

Legislation to Impose an Unfair Contract and the Notwithstanding Clause -They're Coming For the Rest of Us



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Any worker - not just education workers - in Ontario right now should be deeply alarmed at the recent war that the Ford Conservatives has waged on democracy and on education workers.

Instead of fairly negotiating with CUPE, which represents 55 000 Early Childhood Education (ECE) workers, custodians, lunchroom supervisors, and other education workers, the Ford government has instead decided to push through legislation that would unconstitutionally impose a four-year contract on these workers and remove their right to strike. To prevent legal challenges that might overturn this bill in the future, the government has decided to impose the Notwithstanding clause - a clear misuse of power and an attack on democracy.

Workers have fought for these rights for decades. Exactly 150 years ago, Canadian workers won the right to organize, bargain collectively, and go on strike if the employer wouldn't give them a fair deal – using the only power they have, their decision about whether to put their bodies and minds on the line, whether to work or not.

More labour rights were won in the World War Two era. As a result of labour disputes and the government's need for labour peace, employers were forced to recognize the union of their employees' choice and a compulsory dues check-off was instituted.

Now, Ford's government threatens all of these rights: if it can take away some rights with the flick of the Notwithstanding clause, it can do this with others.

The average CUPE education worker makes \$39,000 a year. With inflation at 7% and growing, their wages are falling behind in real terms with the rest of Canada. At the same time, the Ontario government is projected to have \$2.1 billion in surplus. So why not offer these workers, who are working with our most vulnerable students, a decent liveable wage? Why impose a four-year contract on these workers and take away their Charter right to strike?

Because this government is actively trying to dismantle publicly-funded education. The Ford Conservative government wants to reduce our education system to such a state of disrepair that students and their parents will be clamoring for private schools. Private schools that can fill in the gaps for those students whose needs are not being met within the current under-funded system. Instead of investing in classroom support like hiring librarians and additional staff that can provide additional supports to students who are falling behind, this Conservative government has decided instead to give parents \$200 of "catch-up payments" to help with

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tutoring. Two hundred dollars per student is a drop in the bucket when tutoring rates average \$75 per hour. These \$200 handouts are a sorry replacement for actually investing in Ontario's schools.

Premier Ford and Minister Lecce are also trying to drive a wedge between parents and workers, claiming that parents want stability and peace in their children's schooling - after all the disruptions experienced during the pandemic. What this Conservative government fails to recognize is that we stand in solidarity with education workers, as parents and as workers. If this government really wants to prevent disruptions in children's learning, then they should return to the bargaining table and negotiate fairly. They should also play fairly. Because if Ford can preemptively prevent workers from striking by introducing legislation that makes the strike illegal and also use the Notwithstanding clause to override future legal challenges, how does that bode for the rest of us?

As workers and as parents, we value publicly-funded education, and we will stand together to protect it. We want to see classrooms thrive where every student is provided the support they need to succeed. This support is not possible when cuts and more cuts are made to education. Workers' working conditions are also our students' learning conditions.

Let's support publicly-funded education and guarantee that our next generation has what they need to succeed. Through this fight, we can also protect our democracy and the Charter rights associated with it including freedom of association and everything the Charter means for the right to organize, bargain and strike.

Therefore, Labour Council Executive Board resolves that:

1. Urges all affiliated locals to work within our locals and unions to mobilize members to support and join rallies, walkouts, and "political protests" by education workers and their unions to achieve a fair, negotiated collective agreement, and defend their constitutional right to free collective bargaining and the right to strike, and
2. Calls on the Ontario Federation of Labour and its affiliates to urgently develop a coordinated strategy and action plan to support education workers and defend the right to free collective bargaining and the right to strike for all workers - including escalating mass actions, rallies, "political protests" and walkouts up to and including a provincewide general strike if required.
3. Urges all affiliated locals to show solidarity with any union that is engaged in a labour dispute.

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