

# MOB!

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CAPE's mobilization & bargaining newsletter

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## CAN WE RELAX, NOW THAT THE CONSERVATIVES ARE GONE?

Finally, the Conservatives and their anti-labour, anti-public-service agenda have been swept out of office. So maybe now we can breathe a little easier?

Well, not quite.

It is safe to say, of course, that the former government's vicious attacks have come to an end. We can also be glad that the Liberals have made commitments to revoke Bill C-377 (concerning the "transparency" of labour organizations), the part of Bill C-59 that gave the government the ability to bypass collective bargaining on sick leave and Bill C-525 (concerning the certification and decertification of bargaining agents in the federal public service).

These are positive signs.

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But the Conservatives have left behind a legislative legacy that cannot be got rid of overnight. They made substantive changes to the collective bargaining process, and they eliminated arbitration as a means of settling disputes, forcing the EC and TR groups to take the conciliation/strike path in the current round of bargaining. While the Liberals have promised to revoke some aspects of Bill C-4, there is no guarantee that they will restore the right to arbitration for this round of bargaining or in future rounds, for that matter.

As to the matter of sick leave, we are receiving mixed messages. It seems clear that the new government will not be imposing unilaterally the plan concocted by the Conservatives. However, preliminary indications are that the government wishes to “modernize” the sick leave system in any case, and we know that any use of the word “modernize” is always cause for concern. It remains to be seen what role negotiation will play in the modernization of this system.

### **A public service that’s bruised but not beaten**

The years of Conservative rule cast a pall over the entire public service, creating a crushing climate of fear and contempt that will be difficult to dispel. The Liberals have already announced that the Conservatives’ “war on science” is over, and they have made it clear that they want public servants to fearlessly provide impartial, evidence-based advice. But the fear of displeasing one’s master and the years of public servants being muzzled will not easily be replaced overnight by unrestrained collaboration.

Accordingly, the President of CAPE is meeting with several MPs and cabinet ministers, including the Treasury Board President, in order to urge them to send out more signals to public servants that the Harper *modus operandi* is over and that a new collaborative era has begun. Of course, these signals will also have to be followed by concrete positive measures. Right now, the government is focused on implementing its program of tax cuts. As the year progresses, however, we are bound to learn more about what actual measures the government has planned to improve the situation in the public service.

CAPE will therefore keep up the pressure and continue working with the other federal public service unions to hold the government to its promises. Our goal is to ensure that the current round of bargaining quickly leads to new collective agreements that will preserve our members’ terms and conditions of employment while moving forward on such issues as income replacement when sick and protecting the professional work you do as public sector employees.

We will need your support throughout 2016 to remind the new government of its campaign promises, to demonstrate your desire for a rapid and successful conclusion to the ongoing collective bargaining process, and to ensure that the Canadian public service reclaims its rightful place within our modern, progressive society.

## REBUILDING THE LABOUR MOVEMENT



*This is the third article in a three-part series on the historical role of unions in Canada and the contemporary challenges we face in the labour movement. The first installment explored the important historical role unions played in creating a fairer, more equal Canada (Mobilization Bulletin no. 4); the second article looked at the longstanding attack on labour rights, particularly in the public sector (Bulletin no. 6). This piece argues that, even with a more conciliatory government in power, CAPE and other public sector unions must continue to develop their collective capacity to restore the gains of the past.*

Since the 1980s, trade unions in both the private and public sector have faced significant attacks on collective bargaining rights by employers and governments from across the political spectrum. These attacks, which have shaken the foundations of the social compromise that underpinned the postwar order, have occurred at both the provincial and federal level (see note). The recent victory of a government that has promised to repeal elements of the more regressive labour legislation of the last several years allows for a certain degree of cautious optimism. But how far this government will go is still unknown (it is unclear, for example, whether it will restore the right to arbitration). Will it be able to withstand economic pressures and the power of business groups to set much of the policy agenda? What will happen in four years? The attack on labour rights is longstanding, and it is clear that reversing the tide will require nothing less than a reinvigorated labour movement.

**Fighting Back: Political and Legal Strategies**

Labour unions have responded to the systemic attacks against labour rights through a variety of strategies. This diversity of approaches reflects the fact that the offensive against organized labour has not been confined to the workplace, but part of a broader political trend with multiple dimensions. In the political realm, unions have campaigned against reactionary governments, often in collaboration with other groups. Historically, many labour unions officially supported the NDP, though that support began to decline in the 1990s and early 2000s as many provincial NDP governments cut social spending and undermined labour rights. Labour centrals increasingly moved towards advocating strategic-voting in elections. During the most recent federal election, for example, the Public Service Alliance of Canada's "Vote to Stop the Cuts" campaign, encouraged electors to vote for candidates who opposed further cuts and sought to restore public services. While such campaigns send an important signal that social democratic parties cannot take labour support for granted, they do little to build the organizational capacity and confidence of unions over the long term. The actual effectiveness of strategic-voting is also unclear.

Legal-based strategies have also been advanced to defend labour rights against the actions of employers and governments. In the past, such strategies have often met with failure. For example, for nearly 30 years, case law had established that the guarantee of



of freedom of association in the *Canadian Charter of Rights and Freedoms* did not protect strike activity. But in a sign of the times, the Supreme Court recently struck down a Saskatchewan law preventing public-sector employees from striking as unconstitutional. In *Saskatchewan Federation of Labour v. Saskatchewan* (January 2015), the Supreme Court of Canada found, for the first time, that Canadian workers have a constitutional right to strike. But legal-based strategies also have their limitations since trials can be long and outcomes uncertain. More importantly, union members are not typically engaged in these struggles, which do little to build their collective strength and their ability to fight back against immediate offensives.

### Recovering the Traditions of the Past: Developing Collective Power

Thirty years of labour attacks suggest that the task of restoring a fairer and more equal society will require much more than strategic-voting or legal challenges. Indeed, the labour victories of the past were predicated on the mass actions of workers acting in solidarity with each other, and a successful strategy will once more depend upon a larger shift in the balance of power in society. Governments of all stripes will continue to cave to the pressure of

business lobbies and economic elites in the absence of strong coalitions bringing together labour unions and citizens groups to defend the interests of ordinary Canadians. CAPE must join the wider labour and social justice movement and contribute to these collective efforts – not only to ensure the rights of our own members, but to support the development of a fairer society.

### References

Ross, Stephanie, Larry Savage, Errol Black and Jim Silver. 2015. *Building a Better World: An Introduction to the Labour Movement in Canada*. Halifax: Fernwood Publishing.

Canadian Foundation for Labour Rights. *Restrictive labour laws in Canada*.  
labourrights.ca/issues/restrictive-labour-laws-canada

Note: For example, as per *According to the Canadian Foundation for Labour Rights*, there have been 46 pieces of legislation passed in the federal Parliament and provincial legislatures since 1982 that have suspended the collective bargaining rights of public sector workers.

## WE'RE LIVING IN THE FUTURE!

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about your union: like us  
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## CAPE YOUTH KICK-START CONVERSATION ABOUT DUES



Change is afoot! Last November, 59% of members indicated they were open to CAPE studying options for a progressive dues structure. Very shortly, members will be asked to make a decision that could make our union fairer for everyone.

The resolution was tabled by the co-chairs of the Young Members Advisory Committee: Wayne Fan and Maggie Simpson.

“It was very rewarding,” said Fan about the resolution’s adoption. “We realized there was a lot of support for this, but there’s also 40% who voted against it.”

Fan and Simpson hope to reach out to that swath of voters, as the process continues, to further increase the support for a progressive dues structure.

“I think some people were reluctant, but not necessarily against the idea. Those people want more details; they want to see numbers and how each level will be impacted,” explained Fan.

“That’s what we’re going to do in the next step, during the special general meeting; we’re going to get into the weeds and provide those options.”

CAPE will welcome everyone to the February 25 meeting to kick-start a series of discussions and debates on three options; one will be presented to the membership in June for a final vote.

Many other unions, such as the Association of Justice Counsels and the Professional Association

of Foreign Service Officers, already have progressive dues structures; each employee pays the same proportion of their salary. By contrast, CAPE’s markedly different flat-fee structure means that entry-level employees pay a much larger proportion of their salary – as much as 1.19% – compared to 0.54% for higher-ups.

“I think if other unions can do it, why can’t we?”

Fan, whose first interaction with CAPE was a meeting of the Young Members Advisory Committee, said he decided to get involved with his union because he felt that it was out of touch with young members.

“I felt that I had two options: to accept it and do nothing about it or to get more involved – make things happen, make connections and produce an outcome that will hopefully benefit everyone equitably.”

It’s a message he’s happy to share with his fellow CAPE members.

“I would encourage everyone to be more involved in their union. If you see something that doesn’t suit you – that you think can be made better – there’s a way to change it.”

“The way to do it is to be more involved.”

*To find out more about how a progressive dues structure might affect you, please go to:*  
***[bit.ly/cape\\_dues](http://bit.ly/cape_dues)***





# CAPE IS EVOLVING!

Your union is currently looking  
at options for a progressive  
dues structure.

To find out more and to  
share your thoughts  
with us, please go to:  
[bit.ly/cape\\_dues](http://bit.ly/cape_dues)

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