

We should be livid at how the Doug Ford government is treating school support staff ^[1]

Another disrupted year is hard to swallow but legislating these workers to stay on the job and suspending their collective bargaining rights is not leadership.

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Look, I'm a parent of three kids in Toronto school boards, and I really don't want to see their schools shut down due to a job action. Not for that, and not for any other reason. After the past few years we've had of interrupted classes and lost learning, it feels like another disrupted year is hard to swallow.

We're all fed up, and the prospect of anything again shuttering schools is frustrating, in the extreme.

But it hardly feels like the CUPE education workers — early childhood educators, administrators, custodians, support workers and so on — who were threatening job action as part of their labour negotiation with the province really ought to be seen as the source of that frustration at this point. This is a union whose members earn an average of \$39,000 per year, which is less than a living wage in Toronto. My colleague Martin Regg Cohn's point that many of them earned more than that — the average includes part-time workers, and hourly average wages at the low end of their members' pay grid are about \$25 an hour — is worth noting, as is his detailing of a dubious union negotiating strategy that began, and long stuck with, a demand for 11 per cent annual raises.

Still, according to CUPE, its lowest-paid education members have essentially seen their pay cut 11 per cent over the past decade. And my colleague Kristin Rushowy's reports that the union was prepared to "modify" its wage demands in bargaining that was scheduled to resume this week.

The government was offering, at a time when inflation is running between seven and eight per cent, two-per-cent raises for those workers earning less than \$40,000 per year (and lower raises for those earning more). It also wanted them to take a cut to their sick leave pay (yes, after COVID and everything: a cut in sick leave pay).

It might as well have offered to spit in their faces while it was at it.

And then, essentially, Premier Doug Ford and Education Minister Stephen Lecce did spit in their faces.

The government is moving to legislate these workers to stay on the job, suspending their collective bargaining rights and their right to strike, and imposing on them a four-year contract (with, now, 2.5 per cent raises for those earning less than \$43,000, less for everyone else).

You might say, "that sounds unconstitutional." And you'd be right, it is unconstitutional. As the Ford government has basically acknowledged by invoking the notwithstanding clause to override the Charter rights the legislation tramples on.

This is getting to be a habit for the Ford government — it is the third time in four years that it has moved to invoke the constitutional "nuclear option" that allows it to treat the Charter of Rights and Freedoms as so much toilet paper.

In 2018, the first time Ford threatened to invoke the notwithstanding clause (a court decision made his legislation unnecessary that time, though he invoked it again last year), his advisers reportedly egged him on because they thought it made him look tough, contrasting his "bold leadership" with that squish Justin Trudeau in Ottawa.

Bold leadership, folks, that's what Ford thinks he's showing.

What kind of bold? Well, he's a man, you see, tough enough to stand up tall and squash the charter rights of a school secretary under his heel like she's a piece of annoying litter blowing past him on the Queen's Park lawn.

Courts? Who needs 'em? Well, the premier needs them, I guess, when he's wriggling like a greased eel to avoid testifying about his role in the whole convoy Emergencies Act process. I mean, when Doug Ford needs to hide, sometimes a judge's robes look like they offer useful shelter. But Ford cannot — will not — allow an Early Childhood Educator who works with kindergarteners to petition the same judge for any protection when he's in the middle of violating her charter rights.

That kind of bold.

So yes, I am frustrated that the unions are now promising a job action in response that will close schools this Friday, if not beyond that. But it's hard to blame the unions for it.

The news reported Tuesday that Ford's government might return to mediated negotiations even as it proceeds with legislation is something many parents should hope succeeds — a negotiated solution was always better than a legislated one. But it looks like even if an 11th-hour deal were to materialize (leading to a bit of relief for all of us), it would come with the workers bargaining under the most extreme kind of threat — bargain now or we'll eliminate your right to bargain, remove your right to strike and suspend your right to appeal to the courts for justice.

Even if there's a happier ending, that's a deeply disturbing route to get to it.

As upset as Ontario parents might be with any lost school days, I think we ought to be livid at how our government is treating many of the people to whom we entrust our children's education. And we ought to be moved to white hot rage over our government's repeatedly demonstrated disregard for Charter rights.

Lecce said it was "unfortunate" that it had come to this. "But nearly two million students have been through too much over the past two years, and we owe it to them to stand up for their education."

He could stand up for their education by offering their educators and support workers reasonable wages, and reasonable inflationary salary increases. He could stand up for all of us by not intentionally and proudly trampling on the Charter of Rights and Freedoms. He could stop pretending that you stand up for education by crapping all over education workers.

Folks, I don't think this government is ready for that kind of bold. And that's the most frustrating part.

Region: Ontario ^[3]

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