

Unions Learn from Defeat of Anti-Scab Bill

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As many know, in the hothouse of federal politics, good ideas often get lost in the spin. On March 21, 2007, the Canadian Labour Congress (CLC) was the latest casualty in this tradition. MPs rejected a CLC-sponsored Bill (Bill C-257) that proposed a ban on 'replacement workers' (or 'scabs', in union speak) during labour strikes or management lock-outs. Trade unionists who fought hard for Bill C-257 are infuriated, and understandably so. Reform in this area is long overdue. And yet, as the tea leaves are read from this experience, there is potential bright side worth noting. Two important lessons were widely learned during the CLC's campaign for Bill C-257, both of which require further action from workers and their unions.

First, trade unionists discovered a corporate veto exists on Parliament Hill, and that workers need to do something about it. Secondly, trade unionists experienced the potential of large-scale, 'bottom-up' activism, which got labour further in its quest for federal anti-scab legislation than ever before. If interpreted correctly, these lessons offer important cues for rebuilding the labour movement, and the capacity for union activism. I'll return to this conclusion later. Before that, it's important to give readers a sense of the issues in Bill C-257.

THE ISSUES: ROGUE EMPLOYERS AND POLITICAL INDIFFERENCE

In many respects, the CLC and its member unions had a tough assignment in campaigning for Bill C-257. Given the low number of labour disputes each year, most workers don't wonder if anti-scab legislation exists to protect them and their family. In 2006, 97% of all collective bargaining in Canada didn't experience a labour strike or employer lockout. But anyone who has been on strike (or locked out) knows what scab labour means for their loved ones, their community, their union, and the country as a whole. The research is clear: when scabs are used, disputes last longer and frequently get nastier.

Bargaining is stalled, communities are divided, and tempers flare. Hundreds (often thousands) of work days are lost, and everyone suffers. In the worst cases, conflict results in serious injuries, or even workplace deaths. Consistently, however, a minority of rogue employers have chosen this destructive path. Inspired by hardline management consultants, they see workers as roadkill on the highway to corporate success. Typically, rogue employers refuse to bargain in good faith, and use scabs as a stick to beat unions. 'Do what we say', they thunder, 'or we'll throw you out on the street, and replace you with someone else.'

This was the story last Summer at Ekati Mine near Yellowknife, a town that saw neighbours torn apart by a ruthless multinational corporation (BHP Billington). This also happened in 2005 during the Telus lockout (in BC and Alberta), when thousands suffered at the hands of a profitable and vicious employer. This scenario repeated itself in Quebec between 2002-3, when workers at Vidéotron, Radio Nord, and Sécuro faced employers more interested in hiring scabs than bargaining in good faith. Unfortunately, despite repeated incidents like these, many federal politicians don't think rogue employers are a problem. Few of them have lived in a community torn apart by self-interested management consultants. Few of them have survived on strike pay, watched someone else take their job, or feel the pain when rogue employers exploit lax labour rules. To date, in the name of promoting 'workplace balance', federal MPs have preferred loose standards over policy that ensures fairness and respect.

This was the unfortunate conclusion of last review of the Canada Labour Code in 1999. Under current federal law, employers are only legally required to recognize a union exists in their workplace during a strike or lockout. After doing that, they're free to hire scabs by the busload, and pit working people against each other. An army of management-side lawyers offer hollow claims to justify this unbalanced and unfair situation. Typically, they paint

a doomsday scenario where Canada would be devastated by a ban on scab labour. If parliamentarians ban scabs, they say, unions will ratchet up labour costs, and business will flee to less regulated environments. But forty-five years of experience in Quebec and British Columbia (where scabs are banned) hasn't seen economic collapse, escalating wage demands, or any other alarmist vision advanced by opponents of anti-scab legislation. This is also true in any other countries that ban scab labour.

Quite clearly, on this issue and others, the view from the boardroom is different from the lunchroom. In the lived experience of working people, Canada suffers from lax federal rules that encourage rogue employers, while political indifference reigns in Ottawa. To reverse this tide, the labour movement starts from a different premise: that an injury to one is an injury to all. We defend any worker who suffers at the hands of rogue employers, and encourage laws to defend their interests. Recently, an opportunity to do so arrived with Bill C-257, a private member's Bill proposed by Richard Nadeau (MP-Gatineau) of the Bloc Québécois.

BILL C-257: 'BOTTOM-UP' ACTIVISM VS. CORPORATE FEAR MONGERING

At the outset, Bill C-257 enjoyed the full support of the Bloc and NDP, a strong majority of Liberals, and a sizeable chunk of the Tory caucus (about 16%). This fact was confirmed when the Bill sailed through Second Reading by a margin of 167 to 101. This happened despite an eleventh hour, eight-page, back-of-the-envelope study by federal officials that implied MPs should torpedo Bill C-257. The study was sent around the MP blackberry network on the day of Second Reading.

Martinis were promptly spilled in laps across Ottawa's poshest salons. How, corporate Canada asked, did this happen? Didn't Harper and Dion get the memo?

Why wasn't Bill C-257 killed in the name of 'workplace balance' and 'fairness', like all the other attempts? The difference-maker this time was a 'bottom-up' campaign organized by the CLC. In communities across the country, rank and file trade unionists visited their MPs, and reminded them of the havoc caused by rogue employers.

Given that MPs faced constituents, political indifference was harder to maintain. When MPs wouldn't meet with steelworkers, they got deluged with calls from autoworkers. When MPs wouldn't meet with autoworkers, they got harangued by telecommunications workers, miners, and public sector workers. When phone calls, emails or faxes went unreturned, union members (sometimes in large numbers) simply walked into constituency offices, and demanded a meeting. This time, MPs had to explain themselves to working people who represent huge blocks of votes. This time, MPs faced workers who lost their homes while rogue employers used scabs, or faced violence at the hands of management goons. This time, the labour movement didn't rely on its Ottawa staff.

Instead, the campaign was coordinated by the CLC's Political Action Department, but relied on the work of local activists. CLC staff kept close watch on the declared voting intentions of Liberal and Tory MPs (given local reports), and convened regular conference calls with organizers in the field. When Bill C-257 reached Second Reading, 150 trade unionists came to Ottawa to visit their MPs. At first, given they rarely stray from Parliament's back-rooms, this work flew under the radar for Ottawa's corporate lobbyists. That changed when Bill C-257 cleared Second Reading. Almost immediately, corporate Canada freaked out.

Newspaper editorials cried foul, as employers accused labour of strong-arming politicians. Bill C-257 faced delay tactics at the committee stage after Second Reading. Supporters pointed out the thick files on research on anti-scab legislation gathering dust on Parliament's shelves, and studies conducted at the provincial level. They urged MPs to move quickly on an issue left unresolved for decades. The advice was roundly ignored: the committee called over 50 witnesses, two-thirds of whom came from employer groups.

Business then set to work on the Liberals, who were identified as the key group

needing attention. Call centres were rented to bombard constituency offices with employer messages against Bill C-257. Don Boudria, former Liberal House Leader under Jean Chrétien, was hired by CN (among the angriest federal employers) to lobby any Liberal who appeared supportive of Bill C-257. He was joined by Gerrard Kennedy, a Liberal MP who often gets described as a 'left-leaning'. A wave of pinstriped lob-



byists then descended on Parliament Hill, issuing the same tired, self-serving arguments against anti-scab legislation.

Interestingly timed with this effort, CN provoked a strike with its train drivers. CN (who paid CEO Hunter Harrison \$53 million in 2006) demanded steep concessions, and ignored the union's appeal for an essential services agreement for commuter trains. When the freight trains slowed (commuter trains kept running given union pressure), CN's allies in parliament wailed, and demanded MPs rescind support for Bill C-257. Under this intense pressure, Liberal Leader Stéphane Dion withdrew support for Bill C-257. Mario Silva, the Liberal labour critic, promptly repeated the same message. Both promised to introduce anti-scab legislation later, citing irreconcilable problems with the 'Bloc's Bill'. Eventually, an unprecedented campaign of corporate fear mongering won out. Bill C-257 was defeated at Third Reading.

LOOKING FORWARD

The conclusion the labour movement draws from this experience is crucially important. Some might think a 'bottom-up' campaign for Bill C-257 was unnecessary, inef-

fective, or unduly expensive. Big business, some might suggest, showed its firm grip on the levers of Parliament. To get the best results, unions are best served avoiding politics, and sticking to their expertise at the bargaining table. Against this wayward interpretation, trade unionists should see the bright side of the Bill C-257 saga. Big business was forced to play its strongest cards. In doing so, their well-concealed clout in Canadian politics was exposed.

Don Boudria was awarded a senior position at Hill-Knowlton (one of Ottawa's most prestigious lobby firms) the day after Bill C-257 was defeated. The firm had the gall to announce this in the business pages of the Globe and Mail. In its arrogant tactics, CN actually demonstrated the need for better federal labour standards. Knowing full well it could expect back-to-work legislation, CN refused to bargain seriously, and demanded major concessions in key areas. This is hardly a framework for balance and fairness, and more Canadians know it. At the end of the day, Bill C-257 penetrated the milk toast mediocrity of Canadian politics, and forced big business to issue its veto on Parliament Hill. After witnessing this debacle, legions of trade unionists are now mad as hell.

This anger is understandable, even warranted. But as the labour movement struggles for relevance in the twenty-first century, it should tap this sentiment through more 'bottom-up' campaigns that challenge corporate rule in Ottawa. As we saw with Bill C-257, education and action at the local level can deliver impressive results. Today's near misses can be tomorrow's major victories. Earlier generations of trade unionists didn't pack up in the face of bitter defeats, and neither should we. Bob White, a former President of the CLC, was fond of talking about two dimensions in political activism: the force of one's argument, and, perhaps more importantly, the force behind it.

In its campaign for Bill C-257, Canada's labour movement rediscovered both, and marched forward fighting for a common goal. On its own, this was a huge success, and a far cry from the frustrating returns of modern industrial relations. We need more of the same in years to come. It's time for working people to take politics back through 'bottom up' activism. As some are already saying, bring on the 'small person' revolution. **R**

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