

Striking Canadian Pacific-Kansas City rail workers confront strikebreaking operation backed up by Canada's anti-worker labour laws

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A strike, now well into its third week, by 300 signalmen and communications workers at the Canadian Pacific Kansas City (CPKC) railway has exposed once again the gaping, pro-company loopholes in labour law that allow employers to subvert and even break legal walkouts by federally regulated workers in key sectors of the economy.

After a 96 percent vote in favour of job action, the highly skilled workers, members of the International Brotherhood of Electrical Workers (IBEW), went on strike on May 31 in pursuit of wage increases, expense payments and measures to improve work-life balance.

But beginning a day after the workers walked out, strikers began filming instances of scab contractors illegally performing their work, in flagrant violation of recent amendments to the Canada Labour Code. Passed in June 2024, the amendments came into force a year ago. They have been celebrated by the Canadian trade union bureaucracy as a “solid” piece of anti-scab legislation shepherded through parliament by their friends in the big business Liberal government of Prime Minister Justin Trudeau and now his successor, Mark Carney.

Rank-and-file workers, however, are far from certain. After all, consecutive Liberal governments cooked up the patently unconstitutional “reinterpretations” of the labour code that they have ruthlessly wielded to legalize strikes and force pro-company compulsory binding arbitrated contracts on strikers who cannot even vote on the “settlement.”

Indeed, only two years ago 3,200 striking locomotive engineers, conductors, yard workers and traffic controllers at CPKC were forced back to work and handed a miserable arbitrated contract. Similar fates were visited upon workers when the government criminalized job actions by dockworkers in British Columbia and Quebec, WestJet mechanics and workers at the Canadian National Railway without so much as a parliamentary debate or vote.

Since the election of the new Liberal government under Carney in April 2025, Ottawa has continued to issue strike-breaking orders against Air Canada flight attendants, force Canada Post workers to vote on a concessions-filled management offer, and threaten state intervention in a spate of other contract struggles.

In the current dispute at CPKC, strikers have continued to film the contractors performing signalmen and communication worker duties and submitted the film to buttress a complaint filed with the Canadian Industrial Relations Board (CIRB), which adjudicates disputes that arise in the federal collective bargaining process. A hearing on the first recorded violation began this past Monday. A statement from the CIRB indicated that other filmed violations would be investigated and adjudicated subsequently on a case-by-case basis.

Workers should recall that it was the unelected CIRB, the very institution the IBEW bureaucracy now holds up as an arbiter of the workers' complaints about strikebreaking, that ordered an end to the CPKC and CN strikes in 2024 on the spurious basis of a unilateral order issued by the then Labour Minister, Stephen MacKinnon.

CPKC management have denied any culpability, citing a stipulation in the “fine print” of the revised code that allows companies to employ contractors who have normally worked at any of the specific locations under question, who already were doing work before the notice to bargain was issued and who do not go above or beyond the work previously performed.

The strikers insist that the work that they filmed was labour not “normally” performed by the particular contractors replacing them. But the provision is so loosely worded that companies can simply claim that the specific contractor(s) were performing work allowed by the labour code. Managements in the federal sector have already cottoned onto the loophole. Since the amendments came into force in June 2025, federal unionized workers have filed eight complaints citing the use of scab labour. The changes to the Code stipulate that federally regulated companies which have brought in such “replacement” workers could face fines of \$100,000 a day. To date, the CIRB has not issued a single dollar in fines against any company named in any of the eight complaints.

No matter how the CIRB may eventually rule on the current complaints lodged by the IBEW at CPKC, the use of these replacement contractors has already largely neutered the impact of the strike and may continue to do so as the CIRB conducts its long-drawn out “investigations.” In any case, another provision in the

code provides room for the company to cite imminent threats to safety, environmental impacts or property damage to justify their actions.

The current dispute between CPKC and the striking IBEW-represented workers reveals ever more clearly how labour law is purposely designed to thwart the legitimate strivings of the working class. The “collective bargaining process” is rife with every imaginable hoop and hurdle to contain the class struggle. It was instituted in its modern form in the latter stages and immediate aftermath of World War II as the framework for the pro-capitalist, nationalist union bureaucracies to be integrated with the state apparatus and help manage the class struggle in the interests of Canadian capital.

Provincial and federal labour codes impose all manner of impediments for workers seeking to take up a struggle in defence of their interests. These include endless conciliation requirements with government-appointed arbitrators, “cooling off” periods, arbitrary forced votes demanded by employers on their contract proposals, crippling “essential worker” designations, Industrial Relations Board adjudications, the illegalization of wildcat job actions in standardized labour contracts, the legal deployment of scabs, and, when all else fails, unilateral back-to-work orders by the labour minister on the basis of the government’s reinterpretation of the Code’s Section 107. With all these arrows in their labour-relations arsenals, managements more and more see the benefits in slow-walking negotiations for months and even years as they refuse to bargain contracts while waiting for state intervention.

But even this is not enough. The ever-deepening assault on the living standards of the working class has engendered a growing militancy amongst workers whose combativity is recorded in steadily increasing strike activity. The Carney government is now preparing to impose even more crippling labour regulations on workers. Proposals currently on the table in a new labour code review are nothing less than an all-out assault on worker rights. The review was spurred forward by an intense lobbying effort over the past year by employer representatives speaking for the country’s major rail, airline and port corporations. The government is seeking to expand the designation of “essential workers” who would never be legally permitted to strike; lengthen timelines for declaring a strike; extend so-called “cooling off periods”; create more definitive language in the labour code to allow for quick strike-breaking edicts; and impose “special” federal mediators early into the bargaining process who would have the power to call for government intervention.

For their part, the union officialdom views these bulwarks meant to defend the profits of the corporations as simply “the cards that they are dealt.” In the end this or that provision of the code may be disputed with even a touch of blood-curdling outrage, but for them the system itself is legitimate. Thus, their “opposition” is directed in the end to appeals to the big business parties who have no interest in reducing the profit-making abilities of their paymasters in the corporate world.

In any case, the collective bargaining system is inextricably bound up with the privileges that the union bureaucracy derives from its role in policing the class struggle and enforcing labour

peace at the expense of their own memberships. Time and again, the union bureaucracy has sacrificed the most basic interests of the working class to enforce the rules and regulations of the state-designed, pro-employer collective bargaining system.

In the case of the signalmen, the IBEW insists that they should place all of their faith in the pro-employer CIRB and “collective bargaining” to achieve their demands. This is the surest road to defeat. The 300 strikers could and must mobilize broad-based support throughout the working class for their struggle across North America, since CPKC’s lines run from the Canadian Arctic through the United States to tropical Mexico. Since the strike began, some 1,700 CPKC locomotive engineers in the US decisively rejected a nine-year pro-company agreement that would have entrenched below-inflation pay “increases” for almost a decade and implemented changes to work rules aimed at boosting corporate profits.

Rail workers and other sections of the working class are being driven into struggle by the same processes: the erosion of their wages due to increased food and energy prices produced by the US/Israeli war on Iran; the destruction of social programs and worker rights by ruling classes in every country to pay for massive military spending increases and handouts to the financial oligarchy; and speed-up and increased workloads imposed by employers to ratchet up worker-exploitation. This latter process finds notorious expression on North America’s railroads, which are dominated by ruthless corporations that push rail workers to the brink and beyond, as underscored by the series of accidents and deaths on the job in recent years. As a result, rail workers who take a stand against corporate plunder and the abrogation of their rights would meet with a powerful response from all workers.

Workers need to cut through the straitjacket imposed by the Canadian state in concert with the unions through the collective bargaining process. The treacherous union bureaucracies represent material interests that are hostile to those of the workers they claim to represent, which is why they act as an auxiliary agent for “industrial peace” in order to suppress increasingly explosive worker opposition to employer and state attacks.

If rail workers and the working class as a whole are to make real advances, they must move independently of the unions by forming rank-and-file committees in every workplace to break the “collective bargaining” straitjacket. This movement must be armed with a socialist and internationalist program to repudiate the pro-capitalist and nationalist union leaderships, and the never-ending attacks on worker rights that flow inevitably from the bureaucracy’s acceptance of the capitalist profit system and the austerity and war that it breeds.



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