

Canada's unions trumpet federal anti-scab legislation to bolster “progressive” Liberal government as it backs Israel's Gaza genocide

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Canada's trade union-backed Liberal government has tabled legislation ostensibly aimed at prohibiting the use of scabs by federally-regulated employers during strikes or lockouts. Bill C-58 has been universally touted by the New Democratic Party (NDP)—which is in a confidence-and-supply agreement with the minority Liberals that secures the Trudeau government its parliamentary majority—and by trade union leaders as an “historic” victory for “workers’ rights.”

However, the bill is far less than meets the eye. Its presentation now has much more to do with the political theatre necessary to patch up the pro-war, pro-austerity Liberal government's tattered “progressive” credentials than any genuine concern for workers’ rights.

In March 2022, when the NDP, with the unions’ enthusiastic support, struck their pact with the Liberals to keep Trudeau in power through June 2025, a Liberal pledge to table anti-scab legislation by the end of 2023 was hailed by the labour bureaucrats as a major concession they had wrested from the government.

In reality it was and is chicken feed. Far more significant was the NDP's vow to provide the minority Liberal government with “political stability,” that is a free hand in pursuing the agenda of the ruling class. This includes: Canadian imperialism playing a major role in the US/NATO war on Russia; massive increases in military spending; and public spending austerity to pay for the hundreds of billions in handouts to corporate Canada during the pandemic.

Now, as working people across Canada voice their anger and revulsion at the Trudeau government's full-throated support for Israel's genocide against the Palestinians in Gaza, the unions and NDP are doubling down on their alliance with the big business Liberals.

In addition to the significant political considerations associated with Bill C-58's presentation, the Liberals argue that it will assist the ruling class in suppressing the class struggle, by strengthening the state-regulated “collective bargaining” system and giving a political shot in the arm to the pro-capitalist union apparatuses.

Under conditions of a dramatic upsurge of workers’ struggles in Canada and internationally—struggles that have increasingly taken the form of rank-and-file rebellions against the union bureaucracy—the Trudeau government, and its union and NDP allies are acutely aware that they must create new mechanisms to divert, blunt, and disarm militant struggles that could act as a catalyst for a broader working-

class-led mobilization against the ruling elite's class war agenda of austerity for workers and imperialist war abroad.

The NDP politicians and trade union bureaucrats’ effusive boasts of having secured a national ban on the use of strikebreakers are, to say the least, a gross and willful exaggeration. This is true even if one leaves aside that the ban only covers a small fraction of the workforce—the roughly 350,000 workers employed in federally-regulated industries, such as transportation and telecommunication, who have union contracts.

The Trudeau government has explicitly excluded from its provisions the more than 300,000 federal public servants, the largest single group of federally-regulated workers. Moreover, the legislation includes a series of loopholes to suit employers. For example, employers will have 18 months to prepare for the new rules if the legislation is passed, meaning the earliest its provisions could come into force is in the final months of 2025. Scabs will be permitted if a strike poses “threats to health and safety” or could cause “serious environmental or property damage.” The body that will ultimately determine what constitutes a “threat,” the Canada Industrial Relations Board (CIRB), has a notorious pro-employer record, allowing employers to confidently expect generous interpretations of these loopholes.

During this past summer's West Coast longshore strike, the CIRB served as a pliant tool of the Trudeau government and shipping companies in criminalizing job action. First, after rank-and-file dockers massively repudiated a sellout tentative agreement drafted by senior government officials and approved by the union bureaucracy, the CIRB stepped in with an “emergency” ruling that parroted Labour Minister Seamus O'Regan's incendiary claim that the resumption of the strike was “illegal.” Instructed by the government to ensure there was no further disruption at British Columbia ports, the CIRB ordered dockers to vote on a virtual carbon copy of the contract that had been turned down. They gagged union representatives from speaking publicly about the proposed contract and threatened them with legal action if they called for its rejection.

Under Bill C-58 it will be up to the CIRB to determine if an employer is violating the ban on scabs, and, in the event it is, would be empowered to impose fines of up to \$100,000 per day. The record of this unelected, anti-worker body, however, makes a mockery of the claims by union bureaucrats, Trudeau government ministers, and NDP politicians that workers will be able to count on the CIRB to

meaningfully enforce its no-strikebreaker provisions.

The proposed legislation actually provides a new mechanism for employers to undermine strikes and expands the state's power to legally prevent workers from striking. Hitherto, "essential services" agreements, which employers always exploit to maintain operations, have been restricted to a handful of sectors. Bill C-58 would make them mandatory for every federally regulated collective bargaining unit, with unions only gaining the legal right to strike after they have reached an agreement with employers designating those workers who for safety reasons would continue working during a walkout.

Should union and employer representatives fail to agree within 15 days of the start of bargaining on what "essential services" must be maintained, it will fall to the CIRB to dictate such an agreement. In addition, at any time in the course of a dispute, the Labour Minister will retain the power to refer a case to the CIRB to determine if "health and safety" is at risk.

Another major concession to big business is that the bill allows non-union contractors to continue working during strikes, provided they do so "in the same manner, to the same extent and in the same circumstances as they did before the notice" for a lockout or strike was issued. Although it remains to be seen how such an exemption would be interpreted, it would in theory allow an employer to hire scabs prior to the commencement of a strike, employ them for a brief period, and keep them working to at least somewhat offset the effect of a strike.

While further undermining workers' right to strike, which has been eviscerated by successive governments through the use of back-to-work legislation, Bill C-58 significantly strengthens the corporatist partnership between union bureaucrats, the employers and government. This explains why the responses from the trade unions, Liberals and NDP have been so enthusiastic.

Canadian Labour Congress (CLC) President Bea Bruske applauded the Liberal/NDP government alliance for authoring Bill C-58, declaring, "The NDP's advocacy with workers for robust anti-scab legislation resulted in this vital piece of legislation being included in the Supply and Confidence Agreement between the NDP and the Government." The United Steelworkers began its press release by stating, "The new federal anti-scab legislation marks another victory for workers coming out of the New Democrats' supply and confidence agreement with the government." The Quebec Federation of Labour (FTQ) hailed the Trudeau government for its "courage" in standing up to the employers, while the Quebec-based Confederation of National Trade Unions described the bill's tabling as an "historic occasion."

NDP leader Jagmeet Singh praised the "advocacy" of the NDP for making the bill possible, and added that he hopes it will "spread across the country" with "more jurisdictions" passing similar laws. Labour Minister O'Regan hailed the bill for "keeping parties focused on the [bargaining] table" and "providing more stability and certainty for the economy," i.e., safeguarding the profitability of corporate Canada.

Bruske repeated O'Regan's claims that the passage of Bill C-58 would lead to "less labour disruptions, fewer work stoppages" and "swifter negotiations."

The suppression of the class struggle has been the main focus of the nationalist, pro-capitalist trade union bureaucracies over the past four decades. The globalization of production has transformed the unions from organizations that once achieved limited gains for workers within the national framework into appendages of the state and

corporations tasked with enforcing concessions and management's dictates. This has taken the political form of an alliance between the union bureaucracy, Liberals, and NDP, which is decisive for the Trudeau government's enforcement of its austerity program at home and waging of imperialist war abroad.

In a statement published in July, the Socialist Equality Party analyzed the Trudeau government's "war on two fronts," against its great power rivals abroad and the working class at home. The statement explained, "The labour bureaucrats enforced the ruling class's profits-before-lives pandemic policy that led to successive waves of mass death. They are strident supporters of the Ukraine war and rearmament. The unions and NDP have given tacit support to the far-right Ukrainian Canadian Congress-led, Trudeau government-backed campaign to smear and censor all anti-war voices. They also played a key role in the recent renegotiation of the North American Free Trade Agreement, which was aimed at consolidating a US-dominated continental trade bloc from which American and Canadian imperialism can vie for global economic and geostrategic hegemony..."

"If the Trudeau government is waging a war on two fronts, the union and NDP leaders are its 'labour lieutenants.' Their specific task is to contain, divert and derail mounting working class opposition."

The anti-scab legislation is aimed at bolstering the anti-working class corporatist alliance between government ministers, corporate executives and union bureaucrats. In "strengthening" the "collective bargaining" system, their goal is to stifle mounting working-class opposition and contain contract disputes within state-regulated, pro-business institutions.

The urgent task facing the working class is to free itself from the political straitjacket imposed by the union bureaucracy and NDP. This imperatively demands a political struggle against the Trudeau government and the Liberal/union/NDP alliance on which it rests. This necessitates a turn to a socialist and internationalist program for the mobilization of workers in Canada alongside their class brothers and sisters in North America and throughout the world against capitalist austerity and war, and for workers' power and socialism.



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