

Globe and Mail defends Canadian businesses' "right" to use scabs to break strikes

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Bluntly articulating the interests of big business, the *Globe and Mail*'s editorial board published a statement last Thursday that denounced the federal anti-scab law proposed by Canada's union-backed Liberal government. Calling Bill C-58 "a terrible idea," the traditional mouthpiece of the Bay Street financial elite brazenly defended the use of replacement workers during a strike or lockout as the "best lever" available to employers to pressure workers into accepting pro-company terms.

Bill C-58 was tabled in parliament earlier this month as a condition of the Liberals' confidence-and-supply agreement with the New Democratic Party (NDP), which has pledged to keep the minority Trudeau government in power until June 2025.

While Canada's unions have hailed the legislation as "historic" and many big business mouthpieces have railed against it, the proposed "anti-scab" law is anything but. It contains several major loopholes that would ensure the continued use of scab labour in federally-regulated workplaces should the bill become law

Moreover, it opens the door to possible further restrictions on the right-to-strike as it would require all federal union bargaining units to negotiate "essential services" agreements with their employer, stipulating which workers must remain on the job in the event of a labor stoppage. If an "essential services" agreement isn't reached between the employer and union within a 15-day period following the beginning of bargaining, these determinations would ultimately be left up to the notoriously pro-employer Canada Industrial Relations Board (CIRB).

The draft bill also permits employers to oblige non-union contractors to cross picket lines if they were hired before a strike or lockout began.

In perhaps the largest loophole, the bill allows for replacement workers to be brought in if it is determined there exist "threats to health and safety" caused by a work stoppage or that a strike could cause "serious environmental or property damage."

The *Globe* editorial grossly exaggerates the expected

impact of the legislation. It would only apply to 350,000 workers—to those employed in federally-regulated industries, such as transportation and telecommunication, who are union members. Significantly, the government has chosen to exclude the 300,000 unionized federal public servants from Bill C-58's purview.

The newspaper claims that the bill would "unjustifiably tip the scales in favour of unions" and lead to "more frequent and longer strikes."

The *Globe* omits the fact that employers have the coercive powers of the state on their side, with Canada's entire "labour relations" legal framework stacked against the workers. The courts routinely intervene on behalf of employers to curtail effective strike action. And federal and provincial governments of every stripe—NDP, Liberal, Conservative and Parti Québécois—have increasingly used "emergency" back-to-work laws to criminalize strikes and imposed wage "restraint" through anti-democratic, legislated pay caps and freezes.

In arguing for maintaining employers' full unfettered right to deploy scabs to break strikes, the *Globe and Mail* editorial board claims that a critical "balance in labour-employer relations" has been established in recent years, with workers supposedly making "gains" in the auto, federal public service, grocery and other sectors.

Workers have in fact suffered decades of wage rollbacks and austerity, even as the cost of living has surged and corporate profits have shattered records. Despite a recent wave of strikes amid growing militancy, Canadian workers have ended up at best treading water or suffering further real wage cuts due to sellout contracts rammed through by the union bureaucracies. When strikes do break out, they increasingly take the form of a rebellion against the labour bureaucracy's efforts to enforce concessions—as was the case earlier this year at Metro grocery stores in the Toronto area.

The one provision of the new bill which the *Globe and Mail* does endorse is the process for determining which workers are "essential" and therefore banned from striking.

Up to now, the requirement to identify “essential services” during a strike was confined to a relatively small number of sectors, but Bill C-58 would introduce this requirement for all bargaining units. During the first year of the COVID-19 pandemic, the federal and provincial governments developed a definition of “essential workers” which was so broad as to cover most jobs, including in transportation and manufacturing, in furtherance of the ruling elite’s homicidal “back to work” policy even as the deadly virus spread rapidly. If a similar approach is adopted in determining who is “essential” under the new “anti-scab” law it would make striking illegal for vast swathes of federally-regulated workers.

The CIRB intervened at the behest of the Trudeau government against the strike by British Columbia dockers earlier this year and in a series of anti-worker rulings, echoed the claims of government and big business that the operation of the ports was “essential” to the economy. This government agency’s power to determine who is essential would be greatly expanded by this bill. It will also have the responsibility of determining if an employer’s use of scabs is legal or not.

The opposition of the *Globe and Mail* to Bill C-58 echoes the statements of the Canadian Chamber of Commerce and Canadian Federation of Independent Business, representing the interests of business owners who want to protect their unreserved right to repress and smash growing opposition in the working class. As the Canadian Federation of Independent Business put it in a statement, “If passed, this bill could prolong the duration of strikes and increase their frequency. There’s a reason why similar bills were always voted down in the past. They put too much power in the hands of large unions, and they are a threat to the economy as a whole.”

The debate over the bill reflects a tactical dispute within the ruling class. The Trudeau government has developed a close partnership with the unions since coming to power in 2015, culminating in the Liberals’ governmental alliance with the union-backed NDP. While making use of strikebreaking laws and the coercive powers of the state, including against the BC dockworkers, their preference has been and remains to use the labour bureaucracy to police the working class and contain the class struggle.

The presentation and promotion of the bill by the NDP and the Canadian Labour Congress as “historic” and a “win for workers” is aimed at burnishing the badly tattered “progressive” credentials of the increasingly unpopular pro-austerity, pro-war Trudeau government.

Another section of the corporate elite, aligned with the Pierre Poilievre-led Conservatives and which the *Globe and Mail* editorial board is speaking for, favours a more

aggressive assault on the working class. As they see the eruption of great class battles on the horizon, they do not want their hands tied in any way, even by legislation as limited and skewed towards the employers as Bill C-58. They fear that the unions’ declining influence due to their repeated enforcement of concession-filled contracts risks creating a social explosion that the labour bureaucracy will not be able to control.

The far-right Poilievre and his Conservatives are at the same time seeking to make a demagogic social appeal, cynically posturing as friends of the “average working Joe” who is struggling to make ends meet under conditions of rising inflation and interest rates.

In so far as Poilievre has had any success with this ploy—polls currently show his Conservatives would win a majority were a federal election held today—it is because the unions and social-democratic politicians of the NDP have suppressed the class struggle and politically bound it to their reactionary alliance with the big business Trudeau government. To the extent that workers remain politically paralyzed under the dead weight of the pro-austerity, pro-war unions and NDP, an opening is created that Poilievre and the Tories are doing all they can to exploit.

There is no “progressive” faction in the dispute within the ruling elite over how best to suppress the class struggle. Both factions represent a threat to the working class. While the far-right demagogue Poilievre would prefer to dispense with many of the corporatist ties built up between the state, business executives and union bosses so as to launch an all-out assault on workers’ wages and conditions, and what little remains of business regulations and public services, the union and NDP-backed Trudeau government is committed to war abroad in Ukraine and Gaza in the interests of Canadian imperialism, and a war on the working class at home. They intend to make the working class pay for increased military spending through intensified “post-pandemic” austerity.

In this situation it is imperative that the working class develop its political independence through a relentless struggle to break from the Liberal/NDP/union alliance. This necessitates taking up the fight for socialism by joining and building the Socialist Equality Party.



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