

Ontario government threatens teachers with fines in bid to thwart walkout

Carl Bronski
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Lawyers for Ontario's Liberal government yesterday pressed the Ontario Labour Relations Board (OLRB) to proclaim the one-day protest the province's 76,000 public elementary school teachers plan to stage today, Jan. 11, illegal.

As of 9:30 PM, the OLRB had not issued its ruling on the legality of teachers walking off the job to mount a "political protest" against Bill 115—draconian anti-worker legislation under which the government has imposed sweeping contract concessions, including a two-year wage freeze, on the province's elementary and high school teachers.

However, the OLRB did announce in the late afternoon that it would render a decision on the legality of the impending teacher walkout, rejecting the Elementary Teachers' Federation of Ontario's argument that such a decision should be deferred until the courts determine whether Bill 115 is constitutional.

If, as expected, the OLRB rules the teachers' protest illegal, it would pave the way for the government to ask the Ontario Superior Court to find any teacher who walks off the job guilty of contempt of court and fine them \$2,000. Union leaders and the Elementary Teachers' Federation of Ontario (ETFO) would be liable to \$25,000 fines.

The government anticipates a favorable ruling will also strengthen its hands against high school teachers who are to mount their own walkout against Bill 115 on Wednesday, January 16. The government has already petitioned the OLRB to declare that protest unlawful.

ETFO President Sam Hammond refused to say whether the union would proceed with Friday's protest if the OLRB found it illegal.

Irrespective of the OLRB ruling, the majority of Ontario's elementary school pupils will have the day off, as many of the province's largest school boards,

including those covering Toronto, Peel County (Toronto's western suburbs), Ottawa, Hamilton, and Windsor, have already canceled classes so as to give parents as much time as possible to arrange for child care.

Speaking Wednesday evening, the outgoing Ontario Premier, Dalton McGuinty, denounced the walkout planned for Friday as "illegal," citing the fact that the teachers have "contracts." In reality, these contracts were imposed by government fiat after the government suspended teachers' collective bargaining rights under Bill 115.

In arguing for the OLRB to allow today's walkout to proceed, ETFO lawyer Howard Goldblatt sought to emphasize the circumscribed nature of the union's opposition to Bill 115. He said the union has no plans to hold a further "political protest," nor to ask its members to sanction one.

In December ETFO members voted by a margin of 92 percent to mount a one-day protest if the government proceeded to impose contracts on teachers, which it did within days of the passing of the Dec. 31 deadline for "negotiated" settlements that it wrote into Bill 115.

The terms of the government-imposed contracts mirror in virtually all respects the takeaway agreements that unions representing teachers at the province's publicly funded English Catholic and Francophone school boards struck with the Ontario government last summer. Those deals were made under the shadow of a looming threat by the provincial government to unilaterally impose concessions through legislated contracts. After the unions representing English-language public elementary and high school teachers—that is, the bulk of the province's teachers—balked at accepting like deals, the government passed Bill 115 last September.

The imposition of a two-year wage freeze and other concessions on the province's public sector workers is central to the Liberal government's plans to cut \$14.4 billion from the Ontario budget over the next four years and goes hand-in-hand with cuts to the budgets of the public and social services that they administer.

Faced with this attack, the unions have mounted only token opposition and, with the government now using the authoritarian provisions of Bill 115 against teachers, the unions are scrambling to fall in line with the governments' austerity measures.

The Canadian Union of Public Employees (CUPE) representing thousands of school support staff recommended this week that its membership vote to ratify a concessions contract based on the giveback template established by the government this past summer. Similarly, the leadership of the Ontario Public Service Employees Union (OPSEU) agreed this week to a contract that if ratified will impose a wage freeze and other concessions on 36,000 Ontario government workers.

Teachers' union leaders have themselves previously stated that they are ready to accept the wage freeze and other concessions on benefits but that those givebacks should have been arrived at via the collective bargaining process and not through government fiat. In November, the Ontario Secondary School Teachers Federation (OSSTF) sent to various local memberships contracts that were virtually identical to the ones eventually imposed by the government. But most of those deals were rejected in ratification votes.

The current planned protests—as well as a Saturday, January 26th demonstration at the provincial Liberal leadership convention backed by the Ontario Federation of Labour—are simply the means through which the labour bureaucrats attempt to maintain their ever-shrinking “oppositional” fig leaf before their memberships. But such a task is increasingly difficult to accomplish. Both the OSSTF and the EFTO have been enthusiastic supporters of the Liberal government over the past three election cycles, stumping for McGuinty's candidates and endorsing him as the “education premier.”

And even now, the teachers' unions are encouraging their members to appeal to the Liberals, including by lobbying leadership campaign events, to restore “productive” relations with the unions. Earlier this

week, OSSTF President Ken Coran said his union is “certainly interested” in the outcome of the Liberal leadership race and would “immediately” seek a meeting with the new premier.

But all the candidates for the Liberal leadership are as devoted servants of big business and determined advocates of austerity as is McGuinty. Both the media-anointed frontrunners, Kathleen Wynne and Sandra Pupatello, made a point of backing McGuinty in demanding that teachers abandon any further action against Bill 115 and the government-imposed contracts.

For her part, Andrea Horwath, leader of the OFL-backed New Democratic Party (NDP), has said very little about the government's wage freeze and the Liberals' use of Bill 115 to impose it. Horwath has reason to tread lightly in attacking McGuinty. Last April, the NDP helped McGuinty pass the budget that set the government's austerity drive in motion. Moreover, McGuinty's policies recall her own party's imposition of a wage freeze combined with unpaid leave for public sector workers when the NDP formed Ontario's government in the early 1990s.



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