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## News and Comment

### Public Service Workers to Strike If Tentative Agreement Not Reached Immediately



PSAC Ontario, March 29, 2023

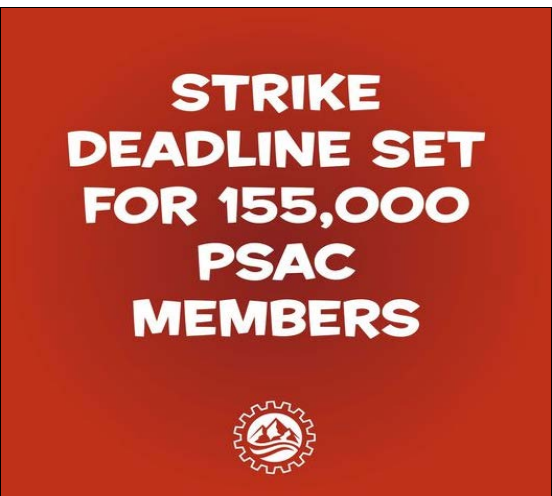
- **Ontario NDP's Anti-Scab Legislation**  
– *Enver Villamizar* –

## News and Comment

### Public Service Workers to Strike If Tentative Agreement Not Reached Immediately

The Public Service Alliance of Canada (PSAC) announced that 120,000 Treasury Board workers and 35,000 Canada Revenue Agency workers -- a total of 155,000 workers -- are going to go on strike at 12:01 am on April 19 if no tentative agreement is reached by 9:00 pm on April 18. Treasury Board workers include workers from Service Canada, Immigration Canada, Transport Canada, the Coast Guard, the Correctional Service and Veterans Affairs among others. PSAC made the announcement at a press conference held on the morning of April 17.

PSAC leaders said that although some progress



**STRIKE  
DEADLINE SET  
FOR 155,000  
PSAC  
MEMBERS**

was made at the bargaining tables in the last two weeks, the government continues to demand concessions on wages, job security, telework and other issues. They pointed out that for close to two years, since June 2021, the union's bargaining committees have been trying to negotiate a deal, to no avail. No wage increase since June 2020 means that federal workers have seen their purchasing power reduced by more 10 per cent.

The government's wage offer is well below the rate of inflation and this signifies an offensive against all Canadian workers, PSAC President Chris Aylward said.

"When the federal government represses its wages for its own employees, what they are doing is repressing wages for workers right across the country, unionized workers, non unionized workers, private sector and public sector," Chris said. It is an attempt to shift the burden of inflation onto them, he said, adding that it is not workers who cause inflation, while private corporations are reaping record profits. Workers across Canada have to make sure that no worker is left behind, he said



PSAC Prairie Region, April 14, 2023

The PSAC President made it very clear that his union is committed to remain at the negotiation table but strike action has now become necessary to move things forward if a settlement is not reached without delay. Negotiations have been dragging on for too long, he stated.

Aylward also warned the federal government not to use back-to-work legislation against workers if they are forced to go on strike. Workers' right to strike has to be respected, he said.

Asked by a reporter what would happen in terms of picketing if the strike goes on, he said that there would be picketing all across the country, that the union would choose very strategic locations for picketing in order to have maximum impact on the government and as little impact as possible on services to the people. If the strike takes place, there will be delays in services such as immigration applications, employment insurance applications and income tax processing.

PSAC has agreed to keep a number of essential workers at work if the strike is called. The way to avoid a strike and the disruption of services is for the government to sign a deal that is acceptable to workers, Aylward said.

Yvon Barrière, PSAC Regional Executive Vice-President for Quebec, said that workers do not want to go on strike but they cannot afford to have their purchasing power reduced due to government intransigence.

The very strong strike mandate that the 155,000 Treasury Board and Canada Revenue Agency workers gave the union in votes held across the country from February 22 to April 11 shows that the workers strongly feel that they cannot wait any longer to get the wages and working conditions that they are seeking.

Treasury Board is offering a raise in wages which averages 2.06 per cent per year from 2021-25 which is a continuation of a loss in wages due to inflation. PSAC informs that other key issues include:

"- **Job security:** We're seeking improvements to the Workforce Adjustment Appendix that would ensure a fair and transparent process. But Treasury Board is proposing concessions that would make it harder for laid off or surplus workers to find other work in the federal public service.



"- **Remote work:** Remote work has become a part of everyday life for many workers. Our experience during this pandemic has shown that public service workers can be as effective working remotely as they are in the office. Now it's time to look to the future by enshrining remote work protections into our collective agreements. Unilaterally changing the terms and conditions of our members' employment and imposing a mandatory return to offices is an egregious violation of workers' collective bargaining rights.

"- **Systemic racism in the workplace:** Fighting racism and building a more diverse public service is supposed to be a top priority for this government. They should work with us to remove barriers and dismantle the structures that sustain racism in our workplaces.

"- **Work-life balance:** PSAC is fighting for the right to disconnect to ensure workers aren't tethered to their work by having to check their emails and work phones after hours.

"- **Contracting out and privatization:** When public money goes into private pockets, Canadians lose out with higher costs, more risk, and reduced quality of services. Just look at the tragic public health outcomes at private nursing homes when COVID-19 hit."



PSAC is also encouraging federal workers to contact Minister of Labour Seamus O'Reagan ([seamus.oregan@parl.gc.ca](mailto:seamus.oregan@parl.gc.ca)) and Treasury Board President Mona Fortier ([mona.fortier@parl.gc.ca](mailto:mona.fortier@parl.gc.ca)) to denounce emails from their employer encouraging PSAC members to continue working in the event of a strike. "This is a classic and often seen union-busting tactic that aims to undermine our efforts to secure a fair agreement for all workers -- including wages that keep up with the rising cost of living and don't force you to take a pay cut," PSAC says. "It's also hypocritical coming from a

government that has promised to introduce anti-scab legislation for the federal private sector. This government says they support workers, but when their own workers are in a strike position, they encourage crossing picket lines," PSAC adds.

The *Federal Public Sector Labour Relations Act* designates employees as essential whose duties are deemed essential to the safety and security of the public and must continue during a strike. There is an Essential Services Agreement (ESA) between PSAC and the government. Some examples of ESAs include certain functions performed by border services officers, firefighters, and members who process pay for Canadians.

While the employer decides which functions should be deemed essential, the union can make

arguments as to how many members are required and what exact duties they will perform while working. Ultimately, the Federal Public Sector Labour Relations and Employment Board will rule on these differences. Employees are notified by their employer if their position is deemed essential once the union is in a strike position.



## Ontario NDP's Anti-Scab Legislation

– Enver Villamizar –



Secondary picket by Windsor Salt workers at Charron transport March 30, 2023, which is transporting salt out of Windsor Salt facilities during the strike.

On March 29 the Ontario NDP tabled Bill 89, *An Act to amend the Labour Relations Act, 1995 with respect to replacement workers*, in the Ontario Legislature. The bill was ruled out of order with no explanation on record but now appears to have been re-tabled as Bill 90.[1]

The proposed legislation was sponsored by MPPs France Gélinas (Nickel Belt); Lisa Gretzky (Windsor-West); Wayne Gates (Niagara Falls); Jamie West (Sudbury); and Jennifer French (Oshawa). Summarizing the legislation at first reading, Gélinas stated that "the bill restores the provisions that were incorporated into the *Labour Relations Act* by the *Labour Relations and Employment Statute Act* of 1992 that were repealed in 1995."

"The provisions being restored prevent an employer from replacing a striking or locked-out employee with a replacement worker except in specific emergency situations," Gélinas said.

In 1995, the Mike Harris government repealed anti-scab legislation that had been passed by the NDP government of Bob Rae. Similar legislation has been tabled by the NDP in almost every session of the legislature since and has never been passed. Most recently, the same legislation was tabled by Gélinas in March 2019 but it did not proceed past first reading. The draft legislation sets out rules for when and how scabs can and cannot be used by a company, and the rules that must be followed when bringing in scab labour. It would prohibit the use of scabs -- either brought in as new hires, from the bargaining unit itself or from other facilities -- to do the work of workers who are in a legal strike or have been locked out.

The legislation would not prohibit managers who already work at a facility from working in the facility as scabs -- as is currently happening at Windsor Salt. It does prohibit managers from other facilities from being brought in to do the bargaining unit's work. There are exceptions to permit the use of scabs in cases of secure custody, residential care for the disabled and children, emergency shelters or crisis intervention, emergency dispatch communication, ambulance services or first aid clinics or stations. There are also exceptions in what is described as an "emergency," which is not defined in the legislation. In these cases, the union may consent to the use of replacement workers or its own bargaining unit members, if the members agree.

According to the bill, scabs are permitted to prevent danger to life, health or safety; the destruction or serious deterioration of machinery, equipment or premises; or serious environmental damage.

It is important to consider that these last exceptions are precisely the justifications Windsor Salt's owners gave during the current strike to obtain an injunction against blocking the movement of stored salt in and out of the facilities. The company claimed they required the injunction to keep the equipment from seizing up and to prevent possible environmental damage that would result if, in the future, pipes carrying brine leaked.

The fact that the company used the injunction to keep selling salt reveals its hidden aims in raising the safety and environmental concerns. It is removing the rock and table salt to keep selling it and this prolongs the strike. This underscores the fact that workers may or may not be protected by laws but it is the strength of their numbers and organization which are decisive to achieve their aims. The aims of the narrow private interests are not the same as those of the workers. This means that the workers' real protection lies in their fight for their rights and the rights of all within concrete situations, irrespective of what the law says. They are the ones to devise the tactics they can employ within the situation to unite everyone in action to achieve a just cause.



**Miners and community supporters block the movement of salt out of the mine, February 23, 2022.**

The state backs up the companies as a matter of course when they twist the law to serve themselves. The law is not neutral. Today, any provisions laws might have contained which under

the current conditions are seen to limit companies from doing as they please are being removed. This is done in the name of stability, security and the need for unlimited ministerial powers.

The way the law is worded, the decision about what constitutes the "legitimate" use of scabs is left to the Ontario Labour Relations Board. According to the mythical rendering of the conception of the state, the Labour Relations Board is "neutral," which rank and file workers know is not the case. In fact, not in fiction, it is part of the state apparatus whose allegiance is to "King and Country." This means it has a duty to enforce the demands which serve the interests of capital over labour because to do otherwise is tantamount to undermining the security of "King and Country."

In addition, the legislation also contains a provision which would legalize the common practice where a company cuts off workers' benefits in the event of a legal strike or lockout. It outlines how the union can agree to pay for its members' health and other benefits through their existing benefits plan, which the company must accept. This acts as a green light to cut benefits and puts the onus on the union to cover health benefits for the workers.

The health and well-being of the workers is of direct benefit to any company but the company is permitted to cut off health benefits during a strike or lockout. This reflects an outlook that health benefits are not a right but a privilege. The practice of cutting off workers' benefits during a strike or lockout should in fact be completely prohibited. It should not be permitted to be used as a mechanism to pressure workers into accepting an agreement under duress.

At the end of the day, the legislation has to be seen from the workers' vantage point within the context of the vicious anti-social offensive that is underway. Will it help the working people resolve the crises in a manner that favours them and the claims they are entitled to make on society by virtue of being human and of being the producers of all the wealth society depends on for its living? Will it help the workers to deprive governments and companies of their ability to continue to act with impunity? So long as laws are used to criminalize workers' resistance and their fight for democracy, it remains important to see things from the vantage point the workers themselves establish under all conditions and circumstances.

At this point, nobody expects the legislation to pass because within the cartel-party system of government, the NDP has no clout within the current Ontario legislature. In this context, the bill is seen as part of the *modus operandi* within the cartel-party system of doing something to get kudos for representing the constituency you claim to represent. In fact it does not help to organize the workers to achieve something which will benefit them in a meaningful way which in the conditions of the anti-social offensive is seriously wanted.

The Liberal-NDP coalition at the federal level has said that it will also put forward anti-scab legislation in early 2023.

## Note

1. Bill 90, *An Act to amend the Labour Relations Act, 1995 with respect to replacement workers*.



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Website: [www.cpcml.ca](http://www.cpcml.ca) Email: [editor@cpcml.ca](mailto:editor@cpcml.ca)