

## **Reportback from CUPE Ontario emergency meeting on the "[Protecting Public Services Act](#)"**

On October 18<sup>th</sup>, CUPE Ontario held an emergency meeting to organize a response to Bill 115, the so called "Putting Students First Act" and the new proposed bill titled "[Protecting Public Services Act](#)." Bill 115 effectively took the right to collectively bargain away from school board employees (both teachers and many CUPE members in support, custodial, clerical, and other roles.) The "Protecting Public Services Act" would do the same for other public sector workers in Ontario (excluding for the moment only municipal workers) including those of us working in Ontario universities. This legislation would also empower cabinet to roll back previously negotiated language in our collective agreements.

Over 1100 CUPE members from across the province attended and passed a resolution to organize a fightback against the legislation. Wali Haider, U1 Vice President and Murray Cooke and Ryan Toews (representatives to CUPE Toronto District Council) attended for CUPE 3903.

### **What these bills mean for our members and for public sector workers across the province?**

Bill 115 and the draft legislation proposed by the Liberals would fundamentally redefine collective bargaining in Ontario. Schedule 2 of the *Protecting Public Services Act*, with the Orwellian title of *Respecting Collective Bargaining Rights* would require Ministerial approval of any negotiated agreements including arbitrated settlements, give the government the power to both change and impose agreements upon unions, rollback existing collective agreement language, and criminalize public sector strikes. It is useful to quote at length from the legal opinion of the draft legislation that CUPE Ontario received from Sack Goldblatt Mitchell LLP.

... as currently drafted, the proposed *Protecting Public Services Act, 2012* goes far beyond simply implementing a wage freeze for workers in the broader public sector; rather it would give the Government unprecedented control over collective bargaining, the right to strike, interest arbitration (in the case of essential services), and the content of every term and condition of every collective agreement. ... This is because the proposed powers under the legislation would allow the responsible Minister to veto a collective agreement provision (no matter how long it may have been enshrined in the prior collective agreement and whether or not it relates to compensation), and impose any collective agreement provision.

Given these extraordinary powers, the proposed legislation and, in particular, Schedule 2: the *Respecting Collective Bargaining Act (Public Sector), 2012* can only be described as a wholesale hijacking by Government of collective bargaining in the broader public sector. Although admittedly on a different scale, it is as if the Ontario Government has seized the kind of power over the economy and collective bargaining that has historically been reserved to a state of

emergency or apprehended insurrection warranting invocation of the *War Measures Act*.

If passed, this legislation would profoundly undermine our ability to collectively bargain. At the meeting, representatives from other unions currently engaged in negotiations, including CUPE 3902 at U of T, have identified that the government's position has already informed the negotiating position of their employers. Given that our collective agreements are the strongest in our sector, the power of the state to unilaterally impose an agreement with rollbacks is particularly alarming, as ours would almost certainly be the first to see the rollback of many of our hard fought gains.

While McGuinty's resignation and prorogation of parliament last week will have delayed this legislation by several weeks, it is quite likely that this bill will return when parliament resumes. Should there be an election when parliament resumes (as is likely), it may also come from the Conservatives who currently oppose the bill only because it doesn't extend it to municipal workers. Furthermore, even if this draft legislation dies, the precedent has already been set by bill 115, and we need to show solidarity with workers in the public education system.

### **What is CUPE Ontario asking us to do?**

The Emergency CUPE Ontario meeting passed a resolution calling upon all locals to join in a campaign to defeat both Bill 115 and any upcoming legislation that denies unions the right to bargain their collective agreements. CUPE Ontario has promised to put significant resources into this campaign, from mass media advertising to the hiring of organizers. The resolution is two pages long and we assume should be posted online shortly so we won't quote it in full here. But to paraphrase, it calls upon unions to organize a militant response to the Ontario government's legislative attack on free collective bargaining rights, the independence of the labour contract arbitration system, pension plans, and our democratic and charter rights, as well as to escalate our response to bill 115.

More specifically, it calls on locals to engage in mass membership mobilization, public education, lobbying of MPs, and direct action. They also have called upon unions to begin organizing votes for a mandate to take job action, including strike action. The votes, I think are seen as a way to put pressure on the government in themselves, but they also may lead to actual province wide job action.

A number of suggestions came forward at a sector breakout meeting about how to organize on campuses including organizing walk-arounds to inform members, on campus events with students and other unions, organizing to protest Liberal leadership events, linking with student strike organizing that is also going on, provide support and solidarity to those that are on the front lines of the austerity agenda and bill 115, (including those high school students that have organized) and restart and coordinate flying squad action. (this is not exhaustive)

### **Concrete tasks**

CUPE Ontario has requested that we provide them with a list of membership phone #s in order to facilitate telephone town hall meetings. They have specified that this is the only use those numbers would be used for.

Make this an agenda item at upcoming Stewards council and Membership meetings to discuss how we can organize on campus in response as well as the possibility of holding a membership or even campus wide strike vote.

Elect delegates to upcoming sectoral meetings, including a Nov 2<sup>nd</sup> meeting on sector wide bargaining.

Publicize the weekly Friday demonstrations (3:45-5:00) against Bill 115 co-organized by CUPE 4400 and teachers outside the provincial cabinet minister's offices in Toronto.

Members can check out <http://www.cupe.on.ca/s350/od> for more information.