

CUPE'S SYMPATHY STRIKES IN BRITISH COLUMBIA, OCTOBER 2005: RAISING THE BAR FOR SOLIDARITY

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ABSTRACT

From October 7-23, 2005, the strike by the 38,000-strong British Columbia Teachers' Federation (BCTF) was the "main event" in BC labour relations. Teachers demonstrated enormous solidarity and determination to achieve a fair negotiated settlement that they could put to a vote. The focus of this paper is not the BCTF strike itself but the remarkable sympathy strike action organized in support of BCTF, primarily by the BC division of CUPE. Such worker action is highly unusual. Since the 1940s sympathy strike action has been illegal and extremely rare. This paper sets CUPE-BC's strikes in support of BCTF in the context of the legal framework established over half a century ago and the decline of sympathy strikes that followed. It then summarizes the events of October 2005 and examines the effects and significance of the strikes and what made them possible. It concludes with a reflection on the implications of these events for the labour movement. The analysis here is shaped by the perspective that public sector unions are best able to resist hostile governments when they adopt a militant and highly democratic approach that aims to build a broad social movement, sometimes referred to as social movement unionism (Camfield 2007).¹

THE DECLINE OF THE SYMPATHY STRIKE IN CANADA

The existing legal and administrative framework that regulates workers' collective action in Canada was the outcome of workers' struggles in the 1940s. It gave unions a path to formal recognition through certification by labour boards and compelled employers to negotiate with duly-certified unions. In the interest of "labour peace," the law prohibited mid-contract strikes by unions. A union could strike only in order to achieve a new collective agreement for itself. Strikes for any other purpose, such as political strikes directed against governments and sympathy strikes in support of other strikes, now fell outside the law. The rights and restrictions of this new legal framework (which some researchers call industrial pluralism) and their acceptance by employers and unions represented a historic shift for the Canadian working-class movement (Fudge and Tucker 2001).

Before this turning-point, sympathy strikes were not especially

uncommon or unusual. The Winnipeg General Strike of 1919 grew out of sympathy action. Many other sympathy strikes of various sizes were recorded, ranging from those in support of the workers at Ford whose 1945 strike led to the Rand Formula, to the 16 Chinese sailors who, in 1925, went on strike in Vancouver in support of coworkers in China and were then jailed and deported (Leier 2003). Such strikes were consistently opposed by employers and the courts, and by many craft union leaders as well (Fudge and Tucker 2001).

However, “[b]y 1950, the ideology and practice of industrial pluralism had become hegemonic; everything that had come before it was pre-history, hardly worthy of attention” (Fudge and Tucker 2001, 302). For the politicians, judges and lawyers who granted unions new rights and responsibilities in response to the wave of strikes during the Second World War, sympathy strikes were a prehistoric evil. Inside the workers’ movement, supporters of the “responsible” brand of unionism that became entrenched in the 1940s saw no problem in giving up mid-contract strikes in exchange for hard-won union rights.

Since then, unionists have generally accepted the legal limits placed on their collective action. Although wildcat strikes have fluctuated in frequency over the past six decades, sympathy strikes have been extremely rare (and poorly documented). Mark Leier’s 2003 study identifies only four such strikes in Canada since 1965. Sympathy strikes have undoubtedly been few and far between in recent decades, although Leier misses a number of examples, such as the strikes in 15 Calgary health care facilities in 1995, in support of a wildcat strike by laundry workers (Reshef and Rastin 2003). More recently, some 20,000 BC workers, mostly CUPE members, struck at the end of April 2004 in support of the striking Hospital Employees’ Union (HEU) (Camfield 2006). This last example helped set the stage for the support for the BCTF.

THE EVENTS OF OCTOBER 2005

In August 2001, the BC government designated education an essential service. In January 2002, it imposed a three-year collective agreement on the BCTF and removed the right to negotiate class size and composition. In September 2005, teachers voted overwhelmingly to authorize strike action. On October 4, the government introduced Bill 12 to extend the contract until the end of June 2006. On October 7, teachers walked off the job. Two days later, the BC Supreme Court ruled the BCTF in contempt. The court soon ruled that BCTF could not issue strike pay or use its resources to support the illegal strike (Moore 2005). Nevertheless, the strike continued.

Contrary to what one could call an “urban myth” of the labour movement, BC labour law does not protect workers who refuse to cross the picket lines of other unions. However, from the beginning of the strike, non-teaching workers employed by BC school boards (mostly CUPE members,

numbering some 23 000, with small numbers from other unions) respected BCTF picket lines. The solidarity shown for teachers was stronger than expected. CUPE-BC and BCTF officials and staff had developed a closer relationship, but relations between teachers and other workers were still “precarious at the grassroots level” (CUPE 10S). Divisions were rooted in workplace issues, including incidents of teachers doing the work of non-teaching staff and crossing their picket lines (CUPE 4S, CUPE 10S). So, in the words of one worker, “it was quite incredible, the membership out on the lines were very strong and unified with the teachers” (CUPE 9M). There were a number of reasons for this solidarity: support for the teachers’ demands, the feeling that teachers were being treated unfairly; and self-interest, since non-teaching workers feared privatization and “knew that they... [were] on the block next time” (CUPE 10S). CUPE-BC leaders had prepared for sympathy action in and beyond the school board sector, realizing that “something was going to happen with the BCTF” (CUPE 10).

There was widespread union and community support for BCTF. This was mobilized in an impressive show of support in Victoria on Monday, October 17. The BCTF had called a rally at the legislature in Victoria, which quickly became a BC Federation of Labour (BC Fed) event. On very short notice, it was decided to have workplace shutdowns in Victoria on the day. BC Fed leaders had no real plan for making this happen, so a plan was created by Victoria union activists who were involved in the city’s Communities Solidarity Coalition (CUPE 8S). On October 17 “the solidarity was huge” (CUPE 8S). Picketing at both public and private sector workplaces shut down most of Victoria. In spite of heavy rain, 12-20,000 people rallied at the legislature. Walk-outs and rallies also took place across Vancouver Island.

CUPE-BC’s plan was to continue to support the teachers with rotating regional sympathy strike action that week and then, if necessary, escalate to a province-wide shutdown (HEU, which is affiliated to CUPE National but not CUPE-BC, did not take part in the strikes). For the most part, CUPE was taking action on its own. On October 18, CUPE members joined picket lines and rallied across Northern BC. Actions on October 19 in the Kootenays received BC Fed endorsement (CUPE 10S). Some 800 sawmill workers (Steelworkers) refused to cross “lines” of two to five teachers (Matters 2006). Faculty and support staff were off the job at the College of the Rockies in Cranbrook. Building trades workers at the Brilliant Dam in Castlegar also took job action, as did CUPW members (CUPW 10). On October 20, CUPE’s regional shut-downs moved to the Interior. In Kamloops, TWU members on strike against Telus picketed public transit down; Thompson Rivers University was also shut down.

As the teachers’ strike continued and solidarity action grew, *so did support for the teachers*. On the eve of the strike, a Mustel poll registered 53% support for the teachers. An Ipsos-Reid poll conducted October 14-16 – amidst government and media criticism of the BCTF and court rulings against it – reported 57% (BC

Fed n.d.). After October 17, CUPE found itself contacted by other public sector workers and private sector workers “who were begging us to picket them out” (CUPE 4S).

On October 20, the BC Fed leadership announced that “the Federation will not be initiating any coordinated job action” for the next day, “in order to allow the BC Teachers’ Federation a chance to review mediator Vince Ready’s recommendations” (BC Fed 2005). This announcement upset many teachers and other activists. It came shortly after a meeting at which top BC Fed officers urged the BCTF to ask CUPE to call off Friday’s actions, without success, and before the BCTF executive had decided if it was going to put Ready’s recommendations to the membership for a vote (BCTF 1O, CUPE 10S). Why the BC Fed leadership acted in this way is a question that was much discussed by strikers and supporters. The evidence that would be needed to answer this question definitively is not available. My speculation, which is admittedly controversial for some in the union movement, is that the top officers of the BC Fed and its affiliates were opposed to the unconventional tactic of escalating sympathy job action and wanted the BCTF leadership to accept a deal to bring the dispute to a quick conclusion. The actions of the BC Fed leadership around the 2003 ferry workers’ strike and the 2004 HEU strike suggest that they were opposed to public sector strikes becoming broader political struggles that drew members of other unions into what they saw as potentially chaotic clashes with the provincial government (Camfield 2006).

On October 21, CUPE proceeded with actions in the Lower Mainland and the Fraser Valley. In spite of confusion caused by the BC Fed leadership’s announcement and uneven mobilization, many CUPE members were off the job that day (CUPE 6O, 10S). Some 8000 people were reported at CUPE’s Vancouver’s rally at the Pacific Coliseum and 3000 at the Stetson Bowl in Cloverdale. Others chose to stay on their picket lines. Unauthorized, a few CUPE members temporarily shut down the Burnaby Transit Centre; non-union picketers with CUPE signs briefly disrupted service from the Oakridge bus depot (CBC 2005). Friday’s sympathy action was to be the last. On October 23, BCTF members voted 77% in favour of accepting Ready’s recommendations and returning to their classrooms.

EFFECTS AND SIGNIFICANCE

It is not easy to identify precisely what effects the sympathy strikes had. However, they undoubtedly bolstered teachers’ morale. As a top BCTF official put it, “For our members the fact that CUPE was there to the extent they were there was over the top... they were absolutely in awe” (BCTF 1O). By reinforcing the resolve of the teachers, sympathy action contributed to pushing the Campbell government into doing what they had claimed they would never do: bargain with the BCTF while it was striking illegally (this was done through private

meetings involving Ready -- officially only a “facilitator ” -- the BC labour minister and an advisor to the premier).

The broader significance of the sympathy strikes is clearer. First, they were an example of an extremely rare kind of collective action. In particular, since the 1940s, there have been very few cases of high-level union officials authorizing large strikes in support of another strike; CUPE-BC’s walkouts on April 30, 2004 in support of HEU are the only other recent example.

Second, this collective action strengthened the unions involved. As a top CUPE-BC official put it, striking in support of BCTF “has probably been the most significant event that has brought our union together as one” (CUPE 10). An anecdote recounted by this officer is revealing. A female CUPE member in her early 20s in a town not known as pro-labour approached him and said “I have never been to a union meeting in my life and I want you to know something else: I will never miss another one again.” Although very few CUPE members were disciplined, several hundred Vancouver Island CUPW members received five-day suspensions for not reporting to work on October 17. Despite this, most postal workers directed their anger at their employer, not the CUPW. Many said they would do it again if need be (CUPW 10). Taking job action in support of BCTF built unity and confidence through struggle.

The sympathy strikes were also significant in a less obvious way: they challenged “common sense” ideas about what kind of collective action is possible and about the consequences of breaking the law. The strikes in support of BCTF (like those in support of HEU in 2004) demonstrated that a union can strike in support of another union and even emerge unscathed. In the words of a local president, “it showed other unions that... it can be done, that it is not so scary... the members too, everybody has learned it is not as scary [even though] it’s not something we have done in a long time” even if “it’s scary to contemplate and it’s difficult to actualize” (CUPE 70).

WHAT MADE THIS POSSIBLE?

The sympathy strikes of October 2005 did not come out of nowhere. They were made possible by three connected developments. First, a significant minority of the province’s workers were deeply hostile to the BC Liberal government because of its aggressive neoliberal measures since it took office in 2001.

Second, the leadership of CUPE-BC responded to the large-scale Liberal attacks on unions in early 2002 by preparing for mobilization to resist future attacks. An on the job canvass was conducted in all locals, as was a Solidarity Vote on a Job Action Plan. This plan involved responding to discipline for taking part in a sanctioned political protest or to the use of “punitive legislation” with job action at the level of the bargaining unit, escalating if necessary to the local, all locals in a city, all locals in a region or all locals in the province (CUPE-

BC n.d.). This was followed by the development of Local Action Plans. CUPE members then had the experience of mobilizing for the large anti-government demonstrations held in Victoria (February 2002) and Vancouver (May 2002), followed by the militant Days of Defiance in Duncan (May 2002) and Victoria (October 2002). The use of back to work legislation against CUPE teaching assistants and clerical and library workers at the University of British Columbia (UBC) in March 2003 showed again that the government was willing to suspend the rights of public sector workers. However, CUPE-BC leaders decided that there was not enough support among members to proceed with sympathy action for the UBC strikers. This led to a stepped-up mobilization effort, the Strong Communities campaign. Part of the campaign was preparing for a day of action including job action (CUPE 10S).

Third, the 2003 ferry workers' strike and, above all, the 2004 HEU strike and the 2005 BCTF strike became lightning rods for popular hostility to the provincial government. Thousands of CUPE-BC members, already preparing for Community Action Day, struck for a day in support of HEU. As a CUPE-BC staffer admitted, "we learned [that]... sometimes the local, the members, were ahead of the leadership of their locals on how they wanted to respond" (CUPE 4S). HEU's defeat left many activists in CUPE and beyond with "profound disappointment," but "the tragedy of HEU prepared people. Somehow they knew they were going to have to do something" (CUPE 10S). The BCTF strike gave them another opportunity. By itself, the desire of activists to hit back at the government was not enough to propel job action. But teachers, who as "professionals" have higher social status than most workers, received even broader support than HEU had (although support for BCTF was perhaps less intense). The sympathy strikes were fuelled by a groundswell of anger and the willingness of activists to confront the government again.

The strikes to support BCTF were thus made possible by a combination of conditions not generated by any union (although vocal union criticism of the government probably gave workers' feelings more legitimacy) and the deliberate efforts of some union leaders, staff and activists, above all in CUPE-BC, to prepare workers for unconventional collective action.

IMPLICATIONS FOR UNIONS

The sympathy strikes of October 2005 have a number of important implications. The first is the most straightforward: sympathy strike action *is* possible in Canada today. This is rarely appreciated, for several reasons: recent sympathy strikes are very poorly documented and little-known; it usually seems that labour law makes such strikes impossible; and workers facing aggressive employers and governments often have little confidence in their ability to strike legally, let alone strike illegally to support others.

Second, the experience of October 2005 indicates that sympathy strikes do

not always have extremely negative consequences for unions that engage in them. This runs counter to a widespread belief in the labour movement. There is no doubt that the state is powerful and threatens unions that defy the law with harsh sanctions. However, the state is not all-powerful. In BC, the government and employers evidently decided it would be counterproductive to try to punish CUPE-BC for its actions. Obviously this does not mean that union activists can dismiss the possibility that governments and employers will press charges before labour boards and in the courts against unions that engage in sympathy strikes. Penalties can include fines and the suspension of dues check-off. Because sympathy strike action is controversial within the labour movement, it can also lead to sharp debates and divisions within unions. However, the CUPE-BC experience indicates that dire consequences are not inevitable.

Can sympathy strikes actually make a difference? The strikes in solidarity with BCTF demonstrate that sympathy action can have a positive short-term impact as well as constructive longer-term effects on unions. In an immediate sense, it can bolster the resolve of workers on strike. It can also apply pressure to the employer or government at the centre of the dispute as well as to other employers, who may then lean on the central employer or the government for a speedy settlement. In these ways, it can increase the power of striking workers to win a better settlement. It is true that BCTF members voted to end their strike without having won any of their key demands; this suggests that more sympathy action was needed to win greater gains, not that the effort was futile.

Sympathy strikes can also have meaningful longer-term consequences. By involving workers in common action with a strike by others, they are moments of working-class solidarity of a kind that is usually prevented by the state-organized fragmentation of unionized workers in Canada into narrow bargaining units, each of which usually deals with its employer by itself. The unity in action of a sympathy strike can be a powerful experience for those involved and can help cultivate a culture of solidarity. Such strikes can also challenge workers' taken-for-granted ideas about what unions can and cannot (or should not) do. Although sympathy strikes do not necessarily have such effects, the fact that they can have this kind of impact is important for unions that face the need to develop greater power in the face of aggressive employers and governments. On balance, then, the experience of CUPE-BC in 2005 suggests that sympathy strikes are an underused tactic for unions in Canada.

Finally, my research suggests that because the sympathy strike is an unconventional tactic and a culture of militant respect for picket lines exists only in small pockets of the union movement, sympathy job action today usually requires real preparation and appropriate conditions. Many outside observers had no idea of how the groundwork for action to support the BCTF had been laid before October 2005. CUPE-BC's efforts to ready members for such action deserve careful attention. At the same time, it would be a mistake to think that a

union campaign by itself can make sympathy strikes possible. Such a campaign can only be effective when conditions are at least somewhat ripe. Workers who feel no sympathy for the struggle of another group of workers are unlikely to be moved by even the most articulate activists. In BC, angry feelings about the right-wing provincial government were focused by high-profile attacks on public sector unions. As a result, job action to support the BCTF was at once about opposing a government, supporting teachers and acting out of self-interest.

NOTES

- ¹. This paper is based on research supported by a UM/SSHRC grant from the University of Manitoba. It draws on in-person interviews with 11 people conducted in May 2006, two telephone interviews conducted in May, and one in June. Interviews are designated by union, interview number and with M for union member, O for member holding union office and S for union staffer. HEU interviews are included among those designated as CUPE. Thanks to Kim Parry for transcribing these interviews.

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