

Why Thousands of Unionized Workers are Going on Strike

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This document was prepared on November 4, 2022 by Natalie Garrison. Natalie works for North Yorkers for Disabled Persons as an Outreach Communication Facilitator, Information Referral and Resources Support. She can be reached at natalie.nydp@gmail.com.

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Today is the first day of a province-wide strike that doesn't have an end date ([source](#)). This article will explain what the protests are about and what your options are if you want to get involved.

What's happening?

Education workers that belong to the Canadian Union of Public Employees (CUPE) union are protesting a recent decision by the provincial government that affects 55,000 workers who are also members of CUPE ([source](#)). Members of other unions will join them on the picket lines as a sign of support ([source](#)).

For instance, the Elementary Teachers' Federation of Ontario (ETFO) and the Ontario Secondary School Teachers' Federation (OSSTF) are encouraging their members to join CUPE picket lines before and after work ([source](#)). ETFO's president said their union is lobbying legislators and contacting parents and community groups to rally even more support for CUPE ([source](#)). The Ontario Nurses Association urged its members to join CUPE members on picket lines ([source](#)). Private sector unions also asked its members to join CUPE protests ([source](#)).

All seven private sector unions that endorsed Doug Ford during last spring's provincial election have now condemned Ford's use of the notwithstanding clause to override workers' rights ([source](#)).

Also, the Ontario Public Service Employees Union (OPSEU) said that its 8,000 education workers will be given the day off today to join the picket lines ([source](#)). Most of the OPSEU's members are in the Peel and York district school boards ([source](#)).

Many school boards across the province, including the Toronto District School Board, Peel District School Board, York District School Board, and most school boards in Eastern Ontario, have said schools will be closed during a strike ([source](#), [source](#)). Others plan to move to remote learning ([source](#)). School boards recommend that parents make childcare plans next week too, not just today ([source](#)).

Why are they protesting?

For some time, the CUPE Ontario School Board Council of Unions and the provincial government have been negotiating pay increases for education workers ([source](#)). The

education workers this affects are not teachers; they are early childhood educators, educational assistants, school custodians, and school librarians ([source](#)). CUPE has said that its workers, which make on average \$39,000 a year, are generally the lowest paid in schools and have been seeking annual salary increases of 11.7% ([source](#)).

The government originally offered raises of 2% a year for workers making less than \$40,000 and 1.25% for other education workers who are members of CUPE ([source](#)). However, when the negotiation reached an impasse, the provincial government used its power to pass Bill 28, also known as the Keeping Students in Class Act, which forces about 55,000 unionized workers into a four-year contract that their union did not agree to ([source](#)).

Yesterday, Laura Walton, president of CUPE's Ontario School Board Council of Unions, stated: "What is going in place today is a piece of legislation, it's not a deal. A deal is something that two parties come to collectively and agree to. What this is, is a bullying tactic" ([source](#)).

The government says that this new, imposed four-year "deal" would give a 2.5% annual raise to workers making less than \$43,000 and 1.5% raises for all others ([source](#)). CUPE has said that this spin is not accurate because those raises depend on hourly wages and pay scales, so most workers who earn less than \$43,000 in a year would get less than 2.5% ([source](#)).

Yesterday, the provincial government fast-tracked Bill 28 ([source](#)). Bill 28 makes it illegal to go on strike and enables the provincial government to fine workers who go on strike \$4,000 per day, and fine the union \$500,000 ([source](#)). This is the first time in Canada's history that the right of workers to collectively bargain and to strike are legally taken from them ([source](#)).

Education Minister Stephen Lecce introduced Bill 28 on Monday, the day after CUPE's education workers union gave its five-day strike notice ([source](#)).

I heard that Bill 28 is against the Charter of Rights and Freedoms and the Human Rights Code. Is that true?

Yes, Bill 28 violates the right to collective bargaining under Section 2(d) of the Charter of Rights and Freedoms ("the Charter" for short) ([source](#)). Collective bargaining gives workers a voice in the workplace ([source](#)). By bargaining, you can negotiate improvements to wages, working conditions, and the services you provide ([source](#)). Bill 28 ends bargaining for CUPE education workers and it sets a precedent for all workers' ability to bargain ([source](#)).

In other words, if Bill 28 goes unchallenged, it makes it easier for the provincial government to take away the right to collective bargaining from employees in other sectors and other unions. OPSEU president JP Hornick, "Bill 28 isn't just an attack on education workers' collective bargaining rights, it is an attack on all workers' rights" ([source](#)).

Adrienne Telford, a constitutional lawyer and labour lawyer, commented "... the government isn't replacing their fundamental right to strike with the right to arbitration. Basically, this is

an attempt by the government to avoid having to appear before an independent arbitrator and not get what it wants” ([source](#)).

How can the provincial government force education workers into a contract for four years?

Section 33 of the Charter is called the notwithstanding clause. This gives provincial governments and Parliament (the branch of the federal government that has to) the power to override the rights and freedoms in the Charter so long as it is within “reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society” ([source](#)). Both Parliament and the provincial government can change a declaration ([source](#)).

Click [here](#) to read the Charter in HTML format. Click [here](#) to read the Charter in PDF format. Click [here](#) to read the Charter in Braille Ready Format (.brf).

The provincial government’s justification for imposing Bill 28 on education workers is that children’s learning has been disrupted by strikes and the pandemic, so workers must be prevented from going on strike to keep children in class ([source](#)). The government acknowledges Bill 28 violates the country’s Charter of Rights and Freedoms and the Human Rights Code, but says its priority is averting a strike ([source](#)).

“For the sake of Ontario’s two million students, to keep classrooms open, CUPE has left us with no choice but to pass the Keeping Kids in Class Act,” Lecce said ([source](#)).

Noa Mendelsohn Aviv, executive director and general counsel for the Canadian Civil Liberties Association stated: “The notwithstanding clause was “never meant to be used in contract negotiations, or as a casual tool to disrupt basic human rights safeguarded in our Charter....This misuse, and the flagrant disregard for individual rights is wrong and it is dangerous to our constitutional democracy... By imposing a contract, banning strikes and eliminating meaningful oversight, the government is violating workers’ Charter right to freedom of association. This is both unconscionable and completely unnecessary” ([source](#)).

The notwithstanding clause allows for rights to be overridden for no more than five years ([source](#)). This ensures that the public has the chance to challenge a government’s decision to use the clause in a general election before it can be renewed ([source](#)).

The notwithstanding clause has often been debated, but it has rarely been used ([source](#)). Ontario Premier Doug Ford used it for the first time in the province’s history in June 2021 to limit how much third parties can spend on advertising in the 12 months before an election is called ([source](#)).

This ability was part of the Election Finances Act ([source](#)). It was previously declared unconstitutional, but he used the notwithstanding clause to restore it ([source](#)). The premier also threatened to use it in 2018 to reduce the number of Toronto city council seats during a municipal election ([source](#)).

On Wednesday night, Prime Minister Justin Trudeau spoke with Ford and said it was “wrong and inappropriate” of him to use the notwithstanding clause ([source](#)). Click [here](#) to hear more of Trudeau’s thoughts on the topic.

Ford’s office said that Ford told the prime minister that allowing education workers to strike would have an “unacceptable” effect on students after two years of disruptions due to the pandemic ([source](#)).

I want to get involved. What can I do?

Click [here](#) to go to CUPE’s website for two options.

Option 1: That webpage has a search bar where you can find the closest picket line to you. You are invited to type in your address, but if you do not feel comfortable doing that, you can type in the address of a nearby business.

Option 2: If you don’t want to show up in person, you can still show your support by sending Doug Ford an email that is already written out. This is often done instead of petitions because it saves people the time it takes to write their own letter. However, if you would rather write a letter in your own words, you can absolutely do that instead. Click [here](#) to write to Ford.

Final Thoughts

This is an unprecedented move in Ontario’s history of workers’ rights. Although he has used the notwithstanding clause before, this may have come as a surprise to his supporters as he often positions himself as a champion for workers, specifically blue-collar workers such as the education workers who make less than \$39,000 per year([source](#), [source](#)). As recently as May 2022, Ford stated in a tweet that “The other parties have given up on blue-collar workers” ([source](#)).

While not everyone is protesting, it seems that most people disagree with this decision, including the private sector unions who formerly supported him during the provincial election, multiple public sector unions, parents of school-aged children, the prime minister, and more. If you have any questions about this article or what is happening in general, please feel free to send me your question by clicking [here](#).

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If you think you may be experiencing symptoms of COVID-19, take the self-assessment at www.ontario.ca/coronavirus. Follow all directions from your medical provider or your local health unit at the following phone numbers:

Telehealth Ontario: 1-866-797-0000

Toronto Public Health: 416-338-7600

Peel Public Health: 905-799-7700

Durham Region Health Department: 905-668-7711

York Region Public Health: 1-877-464-9675