

# Toronto Transit workers forced back to work by strike-breaking law

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28 April 2008

A thirty-six hour strike by the nine thousand members of Local 113 of the Amalgamated Transit Workers union ended abruptly Sunday afternoon, when the trade union-backed New Democratic Party joined with the other two parties in the Ontario legislature to unanimously pass an emergency back-to-work order.

The legislation, initiated by Liberal provincial Premier Dalton McGuinty, calls for the appointment of a labour arbitrator to decide outstanding issues in the dispute between the union and the Toronto Transit Commission (TTC). The order also threatened a two thousand dollar per day fine for any transit worker defying the law and a twenty-five thousand dollar per day penalty for the union should it resist the order.

Just as they did with the garbage strike in Toronto in 2002, Howard Hampton and the other New Democratic Party members of the assembly wholeheartedly supported the Liberals and Conservatives in their rush to crush the strike. The legislation was also heralded by Toronto Mayor David Miller, a Clintonsque politician who has received support from the unofficial NDP group in city council, even whilst overseeing a fifteen year tax plan that is geared toward massively redistributing wealth in the city from tenants and homeowners to big commercial interests.

Immediately after the legislation received royal assent, ATU President Bob Kinnear issued a statement to his membership calling for them to return to work as soon as possible. Buses and some subway trains began moving again late Sunday night.

Kinnear had called the sudden strike for midnight on Friday, just a few hours after his membership had voted down by a 65 percent margin a tentative agreement he had negotiated with the employer only last week. A rift in the ATU union bureaucracy had resulted in seven of the fifteen executive members of the local refusing to

recommend the tentative agreement to their members.

Kinnear had made wages and increased compensation for drivers injured on the job the union's central demands. When the TTC offered wage increases of 3 per cent in each year of a three-year contract and promised to establish an enhanced review process for certain injured workers' claims, Kinnear and a slim majority of the Local 113 Executive Committee caved into governmental pressure for "labor peace" at the TTC and signed the deal.

However, one third of the workforce, comprised of maintenance and trade workers in the repair garages, were angered that there was next to nothing in the contract protecting them against contracting out. The TTC has purchased 468 new buses over the past eighteen months that come with repair warranty claims from the manufacturer that threaten the jobs of the depot workers. As one worker, a bus driver, stated after voting against the deal, "I didn't see anything wrong with the transit side of this, but I had to vote no because they're contracting out the maintenance work. That's what a union is all about. You got to look out for your co-workers."

The strike caught Mayor Miller, Toronto City Council, and the TTC completely flat-footed and stranded tens of thousands of transit riders into the early hours of Saturday morning. Kinnear had made repeated assurances to city officials and the general public that his union would provide forty-eight hours' notice should any work stoppage be called. Transit workers on duty Friday evening, given only an hour's notice of the impending action, were themselves surprised by the strike order.

But Kinnear had no intention of leading a successful job action in support of the demands of his membership. Any such struggle would have required an

appeal to the working people of Toronto, almost a million of whom depend on the transit system for their weekday work commutes. It would have had to take into account the inevitability of strikebreaking legislation. After all, the premier had threatened as much only a week earlier in a public statement. And it would have had to link the fears of layoffs and outsourcing felt by the union membership and the related fare price hikes and the starving of funds to the city's transit system with resistance to the ongoing assault on public and social services that has become the hallmark of municipal and provincial governments throughout the country—not to mention the Harper Conservative government in Ottawa.

Rather, Kinnear's ill-prepared Friday night strike call was meant to punish a rebellious membership and those opponents within his own executive and prove to them in no uncertain terms that a strike was unwinnable. And just to drive home the point, Kinnear facilitated the record-time passage of strikebreaking legislation by creating chaotic conditions in Toronto on Friday night that quickly became the grist for the mill for every right-wing newspaper columnist and talk-radio demagogue in the Greater Toronto Area.

It was as if Kinnear had said to his membership, "OK. You want a strike? You got one. But you'll be sorry." The fearful expressions on the faces of ticket booth collectors and station attendants as they were ordered to move patrons out of the stations and bar the doors, often in the midst of inebriated crowds, late Friday night gave the lie to Kinnear's claims to be concerned about the safety of his membership.

Transit workers interviewed on Saturday expressed dissatisfaction with the timing of the strike call. Why, they wondered, was the strike called, out of the blue, and at midnight?

People were stranded. The public would be angered, particularly in the face of the Local Executive's renegeing on its 48-hour promise. The subway system was to close for the night in two more hours. Why not wait, at least until then?

This is indeed a good question. Certainly, Kinnear did not have a grand strategy for winning a strike with lightning tactics. He had worked feverishly to end a one-day wildcat strike in 2006, again begun by workers in the depots who took action against arbitrary shift changes. He offered no advice or strategy on

mobilizing against the back-to-work legislation that was sure to come. But, by calling the strike as soon as the votes had been counted Friday night, he ensured that, even if the general public would be severely inconvenienced over their weekend, the government would have plenty of time to ensure that big business could get its workers in for Monday morning.

The hue and cry over Kinnear's debacle will now be used to whip up support for legislation designed to completely strip transit workers by making the TTC an "essential service." Premier McGuinty has already said his government will consider widening the province's definition of essential services to strip the TTC workers, and possibly other public and private sector workers, of the right to strike.



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