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News / Queen's park

## Attack on Ontario teachers is part of a trend: Walkom

The post-war bargain between labour and capital is unravelling. Teachers are the test case.

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ANDREW FRANCIS WALLACE / TORONTO STAR FILE PHOTO

At its heart, the fight between teachers and the Liberal government is about work, writes Thomas Walkom. It is about the implicit deal struck between governments, employers and employees more than 50 years ago to make the workplace a fairer place.

By: [Thomas Walkom](#) National Affairs, Published on Fri Mar 15 2013

The festering Ontario [teachers' dispute](#) is not about wages and extracurricular activities, although these are the current flashpoints.

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It is not about whether teachers should be forced by law to coach soccer in their off hours as Tim Hudak's Conservatives demand.

Nor is it about eliminating the province's deficit as Liberal Premier Kathleen Wynne suggests.

It is not much about teachers at all.

At its heart, this fight is about work. It is about the implicit deal struck between governments, employers and employees more than 50 years ago to make the workplace a fairer place.

It is about the unravelling of that deal.

When the teachers' unions say this dispute is about collective bargaining rights, that's what they mean.

Yet the anodyne phrase "collective bargaining rights" does no justice to a complex system born literally out of bloody strikes and cracked heads — a system devised to adjudicate disputes between labour and capital that, until recently, worked tolerably well.

Modern labour relations did not come to Ontario until World War II. For industries under federal jurisdiction, like railways, trade unions had been legal since the 1870s.

But in Ontario, matters were fuzzier. Until 1943, any union attempting to organize a workplace could arguably be liable to conspiracy charges under the common law.

The system set up in 1943 was a compromise based largely on the Wagner Act, a path-breaking U.S. labour relations law enacted under president Franklin Roosevelt's administration eight years earlier.

Ontario's law established criteria under which unions could organize a workplace. Employers, in turn were required to at least talk to a union that had met this threshold.

Each side was allowed to use the ultimate sanction, a work stoppage. A union could strike. An employer could, by locking out its employees, bar them from working.

But there were rules to this game. Bargaining had to be conducted in good faith. Strikes and lock-outs could take place only when a collective agreement had lapsed. A government board was established to act as umpire.

Employees deemed essential, such as nurses and police officers, were barred from striking. In return, decisions on their wages and working conditions were set by neutral arbitrators.

Throughout, the legislature always retained the right to end, through back-to-work laws, any labour dispute it deemed harmful. In virtually all such cases, though, those ordered back to work received wages and benefits decided by a neutral arbitrator.

The Liberal government of Wynne and Dalton McGuinty changed all that. Its Bill 115 gave cabinet alone the right to set wages and working conditions for teachers — without letting bargaining run its course, without neutral arbitration.

This settlement, whether agreed to or not by teachers, was deemed a legal contract. Any action to protest that contract by withdrawing paid labour services through a strike is therefore, by definition, illegal.

Which is why so many teachers have resorted to withdrawing their volunteer labour instead.

Many Ontarians, including many trade unionists, do not sympathize with teachers. Teachers are a well-paid lot who can't decide whether they are professionals like lawyers or workers like miners. They get summers off. Their grammar can be irritatingly correct.

But the attack on teachers is significant. It is part of a trend.

Stephen Harper's Conservatives are whittling away union rights at the federal level. Hudak's Conservatives have declared war on unions provincially. The New Democrats at all levels are subtly distancing themselves from their erstwhile labour allies.

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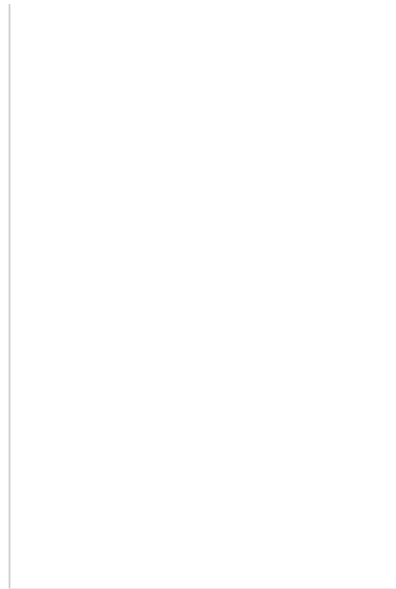
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Most important, the inability of unions to organize the growing and precarious workforce of contract, part-time and casual employees leaves organized labour with fewer friends.

The great workplace compromise is coming apart. Who knows what, if anything, will replace it? Ontario's teachers are a test case.

**Thomas Walkom**'s column appears Wednesday, Thursday and Saturday.



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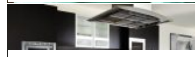
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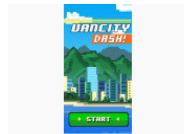
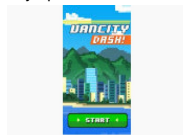
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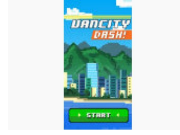


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