

# Government-named arbitrator to dictate Canada Post workers' contract

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Following the stipulations of the strikebreaking legislation the federal Liberal government rammed through parliament in late November, a government-appointed “mediator-arbitrator” has now been tasked with dictating the labor contracts for 50,000 Canada Post letter carriers, mail sorters, truck drivers, and post office clerks.

The arbitrator, former Canadian Industrial Relations Board (CIRB) Chair Elizabeth MacPherson, acted as mediator between Canada Post and the Canadian Union of Postal Workers (CUPW) for seven days ending December 17. Under the Liberals’ anti-strike law, this mediation process could have been extended for a further seven days. But all parties to the talks agreed this was pointless.

Through months of negotiations, government-owned Canada Post refused to even begin to address postal workers’ key concerns. These include a spike in injuries, forced overtime, two-tier wages, and precarious employment. Instead, Canada Post management relied, as it has for decades, on the readiness of the government of the day, whether Liberal or Conservative, to illegalize postal workers’ job action.

CUPW has praised MacPherson as “very knowledgeable” and touted her decades of experience in labour negotiations. In fact, as a federal mediator and later CIRB chair, she has worked to contain and suppress the class struggle and police Canada’s anti-worker labour laws. Named by the previous Harper Conservative government in 2011 to arbitrate a dispute between Air Canada and its 6,800 flight attendants, MacPherson imposed a concessionary contract on the workers they had twice rejected.

The criminalization of the postal workers’ five-week campaign of rotating strikes and the impending imposition on them of contracts dictated by an appointee of the big business Liberal government constitute an attack on the entire working class.

The “right” to strike is increasingly a legal fiction not just for postal workers, but for all workers across Canada. Federal and provincial governments—including union-backed, ostensibly “progressive” Liberal, NDP and Parti

Quebecois governments—routinely adopt “emergency” laws illegalizing strikes. And for every law adopted, at least two or three are threatened, with the aim of browbeating workers into “voluntarily” abandoning job action and selling themselves short in contract negotiations.

Quebec construction workers, CP Rail workers, Nova Scotia and Ontario public school teachers, and Ontario college instructors have all been targets of recent anti-strike laws. Earlier this month, the Ontario Conservative government adopted an emergency law outlawing a threatened strike by six thousand Ontario Power Generation workers.

Second and no less importantly, the issues at the core of the dispute between postal workers and Canada Post are those that face workers, both in the public and private sectors, across Canada and internationally: declining real wages; employer demands for cuts in pensions and benefits; the proliferation of two-tier and precarious employment; the dismantling of public services; and the use of technological change to slash jobs and increase the pace and regimentation of work.

Canada Post’s push to exploit the growth in online shopping and compete with private sector parcel-delivery giants like UPS has resulted in a soaring accident rate. Postal workers suffer disabling injuries more than five times the average in federally-regulated industries, making work at Canada Post even more dangerous than mining or longshoring.

If postal workers were to defy the Liberals’ anti-strike law and appeal for support from workers across Canada in opposing the criminalization of workers’ struggles, two-tier wages and other concessions, and the dismantling of public services, there is no question that they could and would win mass support.

But from the get-go, the CUPW leadership has done everything to limit and isolate the postal workers’ struggle. In doing so, they have reprised the ruinous strategy that CUPW pursued in 2011 and which culminated in the union accepting sweeping concessions, including pension cuts and

the further expansion of two-tier wages.

As in 2011, and despite being armed with a massive strike mandate, CUPW limited job action to a campaign of rotating local strikes and with the publicly stated goal of “not harming the public,” i.e., having as little impact as possible on Canada Post’s operations.

Although it was obvious the post office viewed government intervention as its trump card, CUPW President Mike Palecek and the rest of the union officialdom kept studiously silent on the threat of a back-to-work law, even after Trudeau publicly signaled such action was imminent.

And when the government introduced its Bill C-89 in parliament, the union continued to keep postal workers on a tight leash, refusing to call a national strike or even mass membership meetings so workers could discuss the way forward.

Instead, behind a bluster of hot air about “all options being on the table,” Palecek, a former leader of the pseudo-left Fightback group, prepared to order postal workers to submit to the Liberals’ strikebreaking law, just as his rightwing predecessors in the CUPW leadership had instructed them to obey Harper’s law in 2011.

This was underscored by Palecek’s claims that the union would defeat the Liberal law in the courts and his boasts that the Canadian Labour Congress (CLC), a staunch Liberal ally, stood with the postal workers.

To provide CUPW with some cover for its abject surrender to the Liberals’ back-to-work law and abandonment of postal workers’ demands, Palecek’s CLC “allies” subsequently organized a series of sparsely attended “community pickets.”

When several of these “community pickets” briefly disrupted the entry and exit of mail delivery trucks at postal sorting plants, Canada Post responded with court injunctions.

This only underscores that a real struggle against management and the Liberal government will entail a clash with the apparatus of state repression, and thus requires the mobilization of the entire working class in mass actions and political struggle. Such a course is directly the opposite of that pursued by CUPW, the CLC and unions around the world. Their response to the class-war assault on the working class has been to lurch ever-further right, integrating themselves evermore completely with management and the state.

As for overturning the Liberals’ strikebreaking law in the capitalist courts, such claims have been a standard union justification for bowing to back-to-work legislation for years. Time and again, the courts have upheld anti-worker laws. But even when they haven’t, it has made little to no difference for workers. In 2016, a judge ruled the law Harper

had used to criminalize the 2011 postal strike—legislation which, unlike the Liberals’ Bill C-89, made no pretense to “fairness”—was unconstitutional. But he ordered no changes to the concessionary contract that was subsequently imposed on postal workers or any other form of redress.

Under the Liberals’ back-to-work law, as under the one the Conservatives’ adopted in 2011, CUPW and Canada Post can continue negotiating while the arbitrator drafts new contracts. In 2012, the union ultimately reached a settlement with Canada Post, accepting a contract imposing historic concessions. It defended this betrayal with the claim that a “negotiated settlement” was preferable to one dictated from start-to-finish by a Conservative-named arbitrator.

It appears Palecek, who won the union presidency in 2015 by appealing to rank-and-file anger against the previous leadership, will adopt a different tack. So as not to have to take direct responsibility for imposing concessions, the CUPW leadership will choose to let MacPherson dictate postal workers’ wages and working conditions.

Either way, the results for postal workers will be the same. Their just demands will remain unfulfilled, and additional rollbacks will be imposed, further emboldening Canada Post, the Liberal government and big business as a whole.

If their struggle is not to be suppressed, postal workers must seize leadership of it from the CUPW apparatus. At every workplace, postal workers should establish rank-and-file action committees independent of CUPW to mobilize support among all sections of postal workers and the working class for a national strike in defiance of the Liberals’ Bill C-89. Such a strike should be conceived of as the spearhead of a working-class counter-offensive against capitalist austerity and the criminalization of worker resistance.



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