

Toronto Transit workers threatened with loss of right to strike

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Toronto's Mayor David Miller has referred to the city's Executive Committee a motion that would designate the Toronto Transit Commission (TTC) an essential service. Such a designation would invite action by the provincial government to strip transit workers of the legal right to strike or to restrict job action as to make it a token gesture.

The call to restrict the right to strike, put forth by two Toronto city councillors, follows closely on the heels of a day-and-a-half walkout by 9,000 transit workers organized in Local 113 of the Amalgamated Transit Union (ATU).

That job action began on the night of Friday, April 25, after workers overwhelmingly rejected a tentative agreement recommended by a thin majority of the union's executive committee. The strike was abruptly ended the following Sunday afternoon when Ontario Liberal Premier Dalton McGuinty marshalled the unanimous support of the opposition Conservative and New Democratic parties to force the workers back into the subway and bus barns and impose binding arbitration in the contract dispute.

In the run-up to the strike, McGuinty had made no secret of the fact that he would not only quickly draft punitive back-to-work legislation, but that he would favourably consider more permanent restrictions on the right to strike. "If there was some kind of approach made within the course of the next three years by the City of Toronto ... saying we have decided ourselves that it would be a good thing for us to have our public transit system essential, that is something that we, at Queen's Park, would have to consider," said McGuinty.

The current mayor and the majority of his city council had previously favoured negotiated solutions to the transit contracts that come up for renewal every three years. But the hue and cry whipped up by the mainstream press and talk-radio demagogues during the brief walkout were virulent enough to move many of the councillors into the right-wing camp on this issue.

The *Globe and Mail* has urged that TTC workers be permanently stripped of the legal right to strike and the liberal *Toronto Star* has said such a step should be given serious consideration. As would be expected, the neo-conservative *National Post* riled against the striking transit workers with Robert Fulford, purportedly one of Canada's leading "men of

letters," headlining a column "This is why we hate unions." While supporting the back-to-work law, the *Post* has argued the real "solution" is not a permanent legal ban on transit strikes, but to increase the "competitive pressure" on TTC workers by breaking the TTC's monopoly on public transit through contracting-out and privatization.

The cynical manner in which ATU Local 113 President Bob Kinnear called the strike only gave grist to the right-wing campaign. Weakened by a rebellious membership, and seeking to isolate opponents within his own executive, Kinnear reneged on a promise to the general public that he would provide 48 hours notice before any job action was initiated. In fact, he provided little more than an hour's notice to his own members and even less to the general public. Tens of thousands of commuters were stranded when workers were ordered to shut down the system at midnight.

Kinnear's actions were not part of any strategy aimed at mobilizing transit workers and the working population of Toronto against the systematic attack on workers' wages and working conditions and public and social services that has been mounted by big business and its political hirelings over the past quarter century. Rather they were deliberately intended to discipline a rebellious rank-and-file by facilitating back-to-work legislation and thereby "proving" the impossibility of mounting a struggle and winning a settlement better than that Kinnear and the ATU bureaucrats had negotiated. (See "Toronto Transit workers forced back to work by strike-breaking law")

Now big business and the political establishment are trying to exploit the public anger and confusion over the sudden strike to rob TTC workers of the right to strike—an action that would also set an ominous precedent for other workers.

Miller, current TTC Chair Adam Giambrone, and his predecessor, Howard Moscoe, have cultivated close relations with the city's trade union bureaucracies, counting on them both to provide electoral support and keep labour peace. Somewhat more sophisticated than their more rabid right-wing opponents, they represent a faction within city politics that realizes that the union bureaucrats can be cultivated as allies against their own rank and files. However, Kinnear's complete inability to sway a majority of union members, and even much

of his own executive, behind the recent tentative TTC contact stunned Miller and Giambrone and has caused them to reconsider their attitude toward the collective bargaining process.

The day after the back-to-work legislation was passed, Sid Ryan, the Ontario President of the Canadian Union of Public Employees (CUPE), issued a press release designed to remind Miller of his previous position. “Mayor Miller and Toronto Councillors better think long and hard about asking the province to take away the right to strike from public sector workers,” declared Ryan. “We successfully mobilized labour throughout the province when Mike Harris tried to suspend the right to strike during amalgamation, and we are poised to do that again.”

Ryan, who heads the province’s largest union, also spoke against the previous day’s back-to-work legislation. “Without any seemingly public safety issue at stake, these politicians circumvented workers’ rights. At no time during the discussion was proof put forward that public safety was in jeopardy by these workers exercising their democratic rights.” Of course, Ryan, who is a leading member of the New Democratic Party and who has stood several times for election under the social democrats’ banner, was reticent to mention that it was his own party that allowed quick passage of the back-to-work law. Indeed, the NDP in the provincial legislature has in recent years repeatedly been party to such orders—including one directed against Ryan’s own members (the 2002 Toronto garbage strike)!

Even before Mayor Miller had referred the essential services motion for study by his Executive Council, city bureaucrats and political warhorses alike were advising politicians against hasty action. The eventual decision on whether to designate the TTC an essential service will have nothing to do with democratic principles and everything to do with deciding on what is the best strategy for suppressing the wages and gutting the working conditions of city workers, while ensuring that the trains and buses run on time.

Several provincial governments have recently moved aggressively against workers’ right to strike. Both the Saskatchewan and Nova Scotia governments have tabled legislation that would allow public sector employers to designate essential positions before a strike is permitted. The Province of Ontario requires that Crown employees and ambulance workers do the same so that certain essential services can continue. Police and firemen have the forfeiture of any right to strike written directly into their contracts.

Some politicians and city bureaucrats are arguing that arbitrated contracts for firemen and police have resulted in “costly” settlements. Former TTC chairman Howard Moscoe has taken the argument further, claiming that those non-uniformed city employees who have been designated as essential also have historically enjoyed more favourable contract settlements.

Utterly ignored in this debate is the extent to which the establishment has glorified the police as defenders of “order” under conditions of mounting homelessness and social distress and the extent to which a coddled police have themselves become a political force, pressing for increased funding and police powers.

In any event, no one in Toronto’s political establishment is against robbing TTC workers of the right to strike. The debate is how to design a labour relations regime most favourable to the employer and most fail-safe in preventing strikes and other forms of worker protest.

Mention has been made of the situation in Montreal, Canada’s other metropolis. The Montreal transit authority has not been declared an essential service, but under Quebec’s Essential Services Council, which was established by a reputedly pro-labor Parti Quebecois government, workers are obliged to provide rush-hour service during any strike. Some have complained that this has not proved effective in preventing job action, and has only led to lengthy “partial strikes.”

The pros and cons, from a big business perspective, of New York State’s draconian anti-strike legislation, the Taylor Law, are also being debated. The Taylor Law outlaws any strike action whatsoever by New York transit workers, but failed to prevent transit workers there from mounting a three-day strike in December 2005. Those leery of such an authoritarian solution also note that absenteeism, lower productivity and even incidents of vandalism often accompany the most restrictive labour laws.

In Alberta, where strict anti-strike legislation has been passed against nurses, there are more work stoppages than in other provincial jurisdictions with more lenient labour relations regimes.

Miller, Giambrone, and their allies on city council face a quandary. Clearly, the tried and true strategy of dealing with tame trade union bureaucracies is revealing cracks as workers show an increasing rebelliousness against their leaderships. Yet, the antidemocratic alternatives on the agenda are also fraught with danger under conditions where the working class has shown renewed signs of combativity and Canada’s largest city is increasingly socially polarized.



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