

Enforcing employers' demands, Canada's Liberal government decrees end to port disputes

Carl Bronski

13 November 2024

On Tuesday morning, federal Labour Minister Steven MacKinnon, invoking provisions of the pro-employer Canada Labour Code, instructed the Canadian Industrial Relations Board (CIRB) to end work stoppages at the Port of Montreal, the Port of Quebec City and at all ports on Canada's west coast.

The announcement amounts to rule by decree. Parliament did not sanction MacKinnon's action. Rather it was based on an arbitrary reinterpretation of Section 107 of the Labour Code that the Trudeau Liberal government cooked up last summer to enable it to bypass parliament in criminalizing workers' struggles.

As demanded by the giant shipping companies that control Canada's principal ports, the contracts for the port workers in Montreal and Quebec City and the foremen at BC ports will now be determined through a pro-employer binding arbitration process.

In ordering an end to contract disputes that had been brewing for many months between longshore workers and the cargo handling companies at the country's largest ports, MacKinnon claimed to be acting "in the interest of businesses, workers, farmers, families and all Canadians."

What rubbish! Faced with mounting worker job action, the bosses at Canada's largest ports imposed lockouts last week. This was clearly a coordinated action, aimed at prodding the federal government into legally short-circuiting all job action and imposing binding arbitration.

MacKinnon's action is part of an ever-escalating assault on workers' rights, in which worker job action is being systematically criminalized, at least when workers are in a position of strength. This assault is aimed at enabling the ruling elite to intensify its class war agenda of austerity and increased worker exploitation at home and aggression and imperialist war abroad.

It was no accident that on the same day that the government took action against the dock workers, management at Canada Post responded to a 72-hour strike notice by 55,000 mail carriers and sorters by announcing plans for their own lockout starting Friday. They are clearly rubbing their hands at the prospect of yet another MacKinnon decree to help them impose sweeping concessions on postal workers, including more "flexible" working arrangements and substantial real-wage cuts.

On Monday November 4, the British Columbia Maritime Employers Association (BCMEA) that bargains for multiple cargo handling companies locked out some 730 longshore foremen, when they moved to impose an overtime ban. The lockout immediately froze ongoing contract negotiations and halted all activity at Canada's largest port in Vancouver, third largest port in Prince Rupert and several smaller

ports along the west coast. The foremen were demanding the port owners negotiate over the implementation of automation processes so as to safeguard job security.

On this matter, the BCMEA has refused all discussion.

Workers' moves since last spring to launch strike action in support of their demands were repeatedly stalled by employer initiatives before the CIRB and foot-dragging by the International Longshore and Warehouse Union (ILWU).

In Montreal, the employers' association imposed their own lockout last Sunday evening, after some 1,200 longshoremen had once again rejected—by a whopping 99 percent—a miserable contract offer that arrogantly ignored the workers' main demand for changes to brutal shift-scheduling practices. For weeks workers had conducted an overtime ban and then a partial strike, but the Maritime Employers Association adamantly refused to return to the bargaining table.

In Quebec City, about 80 workers have been locked out for 26 months while scabs attempted to perform their duties.

The Liberal government, corporate Canada, and their accomplices in the union bureaucracy are operating by an increasingly well-oiled procedure aimed at smothering working class opposition and imposing concession contracts. First, employers stonewall contract negotiations, then when a union receives a strong strike vote from the membership, corporate Canada backed by their spokesmen in parliament and the provincial legislatures launch campaigns warning of imminent economic Armageddon should a work stoppage occur. To move things along quickly, the affected employers prepare a lockout to wrest the initiative from any worker plans for job actions, while the restraining hand of the union bureaucrats keeps workers on the job even though they want to strike. Once the lockout has been implemented, the government steps in citing the need to "restore labour peace" by ending the dispute and imposing binding arbitration on the aggrieved workforce.

This strategy is not lost on anyone. Back-to-work orders and the enforcement of binding arbitration, as one labour expert succinctly wrote, "further erodes employers' incentives to reach agreements at the bargaining table, because it reinforces the idea that they can just drag things out and wait for government intervention to fix their problems for them. The aim of the lockout was not to pressure the workers; it was to pressure the government to intervene."

And whether the "resolution" of these disputes is accomplished by the mere threat of imminent government intervention or the actual criminalization of strike activity, the union leaders will, after sputtering their perfunctory denunciations, bow meekly to the

demands of the ruling class. Both the ILWU in British Columbia and the Canadian Union of Public Employees (CUPE) officials in Quebec have announced they will submit to MacKinnon's diktats and instruct workers to resume their jobs just as soon as the CIRB translates them into official legal orders. Both unions are promising to contest the government's fiat in the courts—a process that will take years, and, even if it proves successful, will do nothing to overturn the massive concessions that the arbitrator is sure to impose.

In his move Tuesday to end the dock disputes, Labour Minister MacKinnon once again invoked Section 107 of the Canada Labour Code, which the government claims gives it the power to order the unelected CIRB to “suspend” workers right to strike, even when they have jumped through all the legal hoops imposed by federal labour law, and impose binding arbitration. Employers almost always clamour for binding arbitration, because the supposedly neutral arbitrators all agree that workers' jobs and wages must be conditional on healthy profits, and generally dismiss worker grievances regarding work practices and automation.

The Trudeau government has repeatedly used the CIRB to suppress worker struggles over the past 18 months, including those of 7,400 west coast longshore workers in the summer of 2023 and 9,300 rail workers at CN Rail and CPKC in August 2024. Even CIRB officials have expressed concern the government is arrogating itself arbitrary powers, and have wondered out loud whether the Labour Minister does indeed have the legal right to order, essentially at will, the CIRB to strip workers of what are supposed to be their constitutionally “guaranteed” rights to strike and bargain collectively. This, however, has not stopped the CIRB from continuing to impose the demands of the government and corporate Canada, on the grounds that legally they are bound to follow the minister's orders.

The resort to ever-more authoritarian methods to suppress the class struggle reflects the sharpening of class tensions in Canada, where according to a recent StatsCan report income inequality is at the highest level ever recorded. It comes in the context of the victory in the US presidential election of the fascist Donald Trump, with whom the Canadian ruling elite has pledged to cooperate on domestic, economic, and foreign policies. Just as Trump's victory expresses the violent realignment of the political system with American social life, which is dominated by a super-rich oligarchy that is hostile to any semblance of democratic restraint on its power, so corporate Canada is resorting to increasingly dictatorial methods to defend its class interests.

CPKC Chief Executive Keith Creel summed up the sentiments of the business elite, urging the Trudeau government in a Tuesday *Globe and Mail* column to legislate a strike ban for all “essential services.” The far-right demagogue Pierre Poilievre, who staked his claim for the leadership of the Official Opposition Conservatives by serving as the most strident advocate of the fascist-instigated “Freedom” Convoy that menacingly occupied downtown Ottawa in 2022, enjoys overwhelming support in ruling circles to be Canada's next Prime Minister at the head of a Tory government.

These developments underscore that workers confront a political struggle—not just against this or that especially rapacious employer, but against a capitalist ruling class determined to use its economic power and control of the government and state apparatus to eviscerate workers' democratic and social rights.

If workers are to prevail, they must unite their struggles into a working class industrial and political counter-offensive against all job and wage cuts, the dismantling of public services, and imperialist war,

and for social equality and the bringing to power of a workers' government committed to socialist policies.

The frenzied demands of big business for the outlawing of strikes by workers in the transport and logistics sectors speak to the enormous social power wielded by the working class, the producer of all society's wealth.

The principal obstacle to the mobilization of that power is the pro-capitalist trade unions. Far from defending workers, the union bureaucrats function as junior partners of management and the state. They enforce state bans on job action just as they impose wage and job cuts, because they have interests hostile to the workers they purport to represent.

This is epitomized in the Liberal-union-NDP alliance. The unions and the union-sponsored NDP have propped up the Trudeau government, including by providing it with its parliamentary majority for the past five years, as it has moved ever further to the right—waging war on Russia, supporting Israel's genocide against the Palestinians, and diverting ever greater resources from meeting crying social needs, to funding rearmament, and tax cuts and subsidies for big business and the well-to-do.

The port workers, Canada Post workers and other workers now coming up directly against the nexus of corporate and state power face powerful enemies. But they have still more powerful allies among workers across Canada, in the US and internationally who face like issues. Workers on both sides of the border confront anti-strike laws, declining real wages, punishing work regimes, and the use of automation to slash jobs and increase worker-exploitation, and are often ruthlessly exploited by the same transnational companies.

To initiate a working class counter-offensive, workers must build new organs of class struggle, rank-and-file committees in all workplaces that are independent of the union apparatuses. These committees must systematically mobilize workers' power in defence of workers' democratic and social rights and in struggle against the profit system, which is at the root of war, social inequality and mounting economic insecurity.



To contact the WSWs and the Socialist Equality Party visit:

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