

# Union scuppers Air Canada strike, in response to fresh Tory attack

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14 October 2011

The Canadian Union of Public Employees (CUPE) abruptly rescinded its strike authorization for 6,800 Air Canada flight attendants Wednesday afternoon, only hours before the flight attendants were to walk off the job.

The order to cancel the strike came in response to Conservative Labour Minister Lisa Raitt's referral of the Air Canada dispute to the Canadian Industrial Relations Board (CIRB) and a subsequent, legally dubious, CIRB ruling that the flight attendants' right to strike is suspended until it rules on the issues raised by the government.

Earlier Wednesday, CUPE National president Paul Moist had termed Raitt's referral to the CIRB an "outrageous" maneuver. Moist called Raitt's "rationale" for her referral "disingenuous" and said that the government's manipulation of the Canada Labour Code and the CIRB to criminalize the flight attendants' impending strike was "indefensible."

Raitt has claimed that her sudden referral to the CIRB was triggered by "health and safety" concerns. But till Tuesday, neither the airline nor the government had suggested that flight attendants provide an "essential service."

Raitt and the Conservative government, however, did threaten last month to ram an emergency strikebreaking law through parliament if Air Canada flight attendants walked off the job. The pretext Raitt gave then was that a strike at the country's largest airline would imperil Canada's "fragile" economic recovery.

If the government didn't choose to go this route in suppressing this week's threatened strike, it was because parliament was on a weeklong break. Consequently, if the government was to use back-to-work legislation against the flight attendants' and assist Air Canada in extracting fresh contract concessions, it would either have had to summon parliament into emergency session or wait till next week when the strike would have been several days old.

In a memo to the membership sent out shortly after Raitt officially referred the flight attendants' dispute to the CIRB, the union said, "This is merely an underhanded tactic by the Harper [Conservative] government, to buy time for it to table and pass return-to-work legislation before a strike occurs. This has nothing

to do with essential services or health and safety. Let's call a spade a spade. This government is ... trying to take away your right to strike and it will use whatever tools and tricks that it can."

The "outrage" of the union officialdom, however, was not so great as to cause it to honour the 98 percent strike mandate from the membership, let alone to call on the working class to support the flight attendants in mounting an industrial and political offensive against the Tory government.

When the CIRB issued its order declaring the impending flight attendants' strike illegal, many labour lawyers were quick to point out the patent illegality of such an order. "I don't think the CIRB has the authority to stop the strike," noted Paul Cavalluzzo.

In an arbitrary re-interpretation of Canada's Labour Code, the government and government-appointed CIRB are claiming that the Air Canada flight attendants' legal right to strike is suspended by virtue of Raitt's referral. And until the Board makes its ruling, any job action by flight attendants will be a crime, subject to heavy fines. Typically such rulings are months in the making.

But the government's plans for enlisting the CIRB in its attack on the flight attendants go beyond even this. In her referral, Raitt requested the CIRB to consider whether collective bargaining at Air Canada had broken down because the union has proved unable to secure the memberships' support for agreements it had reached with the airline. Were the CIRB to so rule, the door would be open for it to impose the latest tentative settlement rejected by the flight attendants or otherwise dictate the workers' terms of employment.

Over the past two months, the Air Canada flight attendants have twice rejected concessionary contracts that had been recommended by the CUPE leadership. In August, flight attendants voted down a deal by 88 percent and only last Sunday they rejected by almost a two-third's majority another tentative contract that had been extolled by the union bargaining team.

The most recent rejected contract had been signed by the union several weeks ago in an earlier capitulation to the threat of Conservative back-to-work legislation.

Over the past several weeks the social messaging boards of the

flight attendants have been chock-a-block with bitter denunciations of the union leadership for betraying their interests.

In the rejected August deal, the union gave its support “in principle” to Air Canada’s plans to introduce a low cost “holiday” airline where flight attendant’s wage scales would be 25 percent less than those at the parent carrier. Currently, the starting wage of a flight attendant is a mere \$18,000 a year—an income that is below the national poverty line.

Although contract language specifically endorsing the “low-cost” scheme was not reproduced in the second tentative contract, the union failed to provide any language protecting attendants from losing their jobs to the low-cost carrier.

The union bureaucrats, ever cognizant of their own material interests continue to insist, however, that they will “represent” the estimated 1,400 attendants that the new discount airline will employ and will reap the dues deducted from their wages. Air Canada has been more than happy to cede this “right” to CUPE.

The union also agreed that all new hires at Air Canada will be enrolled in a new pension plan inferior to the existing defined benefit plan in place for current employees. The bargaining team also failed to redress flight attendants’ longstanding grievances over poor working conditions and excessively long hours.

Over the past decade, CUPE and the other unions representing workers at Air Canada have repeatedly negotiated concession contracts. As a result, workers’ real wages have been cut on the order of 10 percent and their workload significantly increased.

In the past four months, Canada’s new majority Conservative government has repeatedly taken action to criminalize workers’ job actions—thrice initiating back-to-work legislation and now employing the CIRB to threaten Air Canada flight attendants with arrest.

The suppression of the democratic rights of the working class has been rendered routine and is no longer viewed as requiring even an ostensible explanation. When asked if the government would block strike action by the flight attendants, Raitt baldly replied, “of course.”

In June the Conservatives forced a quick end to a strike by Air Canada customer service agents by vowing to adopt a strikebreaking law. Only days later, the government enacted legislation outlawing a strike by 48,000 Canada Post workers. That law is crafted so as to ensure that the government-appointed arbitrator charged with dictating the contract under which the postal workers will work for the next four years is legally compelled to impose the sweeping concessions sought by management. It also imposed a wage settlement inferior even to that offered by Canada Post.

In arguing for August’s defeated tentative contract, Jeff Taylor, the president of CUPE’s Air Canada component, claimed that the union had no choice but to accept terms that fell far short of flight attendants’ needs because “the Conservative government will not let us go on strike.”

Subsequently, the union pointed to the government’s

announcement that it would illegalize any flight attendants’ strike to try to browbeat the membership into ratifying the latest sellout agreement it had negotiated with the airline.

CUPE, like the Canadian Union of Postal Workers, will now try to justify its refusal to mobilize the working class against the Conservative government by telling flight attendants that their only recourse is to support the coming to power of the New Democratic Party (NDP) in an election four or five years hence.

The reality is that the social democrat NDP politicians are as committed as the Conservatives and Liberals to upholding the imperatives of capitalism—that workers’ wages and working conditions must be subordinated to corporate competitiveness and investors’ profits.

Last month, when the Conservatives announced they were readying legislation to criminalize any job action by Air Canada flight attendants, the trade union-based New Democratic Party refused to say whether it would try to impede the law’s speedy passage through parliamentary procedural maneuvers. And this week, it was no more forthright. When asked if the NDP would seek to filibuster a Conservative back-to-work law, NDP frontbencher Yves Godin said it was too soon to say.

Behind this equivocation is the concern of the NDP leadership that even a token gesture in support of workers’ right to strike would undercut its determined effort to convince Canada’s ruling elite that it can supplant the Liberals as its “left” party of government.

The Conservatives’ aggressive intervention against the Air Canada workers and the postal workers before them has broad and chilling implications. Under conditions where the ruling elite is moving to impose sweeping cuts in public services, in the name of eliminating government deficits, and employers, citing ever-increasing foreign competition, are moving to abolish guaranteed pensions and other basic rights, the Harper government has demonstrated that it will use the full force of the state to criminalize and suppress workers’ resistance.



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