

Canadian postal union to bow before strike-breaking law

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22 June 2011

The Canadian Union of Postal Workers (CUPW), Canadian Labour Congress, and trade union-supported New Democratic Party have all denounced the patently anti-democratic legislation the Conservative Government is using to criminalize postal workers resistance to the sweeping concession demands of federal government-owned Canada Post.

These denunciations, however, are a smokescreen for the official “labour” movement’s betrayal of the postal workers anti-concessions struggle.

From the outset, CUPW sought to prevent a full mobilization of the 48,000 urban postal workers for fear it would lead to a headlong confrontation with the government. When Canada Post imposed a lockout last week, the union immediately offered to end a 12 day-old campaign of localized rotating strikes, if Canada Post would only abide by the terms of the existing contract.

Now that the Conservatives have intervened decisively to impose Canada Post’s demands, the CUPW—with the full backing of the CLC and NDP—has served notice that it will order the postal workers to cease any job action and return to work just as soon as the Conservative Government rams its strikebreaking legislation through parliament.

The Conservatives have indicated that they will resort to “closure,” a parliamentary procedure to end debate, so as to secure the legislation’s quick passage if it is not en route to becoming law by the end of the day Thursday.

Tabled in parliament Monday by Labour Minister Lisa Raitt, the Conservatives’ legislation is a frontal assault on workers’ rights to strike and bargain collectively.

It “suspends” postal workers right to strike or mount any job action and, in its fine print, is heavily weighted in favour of Canada Post.

Not only will the Conservatives choose the arbitrator that will decide on most of the terms of the new four-year contract to be imposed on postal workers. The legislation stipulates that the arbitration be by “final offer selection,” a process designed to maximize the pressure on the union to abandon the workers’ demands and rights. Under “final offer selection,” the arbitrator can only choose between the “final” offer of the union or of management, accepting one or the other *in toto*.

The legislation calls for stiff fines of \$50,000 for any union officer and \$1,000 for any rank-and-file postal worker who contravenes the ban on job action.

In a clear sign that the government expects its hand-picked

arbitrator to rule in favour of management’s draconian concessions demands, the pending legislation does not have a provision common to similar bills—including the Liberal Government law that broke the 1997 postal strike—instructing the arbitrator to “consider the importance of good labour relations” in determining the final contract.

In fact, Raitt’s legislation goes even further. It orders the arbitrator to impose a wage settlement that falls significantly below what Canada Post itself offered prior to the breakdown of negotiations! The government has stipulated currently employed unionized urban postal workers receive wage increases of 1.75 percent in 2011, 1.5 percent in 2012 and 2 percent in the final two years of a four-year deal. In its last published offer Canada Post offered a 1.9 percent annual increase for the first three years of a new deal—inflation is currently at 3.3 percent and rising—and 2 percent in the final year. The difference between the wage increases in the Conservative strikebreaking law and the Canada Post offer would, over the life of a four-year contract, amount to \$875 for the average full-time postal worker, saving Canada Post some \$35 million.

Over the course of the past 16 years, Canada Post has consistently managed to declare a profit. That profit, moreover, has come not from any significant development of revenue streams but rather by wringing regular cost and productivity concessions from its labour force. In this current dispute, Canada Post is demanding a package of drastic concessions that include an almost 20 percent reduction in the starting pay of new employees, extending the retirement age by five years and weakening pension provisions for new hires, cuts to sick benefits for all workers, changes in work rules, the elimination of jobs through mechanization, and implementation of hazardous new mail-sorting and delivery systems.

In the face of these unprecedented attacks, Canadian Union of Postal Workers President Denis Lemelin and the entire union leadership has bent over backwards to make a deal with Canada Post and avoid a confrontation Stephen Harper’s Conservative Government. From the start of negotiations some eight months ago, CUPW failed to warn workers that the most likely outcome of any dispute would be a government back-to-work order. And as that possibility grew more and more certain, it refused to even address the eventuality, let alone arm workers with a plan of resistance.

Instead, the CUPW bureaucracy worked might and main to

ensure Canada Post's operations would suffer as little disruption as possible, calling ineffectual rotating walk-outs that the union officialdom bragged had little effect on mail service. With back-to-work legislation now looming, it has signaled by its silence and inaction that it will enforce the impending law. "I don't see much appetite amongst the negotiators for any defiance," Steve Carter, a CUPW vice president with the giant Vancouver local told the *World Socialist Web Site* at a Friday rally in Canada's third largest city.

To give the appearance of mounting a struggle and dissipate worker's anger into harmless channels, CUPW is holding a series of small-scale rallies this week across the country. At these rallies, official speakers vigorously denounce the Harper government, whilst promoting an appeal to the courts and support for the NDP at the next federal election—slated for 2015—as the only viable course of action for postal workers.

For the most part, these rallies have not been well attended by postal workers. Rather they have been gatherings of local union officials and NDP vote seekers.

The Conservatives stipulation of paltry wage increases even lower than what management had previously proposed is clearly aimed at prodding the CUPW leadership to return to the negotiating table prior to the final passage of the bill and to "freely" bargain a new collective agreement.

Certainly such an outcome would be preferable for Canada's Official Opposition, the New Democratic Party, and to the Canadian Labour Congress (CLC). Last week, both organizations commended Canadian Auto Workers leader Ken Lewenza for negotiating a concessions contract at Air Canada only hours before Harper was set to ram through back-to-work legislation against 3,800 customer service representatives at the national airline. Lewenza, who is already well versed in imposing concessions on his membership in the auto industry, meekly submitted to Air Canada's demands for massive cutbacks in payouts to future retirees and a two-tier defined contribution pension plan for all newly hired workers.

In the Canada Post dispute, the NDP has threatened that it "may" work to delay passage of the bill by a day or two. "I don't know if you can call it a filibuster," conceded NDP labour critic Yvon Godin. "But we'll do our job as the official opposition." Any delay the NDP may create, however, will only be as a manoeuvre to afford the union and Canada Post management additional time to hammer out an agreement that while stripping workers of many hard-won gains, could nevertheless be cynically sold (a la Lewenza) as a "vindication" of the free collective bargaining principle.

Such snake oil has a very limited shelf life for working people. Even mainstream labour studies experts have been forced to recognize that the Conservatives interventions at Air Canada and Canada Post have already changed the industrial relations landscape in the country.

"Without any public policy debate, we now have a new bargaining regime," said George Smith, a fellow at the School of Policy Studies at Queen's University. "I don't think this was a platform of the Harper government. It surprises me that without that debate, that they have decided in two cases where there is

clearly not overwhelming evidence of economic harm that they will intervene and impose upon the parties a process that is not contemplated in the Canada Labour Code at this point in time." Laurel MacDowell, a University of Toronto labour relations historian put matters more succinctly, "Basically, they (the government) are putting their clout behind management, which means they are intervening in a way that is shifting the balance of power."

For their own part, the Canadian Labour Congress has, rather predictably, moved from counseling its members to write a letter of protest to Canada Post's CEO to threatening "possible" legal action. Certainly the back-to-work legislation is anti-democratic and underscores that the Conservatives will use authoritarian methods to impose the agenda of big business. But the Supreme Court of Canada, as an adjunct arm of the Canadian state, has ruled consistently against the collective interests of the working class. Only last month, it brought down a decision saying that the "freedom of association" guarantees in Canada's Charter of Rights do not give workers any rights beyond that of making their grievances known to their employer. If the CLC (and the CUPW) are insisting on the anti-constitutionality of the law it is solely from the standpoint of promoting the lie that the strikebreaking legislation can be fought through the courts—and not by mobilizing the working class.

If postal workers are not to suffer yet another bitter reversal, they must seize the leadership of their anti-concessions struggle from the union bureaucrats. Through the development of rank-and-file committees, organized outside and in opposition to the union apparatus. They must prepare defiance of the Harper government's strikebreaking legislation and make their strikes the spearhead of a working-class political and industrial offensive against all job and wage cuts and in defense of worker rights and public services.

This author recommends:

Canadian Unions move to suppress strikes and impose concessions
[18 June 2011]



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