fact, limitations are often imposed by both employers and governments which dictate parameters within which the workers are permitted to negotiate. The parameters are based on realizing neo-liberal objectives which harm the workers' interests but the workers are given no say in the matter.

The other claim of the working class on the value it produces is through the defence of social programs, which are also under attack and being reduced, not improved through needed investments.

All this shows that the struggle of the postal workers for their rights is a matter which concerns all Canadians, not just postal workers. When the postal workers fight to defend their rights and a public post office, it is an integral part of nation-building, which in Canada includes the affirmation of the principle of universality.

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### Hamilton Specialty Bar in Receivership

## Another Grand Theft in the Steel Industry


The bankruptcy of Hamilton Specialty Bar has thrown the lives of 220 steelworkers and salaried employees and 400 pensioners into turmoil. The wrecking of the Canadian steel industry and the ramifications of this on workers and their economy and communities are a profound concern for all. Working people in Hamilton and throughout the country are taking up their social responsibility to deliberate on this crisis and discuss ways to turn the situation around in their favour and organize to bring into being a new direction for the economy with a modern aim to guarantee the well-being and rights of all. This requires a working class front strong enough to deprive the ruling imperialist elite of the power to constantly rain these disasters down on the people.

Workers at Hamilton Special Bar, formerly a unit within Slater Steel, produce carbon and alloy steels for the automotive, heavy truck, off-road, mining, forging, cold finish and service centre sectors. The company went into bankruptcy protection 14 years ago under the *Companies' Creditors Arrangement Act* (CCAA). A U.S. holding company called Delaware Street Capital bought the Hamilton unit and then, in 2007, flipped it to another U.S. holding company led by Woodside Capital. To continue in operation, the new owners demanded wage and other concessions from steelworkers including the destruction of their defined-benefit pension plan. This leaves retirees today with nothing other than what they have accumulated in a savings fund to augment the meager amount they receive from the Canada Pension Plan. With the current bankruptcy protection, the trustee in charge also informed the retirees that their Other Post-Employment Benefits, mainly medical benefits, have been suspended. Hamilton Specialty Bar, which began in 1910 as the Canada Steel Company and later became Slater Steel, is yet another Canadian company that has become victim to the nation-wrecking of the financial swindlers who compete for domination on a global scale at this time.


In early January, the holding company told the 170 steelworkers who had been on a seasonal shutdown that their return to work would only last four weeks before permanent closure of the mill, unless a new buyer could be found. Most salaried employees were summarily dismissed. The company has an outstanding $27.5 million debt to Wells Fargo Capital Finance Corporation, which has been a significant owner of debt at Specialty Bar since 2008 and since then has been receiving interest profit from the added-value steelworkers produce. The bankruptcy court documents found on the website of the receiver Ernst & Young contain only vague explanations such as, "Its (Specialty Bar) financial performance recently worsened."


Mickey Mercanti, President of United Steelworkers Local 4752 at the plant told the local media he was "really mad," adding, "There's no way we should be in this spot right now with the economy the way it is." Mercanti said workers became suspicious something was not right when they started receiving reports of contractors not being paid. Their questions went unanswered. They were left in the dark as to what was going on, which is usually the case for the working people who do the work and rely on it for their livelihoods and yet have no control or say over those matters that concern them the most and directly affect their lives.

A situation similar to the "Sears grand theft," as some now call it, may also be at play in this wrecking of Hamilton Specialty Bar. Workers have no control over what happens to the added-value they produce. In the Sears case, much of the profit had for years been smuggled out of the company to the U.S., instead of being reinvested in renewing and strengthening the company and economy in Canada. Many question why those in control of Hamilton Specialty Bar would declare bankruptcy in the current situation when the steel economy is in one of its periodic upswings. What has happened to all the value workers have

produced during this period when vehicle sales are at an all-time high in Canada? Upon telling the union of the shutdown in early January and the subsequent call-back of workers to complete orders for three large customers, the only explanation offered was that the company was having a "cash flow problem."

The consensus amongst the working people of Hamilton is that this should not be happening. Those in control of the economy have proven themselves unfit to be in the important positions they hold. Workers in Hamilton discuss this phenomenon of how they get dispossessed of what belongs to them by right and are seeking how to themselves provide solutions which take the economy in a new direction, towards a stable all-sided self-reliant economy that can guarantee the well-being and rights of all.

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### Quebec Law Further Criminalizes Construction Workers

# Strengthening Police Powers Will Not Solve the Problems of the Workers or the Sector!


**Mass picket in Montreal during May 2017 strike in the construction sector. Workers were legislated back to work on May 30.**

The Government of Quebec introduced Bill 152 which intensifies the criminalization of construction workers last November 15, shortly before the end of the fall session of the National Assembly. The rationale is that this is required to fight corruption in the industry based on recommendations of the Charbonneau Commission (Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry) which is a pretext but does explain why it called the bill *An Act to amend various labour-related legislative provisions mainly to give effect to certain Charbonneau Commission recommendations.* It amends *Act R-20* which affect labour relations, vocational training and workforce management in the construction industry, and the *Act respecting occupational health and safety.*

This is anti-worker deception of the first order. The bill directly intervenes in the relations of production between construction employers and construction workers on behalf of the employers. The full weight of the state and its police powers and authority to punish individuals and collectives is brought down on construction workers for the supposed crime of defending themselves while producing value at their place of work. Bill 152 denies construction workers their basic rights as workers to speak, to associate in collectives of workers, to meet and discuss the issues confronting them, especially in the heat of the moment at their worksites. It restricts them taking action to defend their rights through withdrawing their capacity to work until an agreement with the employer to

solve the problem or problems has been reached that is satisfactory to the workers.

In other words, Bill 152, and other state-organized means, establishes equilibrium at construction worksites not through negotiations and respecting the rights of workers but through criminalizing workers and suppressing their rights using police powers. This must not pass! Construction workers and their allies are determined to *Break the Silence!* on this state-organized conspiracy to deprive them of their rights.

Legislative hearings on this anti-worker bill will be held on February 6 and 7. It is important to examine this bill and discuss its ramifications because this affects how governments at all levels are treating the rights of working people everywhere and will provide workers in all sectors of the economy with insights they need to wage their own struggles. It is also important because every effort is made to isolate the construction workers, not only in Quebec but everywhere, this is also done with dock workers and others who are slated as a criminal strata which makes them a "category" deemed a legitimate target for police action.

*Workers' Forum* will provide information and opinions on a regular basis about the bill and the context in which it is being presented. We begin in this issue with an interview with Richard Goyette, a labour and social law lawyer and former general director of FTQ-Construction. We also include an article that outlines some of the changes Bill 152 makes to Act R-20.

In future issues, *Workers' Forum* will examine how the Charbonneau Commission, convened to examine the activities of collusion and corruption in the awarding and management of public contracts in construction, the possible links of this collusion and corruption with the financing of political parties, and the possible infiltration of the industry by organized crime, is now being used to amend a law, which is supposed to govern relations of production between construction workers and their employers, in a way that attacks workers and benefits an arbitrary and dictatorial rule of construction employers.

*Workers' Forum* is saying right from the get go that the strengthening of the regime of police powers in the construction sector is the wrong thing to do. In the first place, workers are not criminals and the problem of corruption in the industry is not of their making. It is the corrupt construction companies and financiers and various people in their service as a result of the corrupt political system. But the bill puts the blame on all the activities undertaken by construction workers to make their voices heard and to defend their rights as producers of immense social value, including their right to work in healthy and safe conditions These activities are portrayed by this bill as intimidation and threats to economic activity in the construction sector and to the claim of those who own and control the means of production on the added-value workers produce. All this one-sided intervention in favour of the employers is taking place in the most dangerous industry in Quebec, one that kills, maims and sickens more workers than any other!

Secondly, the measures taken as a result of this bill will exacerbate not only the problems that workers and the sector are facing but that the entire society faces as a result of unsafe construction due to short cuts taken by the owners.

To unleash police powers and the disinformation that accompanies them seeks to prevent working people from uniting to deliberate on the problems they and their economy and society face, so as to find solutions that benefit the people. This begins with attempts to isolate sections of workers so that their criminalization succeeds and nobody rises to their defence. It is important that workers in all sectors find the means to express support for the fight construction workers are waging in defence of their rights and the the rights of all.

# Interview, Richard Goyette, Former General Director of FTQ-Construction

***Workers' Forum:*** What are the main features of the Quebec government's Bill 152?

***Richard Goyette:*** The main feature is the government's goal of imposing more silence on the union apparatus and on construction workers. Given that we have a very unstable industrial sector, not only physical insecurity but financial insecurity and job insecurity, this creates chaos. We have construction workers in the regions struggling to secure the few jobs they have, and there is the issue of very unhealthy conditions on the job sites. What this bill means is that if you are waging some fight to defend yourself, to defend your workforce, or because your wage is stolen, or if you raise your voice when you meet your boss, rather than solving these problems the law imposes penalties on you, up to the loss of the union representative's ability to represent the union for five years.


The law uses words like "meeting," to mean an illegal meeting on the building sites. What is an illegal meeting? Workers coming together to ask the employer to adopt security measures? It has already happened that the Quebec Construction Commission tried to intimidate workers who had exercised their right of refusal on a construction site on the grounds that the work stoppage was illegal.

There are always ways to interpret things, and the best way to do that is to suggest that the construction industry is very violent, an industry where organized crime circulates freely. In the name of that, all kinds of legislative measures can be taken to exercise repression against workers. In fact, construction, with 5 per cent of the workforce, has 25 per cent of deaths annually in Quebec and the highest accident rate. These people did not die at the hands of organized crime. They died because of a definite mode of production, and there is no criminal investigation into that, there are very few repressive measures against that. Workers can be killed and their wages stolen. We are talking about millions of dollars lost to undeclared work and if, in order to get our real pay which corresponds to the hours worked, if we raise our voice, there will be fines and loss of jobs. Trade union representatives may lose their union job for up to five years.

***WF:*** Can you give us specific examples in the law that highlight this goal of silencing workers?

***RG:*** First of all it is the industry that imposes silence. When you have no job security, no financial security, you do not have the power to speak because there are plenty of ways to get rid of a construction worker. It is in the very conditions of the industry that silence is being imposed.

For example, there is an article in the bill that says that anyone who uses intimidation or threats that are "likely" to cause obstruction, slowdown, or cessation of activities on a site commits an offence which is punishable by fines.

What does that mean, using intimidation? Screaming? Being upset? If the boss feels intimidated, he will file a complaint and the worker is liable to a fine of $1,120 to $11,202 per day or part of the day that this offence lasts.


We remember what happened in 2015 when Indigenous people in the La Romaine region held a demonstration on the road leading to the construction site. Would these people be fined or ticketed? Would workers in a region who are fighting for regional employment and demanding that the companies consider the number of workers from outside the region that are allowed to work while the local workers themselves are unemployed? Is this intimidation? Is it intimidation to bring people together on the road leading to the construction site, to bring workers, their families including their children, or even the MNA for the region? Is this "likely" to cause obstruction?

I compare that with section 237 of the *Occupational Health and Safety Act* which says that someone has to "directly and seriously" compromise the health, safety or physical integrity of a worker before this is considered a violation of the law.

So when a worker is killed, someone has to be directly and seriously responsible, but when it is economics, it is enough that the action is "likely" to hinder production for the full weight of the law to be used against the worker. It is a method of legislating which claims that the material, the economy, comes before the human person. It does not make sense. If an employer wants to get rid of a union representative, or people from the region who are fighting for regional economic development, he just has to wait until there is some action to say he fears the threats and then can close his construction site.

Other aspects of the bill are similar to that one. For example, the bill states that an association of employees, its representative or an employee cannot hold a meeting at the workplace under penalty of very heavy fines. Bill R-20 and the *Labour Code* already say that you do not have the right to hold a union meeting at a workplace without the authorization of the employer. Why another article then? If a problem arises on a construction site and the workers get together, and the union representative arrives, is it an illegal meeting? Union representatives make site visits. We talk to people. We do not stop production. First, when the workers are working, they are not too keen on leaving their machines and unhooking their harnesses and safety belts to come and talk to us. On the other hand, however, if there is a serious health and safety or labour relations problem, yes they will come to see us and now we are going to be told that this is an illegal meeting, and everyone will have to pays fines and the union representative may be prevented from being a union rep for five years. That kind of provision does not exist anywhere else in the *Labour Code* or labour legislation, it only exists in construction.

Again, if we were dealing with a sector of activity which was in good order, very healthy, with job security, etc. we could say that yes it is better to meet in our union local. But we are in a sector of the economy where even the basic rules of health are not respected. We do not have toilets that have water so that we can wash our hands. We have to fight for that, to have access to basic sanitary conditions. It becomes an illegal meeting to enforce basic rules and safety rules in an industry that is known for killing and injuring workers.

***WF:*** Very briefly, what is the relationship between the Charbonneau Commission and Bill 152?

***RG:*** A link has been concocted between the mandate of the Commission and labour relations. Charbonneau Commission staff had no expertise in labour relations. The investigation team consisted of investigators with experience in criminal investigations and expertise in the fight against organized crime. They talked about labour relations and conflicts in labour relations as if this was a crime. They said that exercising rights in regards to property is a breach of property as it is in the criminal code sense, so those who do so are bandits and we will treat them like bandits.

***WF:*** What do you think workers should do about this bill and what is the solution to the industry's problems?

***RG:*** In my opinion, the entire bill must be withdrawn.


We need a system of income security and job security. There has to be planning of the work. If we consider that 68 per cent of construction sites in Quebec are governmental, there can be planning and stability. We should not have peak periods, and after that nothing. There should not be huge variations in the workforce and hours worked. As long as people do not have relative job and income security, in addition to physical security on construction sites, the situation will not change for the better. Ironically, there are plenty of reports that have been submitted over the years, from commissions of inquiry and from government-commissioned experts, which have concluded that without putting an end to the instabilities and insecurities in the construction industry, the industry cannot provide solutions to its malaise, and this bill contradicts all this. The trend of attempting to smash the unions has to stop; this maintaining of a wild west economy on construction sites is what causes the chaos.

The problems are certainly not going to be solved by depriving an entire sector of the workforce of the right to protest, the right to speak, and the right to build some balance of power, or by depriving our union representatives from being able to work for five years.

Let's not forget that the anti-scab law does not even apply in the construction industry. Work continues on construction sites during a construction strike. If we decide to do a tour to stop work on construction sites, that is going to constitute intimidation and threats that are likely to obstruct, slow down, or stop work on a site (all of it illegal according to Bill 152). Regular work that carries on during a strike is illegal in other sectors. It is only in construction that this is legal.

A possible solution is to hold a working table chaired by the Ministry of Labour, which would bring together the sector's stakeholders, and would be mandated to report to the Minister of Labour on actual solutions to provide security for the industry, and employment and income security to workers in the sector.

A public campaign has to be waged because this is affecting not only the construction workers but their families and society at large.

*(Translated from the original french by Workers' Forum)*

# Changes to Construction Regulations

Bill 152 currently before the Quebec National Assembly makes several amendments to Act R-20, an *Act Respecting Labour Relations, Vocational Training, and Workforce Management in the Construction Industry*. The bill amends, among other things, section 113.1 of the Act, which deals with intimidation and the threat of obstructing, slowing down or stopping work on a construction site.

The current text of the law says:

"113.1: Any person who uses intimidation or threats **to cause** an obstruction to or a slowdown or stoppage of activities on a job site is guilty of an offence and liable to a fine of $1,120 to $11,202 for each day or part of a day during which the offence continues."

The amended text, if Bill 152 passes, will read:

"113.1: Any person who uses intimidation or threats **that are likely to cause** an obstruction to or a slowdown or stoppage of activities on a job site is guilty of an offence and liable to a fine of $1,120 to $11,202 for each day or part of a day during which the offence continues."

Adding the word "likely" provides a much wider possibility for criminalizing workers (or people in the community) than the current text.

## Section on Management of the Operations on a Construction Site

Bill 152 amends the current section 113.2, which reads: "113.2: Any person who requires an employer **to hire specific employees or a specific number of employees** is guilty of an offence and liable to a fine of $1,518 to $15,146.

"For any subsequent conviction, the fines are doubled."

The proposed amended text reads: "Any person who uses intimidation or threats **that are likely to compel an employer to make a decision regarding workforce management in the construction industry or to prevent the employer from making such a decision**, **or otherwise imposes such a decision** is guilty of an offence and liable to a fine of $1,518 to $15,146.

"For any subsequent conviction, the fines are doubled.

"Any act listed or described in the second paragraph of section 101 constitutes a decision regarding workforce management."

Once again the words "**likely to compel**" are wider and more subjective than "requires an employer" in terms of the possibility they offer to criminalize workers. Besides, the charges of "intimidation" and "threats" are now going to apply to any attempt of workers and their union to intervene on issues regarding the management of the operations on the work site. This negates the very *raison d'être* of a union in terms of defending its members, among other things, regarding the management of the operations, whether to ensure workers have jobs on the sites, the workforce is adequate regarding the task at hand and their safety etc.

## Section on Attempting to Commit an Offence or Inciting to Commit an Offence

Bill 152 through the addition of section 118.1 modifies section 118 of the current Act regarding attempts to commit an offence under the Act or inciting somebody to commit or attempt to commit such an offence.

Section 118 currently reads:

"Any person who attempts to commit any of the offences described in this Act, or aids or incites any person to commit or attempt to commit such an offence, is guilty of an offence and liable to the penalty prescribed for such an offence."

Bill 152 adds 118.1:

"118.1. An association of employees, a representative of such an association or an employee that holds an employee meeting at the place of employment without the employer's consent or that orders, encourages or supports the holding of such a meeting is guilty of an offence and is liable, for each day or part of a day the offence continues, to a fine of $7,842 to $78,411 in the case of an association or representative, and $1,120 to $11,202 in the case of an employee."

This explicitly criminalizes workers holding meetings to discuss their conditions at the workplace. This strengthens the criminalization of workers meeting and discussing already in the Act. Section 99 in the current Act prohibits the holding of an employee meeting on a construction site. It reads:

"99. No association of employees shall hold any meeting of its members at the place of employment without the consent of the employer."

The widening of the scope of the criminalization of the workers who are holding meetings on the construction sites is obvious as it is now going to apply, with heavy fines, to a union, a union representative and to the workers themselves. The government is doing this in a perverse and undignified way without any reference whatsoever to the reasons why workers may feel they have to meet and discuss the state of affairs at the worksite, what the problems are they face and how to solve those problems. Presumably, the employer is responsible for causing the problems or at least not adequately dealing with the problems the workers face, so requiring the employer's permission to meet and discuss and hash out solutions to the problems is irrational.

## Section Prohibiting a Union Representative Who Is Found Guilty Under the Act from Exercising His Duties for a 5-Year Period

Bill 152 modifies Section 119.1 to broaden the scope of the offences it covers. The amended text reads:

"119.1: Any natural person convicted, by a final judgment, of an offence listed in any of sections **113.1, 113.2, 115, 119, 119.0.1, 119.0.3, 119.0.5** is disqualified from leading and from representing, in any capacity whatever, an association listed or described in any of subparagraphs a to c.2 of the first paragraph of section 1 or an association of employees affiliated with a representative association for five years from the day sentence is rendered."

*(Extracts of the law and article translated from the original french by Workers' Forum)*

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