

New company, court attack on Vale Inco strikers

Carl Bronski
22 May 2010

Six striking Vale Inco workers and a United Steelworkers (USW) Local 6500 vice president were summoned to Sudbury Superior Court last Monday to face charges of criminal contempt of a court injunction. *World Socialist Web Site* reporters attended the proceedings.

The contempt charges stem from the accused's alleged participation in a five-day blockade of company property mounted by hundreds of strikers and their supporters between May 7 and 12, after contract negotiations had again broken down.

More than 3,000 Vale Inco workers in Sudbury and about 150 in Port Colborne, Ontario are now in their eleventh month of strike action against the mining transnational.

During Monday's court proceedings Vale Inco lawyers argued that in addition to finding the seven in contempt, the court should assess hundreds of thousands of dollars in punitive damages against the union on the grounds that the USW had supported the blockade. Union lawyers contested this claim. As the WSWs has previously reported, USW officials spent days pressuring strikers to take down the blockades at entrances to Vale Inco's Clarabelle Mill and Coleman Mine. (See "Steelworkers officials dismantle blockade at Vale Inco")

The union's shutting down of the blockade was in keeping with the role it has played since the strike began. While Vale Inco has implemented an ever-escalating strikebreaking campaign, involving the use of security firms and scabs, the USW and the Canadian Labour Congress have left the strike isolated and policed antiunion court injunctions.

World Socialist Web Site reporters witnessed firsthand last week the extent to which the courts, with the union's acquiescence, have reduced picketing to an emasculated ritual.

Only eight pickets are allowed on any line. Scabs can be

halted for a token fifteen minutes but then must be allowed to proceed into the company's property.

Security guards, not picket captains, marshal the picket lines. Strikers are under constant video surveillance and their conversations are recorded by parabolic listening devices. Goons from AFI—a security firm that specializes in strikebreaking—have no compunction about verbally abusing strikers and threatening them with company sanctions.

"Look around you," one striker on the picket line told our reporting team as scabs streamed into the Copper Cliff smelter, "The company wants us on our knees...and we're pretty much there."

Shortly thereafter, the WSWs reporters witnessed the AFI intimidation firsthand. A security supervisor suddenly approached the picket shack where a WSWs photographer and this reporter were in conversation with a striker and unsuccessfully attempted to eject us from the picket line.

The AFI supervisor was incensed that we had used the word "scab," in private conversation in the picket shack. When it had been uttered he had been at least 20 meters (22 yards) away. He only knew we had used the word because AFI had been spying on our conversation, as it does all picket line discussions, with its listening devices.

To further intimidate the strikers and make them fear that at any time they could lose their livelihood and pension entitlements, Vale Inco has fired nine strikers for purported violations of its "code of conduct." None of the nine has been convicted in a court of law of any wrongdoing.

When another striker, Denis Barbeau, was acquitted last week on charges arising from an altercation with an AFI security guard, Vale Inco spokesman Steve Ball made clear that the company, in the name of management rights, will aggressively enforce its "code" on those it has

forced onto the picket lines with its concession demands.

Said Ball, “There is a difference between being charged under the criminal code and those who violate our code of conduct as an employer of that person.” Vale fires workers for “acts of theft, insubordination, absence from work” even though these are not violations of the criminal code. “Any business works that way,” insisted Ball, “and terminates people without getting the police involved.”

Since October, Vale Inco has launched an unprecedented scab-herding operation at the giant nickel mining, smelting and refining complex using so-called replacement workers, contractors, management personnel and even members of a non-striking USW local to gradually ratchet up production at the strikebound facility.

In March, the strikers voted 89 percent to reaffirm their opposition to the company’s demand for a new contract that drastically cuts a nickel-price bonus and introduces two-tier pension benefits.

Since then, the USW leadership has signaled its readiness to capitulate to Vale Inco’s demands for wholesale concessions, but union officials calculate that without a face-saving back-to-work protocol that gives at least some of the nine victimized workers their jobs back it will face massive rank-and-file opposition.

Vale Inco, for its part, is determined to impose the firings, so as to demonstrate that its victory over the workers is total.

This was the background to Monday’s proceedings in the Sudbury Superior Court.

In his opening statement, union lawyer Brian Schell rose to inform Judge Robbie Gordon that the Ontario Labour Relations Board (OLRB) had only moments before ordered USW officials and Vale Inco management to resume negotiations under the auspices of provincial mediator Kevin Burkett.

In its Monday morning ruling the OLRB had rebuffed a union request for a speedy decision on whether the firing of the nine constituted an unfair labor practice. Instead it instructed the company and union to resolve all other outstanding contract issues. Only then, said the OLRB, will it entertain a request for an expedited hearing of the union’s unfair labor practices complaint regarding the victimized workers.

In light of the expected resumption of negotiations and other considerations of due process, USW lawyer Schell argued that there should be no rush by the court to send the defendants directly to trial. “No heads were busted, no violence occurred,” during the blockade, Schell observed. He then strongly suggested the union could be counted on

to ensure that no such independent rank-and-file action will again break out. “Forbearance, peace and patience” should be the order of the day.

Schell admitted that there had been resistance from many on the blockade to the union bureaucracy’s insistence that it be ended. Protestors had engaged in “hot debate” with USW officials.

Perhaps revealing more than he had intended about the union leadership’s scheming to slowly smother the blockade, Schell told the court, “Sometimes these events require a momentum to occur before they can be discontinued.”

Judge Gordon, a donor to local conservative campaigns and an appointee of the Conservative government of Prime Minister Stephen Harper, was most interested in what might happen should the OLRB-ordered mediated talks founder as they have done on two previous occasions.

Gordon, it should be recalled, had quickly granted Vale Inco’s request for an order declaring the blockade illegal, then took umbrage when the badly outnumbered police refused to enforce his orders to physically break up the blockades.

Schell, fully aware of the powder keg that might ignite should the strike continue into the summer answered, “Hopefully bargaining ends and the strike is over. But I can’t say if there will be civil disobedience if the bargaining is not resolved favourably. All I can say is that civil disobedience will not be encouraged by me.”

Gordon ultimately put the case over for several weeks to allow the charged Steelworkers time to prepare their defense.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact