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New Brunswick's Tory government criminalizes health care workers' strike

New Brunswick's right-wing Progressive Conservative government issued a draconian back-to-work order last Friday that has illegalized a strike by over 2,000 health care workers. Those targeted include patient care workers, hospital cleaners and laundry staff and vaccine clinic employees.

The government issued the order, which came into effect Saturday, by exploiting the extraordinary powers granted it under the province's COVID-19 state of emergency.



Mass demonstration of striking New Brunswick public sector workers in the provincial capital, Fredericton, Nov. 2 (CUPE New Brunswick)

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The health care workers walked off the job starting October 29, as part of a strike by about 22,000 New Brunswick public sector workers. The strikers are seeking a substantial pay increase to offset 15 years of real—after-inflation—wage cuts, and to defend their pension rights. The back-to-work order, which Premier Blaine Higgs backed up with the threat of massive fines for non-compliance, does not affect approximately 20,000 school and college support staff, court stenographers, transportation employees, maintenance workers and jail guards who remain on strike.

But in recent days Higgs has repeatedly threatened to ram an emergency law through the provincial legislature that would criminalize their strike and impose sub-inflation wage “increases” by government fiat on all 58,000 New Brunswick provincial public sector workers.

Under the government’s back-to-work order, health care workers who continued to strike were threatened with fines of up to \$20,400 for each day of defiance. The Canadian Union of Public Employees (CUPE) was threatened with unlimited fines, but with a stipulated minimum of \$100,000 for each day or part of a day any workers remained on strike. The health care workers are members of CUPE locals 1190, 1251 and 1252.

As Higgs ordered the strikers back to work, he preposterously posed as a defender of New Brunswick’s health care system. “We are now focused on the emergency order and the health care system in our province,” declared the premier Friday. Unveiling the back-to-work order, Public Safety Minister Ted Fleming asserted, “This is about patients who are in hospital who need care.”

This is a transparent fraud. It is the Conservative government’s reckless drive to reopen the economy, ignoring health experts’ warnings of a fourth wave of the pandemic, that is responsible for an unprecedented surge in COVID-19 infections in New Brunswick. Across Canada, the “profits before life” policy implemented by all the establishment parties, from the NDP and Trudeau’s Liberals through the Coalition Avenir Québec (CAQ) and the Conservatives, has resulted in the deaths of over 29,000 people.

If Higgs and his government were so concerned about patient care, they could have avoided the strike by providing the low-paid and super-exploited health care workers with the modest 20 percent pay increase over four years initially requested by CUPE.

The government's claims of anguished concern about patients' plights are, simply put, crocodile tears. Canada's political and corporate elite have been conspicuously silent about patient needs for the past three decades whilst governments of all political stripes in New Brunswick and across the country have cut health care spending to the bone, as part of a massive assault on public services.

To ensure that essential health care was available during any job action, CUPE agreed to extensive "essential service" provisions. From the strike's outset, fully 70 percent of the workers in the more than 9,000-strong Local 1252 were deemed "essential" and thus legally barred from participating in the walkout.

Yet CUPE rolled over and accepted the back-to-work order, in what was a continuation of its efforts throughout the dispute to demobilize New Brunswick's public sector workers. Despite having over 700,000 members across Canada and assets running into the hundreds of millions of dollars, CUPE did precisely nothing to oppose the Higgs' government anti-democratic suppression of the health care strike. A pro forma legal challenge the union filed with the pro-employer provincial labour board was unsurprisingly dismissed within 24 hours.

CUPE New Brunswick President Steve Drost cynically invoked the "local autonomy" of union locals to justify his refusal to say anything about how workers should respond to the government order. "Locals have autonomy under the constitution of CUPE and it'll be the (local) leadership and the members that will make that decision," said Drost. "I don't order anybody to do anything."

In plain language, Drost, fresh from more than seven hours of closed-door one-on-one talks with Premier Higgs on Thursday, was telling health care workers in no uncertain terms: Not a cent of CUPE's strike fund (valued in 2019 at over \$100 million) will be used to defend you. We will do nothing to inform, let alone mobilize, the hundreds of thousands of CUPE members across Canada in your defence. If you wish to stand up to the government, its anti-worker legislation and its state institutions, you're entirely on your own.

Drost's concern for the "autonomy" of union locals had been less evident just hours earlier. During Thursday's talks, he reportedly told Higgs that he would be willing to order

an immediate end to the strike and instruct CUPE members to return to work on Friday—with no opportunity for workers to see, let alone vote on, the proposed contracts—if they could come to terms.

CUPE has made so many concessions to the government since the beginning of bargaining that the union's latest offer, presented in the wake of Drost's meeting with Higgs, is now almost identical to the government's. CUPE started talks earlier this year by calling for a four year-contract with 5 percent annual wage increases, which it described as a “catch-up” wage deal for the lowest-paid public service workers in Canada. Subsequently it slashed its wage demand to 12 percent over four years, which is far below the current 4.5 percent inflation rate and would amount to a real-terms pay cut. In its latest retreat, CUPE has accepted the government's push for a five-year deal and further watered down its wage demand.

According to press reports, both sides are now agreed on annual pay increases of just 2 percent, with the government offering workers an additional 25 cent per hour increase each year, for a total of \$1.25. The union has accepted the government offer for the first three years, but has asked for 50 cent, rather than 25 cent, per hour increases in each of last two years of a five-year contract.

The only other major issue in dispute concerns Higgs' demand that two additional CUPE locals, including one representing school bus drivers, be integrated into the province's “shared risk” pension plan. This step would mark a further gutting of workers' pension rights, since the “shared risk” model removes any obligation for the government to finance shortfalls produced by stock and bond market downturns.

CUPE only called the public sector strike because it feared it might otherwise lose control of a rank-and-file angered by meagre wages and poor working conditions. Most of the workers have been working without contracts for four or more years.

CUPE's delaying tactics gave the government time to prepare an aggressive strategy to break the strike. On the third day of the walkout, Higgs and his education minister, Dominic Cardy, locked out over 3,000 education assistants and switched the province's schools to online learning overnight—something they had refused to do even as New Brunswick's fourth pandemic wave surged. Cardy, a former leader of the provincial New

Democrats, even tried to place the 45 percent of education assistants who had been designated by the government as “essential workers” on unpaid leave with immediate effect. But the provincial employment board declared the government’s action unlawful, fearing it could encourage strikers to disregard the province’s “essential worker” designations.

With the back-to-work order, Higgs and his gang of pro-austerity ministers are paving the way for even more draconian legislation, criminalizing job action by the remaining 20,000 strikers and imposing an austerity “wage settlement” on all provincial public sector workers. This would include over 6,000 nurses, who have repeatedly rebelled against the combined efforts of the Higgs government and their own union to impose a rotten concessions-filled contract.

CUPE’s refusal to resist the draconian attack on the striking health care workers and their effective abandonment of workers’ demand for a “catch-up” increase after a decade and a half of declining and stagnant real wages must serve as a warning to the thousands of public sector workers who remain on strike. CUPE is actively working to end the strike, whether by imposing a sellout agreement or using a government back-to-work order to justify a unilateral surrender.

If they are to prevail, New Brunswick public sector workers must act immediately to take the conduct of their struggle into their own hands, by forming rank-and-file strike committees independent of the pro-capitalist CUPE union apparatus. The first task of such committees must be to broaden the struggle, in preparation for defiance of any attempt to outlaw the strike, and to make explicit the strike’s implicit challenge to the austerity agenda of the Higgs Tory government and the entire ruling class.

Above all, the strikers must recognize that their fight is political. Their demands for decent-paying, secure jobs and a safe retirement clash with the Canadian ruling class’ drive to swell its profits through increased worker exploitation. The strikers confront not merely the Higgs government, but the Trudeau Liberals and their trade union allies at the federal level, who recently eliminated all remaining pandemic assistance for working people as part of their homicidal drive to force workers to “live with the virus” and make Canadian capitalism more “competitive.”

In New Brunswick there is already a great well of public sympathy for the strike, despite the hardships that home-schooling represents for many parents. A campaign to mobilize support for the strike and make it the spearhead of a working class counteroffensive against capitalist austerity and anti-worker laws would win support across Canada and internationally, because workers everywhere are confronting the same ruling class assault on public services and workers' wages, pensions and other social rights.

Specific appeals should be addressed to other workers who have been targeted by anti-strike and wage cutting laws. This would include the one million Ontario public sector workers targeted by the Ford Conservative government's Bill 124, that limits wage rises to 1 percent per year for 3 years, and the Port of Montreal longshore workers, members of CUPE Local 375, whose strike was criminalized by the Trudeau government last spring.

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