

# Ontario Labour Relations Board refuses to hear case brought by unions on unsafe school reopenings

Roger Jordan  
4 October 2020

The pro-employer Ontario Labour Relations Board (OLRB) refused Thursday to hear a case brought by four education unions over the Ontario Conservative government's unsafe reopening of the province's schools.

This decision exemplifies the ruling class' criminal indifference towards the lives of teachers, students and their families. With the full-throated support of the federal Liberal government of Justin Trudeau, provincial governments across Canada of all political stripes are keeping schools open despite the resurgence of the COVID-19 pandemic, so that parents can be compelled to go to work and turn a profit for the corporate elite.

The OLRB's decision to not even hear the unsafe schools' case—almost a month after it was filed—is also a damning exposure of the trade unions, whose leaders insisted that teachers take no job action and place their faith in the OLRB to ensure safe working conditions.

The OLRB's contempt for teachers facing the deadly conditions created by the reopening of schools amid the pandemic was underscored by its use of a legal technicality to dismiss the case. Chair Bernard Fishbein, who has a long record of authoring anti-worker decisions, including the banning of a 2015 strike by thousands of teachers, embraced the arguments advanced by government lawyers, who claimed that because no health and safety orders had been issued, the OLRB did not have jurisdiction.

In the typical legalese used to cloak viciously anti-worker “class justice,” Fishbein wrote, “(I)n the end, no matter what my personal view of the conduct of the government or the unions here, the alleged shortfalls of the guide, and the unprecedented gravity of the pandemic (which no one can or does dispute), I believe the government's position...is correct. The board does not

have jurisdiction to do what the unions want in these proceedings.”

The OLRB insisted that the only recourse for teachers would be to bring individual cases related to specific safety concerns in each school classroom. This absurd approach, which the unions promptly endorsed, will ensure that no legal decision will get in the way of keeping schools open.

The ruling was issued as the catastrophic conditions produced by the reopening of schools with totally inadequate safety precautions was becoming ever clearer. As of Friday, there were 483 coronavirus infections reported in schools across the province. Underscoring that the pace of infection is rising rapidly, 411 of these cases were recorded in the past two weeks alone. Several schools have been forced to close temporarily due to outbreaks.

This was the predictable and inevitable outcome of the Ford government's criminal reopening policy. Children and teachers are being forced onto packed transit services to reach schools where they are crammed into overcrowded and poorly-ventilated classrooms, creating perfect conditions for the virus to spread. Ontario's four education unions—the Ontario Secondary School Teachers Federation (OSSTF), Ontario English Catholic Teachers Association (OECTA), Elementary Teachers Federation of Ontario (EFTO) and the *Association des Enseignantes et des Enseignants Franco-Ontariens* (AEFTO)—were fully complicit in this disastrous policy. Union officials met with government representatives throughout August to work out the back-to-school arrangements.

Opposition to this reckless course was strong among teachers and workers more broadly, as shown by the hundreds of thousands who signed petitions demanding an overhaul or overturning of the back-to-school plans.

Under these conditions, the unions intervened to smother and suppress this opposition. After admitting that working conditions in schools for teachers were life-threatening, OSSTF president Harvey Bischof made the infamous statement, “If the question is whether we are planning some illegal job action, the answer is a flat out no.”

Instead, Bischof and his colleagues announced the OLRB filing in early September as it became increasingly impossible even for the union bureaucrats to deny the disastrous results reopening the schools would have. The unions’ filing of their case had nothing to do with concern about protecting the lives of teachers and students. It was clear from the outset that even if the OLRB accepted the case, hearings would only be held about a month after schools reopened and any ruling would take even longer to be issued.

In other words, the unions gave the Ford government carte blanche to create “facts on the ground” by forcing schools to open so that their parents could be bullied and pressured to return to work, while claiming to be fighting for workers’ rights in a rigged labour relations system that invariably defends the interests of the ruling elite.

As it turned out, the OLRB wasn’t even willing to grant the unions the charade of a hearing, and tossed out their relatively timid complaints without so much as a second look.

The unions have no intention of changing their course, which is chiefly aimed at preventing any organized resistance to the back-to-school drive.

Although Bischof and the other union leaders expressed their “disappointment” and “concern” with the refusal of the OLRB to so much as consider the merits of the case, the OSSTF leader emphatically declared that no protest action, never mind a strike, would take place if his organization gets its way. “Addressing instances of insufficient safety measures in our schools will now have to be done on a case-by-case, classroom-by-classroom basis, which will do nothing to reassure educators, students, or their parents that this government has prepared an adequate reopening plan,” he stated.

In other words, teachers, students and their families must sit back and accept the OLRB’s reactionary ruling. Moreover, the issue for Bischof and Co. is not that schools should be shut for in-person teaching until the pandemic is contained, or that the lives of teachers and students need to be protected, but that everyone must be “reassure(d)...that this government has prepared an adequate reopening plan.”

Events in Ontario over recent weeks have confirmed

that teachers and education workers cannot advance even by one inch their struggle for safe working conditions amid the pandemic through the trade unions. The OSSTF, OECTA, EFTO, and AEFTO, all of which agreed to concessionary contracts just a few months ago that increased class sizes and imposed a 1 percent annual cap on wages and benefit increases for three years, do not represent the interests of their members. Rather, they seek above all to prove their loyalty to the capitalist state and its institutions by systematically suppressing the class struggle.

Teachers in Ontario and across Canada must draw the necessary political conclusions from these experiences. It is not inevitable that dozens of teachers and students must get infected every day, an outcome that sooner rather than later will produce an increase in deaths.

To stop the spread of the pandemic and save lives, teachers must act now to form educators’ rank-and-file safety committees to demand a halt to all in-person teaching until the pandemic is contained, and billions of dollars to renovate dilapidated school buildings, hire more teachers, and provide technology to students so they can participate in online learning. They should also demand full compensation for workers who need to stay at home to look after their children while schools remain closed. These committees should broaden the teachers’ struggle by appealing for support for strike action from other sections of workers confronting the same problems due to the criminal reopening of the economy.

Support for these policies is growing among Ontario teachers. One Ontario secondary school teacher who recently participated in the Educators Rank-and-File Safety Committee online meeting wrote to the *World Socialist Web Site*: “Educators are not usually political. We go to work and teach our kids. We help develop them as human beings that contribute to society ... We have now been thrust onto the front line of this struggle ... It is our duty to fight for the forces of life against the forces of death and profit ... Only when we close ranks and work together do we realize the power we have.”



To contact the WSWS and the Socialist Equality Party visit:

**[wsws.org/contact](https://www.wsws.org/contact)**