Ontario government to use brutal anti-strike law to impose massive wage cut on education support workers

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Ontario's Progressive Conservative government tabled legislation Monday that preemptively outlaws an impending strike by 55,000 education assistants, early childhood educators, school librarians, caretakers and administrative staff and imposes massive real-terms wage cuts on them.

The proposed law—which the government intends to ram through the provincial parliament before a strike that was set to begin Friday—is an attack on the entire working class and should be actively combatted by all public and private sector workers across Canada.

To shield the proposed law from a constitutional court challenge, the government is invoking the anti-democratic "notwithstanding clause," effectively admitting that it tramples on basic democratic rights. The hitherto rarely used notwithstanding clause gives Canada's federal and provincial governments the power to adopt laws that violate basic democratic rights supposedly guaranteed in the Canadian Constitution's Charter of Rights and Freedoms.

Workers' rights to strike and collectively bargain have long been under systematic attack, with federal and provincial governments of all stripes using back-to-work laws to break strikes and impose concessionary contracts. On a few occasions, as in the case of a 2012 Ontario Liberal government law suspending teachers' right to strike, the courts have struck down such anti-worker laws, although this has never resulted in anything approaching full restitution for the workers targeted.

The Ford government's use of the notwithstanding clause to bolster its anti-strike law marks a significant step in the evisceration of the democratic rights of working people and the entrenching of authoritarian forms of rule in Canada. When Ontario Premier Doug Ford first invoked the notwithstanding clause in June 2021 to ram through his government's reform of election financing laws, Ontario became only the third jurisdiction to ever use this reactionary measure. Under conditions of a dramatic upsurge of working class struggles, the Ford government's normalization of the notwithstanding clause is designed to send a message to all workers that they will meet any challenge to their hard-right, pro-corporate agenda with ruthless state repression.

The strikebreaking legislation, which bears the Orwellian title the Keeping Students in Class Act, imposes severe penalties for defiance. Individual workers can be fined up to $4,000 and unions $500,000 for every day they strike in defiance of the legislation. This would potentially translate into a bill of $250 million for every day of an education support workers strike. At this rate, it would take just one-and-a-half days of defiance to use up the entire general fund of the 700,000-member Canadian Union of Public Employees (CUPE), the union to which the school support workers belong.

The tabling of a preemptive strikebreaking law was the government's aggressive response to Sunday's filing by the CUPE-affiliated Ontario School Board Council of Unions (OSBCU) of the required five-day notice of strike action.

With its no-strike-law the government intends to impose by decree a four-year contact containing miserable 2.5 percent per year wage "increases" for workers earning less than $43,000 per year and 1.5 percent for everyone else. This is under conditions in which the official inflation rate is running at 7 percent and price rises for basic necessities are much higher. Groceries, for example, are more than 11 percent more expensive than a year ago.

At a press conference Monday, Lecce absurdly sought to present the government's offer as generous. He noted that it represented an increase from its original offer of 2 percent per year for workers earning under $40,000 and 1.25 percent for everyone else.

The government is also legislating a cut in sick pay. Workers claiming short-term disability will receive just 25 percent of their earnings for the first five days of an absence, increasing to 90 percent for the remainder of the 120-day maximum.

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Outrageously, Lecce sought to justify these sweeping attacks as necessary to maintain "stability" in schools. After two-and-a-half years of the COVID-19 pandemic, he asserted, it was necessary to ensure that kids could continue to learn and that children from poor households could access daily meals and social supports. Coming from a government that has slashed public education budgets and pursued a profits-before-lives-pandemic policy that turned schools into hotspots for COVID-19 infection and resulted in seven waves of mass death, this cynicism is hard to beat.

The Education Minister also disingenuously sought to claim that the strikebreaking law does not apply to teachers and that the government would continue to bargain in "good faith" with the teacher unions. An anonymous government source speaking to Global News was much more blunt, declaring that the law sent a "signal" to the teacher unions and adding with respect to future talks, "Our intentions are clear."

Ford and Lecce's trashing of the collective bargaining process underscores that workers have nothing to negotiate with them. The whole collective negotiation process has been exposed as an utter farce. The government has the ability to make up the rules as it goes along so as to enforce its dictates, while the union leadership prevents workers from mobilizing their class strength by scrupulously adhering to rigged bargaining regulations that the government ignores at will.

In one further example illustrating Ford and Lecce's contempt for education workers, Lecce handed out vouchers worth $250 to every parent in the province last week for private tutoring. The approximately $350 million spent on this gesture, which is part of the government's agenda to privatize vital public services, was precisely the same amount the government would have had to spend to accommodate the OSBCU's demand for an 11.7 percent annual wage increase for support staff for a single year.

All 55,000 education support workers, and the 200,000 Ontario teachers whose contracts also expired on August 31, should demand an immediate halt to all further contract negotiations with the government. To continue "negotiating" with a government that has launched such a class war assault can only mean that one is negotiating terms of surrender.

Instead, workers must demand that CUPE and the four Ontario teacher unions organize mass defiance of Ford's no-strike law and fight to rally the entire working class across Canada in defence of the support workers, including in a province-wide general strike.

There is a powerful basis to develop such a working class counteroffensive. To do so, education support workers must seize control of their struggle from the union bureaucracy through the creation of rank-and-file committees to bring together all education workers and their supporters in a joint struggle. Every worker has an interest in defending education and other vital public services, defeating the government-employer drive to impose inflation-induced wage cuts and smashing the battery of anti-strike laws governments have routinely used to impose austerity and contract concessions.

However, OSBCU lead negotiator Laura Walton and CUPE Ontario President Fred Hahn have refused to advance any strategy to mobilize workers to defeat the government's strikebreaking legislation. Even now they refuse to call for workers to defy Ford's anti-strike law while the teacher unions have ruled out strike action until the winter.

On Monday afternoon, Hahn announced that CUPE Ontario would organize a province-wide "political protest" against the government's strikebreaking law this Friday. This initiative is aimed at evading a confrontation with Ford, not conducting a genuine struggle against his attacks. Education workers should recall that the "political protest" slogan was precisely the formula used by the union bureaucracy in 1997 to suppress a province-wide teachers' strike and prevent it from developing into a direct political challenge to the Harris government's "Common Sense Revolution." This time around, CUPE's goal is to avoid confronting the Ford government's draconian strikebreaking legislation head on and attempt to pressure the government to return to the "bargaining table."

Rank-and-file workers must not let this cowardly capitulation stand. They should demand that CUPE fight to mobilize workers throughout Ontario and across Canada to defend the right to strike, secure inflation-busting pay increases for all workers and oppose the dismantling of public services. They should insist that this mobilization not be confined to a pathetic day-long provincial "political protest," but include a solidarity strike until the government withdraws its illegitimate law.

To unify their fight with teachers and all workers with an interest in defending public education and the right to strike, support staff should build rank-and-file committees at every school. These committees will fight to place control over the struggle in the hands of the rank and file and unite support staff through the Ontario Education Workers Rank-and-File Committee with all education workers and their supporters to organize mass defiance of the government's strike ban and wage-cutting contract decree.

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