

**CUPE Ontario and
the National Convention
Walkout - 2007**

***The Struggle for
Fairness and Respect***

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What happened at the CUPE National Convention?

Late in the day on Thursday October 18th, resolution number 333 was debated on the floor of the CUPE National Convention. It asked for the National Executive Board to re-write the regulations of the National Strike fund so as to allow access to this fund for those workers who do not have the legal right to strike and to fund political strike averting action by all CUPE members. The full text of the resolution can be found at www.cupe.on.ca. The resolution was defeated. Immediately after, health sector workers from Ontario left the floor of the convention. Seeing their sisters and brothers from healthcare leave the floor, Ontario delegates followed suit in a spontaneous show of solidarity. They held a caucus where they decided not to return to convention that day. A second caucus of Ontario delegates was scheduled for Friday morning to determine what would happen next. The Friday morning caucus decided that delegates should return to the Convention to allow our leadership to make a statement, after which they would walk off the convention floor again. While the debate on the strike fund was the last straw that inspired this spontaneous action, there were, in fact, a series of things that happened during the week of Convention that caused the vast majority of Ontario delegates to become overly frustrated with the National.



What happened over the course of the National Convention that led to Ontario delegates leaving the floor?

Events actually began in May when close to 1,000 delegates at CUPE Ontario's convention endorsed a progressive Action Plan which included an "Agenda for Change" within CUPE. This sent a strong message to CUPE National about the direction the Ontario delegates wanted to take at the National Convention. The "Agenda for Change" includes clear direction around fair and equitable representation, organizing, coordination of bargaining, and setting tangible goals to raise the living standards of all CUPE members. Unfortunately, very few of the items contained in our "Agenda for Change" — which was intended to benefit the entire Union from coast to coast — were adopted by the delegates at convention. The National Officers clearly did not attempt to gain consensus from other regions on issues of importance to Ontario like the Structural Recommendations coming from the National Women's Task Force, our Energy Policy, and access to the National Strike Fund.

Was the decision to leave the floor of the convention pre-planned?

No. This was a completely unplanned event. Some have tried to insinuate that our leaving the National Convention was planned last spring at our Municipal Workers Conference (OMECC). In truth, at OMECC and other conferences prior to the CUPE Ontario Convention, Brother Sid Ryan and others talked about the importance of Ontario delegates' strength if we demonstrated solidarity on key issues. At the National Convention there was an expression of caucus solidarity when delegates attending the Ontario caucus meetings reaffirmed our "Agenda for Change" around key issues like CUPE's structure and the Women's Task Force recommendations.

Who made the decision to leave the convention floor?

It was the majority of Ontario delegates themselves — spontaneously. No discussions happened at any level of the CUPE Ontario leadership, or in any caucus of Ontario delegates before Thursday, to make that decision. Once the majority of delegates had left the floor on Thursday afternoon, all decisions about how to proceed from that point forward were made by the delegates themselves in caucus. This included having another caucus on Friday morning, where members decided that all delegates go back to the floor to hear Brother Sid Ryan deliver a message from the caucus and then exit the convention in order to continue discussions on what to do next.

Was the tactic of a walkout justified?

In a democratic union, where the membership set the direction of the organization, any tactic that allows members to come together and make decisions is justified. That is what the walkout allowed – a caucus where 95% of the members from Ontario were able to deal with a situation they could not have known was going to happen, and decide together how to respond. Ontario is not the first region to use this tactic. Others have walked out of convention throughout our Union's history. At the 2005 National Convention, delegates from Alberta walked out of the convention after their caucus choice for Regional Vice President was not endorsed by the rest of the delegates. In 1999 delegates from Quebec walked out of

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the convention after the passage of an increase in national per capita. In both these cases, the rest of the union was encouraged to respect the members from the region that walked out. Unfortunately this was not the case when Ontario walked out. Ontario deserves the same level of mutual respect, as delegates from other regions in our union.



Does CUPE Ontario want a “NUPGE Model” – to change CUPE National to be more like this other union and what does this mean?

This rumor is not true. NUPGE (the National Union of Public and General Employees) is the national union of direct provincial government employees such as those represented by OPSEU (Ontario Public Service Employees Union) in Ontario. OPSEU has members in several of the workplaces that CUPE organizes – services like hospitals, ACLs and Child Welfare. However, most of OPSEU's membership are in the Ontario Public Service (OPS) and work directly for a ministry of the government – like employees at the Human Rights Commission, the Pay Equity Commission, provincial jails, and various ministries of government. Their union structure is different from CUPE National's structure in that these provincial unions were existing unions in their own right, who then decided to coordinate their activities nationally by creating a national structure. At the provincial level, unions like OPSEU continue to have control over day to day decisions, like the hiring of staff and the administration of a strike fund.

In CUPE, our history is very different. We were formed as a National Union with the coming together of two already existing National Unions – the National Union of Public Employees (NUPE) and the National Union of Public Service Employees (NUPSE) in 1963. In CUPE our provincial divisions are responsible for political organizing, bargaining coordination, and campaign work, but we have no direct control over staffing or the financial administration of the national union. From the very beginning, we have believed in a strong, central national union. In no way does CUPE Ontario's "Agenda for Change" call for a change to this structure. In fact, the "Agenda for Change" is about strengthening our national structure, not weakening it in any way.

Is CUPE Ontario trying to leave or undermine CUPE National?

No. Nothing could be further from the truth. In fact the delegates from CUPE Ontario, and the Leadership of our province, want to have a strong, vibrant, inclusive, and action oriented National Union. Our "Agenda for Change" underscores this desire to strengthen our union. CUPE members in Ontario want a strong, militant, grassroots driven, progressive union. There are very real concerns, however, that CUPE National is becoming less action orientated and less progressive on issues. There have been a series of policy decisions that illustrate this change in our union, and these changes in direction have actually been occurring over the last number of years.

What are the policy decisions that signal a change in direction at the National level of CUPE?

To begin with, there was a real fear from many provincial leaders that CUPE National had given up on the concept of National Campaigns. The National Campaign on Anti-Privatization that was passed at this Convention is the first to be passed in many years and its direction and implementation are still unclear. We used to have Employment Equity hiring numbers reported at each National Convention, however, this hasn't happened in years. Many of us in Ontario are concerned about this important program that ensures our staff structures reflect the diversity of our membership. As well, the Energy Policy that was brought forward to convention spoke about "clean coal" – a term that is rejected by environmental activists because it doesn't exist. The Energy Policy also endorses nuclear power and didn't make clear that any existing nuclear power should be public – a core value of our union. Recent collective bargaining with our staff is another example. While some want to forget what happened last winter, the reality is the last round of bargaining with our staff unions marked a real departure from our history of progressive, no concessions collective bargaining, the result a one day strike by our staff unions. Clearly all of these things signal a significant change in direction at the National level.

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Access to the strike fund - hasn't CUPE National said "a strike is a strike" - legal or not - and that all would receive funding?

Access to the strike fund is not simply about strike pay. To receive strike pay, a worker must be on strike for ten days. While workers would receive picket pay, it would be a real challenge for an illegal or political strike to last this long. The more important issue is access to the strike fund to support political strikes and related strike averting action. The strike fund currently funds strike averting actions 100% if you have gone through a series of steps; like serving notice to bargain, going to conciliation with the Ministry of Labour, taking a strike vote, and receiving a "No Board" report from the Ministry of Labour. The problem is for workers who do not have the legal right to strike or who are prepared to take on a political strike against legislation that would directly affect them. In these cases the strike fund regulations do not allow access for strike averting action.

The reality is that things have changed. We used to have one fund, the Defense Fund that was used to fund campaigns, support organizing, fund strike averting, and allow for strike pay. As pressure on our members increased throughout the 1990s, this fund was completely depleted, and in 1999 our members decided to put in place special levies to support this fund. At that time, members who did not have the legal right to strike were assured that they would be able to access funds for strike averting. In 2001, on a recommendation from the National Executive Board, our members decided to split the Strike and Defense funds into two separate funds. The regulations for each of these funds needed to be rewritten, and the Strike Fund Regulations did not include access to funds for strike averting, political or illegal strikes. In 2005, health care workers from Ontario made a request to access money from the Strike Fund to avert a political strike against Bill 36 – which brought about the Local Health Integration Networks (LHINs). This was denied in writing by our National Officers and resulted in Resolution 333 being submitted to the National Convention

This is a complex issue that has clearly evolved over several years. And there are claims about money having been accessed by hospital workers from 1986 up to today that need clarification. CUPE Ontario is preparing a detailed paper on this issue so that the full story can be made available to our members. Please look for this on the CUPE Ontario web site at www.cupe.on.ca.

Why should all members be concerned about this and why are we being asked to support the funding of Political Strikes?

Increasingly, public sector workers are seeing direct attacks on our rights by various levels of government. In British Columbia, health care workers had their collective agreements opened and gutted by legislation. In Nova Scotia, the Provincial Government is currently trying to pass a law to make strikes illegal for health care workers in that province. We must be able to defend the rights of members in the bargaining process – absolutely. We can spend hours, days, or months negotiating strong collective agreements and put into place all the supports to police those agreements. In fact we must do this. But it won't matter if we are not able to defend our members hard won rights against the whim of politicians, who can remove in an instant the gains built up over years. This can happen to any one of our sectors, any group of our members, in fact it already is happening. We need a national strike fund that can help defend our membership against this increasingly dangerous reality.

Is this all about access to the National Strike Fund?

This was the primary reason most delegates from Ontario left the floor of the National Convention. But there are many issues that are of great concern to CUPE Members in Ontario. Access to the strike fund issue is really a symptom of a bigger problem — decision making at the National level. Regardless of the fact that Ontario holds 42% of the members, we only have 17% of the seats on the National Executive Board (NEB). This did not become a concern until recently, when the National Officers moved away from CUPE's historic tradition of building consensus with all regions across the country and opted instead for simply putting matters to a vote. Our region, with close to half the membership of the entire national union, has been outvoted on issues like staff bargaining, policy issues like the National Energy Policy, and other matters of substance such as the National Women's Task Force Recommendations, Strike Fund Regulations and access to this fund. The question of more seats at the NEB is not about a "power grab" for Ontario, it's about fairness. The problem is the model of decision making this body is using. We need to return to a consensus-based decision making process, with the full endorsement of our National Officers.

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What is CUPE Ontario doing to bring about a solution?

The discussion on these issues did not begin at the National Convention. Our representatives on the National Executive Board have been meeting with the National Officers, the National Executive Committee and at regular National Executive Board Meetings to try and reach a compromise on issues such as access to the National Strike Fund, the Women's Task Force recommendations, and the National Energy Policy, but to no avail.



How will members be involved in resolving this situation?

The membership was the catalyst to these events and they will be an integral part of the decision-making process around how we move forward. That is why the Emergency Leadership Meeting scheduled for December 15th in Toronto at the Toronto Convention Centre North Building is so important. All locals in the Ontario Region are invited to attend this very important meeting, regardless of their affiliation status with CUPE Ontario. Naturally, all locals that were actually at the National Convention are especially encouraged to attend. Please go to our website at www.cupe.on.ca to download forms and obtain more information.

We continue to be committed to our "Agenda for Change" Action Plan. We feel that it will strengthen our Union and help us be able to more effectively address the battles ahead and build inclusion, equity, fairness, and solidarity.

We look forward to seeing you on December 15th.