

# New Brunswick's anti-worker Bill 23 is part of the global, state-led assault on workers' rights

**Carl Bronski**  
**9 December 2022**

New Brunswick's hard-right Progressive Conservative government has introduced legislation aimed at eviscerating public sector workers' rights to strike and bargain collectively.

Bill 23 would amend the Public Service Labour Relations Act to give the government the legal right to use scabs and newly-hired strikebreakers against public sector strikes. It would empower the government to replace workers designated as "essential" during a strike and therefore legally required to remain at work if those designated workers are absent from their jobs for any reason. Those the government could call on to replace absent designated workers during a strike include private contractors, casual employees, members of other bargaining units or other strikers.

Under the legislation, which is now before the provincial legislature, the government would also gain the power to limit the number of pickets, restrict picketing and worker protests to specific sites or even ban picketing altogether. This would impede worker efforts to rally public support. Even more sinisterly, it would facilitate any future government attempt to break a strike through the use of strikebreakers or by trying to arbitrarily impose a contract in the midst of a strike.

Bill 23 further stipulates that the government's "ability to pay" must be among the criteria the labour relations board uses in determining any arbitration award. In addition, unions would henceforth be required to give 72 hours' notice before going on strike, while the province would only be required to give one day's notice to lock out its employees. A strike vote by workers, which continues to be valid until a contract dispute is resolved, would now have to be renewed annually even if workers remain on the job during a lengthy period of negotiations, thereby giving government negotiators incentive to stonewall at the bargaining table.

Bill 23 is the response of New Brunswick Premier Blaine Higgs and his Conservative government to last year's militant public sector strike, which pushed the government on the back-foot, only to be sabotaged by the Canadian Union of Public Employees (CUPE). In November 2021, over 22,000 education assistants, school custodians, bus drivers, health care workers, and other provincial employees took to the picket lines to demand a 20 percent "catch-up" wage increase over four years to make good for a 15-year wage freeze. The defiant struggle won the support and sympathy of broad layers of the population, who recognized that the mostly low-paid workers were taking a stand against relentless austerity measures and the government's refusal to protect workers' health and very lives amid the deadly COVID-19 pandemic.

Support for the strike began to take on increasingly organized form

during its second week, with parents organizing a boycott of online learning to show their solidarity with the strikers. The mood was building towards a direct political confrontation with the Higgs government and its program of capitalist austerity. It was at this point that the CUPE leadership unilaterally announced an end to the strike and proceeded to ram through a sellout contract that even in the union's most optimistic interpretation included a 3 percent per year wage increase over five years, i.e., a massive real-terms pay cut.

In the immediate aftermath of CUPE's sellout, Higgs boasted about how his next step would be to introduce "innovations" and "changes in our work habits." Bill 23 makes clear that what he meant with these euphemisms were new restrictions aimed at making it still more difficult, if not impossible, for workers to gain the legal right to strike, and increased powers for his government to intimidate workers and break public sector strikes.

## The Ontario Education Workers' Struggle

The attack on workers' rights in New Brunswick is not an isolated affair. Governments across the country and internationally are moving rapidly to impose new anti-worker laws as the crisis of global capitalism deepens and workers move leftwards in ever more militant resistance to brutal attacks on their living standards, jobs and working conditions.

In early November, Ontario's Doug Ford-led Progressive Conservative government imposed a draconian anti-strike law known as Bill 28. The legislation stripped 55,000 education workers of their democratic right to strike even before they walked off the job. It sought to impose miserable government decreed "collective agreements" that contained savage real wage cuts and threatened employees with massive fines of \$4,000 per worker for every day of defiance. In an admission that the law trampled on basic democratic rights, Ford invoked the "notwithstanding clause," a reactionary provision in Canada's constitution that allows governments to pass legislation violating rights contained in the Charter of Rights and Freedoms, and shields them from any legal challenges.

Even before Bill 28 was introduced, public sector workers were already chafing under the yoke of another wage restraint bill passed in 2019 by the Conservatives. Bill 124 restricted public sector wage increases to a paltry 1 percent a year for three years even as inflation

began to spiral, reaching 10 percent for basic family commodities this past summer.

Education workers, outraged by the government assault, defied Bill 28 by walking off the job on November 4. Ford's attack unleashed a broad wave of militant opposition amongst both public and private sector workers across the province, who in the space of only a few days were mobilizing toward an imminent general strike to challenge his austerity agenda. Horrified by the prospect of several millions of Ontario workers walking off the job to support an "illegal" strike, officials from CUPE and most of Canada's major unions convinced Ford in panicked back-channel telephone conversations to withdraw Bill 28 in exchange for calling off the strike without a single one of the workers' demands being met.

Within less than two weeks, the union leaders turned a favourable situation for the workers, in which they had Ford on the ropes, into a rotten capitulation. Reprising its role in New Brunswick, if only on a much larger scale, the CUPE leadership arbitrarily accepted a wage offer including a 3.59 percent annual "increase," less than one-third of the union's original modest demand of 11.7 percent to keep pace with inflation and claw back years of real wage cuts. The CUPE bureaucracy followed up this criminal betrayal by browbeating workers into voting for the deal with threats about the dangers of further strike action.

Attempting to cover for their unfolding treachery, CUPE and other unions hailed as a great victory a lower court ruling, issued late last month, that found Bill 124 unconstitutional as it unduly restricted collective bargaining rights. Government spokesmen immediately signalled that they would appeal the decision to a higher court. The move by the Ontario Conservatives echoed an almost identical play by the Conservative government in Manitoba. They too imposed draconian wage restraints on public sector workers in 2017. A lower court ruled it unconstitutional in 2019. However, the government appealed the decision to a higher court, which predictably overturned the lower court ruling. With the federal Supreme Court refusing to hear the unions' appeal in October, the Manitoba government's attacks were ultimately upheld by the capitalist courts.

### **From the US to Australia and Spain—The global attack on workers' rights**

The spearheading of attacks on workers' wages and conditions by the capitalist state is not simply a Canadian phenomenon.

In the United States, President Biden, with the bipartisan support of both houses of Congress, intervened last week to override a clear vote by tens of thousands of railroaders to reject White House-brokered concessionary contracts and imposed them unilaterally. After three years of endless rounds of government-mandated mediation, imposed on railroaders by the anti-worker Railway Labor Act, and an earlier settlement that the government and union bureaucracy sought to enforce in a vote subject to endless delays and marred by serious irregularities, workers had finally been set to launch a national strike on December 9. That is, until Congress and the Biden administration robbed them of their basic democratic rights to strike and collectively determine their own conditions of employment.

In Britain, the Conservative government is preparing to deploy the armed forces to smash upcoming strikes this month by hundreds of

thousands of workers, including a 48-hour nurses' walkout. Plans are also afoot to rush through new anti-strike legislation aimed at rendering industrial action by large swathes of workers including transport and public sector workers ineffective. In addition to stripping so-called "essential" workers of the right to strike, the package of new anti-worker measures may authorize the use of agency workers to fill strikers' jobs and make it easier for bosses to replace strikers permanently.

In Australia, the union-supported Labor government just passed new laws that will grant the pro-business Fair Work Commission (FWC) increased powers to shut down industrial disputes, ban strikes and impose the wage- and condition-slashing demands of big business on workers through arbitration. In Spain, the coalition government of the social democrats and the pseudo-left Podemos Party has reformulated sedition laws to criminalise normal forms of protests and picketing. This includes illegalizing pickets blocking factory entrances, eviction protests, students occupying a university or college, and even changes to the route of a demonstration unless they are officially communicated to the authorities in advance.

If workers are to defeat the ever-escalating attacks of the employers and from governments, whether avowedly right-wing or nominally "left," they will have to seize control of their struggles by building new organizations of struggle, rank-and-file committees, democratically elected and acting independently of the suffocating grip of the union bureaucracy.

The building of a network of rank-and-file committees is essential to developing a working class counteroffensive against capitalist austerity, concessionary contracts, unsafe working conditions and anti-worker laws and to uniting the struggles of workers in Canada with those of their class brothers and sisters in the US, Mexico and beyond.

Events in New Brunswick and Ontario underscore that a working class counteroffensive will face political tasks from the outset, since it will inevitably come into direct political confrontation with the big business governments that hold power in Ottawa and all the provinces and the capitalist state as a whole. A working class counteroffensive must therefore develop as an independent working class political movement in opposition to the entire capitalist elite and striving for workers power. This is the socialist and internationalist program fought for by the Socialist Equality Party (Canada). We urge all workers and youth to join and build it so as to provide revolutionary leadership to the developing mass working class upsurge.



To contact the WSWs and the  
Socialist Equality Party visit:

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