

# The OSSTF Anti-Bill 115 Campaign: An Assessment from a Social Movement Unionism Perspective

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**ABSTRACT:** In the past decade, social movement unionism (SMU), also referred to as social justice unionism, has garnered a lot of attention from labour activists and scholars. The recent experience of the Chicago Teachers' union has especially invigorated this conversation. The CTU made unprecedented gains in mobilizing with parents in the campaign to tie an imposed extended school day to increased resources and staffing, and in the campaign against school closures. This paper aims to contribute to this conversation by highlighting how two key aspects of SMU – member control and non-economistic goals shared with the public – offer powerful possibilities for resisting neoliberal attacks on education workers. To this end, I reconstruct and assess the 2012 campaign of the Ontario Secondary School Teachers' Federation (OSSTF) against the Ontario government's anti-labour Bill 115, with an eye to member involvement and the union's relationship to the public. OSSTF's top-down concessionary approach is at odds with union committees, policies, and autonomous rank-and-file activities that are oriented towards social justice and anti-neoliberalism. To strengthen the social-justice oriented currents within OSSTF, leaders and members would need to reconsider its internal democratic structures and how it builds coalitions with groups outside of the union.

**KEYWORDS:** Ontario Secondary School Teachers' Federation, Education, Neoliberalism, Social Movement Unionism

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## INTRODUCTION

In the past decade, social movement unionism (SMU), also referred to as social justice unionism, has garnered a lot of attention from labour activists and scholars (Camfield, 2007; Fletcher & Gapasin, 2008; Gall, 2009; Fletcher, 2011; Ross, 2012; Ross & Savage, 2012; Weiner, 2012). The recent experience of the Chicago Teachers' union has especially invigorated this conversation. The CTU made unprecedented gains in mobilizing with parents in the campaign to tie an imposed extended school day to increased resources and staffing, with the campaign against school closures (Moran, 2012; Utrecht, 2012). This paper aims to contribute to this conversation by highlighting how two key aspects of SMU – member control and non-economistic goals shared with the public – offer powerful possibilities for resisting neoliberal attacks on education workers.

To this end, I reconstruct and assess the 2012 campaign of the Ontario Secondary School Teachers' Federation (OSSTF) against the Ontario government's anti-labour Bill 115, with an eye to the role of members, parents, and a social justice agenda in the fight-back strategy. The union's eventual concessions, and its confusing strike strategy, compromised both member morale and public perception of OSSTF's sincerity as a union that fights for the common good. This paper offers a sketch of neoliberalism in Ontario's education system, an overview of social movement unionism, a brief reconstruction of Bill 115 and OSSTF's response to it. I also look at examples of OSSTF member dissent and the problems with internal democratic practice at their root. This dissent, in my view, indicates that members want OSSTF to embrace deeper member engagement: a hallmark of social movement unionism. I will refer to cases of unions that have developed deeper member engagement in tandem with deeper public engagement, in the process of reframing union struggles around the shared interest of preserving public education.

OSSTF provincial leadership's approach to resisting Bill 115 was centred on an understanding of OSSTF members as passive recipients of knowledge and strategy crafted by the leadership. The internal democratic structure of OSSTF theoretically allows for member engagement from the bottom up, but in practice, leaders have low expectations of members' willingness to mobilize. In its campaign against Bill 115, OSSTF consistently opted for business-union tactics, leaving member knowledge and power untapped. This resulted in important moments of dissonance between members and leaders. Furthermore, the anti-Bill

115 campaign did not incorporate education workers' relationships with students and the public. While it would be remiss to conclude that better member involvement and public buy-in would have necessarily resulted in a better contract, unions that have built both types of involvement have enjoyed gains in contracts and in popular support.

While this paper highlights deficiencies in OSSTF's 2012-2013 strategy and identifies business union practices that blocked full member engagement, OSSTF's structures and practices cannot be accurately reduced to a simplistic model: either one of social justice movement unionism or of Gompersian business unionism. As a province-wide organization covering thirty-five geographical districts and one hundred and forty bargaining units – each with its own local executive, school delegates, and committees of member activists – the degrees of local member involvement, public involvement, and social justice activism are diverse. Organizational documents can provide a picture of the institution "in theory", but say little of what unfolds on the ground locally. The present study offers a glimpse at practice through texts produced by dissenting members, in the hopes that these marginal voices can shed light on grassroots experience.

Within union committees and in OSSTF policy, there exist a range of progressive positions on access to quality education for students affected by class, race, gender, and sexual inequality; inequalities which have been taken up, exacerbated, and rearticulated by neoliberalism.<sup>2</sup> I consider such positions to be in the interest of social justice, as they attempt to repair social inequality. Furthermore, OSSTF has policy statements against neoliberal educational practices like privatization and standardized testing.<sup>3</sup> But these commitments to social justice and against neoliberalism were not evident when the union had the opportunity to respond to neoliberalism in the form of Bill 115. In other words, OSSTF's response insufficiently drew on the organization's pre-existing social justice values.

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<sup>2</sup> Particularly noteworthy are the following OSSTF policies: policy 8.9.4.5 opposes the streaming of "working class and immigrant students" into "lower levels of academic instruction"; a number of policies under "Aboriginal Education" (8.21) asserts the need for Aboriginal knowledge to be incorporated throughout the curriculum; 8.15, "Anti-racism and anti-discrimination", has a number of policies aimed at protecting students and OSSTF members from discrimination, including discrimination based on gender expression; and 12.14 states that OSSTF is opposed to all forms of racial profiling (OSSTF 2013a).

<sup>3</sup> OSSTF's policy 11.8.1 is in favour of abolishing the Ministry of Education office that administers Ontario's standardized tests (OSSTF 2013a, 27) and policy 2.1.6 states that standardized tests should not be used to evaluate teachers. Furthermore, no less than thirteen policies under section 8.2 state that the OSSTF is opposed to privatization, outsourcing, and commercialization in the education sector, in addition to policy 6.1.4.

To prove these claims I rely on archival research: publicly-available OSSTF documents including bargaining bulletins, annual action plans, and annual standing committee reports from the years 2011 to 2014. In constructing a critical lens to use in document analysis, and to attend to the gaps between history on paper and history as rank and filers experienced it, I referred to my own notes and observations from the strike as an OSSTF member, and to publicly-available documents produced by dissident members including the group Rank-and-file Education Workers of Toronto (REWt), of which I was a member in late 2012 and early 2013.

## NEOLIBERALISM IN EDUCATION

Although the neoliberal project of “privatization, deregulation, casualization of the workforce” and “deunionization” (Fletcher and Gapasin, 2008, 9) is global in reach, neoliberal reforms to the Ontario education system have not come about easily. In part, this is due to steady opposition from public education workers’ unions. Compared to reports about the dismantling of entire school districts in American cities and their reconstituted patchwork of privately-run charter schools and eviscerated public schools<sup>4</sup>, neoliberalism in the Ontario school system seems fairly benign. But neoliberal practices can be seen in both well-developed and embryonic forms in Ontario’s system. Bill 115 is an example of the latter. Neoliberal reforms to the Ontario education system started to emerge in earnest in the 1980s, intensified at a rapid pace in the 1990s, and were somewhat mitigated by union-government collaboration in the 2000s. Introduced in 2012, the Liberal government’s Bill 115 sought to reduce teacher salaries, sick days, and retirement gratuities, while leaving intact relatively decent features of the school system, like class size caps, a clever strategy that made use of the public’s perception of teachers as well-off and spoiled.

At the heart of Bill 115 was the attempt to set a precedent for the disempowerment of education worker unions, which are uniquely positioned as the defenders of a common good that is both necessary and burdensome for neoliberal capitalism. When considered as part of the global neoliberal project, education can be seen as a way to reproduce workers who are subservient to the state and capital. Education gives individuals the skills needed for producing commodities, as Hopkins and Wallerstein (1977, 128) describe in their account of global commodity

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<sup>4</sup> See, for instance, the schooling situation in Philadelphia, recently described by DiStefano (6 May, 2014).

chains. From this perspective, students and the education they receive are worth as much as the labour the students will eventually contribute to commodity chains. Students with basic math and literacy skills are the products of the labour process of teachers. Like social workers and other public sector workers, teachers' work is driven by quality service rather than quantity of product. Quality public education, then, can be seen as an expenditure that is simultaneously necessary for reproducing the labour force as well as a burdensome expenditure. As Lois Weiner (2012, 6) puts it:

"Since most jobs being created require no more than an eighth-grade education (think of Walmart's "associates"), only a handful of people need to acquire the sophisticated thinking skills to manage and control the world's productive resources...Therefore, a well-educated (and well-paid) teaching force, it is argued by elites establishing educational policy, is a waste of scarce public money."

In the global economy, curriculum that covers liberal arts and critical thinking can be sacrificed for concrete skills-based learning delivered by educators controlled by excessive managerial oversight. However, studies in resistant teacher practices point to the transformative potential and semi-autonomous character of education; the process of teaching and learning cannot be reduced to its economic role in keeping the system going.<sup>5</sup> Seen from a profit-making perspective, education is unwieldy, costly, essential, and a potential source of private wealth.

Public sector unions are obstacles to the process of dismantling public school systems. In so doing, they also block the opening up of education to privatization; they stand in the way of transforming the education sector into a source of private wealth. Neoliberal imperatives help create chaos in a public system by making schools, jobs, and programs all insecure by being subjected to constant evaluation and elimination. In the context of stagnant wages and increased costs of living, submitting education to marketized control – making funding contingent on student achievement and teacher performance funding, or forcing school boards to balance budgets – turns schools into spaces of competition and scarcity. In this precarious and insecure environment, teachers and students become more easily disciplined, and made increasingly willing and able to be part of a precarious, flexible and submissive workforce. As is generally the case in jurisdictions where

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<sup>5</sup> See, for instance, Brogan, 2014.

Ontario governments have not achieved their desired changes to public sector spending through collective bargaining, they have forced these changes through legislative attacks on labour rights, such as Bill 115.

In his 1999 study *Retooling the Mind Factory*, Alan Sears discusses the reorganization of the public sector in Ontario along the lines of lean production; a project he calls the “lean state”, to mimic the profitability of the private sector. In Ontario’s education system, this process began with state-commissioned educational policy papers in the 1980s that recommended curriculum compression for students and work intensification for teachers. These papers threatened to bring neoliberalism into the classroom by proposing that the government link curriculum with measurable outcomes and accountability (Hanson, 2013, 149). Under the New Democratic Party provincial government from 1990 to 1995, teachers’ wages were cut through unpaid furlough days (Hanson, 2013, 300). In 1995, many of the recommendations from the 1980s became reality when Progressive Conservative Mike Harris was elected as Ontario’s premier. The Harris era saw dramatic changes to the nature of Ontario’s primary and secondary curriculum, funding, and laws governing teachers’ unions. These changes brought technocratic discourses of markets and efficiency to bear on education, and created a public climate hostile to teachers. Prominent features of Ontario students’ contemporary experience come from that era. For instance, the Grades 3, 6 and 10 standardized tests, the four-year high school curriculum (as opposed to the five years that existed previously), and a heavy emphasis on job readiness across the curriculum. Legislation removed principals and vice-principals from the teachers’ unions and amalgamated school boards. Local taxes no longer fund education; instead, the provincial government both raises and directs education funding. School boards no longer have local financial autonomy. The new funding formula, still operative today, allocates money based on number of students instead of per school. In effect, this has forced boards to balance budgets year after year through job and program reductions.

The Liberal Party came to power in 2003 and has enjoyed financial and moral support from education workers’ unions. Although it has occasionally increased education funding for the purposes of keeping class sizes “down” (though never as small as teachers would prefer), it has not reversed Harris’ neoliberal reforms. Successive Liberal governments have not scrapped the Harris-era funding formula, so that school boards remain underfunded, and job and program reductions continue. One effect of downsizing and underfunding in a context of increasingly

complex student needs is the neoliberal hallmark of work intensification. Education workers undertake more and more job tasks without equivalent training or compensation to do so well.

Faced with declining enrolment in addition to the Harris-era funding formula, boards are certainly laying off education workers (Rushowy, 2013), but union-driven placement procedures still protect staff with seniority, and retain and gradually re-place laid off staff for up to a year. This could be described as a type of managed precarity that affects increasing numbers of permanent teachers. Meanwhile, the number of newly certified unemployed teachers expands while the possibility that they get hired into permanent jobs dwindles. Although Ontario schools boards have not been selling off schools or programs to private service providers to the extent that school authorities in the U.S. have, discourses of declining student achievement have contributed to perceived need for low-cost programs like Teach for Canada to “rescue” racialized and poor students from a public system in crisis (Choise, 2013). Bill 115 went after the salaries and benefits of teachers – a far less disturbing spectre than wholesale school closures and layoffs – but it sought these cuts via the imposition of unconstitutional changes to the collective bargaining process. Bill 115, discussed below, should be understood as a step towards disabling unions’ already limited control over education funding and working conditions, and this step is essential to opening the door to well-organized precarity and privatization in the public sector.

## SOCIAL MOVEMENT UNIONISM

A growing literature contends that social movement unionism is a powerful model for resisting these neoliberal attacks on public sector unions and on public services (Camfield, 2007; Fletcher, 2011; Weiner, 2012). Camfield specifically delineates the three types of social unions, and this delineation is also used by Bill Fletcher Jr. (2011): social unions, mobilization unions, and social movement unions, each of which involve member involvement and the involvement of non-union members in setting unions’ agendas and designing campaigns.

Rooted in an economism that takes workers’ workplace-based interests as its starting point, business unions are not critical of status quo social relations and they focus on providing service to members through grievances and contract enforcement. Often understood as corporate-like organizations, they pride themselves on being a respectable and pragmatic (if not non-partisan) partner of industry and the state. Their main interest is to defend the workplace interests of their members (e.g.

wages and working conditions), hence the emphasis on staff providing service to members.

In contrast, social unions do not necessarily abandon more traditional and business-union mechanisms for defending workers' workplace interests (Ross, 2012), but they are additionally motivated by the interests of its members as citizens. Social unions mount campaigns based on non-economistic interests in ways that emphasize that their members share interests with non-union members, and that show that the public stands to benefit from gains made by the union. They see inequality within and beyond the workplace and, as such, are more critical of current social relations (Camfield, 2007; Ross, 2012). This orientation means that social unions understand their members as sharing a range of workplace and non-workplace interests, such as quality public education or health care, with the working class in general.

The example of OSSTF's practice supports Ross' claim that unions do not normally adhere to only one model of unionism. Through its focus on servicing members, maintaining contracts, and collaborating with the employer, OSSTF engages in business union practices; through its coalitional work with larger labour bodies like the Ontario Federation of Labour and the Canadian Labour Congress, its internal democratic structure that theoretically enables member involvement, and its (albeit limited) support for non-economistic campaigns and movements, OSSTF engages in social unionism practices.

Activists and leaders in OSSTF can avail themselves of a rich literature on the transformation of unions from outdated corporate entities that earn the resentment of the unorganized, to vibrant working-class organizations that can mobilize beyond their traditional membership base in the interests in social justice. Social movement unionism, as articulated through the work of activist-scholars like Lois Weiner and Jane McAlevey, positions members as the key to unions as vehicles for social justice. Weiner (2012, 24-28, 38) emphasizes the necessary work of relationship-building with education workers across different job classes, many of whom have far less income and protections than teachers, and with parents. McAlevey's recent book (2012) documents contract victories won through the whole-worker approach to organizing. This approach collapses the false dichotomy between union members and community members so that a union member's interest extends beyond her immediate economic interests in good wages and working conditions, to include her wider interest in, for instance, affordable housing or quality public healthcare. In this model, union organizers depend on

members as organizers and tap the power of worker knowledge before and during bargaining through constant surveying, petitioning, open meetings, and open bargaining. McAlevey's work makes clear that the involvement of members and that of the public go hand in hand: it is through rank-and-file knowledge that deeper coalitions with the public can be formed; it is through sensitivity to public interests that unions can take on campaigns that are more likely to be relevant to society as a whole.

Amanda Tattersall (2009) has written about the case of the New South Wales Teachers' Federation taking a substantial risk when it convened extensive public inquiries into education as a precursor to establishing bargaining demands. A major parents' organization was equal partner in the coalition and insisted that salaries not be made an issue at the beginning of the process, but by the end of months of televised town-hall meetings, parent representatives decided they wanted teachers' salary increases to be one of their demands in improving public education. Parents came to see salary increases as essential to qualitative improvements in public education.

A case that brings together a startling degree of involvement of members with that of the public comes from St. Paul, Minnesota, where the teachers' union first opened up the bargaining process to rank and file members, and then to parents and the public. Members, parents, and the public sit in the bargaining room during talks, participate in caucuses with the union's negotiators, and sometimes address the audience on issues like class sizes or resources. In preparation for their most recent round of bargaining, the union formed their demands from member surveys as well as from parent "study groups" (Faber 2013). McCartin (2013, 60) sees the key to public sector union survival, first, as the ability to redefine the common good along lines that resonate with private sector workers and, second, as the willingness to put the common good at the centre union campaigns, including contract campaigns. In addition to the case of the Chicago Teachers' Union, he cites the example of the Oregon's Service Employees International Union (SEIU) Local 503 which, as part of their 2013 bargaining campaign called "In It Together", demanded a cap on post-secondary tuition and "renegotiation of predatory interest rate swaps."

It is no coincidence that education unions that engage members to an extraordinary degree also engage parents; the two depend on and strengthen each other. The fact that OSSTF member survey results from 2009 indicated that members wanted a better partnership with the public

and with parents casts a tragic shadow on the missed opportunities of the Bill 115 campaign to engage union members, parents, and students. OSSTF lacks the type of longer-term relationship building with parent and community organizations that can foster genuine public understanding and support for contract demands. The longer-term effects of mobilization, such as member education, empowerment, and transformation into member-organizers, can only make the union a more powerful threat to neoliberal forces, whether it be in the context of shared issues like healthcare or workplace issues like a fight for a good contract.

## BILL 115 AND OSSTF'S RESPONSE

OSSTF's history dates back to 1919, and is punctuated by moments of radical action including the successful 1920 campaign for equal pay for women teachers, an illegal walkout in 1973 that secured teachers' right to strike, and participation from 1995 to 1998 in various actions against Mike Harris' attacks on the poor, workers, and public services. Whereas the OSSTF had traditionally supported the NDP, it shifted to "strategic voting" in the 2000s, a strategy that translated into support for the Liberals. In preparation for the 2003 provincial election, unions launched an anti-conservative campaign called the Working Families Coalition which called on voters to vote for any party but conservative (Savage, 2012, 80). The Liberals were voted into power in 2003, 2007 and 2011. Throughout this period, OSSTF positioned itself as a "partner" with the government under the premiership of Dalton McGuinty, known as the "education premier". It also made more contributions to Liberal election campaigns than it did to those of the NDP (Cooke, 2013). Although local OSSTF districts and school boards did experience intermittent bargaining battles, OSSTF as a provincial organization did not undertake major strike activity in this period. Additionally in the 2000s, the tradition of OSSTF provincial bargaining emerged, in which the provincial government and the OSSTF provincial team start talks months about education funding before local bargaining begins. Local autonomy has been preserved only for negotiating working conditions.<sup>6</sup>

The era of labour peace came to an end in early 2012 when McGuinty announced that he would cut public sector salaries in a move towards balancing the provincial budget (Mills, 2012). In February, the province released its commissioned Drummond Report which outlined cuts to public programs and services. The Report

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<sup>6</sup> The most recent iteration of "two-tiered bargaining" (Hanson, 2013, 107) is Bill 122, passed in early April, 2014 (see Brown, 2014).

informed the subsequent 2012 Ontario budget's \$500 million cuts to education funding through wage restraints on education workers. The government warned it would enforce these cuts through legislation if the education unions did not accept them. OSSTF thus went into organizing mode; by April 16 its legal team had drafted a constitutional challenge (Coran, 16 April, 2012).

In the months that followed, provincial-level talks crumbled between the government and all affected education unions save for the Ontario English Catholic Teachers' Association (OECTA). In July, OECTA signed a Memorandum of Understanding (MOU) with the government, which included a two year wage freeze, frozen salary grid movement for teachers who have been teaching less than ten years, a fifty percent sick day cut, and abolishing the sick day bank (OECTA, 2012). In order to bring OSSTF and other education worker unions in line with the OECTA MOU, Minister of Education Laurel Broten introduced the cynically-named Putting Students First Act, Bill 115, to legislature in August. Passed on September 11, Bill 115 imposed terms and conditions on OSSTF members identical to those in the OECTA MOU by stipulating that any collective agreement the local bargaining units and local employers came up with could not be substantially different from the OECTA MOU and would be subject to modifications and approval by the Minister. Bill 115 also gave education unions the deadline of December 31 by which they had to bargain identical agreements or have them imposed. During the period of time in which Bill 115 was in effect, from September 2012 to January 2013, collective bargaining effectively no longer existed for education workers' unions because they were hamstrung by austerity parameters and the Minister's discretion over the contents of the agreements.

OSSTF's anti-Bill 115 campaign began with McGuinty's announcement that he would seek education sector cuts, and was characterized throughout by an emphasis on the government's "unacceptable" and "unprecedented attack on members' rights" and labour rights in general, rather than on the economic losses teachers would suffer, or on the effect of the Bill on the quality of education (Mills, 2012). At this point, OSSTF was not alone in opposing the impending attack on the public sector. On April 21, OSSTF bussed members from across Ontario to participate in the Ontario Federation of Labour's Day of Action Against the Cuts. Ken Coran's speech at that rally emphasized the non-economic element of teachers' opposition to austerity:

"And when you respect something, that means you value it, you appreciate it, and you listen to it. The recent actions from this government show exactly the opposite. There is not respect... We're here today to change that, to show this government that they better start respecting the power of the people." (OSSTF/FEESO Stands Strong, 2012)

Coran here is mourning the abrupt unilateral withdrawal of the government from what had been perceived as a respectful partnership, and he invokes popular power, something that veers away from business unionism and gestures towards the broader non-economistic outlook of social movement unionism.

Yet it gradually became known to OSSTF members that Coran had made this speech only days after offering a major concession to the government on April 18, 2012, without member consent or prior knowledge. The offer appears to have been an attempt to appease the government because the main component of the offer was a 0 percent wage increase for two years. In a bargaining bulletin dated April 23, 2012, OSSTF's provincial office outlined the offer and called it an "equitable and manageable wage freeze" (Coran, 23 April 2012). Although this bargaining bulletin was available online, many members found out about the offer through an OSSTF advertisement in the Toronto Star in late May that announced the proposal underneath the headline "We're doing our part to ensure stability in public education...now it's the government's turn" ("We're doing our part", 2012). OSSTF made this offer in exchange for nothing, it presumed this would be enough to convince the government to not pursue legislation to enforce the cuts. The union signalled to the government that it was willing to start from a weak, concessionary position; it accepted the neoliberal narrative of there being no alternative but to find savings by cutting "costs".

Early on, OSSTF communicated with its members by issuing Bargaining Bulletins that outlined the impact of the impending crisis and the likelihood of a strike vote after the contracts expired on August 31. At its disposal in crafting a bargaining and fight-back strategy were the results of local negotiating surveys from early 2012 as well as decisions taken at a provincial gathering of local presidents. These methods of communication and collaboration between leaders and members will be discussed more fully below. Noteworthy here is that communicating with and building support among parents, students, and wider communities was not as visible, beyond the issuing of press releases. This was

evident when the Elementary Teachers Federation of Ontario (ETFO), Canadian Union of Public Employees (CUPE), and OSSTF held a joint rally on August 28 at the Provincial Legislature drew thousands, and few in the crowd were not union members.

After having cancelled an earlier scheduled strike vote (OSSTF District 13, 2012)<sup>7</sup>, OSSTF finally held a successful strike vote in its locals in late September. In October, OSSTF and other education worker unions filed a court challenge on the grounds that Bill 115 is unconstitutional<sup>8</sup>, and teachers in ETFO and OSSTF voluntarily withdrew their supervision of extracurricular activities. The following month, OSSTF initiated a limited two month strike during which teachers continued reporting for work but did not complete attendance or administrative duties, and formally stopped supervising extracurricular activities (Coran, 25 October, 2012). Public interest in the conflict ramped up: call-in radio shows, news segments, and social media buzzed with stories from parents frustrated with the extracurricular boycott. Starting on December 10th, OSSTF members took the further step of entering their worksites only fifteen minutes before the beginning of the school day and leaving fifteen minutes after its end (Nesbitt, 2012).

This selective strike occurred while local OSSTF bargaining teams, under the direction of OSSTF's provincial bargaining team, tried to come up with local agreements with school boards that would satisfy the Minister of Education's strict criteria. Many found OSSTF's willingness to negotiate under conditions it was publicly protesting to be confusing. When members of seven local bargaining units were asked to vote on tentative agreements, only two, York and Upper Grand, voted in favour (Pecoskie, 2012). Upper Grand OSSTF had three local executive members quit in protest of provincial office interference in the local democratic process (Shuttleworth, 2012). The OSSTF provincial leadership took the "no" votes as a sign they were on the wrong track, and they called off all further local bargaining (OSSTF, 28 November, 2012). It is possible that this dissonance between members and leaders could have been prevented by involving members in the process of setting priorities and crafting strategy well before bargaining had begun.

OSSTF protested in other ways, but at no time significantly included in their actions people who stand to benefit the most from strong labour

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<sup>7</sup> An OSSTF member's account of Ken Coran's demise claims that "He even, at the request of Andrea Horwath, called off strike votes 2 days before the K-W [Kingston-Waterloo] election as it was perceived that the publicity surrounding such votes would damage the chances of the NDP candidate" (Heffernan, 2013).

<sup>8</sup> To date, this court challenge is still in process (Côté, 2013).

rights of the sort OSSTF claimed to stand for. Parents, students, and non-OSSTF workers were noticeably absent at OSSTF protests at Liberal MPP offices throughout the fall. This is in contrast to the extensive community and labour collaboration that OSSTF and other unions undertook during the Days of Action against Harris; workers allied with church groups, anti-poverty organizations, social services organizations, and unemployed people hit by social assistance cuts to mount city-wide strikes across the province (LaBotz, 2011). The equivalent to this in the Bill 115 case would have been collaboration with parent groups, youth, and other labour organizations. Not only had there been a historical precedent of working with non-union members on a shared campaign against a government's neoliberal assault, but there were also opportunities for collaboration: in late September and in December, high school students autonomously organized high school walkouts. The media reported that the walkouts were against the teachers' extracurricular boycott, but also against Bill 115 (Sweetman, 2012). Notably, education worker unions did not support the student actions. Furthermore, OSSTF did not engage parents beyond printing a leaflet aimed at the general public; this was not accompanied by any plan for how to distribute the leaflets.<sup>9</sup>

Meanwhile, OSSTF's allies in the Elementary Teachers' Federation of Ontario staged one-day rotating walkouts across the province. Although CUPE, the union representing education support staff, threatened a one-day walkout should agreements be imposed after December 31, they did not engage in any job action. OSSTF members and other observers complained about this lack of coordinated strategy between unions (Kanter, 2013). A public opinion poll showed that many Ontarians thought that the anti-Bill 115 strategy of limited strike, combined with narrowly conceived protests and ongoing local bargaining, was ineffective and confusing (Benzie, 2012). OSSTF generated the most controversy in its decision to cut extracurricular activities.

Capitulation to the government's austerity agenda began in earnest in late December as the deadline for "substantially identical" agreements approached. CUPE negotiated their own MOU with the government on December 31 which members ratified by mid-January. Because Bill 115 declared strike activity after December 31 illegal, OSSTF provincial office told members to resume all normal duties, yet many continued

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<sup>9</sup> The pamphlet featured a photograph of predominantly white students and a white teacher. After teachers expressed criticism that this was not an accurate portrayal of Ontario's diverse student population, in December OSSTF released a version with a different photograph portraying a more accurately diverse group of students.

to voluntarily boycott extracurriculars. ETFO had been planning a full walkout on January 11, and OSSTF followed suit. But to the bewilderment of education workers who wanted cross-union coordination, the latter planned their walkout for January 16. The Ontario Labour Relations Board (OLRB) ruled the walkout illegal and both unions called off their planned actions. On January 23, Laurel Broten took any remaining steam out of the anti-Bill 115 movement by repealing the Bill, declaring that it had accomplished what it had set out to do, by virtue of forcing unions to come up with their own concessionary MOUs or by having imposed them as of January 1.

The terrain shifted again days later. Because Dalton McGuinty had resigned amid scandal in October, the post of premier had remained empty until the Liberal Party Leadership convention in late January. While OSSTF, other unions, and various anti-poverty groups protested outside the convention, party delegates inside elected Kathleen Wynne. She promised to repair the government's relationship with teachers but refused to rip up any forced concessionary contracts ("Ontario's premier-designate", 2013). Regardless, OSSTF went ahead and resumed negotiations with the new government, with Liz Sandals as Minister of Education. In late February, OSSTF recommended that teachers end their extracurricular boycott as it was ready to engage in discussions with the province again, even as ETFO did not end theirs until a month later (Alphonso, 2013). In April, a majority of members voted in favour of a tentative agreement in the midst of rank and file "Vote No" campaign (REWT, 2013). The agreement solidified a loss of nine out of twenty sick days and the sick day bank, a 97-day freeze for newer teachers still moving through the salary grid, and guaranteed "savings" to the province through a voluntary unpaid leave scheme combined with mandatory unpaid Professional Development days (Alphonso, 2013).

The OSSTF's relationship with the Liberal Party of Ontario from the spring throughout the fall of 2012 has been described as an aberration from a longer pattern of financial and political support (Cooke, 2013). In addition to public statements declaring disappointment and a sense of betrayal, the aberration also took the form of the OSSTF throwing its organizational resources behind NDP candidate Catherine Fife's provincial by-election campaign in the riding of Kitchener-Waterloo. Fife won, decisively putting the ruling Liberals into a minority position in legislature, though this did not stop Bill 115 from passing on September 11. Despite its support for the NDP in Kitchener-Waterloo and its public rhetoric, OSSTF demonstrated a reluctance to truly

upset its relationship with the Liberals. When news of McGuinty's resignation broke in mid-October, the union even issued a bizarre press release congratulating him on his term in office and wishing him well (OSSTF, 16 Oct, 2012). Murray Cooke (2013) observed: "some activists have feared that the unions are merely waiting for an opportunity to patch up their differences rather than fight against Bill 115." These fears were correct. In late January 2013, the press exposed \$30,000 in donations from the Toronto local of OSSTF District 12 to four Liberal candidates running in the leadership race (Toronto Star, 4 Feb, 2013). Having started with the extracurricular ban, the public image of OSSTF leadership as "uncaring" towards students became entrenched. Commented a Toronto Star editorial:

"When teachers appeal for public support by denouncing the Liberals and Bill 115 as an affront to democracy, let's remember that their Toronto local is playing an old-fashioned political game. Now that we know how generous the union was with Liberal candidates, including those who were in cabinet when Bill 115 was passed, it's even more of a pity that they can't extend a similar kindness to students." (Toronto Teachers' Union Plays, 2013)

More public embarrassment arose when, having retired from his position as OSSTF President, Ken Coran agreed to run (unsuccessfully, in the end) as a Liberal candidate in the August 2013 by-election in the riding of London West (Taylor, 2013). Although he was roundly shamed by unionists and the left for this move, it lent credence to long-standing doubts about the sincerity of OSSTF's commitment to fighting Bill 115. The union's commitment to respectability and electoral politics overshadowed its commitment to resisting the government's attack.<sup>10</sup>

Throughout the Bill 115 period, by rhetorically focusing on the anti-democratic nature of the government's agenda, the union put itself in a better position than it would have if it had emphasized material losses, given that teachers' decent salaries and benefits are regularly derided in the media as exorbitant. Each of the education unions attempted to use the rights framework to argue that other workers could end up suffering from austerity-by-legislation's downward pressure on wages and labour rights. The narrative of "If they can do this to us, then they will do this

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<sup>10</sup> In the 2014 provincial elections, the teachers' unions again implicitly supported the Liberal party by directing union members to vote strategically (for anyone but the Conservatives). Some went further. Unsurprisingly, the OSSTF District 12 (Toronto) executive explicitly asked its members to vote for Liberal candidates.

to you" indicated a sense of social justice and a transcendence of narrow economic interests. However, OSSTF's attempt at a non-economistic orientation was more rhetorical than real: it did not translate into actions on the ground that were broadly inclusive of workers other than unionized education workers.

The rhetoric was also more militant than the union's actions: in its initial concessionary wage freeze offer, its unpopular tentative agreements bargained during the Bill 115 period, and its inability to sever its ties to the Liberal Party, OSSTF accepted imposed conditions of austerity and pursued "respectability" even as it claimed to oppose the government's machinations. The union continued to attempt to reassure members that the pending constitutional challenge still held promise, which was the same advice given to the union by the government throughout the Bill 115 period: take the fight to the courts and leave the kids out of it. As was abundantly clear in the unions' acceptance of the OLRB ruling, the rights framework depends on legal institutions for enforcement and takes the struggle out of the realm of public protest and into the courts. In other words, the rights framework has a deep demobilizing affect. Additionally, the case of teachers in British Columbia<sup>11</sup>, in which the B.C. Government blatantly ignored the courts' ruling in the teachers' favour against the government's abrogation of collective bargaining rights, demonstrates the unreliability of pro-labour court decisions. While a position of "rights for all" is better than a position of "rights for us", any rights-based approach might not be as convincing as one that shows that degraded labour rights compromises the common good of quality education. For instance, ending collective bargaining rights would take teachers' front-line knowledge out of the decision-making process over what students and schools need. McCartin (2013, 59) observes:

"While such rights-based arguments resonate well among many union members, they translate poorly to the vast majority of unorganized workers... these arguments can also at times seem blind to the realities faced by the vast majority of private sector workers who currently lack a realistic prospect of improving their own lot through unionization. Such workers doubt that the benefits gained by someone else's union will ever trickle down to them."

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<sup>11</sup> The court ruled in 2011 that the B.C. government's 2002 legislated removal of class sizes and composition from collective bargaining amounted to a breach of constitutional labour rights (Podaski, 2014). The recent B.C. teachers' strike (settled in September 2014) hinged on class composition.

## MEMBER DISSENT AND PARTICIPATION

There is no doubt that OSSTF provincial and local leaders wanted the best deal for their members, and because of the dire situation they were aiming for as few losses as possible. But the task of deciding that the goal was to minimize losses rather than defend the status quo or seek gains, and then the task of deciding how to minimize losses, was monopolized by provincial leaders. One could argue that union leaders and their staff are best situated to take on the hard decisions that rank and file members lack the skills or interest to do themselves. The assumption about members in such a model is not only that they are disengaged, but also that they are comfortable with being disengaged. OSSTF's resistance to Bill 115 might have drawn on the expertise of lawyers and staff, but it lacked member involvement which resulted in some of OSSTF's moves being criticized by members on the grounds that they did not represent what members wanted and that they had conceded too much. Members communicated their dissent through a variety of texts, from petitions to articles, usually posted online. Here I highlight a few examples of these texts and I look at underlying union practices that enabled the neglect of member concerns.

Two petitions to the OSSTF Provincial Executive (PE) circulated in the winter of 2012, calling on them to increase member input into provincial strategy, and taking issue with their concessionary position. The first, signed by 500, came within the same week that Bill 115 imposed the parameters of the MOU on all education workers that had not come up with agreements, and that Laurel Broten repealed Bill 115.<sup>12</sup> It stated: "What we, the members of the OSSTF, need from our union is a strategy of education, ongoing democratic input, and mobilization of our membership and our surrounding communities" (Adopt a Real Strategy, 2013). The second petition to Provincial Executive received 122 signatures and took aim at the recent announcement that talks with the government were in progress. A signatory explained her reasons for signing the petition as follows: "Before our PE can speak on behalf of members they must survey them. The rank and file do not feel their voice is heard. There needs to be a formal and regular vehicle for promoting communication up from the members to executive (as well as improved communication from PE). Do not say PE speaks for members when they have never asked them directly how they feel about issues." (Push the Pause Button, 2013).

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<sup>12</sup> The author of this paper participated in writing this petition.

The union's decision to resume talks with the new government of Kathleen Wynne generated member criticism. In response to the union's late February announcement that it had resumed talks with the government, teacher Jim Springer stated in an open letter to the Provincial Executive: "In short, it is painfully clear that our leadership has accepted the most significant strips to our collective agreements in decades and is no longer prepared to fight against the almost certainly permanent loss of significant benefits accumulated over many years of hard fought negotiations." (Stringer, 2013). An Ottawa teacher published an article online in early March, similarly dismayed at the resumption of talks, and addressed the OSSTF decision to resume extracurriculars even though ETFO continued their ban: "Here's a thought: how about the leaders of OSSTF and ETFO sit down with each other and come up with a collective, cooperative, collaborative, and united course of action?." (Kanter, 2013). Kanter wrote that he had abandoned his initial draft that had asked the Provincial Executive to resign, and stated: "What I ask instead is that you... survey the membership on the issue. Are we willing to accept the strips? If not, are we prepared to stand firm until we achieve a satisfactory resolution. I am confident that you will be surprised by the strength of the resolve of the membership." (Stringer, 2013).

These comments directly challenge the union's low expectations of members' militancy. Criticism, debate, and dissent within unions is par for the course, but when a union is in bargaining, the strength of their position requires member buy-in of the sort that comes from sustained member involvement from the beginning. There is no evidence that OSSTF leaders sought out and processed rank-and-file member input in a systematic, province-wide manner. In contrast to member initiative and power at the heart of social movement unionism, OSSTF's response to Bill 115 suggests that OSSTF leaders view the members' role in the union as primarily supportive of their union leaders, a view that aligns OSSTF with the tradition of business unionism. What internal structures exist in OSSTF, and how did they contribute to the dissonance between members and leaders? Both communication (conveying information) and consultation (incorporating member feedback) in the period under study relied on OSSTF's internal democratic structure. In theory, this structure facilitates member engagement from the bottom up, but in practice, a laissez-faire approach to member engagement means that the bottom-up potential of the structure is under-utilized.

While communication is no substitute for collaborative discussion, it is essential for organizational cohesion and rank-and-file morale.

Members' knowledge of the volatile situation before, during, and after the strike came from provincial office, either directly, or through local executives. OSSTF's provincial office primarily used online bargaining bulletins to communicate with its members, but the distribution of these bulletins was organized in a hierarchical, trickle-down fashion: the provincial office posted the bulletins on their website and then it was up to local districts to notify their members via email of the website link to check for updates. There was no way to check that the members at the worksites actually read the information. These bulletins were later supplemented with confidential Negotiations Updates emailed from local offices directly to members, sometimes containing text written by OSSTF Provincial. If rank and file members did not take individual initiative to follow these bulletins and updates, they could receive information from their branch president.<sup>13</sup> However, the activity of branch presidents is voluntary, and not monitored or ensured. It is unsurprising that many members only heard about the offered wage freeze of April 2012 through the media.

OSSTF's consultation with members for the purpose of developing bargaining and strike strategies was almost non-existent, and where it did exist, it assumed the same laissez-faire, voluntary character as its communication methods: members were welcome to be as uninformed and uninvolved as they wished. In addition to analysis of political and economic forces, OSSTF leaders based their strategy on negotiating surveys, and meetings with local leaders (Coran, 2012a). As is the case in many unions, the bargaining issues on OSSTF's local bargaining surveys from 2012 were preselected, and members were asked to simply rank them. This diverges from the more intensive member-surveying methods used in social movement unions in which union representatives present surveys to members in one-one conversations or small meetings, allowing the feedback to take on an open-ended, qualitative, and collaborative character. In 2012, OSSTF member surveys were then fed into conceptual briefs. Before the union's negotiators head into local bargaining, branch presidents at local council meetings approve the conceptual brief. An equivalent process occurs at the provincial level. However, conceptual briefs are vague and do not indicate priorities. After councils vote on these conceptual briefs, OSSTF bargaining becomes a confidential process without any transparency or accountability mechanism. Because there are no publicly available documents from OSSTF that show the results of bargaining surveys, it is unclear

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<sup>13</sup> A Branch President in OSSTF is the equivalent of a shop steward.

what percentage of the membership completed them, and it is unclear how the conceptual briefs compare to the raw data. It is also unclear to what (if any) extent members had indicated prior to the strike that a 0 percent wage increase, or any of the other conditions arrived at in the final OSSTF MOU of April 2013, was acceptable to them.

The internal democratic structure of OSSTF underlies the problems that arose with communication and collaboration with members in regards to Bill 115. Structurally speaking, OSSTF branch presidents and the members at their worksites can be as uninformed and unengaged with the process as they want. Theoretically, rank-and-file members can communicate their concerns to branch presidents who then bring these concerns, in the form of motions or questions to the local executive, to district or bargaining unit council meetings. And theoretically, branch presidents attend district council meetings to hear updates from their district executive about what they had been told by provincial office, and then pass this information to members at the worksite. However, to date, there is no widely-adopted mechanism to ensure that Branch presidents attend district council meetings or that they report back to their membership. Additionally, district and bargaining unit meetings tend to be weighed down with informational updates from executives at the expense of healthy debate and decision-making by delegates.

These factors meant that strategy-making ultimately rested in the hands of provincial office, at times in consultation with a Provincial Council made up of local presidents. This process assumes that local presidents accurately understand their local members' desires, and possess the will to represent them at the provincial level. But just as there is no standard practice to ensure that branch presidents bring forward concerns from the worksite, there is none to ensure that local presidents bring forward concerns from their district. There are few ways to ensure fair representation of rank and file concerns beyond the stock belief that if members do not approve of their representatives' actions, they will vote accordingly during internal elections; a belief that has been contested by a range of accounts of internal union clientalism, repression of dissenting members, and "grooming" of loyal supporters.<sup>14</sup>

Strike votes and ratification votes are two measures of member consent to provincial strategy. That the strike vote of November 2012 resulted in a positive majority indicates that members consented to the strategy of a strike, yet this does not shed light on member approval of

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<sup>14</sup> For example, see D'Arcy Martin's discussion of vertical union cultures (1995), and Weiner's work more generally.

other elements of the fight-back campaign such as the protests at MPP offices and the refusal to walk out. Strike votes cannot substitute for consultation with members for the purpose of creating a strategy; it is rather a measure of consent after the fact, as is the ratification vote. The agreement reached between the Ontario government and OSSTF Provincial in April 2013 received an 84 percent ratification vote in favour of the agreement. However, official communications from OSSTF do not reveal what percentage of members actually cast ballots in either the ratification vote, or the earlier strike vote.

While the present study can only gesture to potential areas for further research into OSSTF rank and file participation in and consent to executive decision-making, broad rank and file concerns are identifiable in ephemeral grassroots publications produced by OSSTF members. These concerns indicate a criticism of the types of activities in OSSTF that are aligned with the hierarchical organizational structure of business unionism, and indicate a desire for the type of strong internal democracy and member control at the heart of social movement unionism. The conflict between members and leaders over strategy points to a disunity that weakens OSSTF's ability to take on a legislative neoliberal attack on the grounds that it affects all workers. If the fight against Bill 115 symbolized OSSTF's commitment to labour rights for all and a social justice orientation that extends beyond the immediate economic concerns of its members, then bargaining agreements within the parameters of Bill 115 (even after it was repealed) signal an inability to follow through on these commitments. Furthermore, OSSTF's claim to take on a fight for the labour rights of all Ontarians is seriously undermined by OSSTF members' insistence that OSSTF did not even fairly represent its own members. Beyond symbolic implications, OSSTF also set a material precedent: it proved that a government could effectively get a union to consent to and participate in austerity measures against its own workforce.

## CONCLUSION

In terms of the member control and public involvement that are key aspects social movement unions, OSSTF's campaign against Bill 115 and its associated bargaining were clearly wanting. However, the same is not necessarily true of OSSTF as an entire province-wide organization, because it is constituted of multiple spaces driven by genuine social justice goals and member activism. OSSTF has numerous provincial committees composed of Provincial Executive

Liaisons, provincial staff members, local leaders, and rank-and-file members, which are oriented towards movements for social justice. For example, in recent years the provincial OSSTF First Nations, Métis and Indigenous Provincial Committee has supported the Idle No More campaign for indigenous sovereignty (OSSTF, 2014a), and the provincial OSSTF Human Rights Committee has directly linked the struggles of migrant and precarious workers to education workers' struggle for labour rights (OSSTF, 2014b). It is often committees and rank and file delegates who bring motions to OSSTF's annual convention that result in social justice-oriented policy positions. For these reasons, the case of OSSTF supports Stephanie Ross' claim that business unionism and social unionism (what I call social movement unionism) contain "elements [that] came together in particular historical and institutional contexts but are not inevitably tied to one another" (2012, 45). It is possible for some business unionism tactics, such as a strong focus on bargaining, to co-exist with and bolster a union's social justice agenda. However, in the case of OSSTF's campaign against Bill 115, OSSTF's use of the business unionism tactics – prioritizing collaboration with the employer while keeping members out of strategizing and negotiating – undermined OSSTF's agenda to preserve public education as a common good.

In addition to greater member involvement and buy-in, OSSTF would have benefitted from greater public buy-in to the union's goals. Public buy-in was not impossible, given OSSTF members' unique position as workers whose labour arguably enhances the greater social good, given the correlation between better working conditions and better learning conditions, and given OSSTF members' social justice activism inside and outside of the union. Public buy-in could have been secured through tactics such as rotating one-day strikes, which could have had less impact on student life than an extracurricular boycott. Instead, the withdrawal of extracurriculars seemed uncoordinated and indefinite to the public, and was easily manipulated by media and politicians to stir up anti-teacher sentiment. The narrow interest of mounting resistance to the government while avoiding the possible fines associated with full walkouts trumped the importance of the relationship between education workers, students, and parents.

Often, contemporary unions are accused of too narrowly focusing on the economic interests of its members to be capable of acting in

concert with equality-seeking groups outside of the union. This can be seen as a part of a broader problem of union sectionalism: unions have become progressively smaller bubbles of a progressively smaller range of privileges.<sup>15</sup> Today's North American unions usually do not represent the most precarious, the least paid, and the most vulnerable layers of the workforce. In order to maintain relevance, numbers, and bargaining power, unions must address the fact that many of their members are much more privileged than the members of the public from whom they request support.

Both social movement union literature and OSSTF member accounts indicate that parent engagement in the agenda of education workers' unions is key to bridging the gap between bargaining and social justice, between the traditionally economic interests of unions and the non-economic interests of the public (of which union members are a part). The potential for the anti-Bill 115 campaign to be member-driven are deeply connected to members' own communities. This top-down approach was at odds with union committees, policies, and autonomous rank-and-file activities (like the various "Vote No" campaigns) that are oriented towards social justice, union democracy, and anti-neoliberalism. To strengthen the social-justice oriented currents within OSSTF, leaders and members would need to transform its internal democratic practises so that members are expected and enabled to become more active in the union. Only then can member-driven relationships with the public and broader social movements move to the centre of union culture. Without this member-driven social justice orientation, OSSTF's bargaining strategy has ultimately set a precedent of union defeat in the face of a government's legislative neoliberal attack.

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<sup>15</sup> See Rose, 2009 for a discussion of union density in Canada.

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