

Elevator companies invoke anti-worker law in bid to break Ontario strike

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The National Elevator and Escalator Association (NEEA), the umbrella bargaining body for elevator companies in Canada, has invoked an anti-democratic provision in Ontario labour law to force a significant portion of striking Ontario elevator technicians back to work.

One thousand four hundred elevator technicians in the province, members of the International Union of Elevator Constructors (IUEC), have been on strike since May 1. They are resisting demands by Otis, ThyssenKrupp, Schindler and KONE to undercut staffing agreements and impose drastic speed-up and seniority concessions. In the run-up to the strike, the companies refused to enact a contract provision that allowed for elevator maintenance to continue uninterrupted alongside extended negotiations beyond the April 30 deadline.

The NEEA is relying on clauses within the Ontario Labour Relations Act temporarily enacted by the right-wing government of Conservative Premier Mike Harris in 2000 to avert a repeat of a 1998 “rolling” strike wave by Toronto-area construction trades. The legislation was made permanent by the Liberal government of Dalton McGuinty in 2005.

As a result of the Harris-McGuinty amendment to Ontario’s labor law, workers in the residential construction trades in Toronto and surrounding suburban regions may only legally strike between May 1 and June 15. The legislation was designed to undercut the bargaining power of the construction workers, by permitting them to engage in job action for only a short period of time and at the beginning of the spring-summer surge in residential construction. Since the legislation was enacted, construction union bosses and the employers have presided over a series of concessions contracts in the industry.

The provision in the Labour Relations Act covers workers involved in “constructing, altering, decorating, repairing or demolishing” residential buildings; yet the NEEA, counting on the complicity of the big business Liberal government and the provincial Labour Relations Board, is seeking to arbitrarily invoke it against the elevator workers.

Union spokesmen quickly argued that the provision does not “directly apply” to technicians in the IUEC, as they—unlike bricklayers, electricians and carpenters—are not by and large considered part of the residential construction industry. The union nonetheless has given every indication that it will instruct its members to comply with the strikebreaking provision.

There are over 800 striking elevator workers in the area that the NEEA claims is affected by the strike-ban. The NEEA expects to force a significant portion of them back to the job sites while leaving hundreds more on the picket lines.

Strikers have characterized the move by the elevator companies as a “divide and conquer” strategy, as a portion of the membership will be forced to cross the picket lines of their striking brothers and sisters. Those forced back to work can be compensated under an arbitrated temporary contract that the NEEA has suggested could eventually be made permanent. This creates the possibility of two separate agreements and a split workforce.

While giant condominium and subdivision building companies currently gorging on a local construction boom will see immense benefit from having the elevator workers forced back on the job, individuals dependent on elevators in hospitals, seniors’ homes, and the thousands of other residential buildings not under repair will continue to be held hostage by the NEEA’s assault on the working conditions of the

elevator technicians.

Since the beginning of the dispute, NEEA officials have claimed that their priority in dispatching (often unqualified) management personnel to perform the strikers' work has been residential high rises, seniors' homes and hospitals. In reality, however, the majority of their deployments have been to the downtown Toronto skyscrapers that contain the headquarters of Canada's major banks, corporations, law firms and investment houses. Property management companies in the city's financial district have consistently reported that there are no elevator delays in their facilities. The situation, however, is not so rosy for thousands of residents in Toronto's neighbourhoods. Newspapers have reported lengthy delays in elevator repair, safety violations and a spate of trapped passenger emergencies.

Strikers have charged that the province's elevator safety body—the Technical Standards Safety Authority (TSSA)—has turned a blind eye to the companies' use of uncertified repair personnel and the by-passing of province-wide mandatory monthly elevator safety checks. One of the board members on the purportedly neutral TSSA is a chief negotiator for the elevator companies in the current dispute. Despite this, the TSSA has insisted that it has “no role in the dispute” even as it has admitted that safety violations have already occurred.

For his part, Liberal Labour Minister Yasir Naqvi has maintained a low profile during the dispute, simply (and erroneously) stating that “all safety regulations” are being enforced. Similarly, the provincial New Democratic Party has only paid cursory lip service to the issue, preferring instead to join the Ontario Federation of Labour in their continuing effort to prop-up the big-business minority Liberal government. On Tuesday, the NDP voted in favour of the latest Liberal austerity budget, placing on record their support for the Liberals' plans to freeze public sector workers' pay and impose major annual social spending cuts until the provincial budget is balanced in 2017.



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