

Canada's Conservative government targets federal workers' basic rights

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Deep within its most recent omnibus budget legislation (Bill C-4), Prime Minister Stephen Harper's Conservative government has buried sweeping changes to the Public Service Labour Relations Act. These changes target the basic rights of hundreds of thousands of federal government workers and represent a major escalation in the Conservative government's systematic assault on workers' rights.

Bill C-4 would give the government the power to unilaterally determine which federal workers provide "essential services" and, therefore, are legally prohibited from joining a strike or any form of job action.

If passed, the legislation would give Ottawa "the exclusive right" to designate any "service, facility or activity of the government of Canada as essential because it is, or will be necessary for the safety or security of the public or a segment of the public." In other words, the Conservative government is arrogating the power to strip tens of thousands more federal workers of the legal right to strike and with the aim of criminalizing any effective worker challenge to its plans to cut federal workers' compensation and slash the public services that they provide.

Previous governments, working in a consultation and arbitration process with the 17 federal worker unions, had classified about 35,000 federal workers as "essential."

Bill C-4 also makes important changes to the arbitration process.

In cases in which more than 79 percent of a bargaining unit are declared "essential," the entire unit will be stripped of the right to strike and in the likely event of an impasse in negotiations their contract will be dictated by an arbitrator. The unions are also being stripped of the option of compelling the government to have a collective-bargaining dispute resolved through arbitration.

At the same time the government is making changes to the arbitration process to further ensure that its right-wing agenda prevails. Bill C-4 states that in determining the wages and benefits of federal workers, arbitrators must give preponderate weight to the government's "fiscal circumstances." By imposing such a parameter, the federal government is requiring arbitrators to strictly adhere to its own diktats as to how much federal workers should be paid.

In a move typical of a government that is openly contemptuous of the Canadian population, Treasury Board President Tony Clement has repeatedly refused to indicate which services will be designated "essential," nor the number of workers to be thereby stripped of the right to strike.

But clearly the government's intention is to outlaw all but token and ineffectual job action, while leaving it leeway to choose whether to use the government-stacked arbitration process or its raw bargaining power to roll back federal workers' pay and benefits.

Under Bill C-4, the government is also making major regressive changes to workers' occupational health and safety rights. The Conservatives are redefining "danger" in the workplace to eliminate the category of "potential hazard" and to include only "imminent risks." This will make it more difficult for workers to refuse dubious and unsafe work assignments. In effect, workers would need to be directly and immediately in harm's way before they could refuse to do a job.

Furthermore, the changes eliminate the right to refuse work based on a fear of "illness" arising from an unsafe job practice, thus prohibiting self-protection from exposure to slow-developing conditions, such as exposure to carcinogens or asbestos. The new definition of risk also eliminates as the basis for a complaint fear of danger to an employee's reproductive system.

The changes to the Public Service Labour Relations Act are meant to be only the first volley in a new government offensive targeting workers rights and the wages and benefits of federal workers.

The recently-held Conservative Party convention in Calgary adopted six motions targeting workers and unions, including resolutions to "make comparable" the wages and benefits of public and private sector workers, to reduce federal workers' pensions, and to move towards the elimination of mandatory union membership and automatic dues check-off.

These motions were applauded by Clement as preparation for the government's upcoming negotiations with federal public sector unions. Speaking from the convention floor (an unusual spot for a senior cabinet minister), Clement declared, "For too long, there has been this major gap in wages and benefits

between the public and the private sector, where the public sector is considerably more than the private sector norms.”

Underlining the far-reaching nature of the present government’s aims, Clement expanded: “I can tell you we are taking a position that will respect taxpayers well into the future, and I believe are part-and-parcel with our ability to have balanced budgets for the next generation, not just for the next couple of years. So that means taking a position that will alter the dynamics of collective bargaining as it has been done in this country over the last few decades.”

In a display of the most naked hypocrisy, wealthy Conservative Party ministers and the right-wing press constantly scapegoat public sector workers, complaining that their wages and benefits are “unfair” because they are higher than those of the average private sector worker. To the extent this is true, it is because big business has used the wave of unemployment and economic insecurity created by the 2008 financial crash, the worst economic crisis since the Great Depression of the 1930s, to slash private sector wages and benefits.

An earlier 2013 budget bill already gave the federal government new powers to intervene in contract negotiations between federally-owned Crown Corporations and their unionized and non-union workers. That provision gave the Harper government the ability to issue direct orders to the management of Crown corporations, like Canada Post, Via Rail, or the Canadian Broadcasting Corporation (CBC), on how they should negotiate upcoming collective and individual job contracts—in other words, how deeply they should cut the jobs, pay, and benefits of their employees.

The right to strike has come under concentrated attack throughout Canada in the period since the 2008 financial crash. The Harper government has routinely illegalized strikes, including against Crown-owned Canada Post and such private sector giants as CP Rail and Air Canada. Earlier this summer, Quebec’s Parti Quebecois government called the provincial legislature into special session in order to adopt “emergency” legislation that criminalized a two-week-old strike by 77,000 workers employed in industrial, commercial, and institutional construction.

The Harper government has consistently pursued policies geared towards further reducing workers’ living standards so as to further enrich the corporate elite. In 2009, it teamed with the Obama administration and the Ontario Liberal government in tying aid to the Detroit Three automakers to cuts in wages and benefits of almost \$20 per hour per worker. The federal governments’ cuts to Employment Insurance have also served to compel unemployed workers to accept new jobs at reduced wages in order to avoid privation.

Just as the Conservative Party faithful’s full-throated hatred of public sector workers was on full display at their Calgary convention, so also the response of the New Democratic Party (NDP)—the official opposition in parliament—was telling. Peter

Julian, the NDP observer at the convention, did not point to the Conservatives’ anti-worker resolutions as part of an escalating government-led class war; rather, he dismissed them as a “distraction” aimed at drawing the public’s attention away from the Senate expense-claims scandal!

If the NDP is much more comfortable centering its fire against Harper on the Senate scandal, it is because Canada’s social democrats are committed to the same basic big business program of social spending cuts, balanced budgets, and unprecedentedly low taxation of the rich as are Harper’s Conservatives. The NDP’s response to Bill C-4 in parliament has been limited to a suggestion that the budget bill be split and the changes to federal labour legislation be examined more closely in committee.

Despite any bluster by public service union bureaucrats ostensibly opposing the omnibus bill’s passage, workers in the federal service must face the harsh fact that the unions will wage no serious struggle. They have spent the past several weeks pleading for Clement to meet with them so that they could formally propose to the government that the unions and Conservatives work together to “reform” the Public Service Labour Relations Act. Predictably, when Clement finally did meet Public Service Alliance President Robyn Benson, he rejected the unions’ proposal out of hand. The meeting, blogged Benson, was “little more than being on the receiving end of a government fait accompli.”

The calls by the union officialdom for the election of NDP (and in some cases, Liberal) members of parliament in the next election are meant to trap working people inside a political system that simply represents the various interests of big business. In the last major walkout of federal public sector workers in 2004, then Public Service Alliance of Canada (PSAC) President Nycole Turmel worked might and main to end the strike “in a matter of days if not hours” and accept contract concessions. Since then, the PSAC has accepted wage freezes and concessionary contracts without resistance. In 2011, Turmel went on to become the interim leader of the NDP, appointed by Jack Layton before his death.



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