



Fact sheet on Canada Post lockout: Conservatives launch blitzkrieg on unions

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What is Vision of Earth?

Vision of Earth is a volunteer group comprised of university students and graduates from a variety of fields. We have taken on the task of using our technical skills to deeply investigate various issues that face our society today.

We attempt to write about these subjects in a manner that is understandable and accessible for the general public. We tend to focus on complex and controversial issues that demand patience and knowledge to understand.

All of our publications are accessible through our website www.visionofearth.org.

The Goal

Since its creation, the overarching theme of Vision of Earth has been efforts towards the positive development of our society. We firmly believe that improvements in human quality of life can come about by making well-informed decisions today.

The Vision of Earth Project attempts to take the knowledge that humanity has collected and connect it with the practical challenges that face our society

Authors

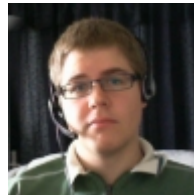


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A graduate of the University of Regina in computer science, mathematics, physics, and psychology, Ben has dedicated his

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As many Canadians probably already know, the Canadian House of Commons was recently locked in an entrenched debate regarding the back-to-work legislation for the Canadian Union of Postal Workers (CUPW).

We at Vision of Earth encourage readers who are short on time to use the table of contents on the left to navigate this document to those sections of interest to them.

This document is intended to be a go-to fact sheet regarding this extremely important debate. We have done our best to examine all of the facts and arguments presented. We present our executive summary of the major issues, followed by a point-by-point discussion of major issues of contention and interest.

Executive summary

The Conservative government created a situation that caused enormous problems for Canadians. They then tabled a bill that severely undercut the rights of workers and set a dangerous precedent for labour relations in Canada. They forced the hand of the Opposition, and we have seen the results.

During their filibuster, the Opposition made a number of very reasonable suggestions with regards to changes to the legislation. In the debate, the Conservative MPs defaulted to attacking the Opposition and the Unions. The Conservatives paraded the pains of the Canadian public, claiming that it is the fault of the Opposition and CUPW that these pains are being felt, despite the fact that the Canada Post lockout occurred with the government's blessing.

It is very clear to us that the Opposition had the moral high ground and more accurate facts on their side. It is also clear that the Conservative members of parliament were either unwilling or unable to deviate even slightly from their party lines. They presented a common face in the debate - a face completely devoid of the ability to genuinely respond to the major concerns that the Opposition continually put forward. We are profoundly struck by just how unresponsive the Conservative members were to the extremely eloquent and fact-based arguments put forward by the Opposition. The Conservatives merely kept pushing for the opposition to 'step aside'.

The Conservatives have always had the power to end the lockout through the

Ministers in charge of Canada Post. They chose not to. They are holding the mail hostage, causing incredible economic and social harm in the process. We believe that Canadians everywhere should know that the Conservative government has deliberately held the mail hostage so that they could push through legislation that sets a precedent of decreasing real wages and rights for workers.

Timeline of events

1. **June 2nd, 2011.** CUPW set up rotating strikes that are legal and within their collective bargaining rights.¹
2. **June 10th, 2011.** Union agrees to end the rotating strikes if they can go back to work under their previous collective agreement. Canada Post refused.^{2 3}
3. **June 14th, 2011.** Air Canada goes on strike just after midnight. The Minister of Labour states later that day that the government is **introducing back-to-work legislation that very evening to resolve the dispute.**^{4 5}
4. **June 14th, 2011 (evening).** Canada Post locks out its workers, causing complete disruption of postal services, except for social services checks.
5. **June 20th, 2011.** Conservatives introduce back-to-work legislation for Canada Post, [Bill C-6](#).
6. **June 23rd, 2011.** Opposition raises a 'hoist' motion asking to move Bill C-6 discussion forward six months.⁶
7. **June 24th, 2011, 12:20pm.** Hoist amendment was rejected 160-74, so the bill moved to second reading.
8. **June 25th, 2011.** NDP quits filibuster and brings in proposed amendments to the bill. All amendments are rejected. Bill C-6 is passed through the house.

[1] [Postal strike to disrupt national mail delivery](#). CBC News. June 14th, 2011.

[2] [Postal strikes continue over weekend](#). CBC News. June 10th, 2011.

[3] [No back to work legislation yet as Canada Post says strike 'digging to the bone'](#). Julian Beltrame, The Canadian Press. June 13, 2011.

[4] [Back-to-work legislation imminent, Ottawa warns Canada Post](#). The Canadian Press. June 15th, 2011.

[5] [Canadian government warns it could legislate end to Air Canada strike](#). June 14, 2011. BNO News.

[6] CBC News: Kady O'Malley. [FilibusterFAQ: "Wait, what exactly are they debating right now?" and other questions](#). June 24th, 2011.

June 23rd

During the media scrum on June 23rd, 2011, Ralph Goodale explained that the Conservative government had passed a resolution stating that the Parliamentary day of Thursday, June 23rd, 2011 would not end until Bill C-6 had been dealt with. Thus, according to Parliament, it remains June 23rd until the bill was voted upon.⁷ This is particularly important considering that Thursday was supposed to be the last day of the parliamentary session. The next day, Friday June 24th, was St. Jean-Baptiste Day, a national holiday in Quebec.

Major Issues

Damage caused by the rotating strike

The Conservatives have been attempting to describe the rotating strike as being incredibly damaging to the Canadian public. A number of them have even gone so far as to claim that: “A rolling strike is essentially the same thing as a complete strike.”⁸ This claim is so obviously inaccurate that we will not consider it further.

We will turn our attention to the claim of the rotating strike causing harm to the Canadian public. It is educational to look at what the government was saying about the situation before the lockout.

Here is a quote from a [June 16th article by the CBC](#):

Until Tuesday, the Conservative government had said it was not going to intervene because postal workers had been engaged in 12 days of rotating strikes that didn't really seem to significantly impact the public.

In that same CBC article, Lisa Raitt (the Minister of Labour) said,

We've had 11 days of workers of Canada Post having rolling strikes and we really haven't had a lot of public outcry. It's different than '97, when we saw a lot of people concerned about a general mail strike. Now we have

[7] CPAC: [Media Scrum June 23rd, 2011](#).

[8] Cathy McLeod. Conservative. Floor of the House of Commons. June 23rd-24th, 2011. Also, on June 23rd, Royal Galipeau said “Mr. Speaker, would the hon. member for Brant agree with me that the rotating strikes before the lockout were just as crippling to the system as the lockout itself?”

email, we have package services and that was the issue of a rolling strike. This is different — this is now a lockout.

Here is Raitt again in the [Washington Post on June 15th, 2011](#).

Raitt said the lockout, which suspended mail service in urban centers, changed the situation fundamentally. “It is now affecting the Canadian economy and it has an effect on third-party Canadians who are not part of this dispute, but are the ones who are suffering from the hardship,” Raitt said.

CUPW members haven’t voted on the offers

The Conservatives consistently claim that the Union is run in an undemocratic fashion. This is both inaccurate and a [red herring](#).

Many responses by the NDP have clarified how CUPW runs on a democratic process. Similarly to how the government itself runs, members are elected to the CUPW board, receiving a democratic mandate to serve their members. Before the strike, there was a secret ballot among the entire CUPW which gave the board the ability to negotiate on behalf of them all and to take action including strikes. It is customary for the board of the union to negotiate for the best deal possible then take that deal back to its members.

This can be compared to the fact that the Canadian public do not get to vote via referendums on every piece of legislation in the government. The principle of a democratic mandate is identical.

Additionally, the strike-action democratic mandate was affirmed by **94.5% of CUPW members**.⁹ This is an incredibly powerful majority, demonstrating the level of confidence that the members have in their union. The Conservative argument simply does not have any genuine ground to stand on.

It is also interesting to note the Conservatives’ glaring hypocrisy in making this statement. One of their major efforts during their time as government has been to abolish the Canadian Wheat Board against the express wishes of a substantial majority of farmers.¹⁰ Despite continuing majority support among

[9] [94.5% Strike Vote: Largest Turnout - Strongest Mandate](#). CUPW. April 18th, 2011.

[10] [Canadian Wheat Board election results announced](#). CBC News, Dec 8th, 2008.

farmers for the existence of the Canadian Wheat Board, the Conservatives are pushing for its abolition.¹¹

The rotating strike was legal

Before starting the rotating strike, CUPW workers gave notice of the intent to strike May 30th, to go into effect June 2nd. This is in line with their legal requirement to give notice of intent to strike 72 hours in advance of a strike. The union has been in a legal strike position since May 25, 2011. The contract between CUPW and Canada Post has been expired since Jan 31th, 2011. As stated earlier, the union received a vote 94.5% in favour of a strike by its members.¹²

Legislation offers lower wages than Canada Post was offering

This is the single largest point of contention on the proposed legislation. Bill C-6 includes a section that stipulates that Canada Post workers will receive wage increases of 1.75%, 1.5%, 2%, and 2% for the next four years. This is lower than what Canada Post was offering (1.9%, 1.9%, 2% and 2%). Both of these sets are lower than the target rate of inflation of 2%, and significantly lower than the current inflation rate for 2010-2011 of 3.3%.¹³

This is the primary point that the NDP are making. This is basically the government slamming the workers for not simply accepting what Canada Post had offered before. The Conservatives are deliberately punishing the workers in addition to taking away their collective bargaining rights.

The CUPW calculated that the difference between the Canada Post offer and the government's legislation works out to be \$857 per worker over the course of the contract.¹⁴ Vision of Earth confirmed this number with our own calculation of the difference.

[11] [Manitoba to fight Wheat Board changes](#). Thomson Reuters, June 13th, 2011.

[12] [Rotating postal strike to start in Winnipeg](#). Chris Halliday. Orangeville.com. June 2nd, 2011.

[13] [Latest release from the Consumer Price Index](#). Statistics Canada. Friday, May 20, 2011.

[14] [Mail carriers miffed](#). Tom Zytaruk, Surrey Now. June 23rd, 2011.

The NDP asked that the government at least remove the stipulated wages from the bill and allow the arbitrator the power to work that out.¹⁵

Binding arbitration and final offer selection

Bill C-6 severely ties the hands of what and how the Arbitrator is allowed to negotiate between CUPW and Canada Post. Not only does this legislation specify a number of specific outcomes that the final agreement must contain, it also specifies the manner in which it must be reached. Rather than allowing the Arbitrator to use their own judgement as to what method(s) of arbitration will work best in this scenario, Bill C-6 stipulates that a method called Final Offer Selection must be used to select a contract, despite the disagreements between Canada Post and the workers.

Prior to final offer selection, Canada Post and CUPW must list all of the issues on which they have reached agreement as well as those which remain contested. Each side must then make their final offer on the issues in dispute and submit them to the Arbitrator. The Arbitrator must then select one of the final offers, and that will be the final agreement used in the contract.

Final Offer Selection is supposed to make both sides of a negotiation attempt to make an offer as agreeable to the other side as they can manage, while still serving their own interests. This has the goal of avoiding a long period of incremental offers and posturing by requiring both sides to quickly put forward their “Final Offer”. With the knowledge that the Arbitrator can only select the offer of one side or the other, both sides are under great pressure to quickly put forward an agreement as reasonable as possible.

In the case of the dispute between CUPW and Canada Post, this method is unlikely to yield a contract that is equitable to both interests (easy for both sides to swallow). With the Minister of Labour selecting the Arbitrator, this further loads the negotiations against the union. CUPW quite reasonably fears that the Arbitrator will select the final offer made by Canada Post over that of the CUPW. Knowing this, Canada Post is not compelled to provide the best possible offer to the union. Instead, the union must make as many concessions as possible in the hopes that the slightly better offer they propose will be selected over that of Canada Post.

[15] [Jack Layton speaking on the floor of the House of Commons](#), June 23rd, 2011.

Given how Canada Post and the Conservatives treated the union recently, especially in light of the fact that CUPW offered to go back to work under their old contract until an agreement was reached, it is clear that the government (and their selected Arbitrator) is not likely to sit in neutral judgement of the Final Offer negotiations.

The Conservatives repeatedly claimed that this method of binding arbitration must be used to avoid a long period of contract negotiations. However, under these circumstances, an agreement unjust to workers is likely to be reached via Final Offer Selection, and reached quickly.

Alternatives to Final Offer Selection

There are a wide variety of possible alternatives to be used in contract negotiations, but one in particular was repeatedly brought up by the NDP members. Rather than using an “all or nothing” final offer selection, Canada Post and the workers could be instructed to select a final offer on each discrete/individual issue and use piece-by-piece final offer selection to produce the final contract.

Rather than having to select all of Canada Post’s or the worker’s proposal, the Arbitrator would have much more flexibility to select a more equitable solution using this method. Additionally, this method would be roughly as time effective as final offer selection. This suggestion was one of the many positive changes put forward by the NDP during debate on Bill C-6. Unfortunately, the Conservatives refused to hear any of the suggested changes to the bill put forward by the Opposition.

Legislation deliberately squeezes benefits, pensions, and employment

A careful reading of [Bill C-6](#) makes it clear that this piece of legislation is designed to entrench in law the removal of rights and pensions from CUPW workers. The Arbitrator is bound (in section 11, part 2a&b) to select the final offer that must not decrease the solvency of the pension plan. Part b states that the Arbitrator must also choose the final offer that allows the following:

“The Canada Post Corporation must, without recourse to undue increases in postal rates, operate efficiently, improve productivity and meet acceptable standards of service.”

This limits the ability for either Canada Post or CUPW to propose changes in employee management that would lead to higher prices for postal rates. This is important considering that this bill also stipulates that the solvency of the pension plan must be improved. Where is the money going to come from? Since this legislation has to do with the collective bargaining agreement between Canada Post and the CUPW, it means that the cuts needed to improve the solvency of the pension plan *must* be taken from the worker’s salaries and benefits.

To state this more plainly, it is legislating that the changes to the CUPW collective bargaining agreement must be able to pay for all the expected change in the solvency of their pension plan. The money must be pulled out of the CUPW agreement, and is thus not coming from anywhere else. You might be thinking, where else could it come from? Here are some things we can think of immediately:

1. Efficiency increases. (The efficiency of Canada Post workers has been consistently increasing in recent decades.)
2. Reducing the amount of money that Canada Post makes in profit (and thus gives to the Government of Canada). It has made a profit for 16 consecutive years and in 2009 alone made 281 million dollars in profits that were returned to the government coffers.¹⁶
3. Postal rate increases. Canada’s postal rates are lower than most comparable systems in developed nations.¹⁷ There is definitely room for increase if it is needed. Also note that in early 2011 the government approved a 20% rate increase before 2014 for Canada Post.¹⁸
4. Giving management the same wage increases as workers. This is very relevant since management has consistently been getting much higher wage increases than workers in recent years.^{19 20}

[16] [Negotiations: The Arrival of the Spin Doctors](#). Ken Mooney. Regional Grievance Officer, CUPW.

[17] [Postal strikes and myths - Part 1](#). Denis Lemelin. President of CUPW. June 7th, 2011.

[18] [Is Canada Post’s pink slip in the mail?](#) Globe and Mail Feb 14th, 2011.

[19] [Peter Julian during Bill C-6 Debate](#). June 23rd, 2011.

The Liberals did a similar thing in 1997

One of the issues that is continually referred to in this discussion is that a similar situation happened before. In 1997 there was a strike by the CUPW that shut down postal service for two weeks. The Liberal government at the time, along with a number of conservative MPs, voted for back-to-work legislation that punished the Union with slightly lower wages.²¹

The Liberals claimed that this action was justifiable because it was a general strike. However, this does not justify their legislation of lower wages for the workers. This is an unfortunate precedent that the Conservatives are attempting to use to justify their even more draconian back-to-work bill.

Canada Post is not run with tax money

We would like to take this opportunity to address a common misconception regarding Canada Post. A fairly large percentage of Canadians seem to believe that Canada Post is subsidized through taxes. This is incorrect.

Canada Post does not rely on subsidies from the government. It has turned a profit for sixteen consecutive years. In fact, over the past fifteen years it has paid an estimated \$1.5 billion to the government in taxes and dividends.²²

Conservatives not hurrying, not negotiating

The main Conservative talking point was the claim that the Opposition was delaying the date when Canadians will get their postal service back. While this appears to be true on the surface, it was in fact a clever deception.

First and foremost, Canada Post is a crown corporation. The cabinet has extensive powers over the management and actions of crown corporations. If the Conservative cabinet ordered Canada Post to end the lockout, it would have to comply.

Secondly, it was made rather clear by the Opposition that they would end the

[20] [Canada Post's Lazy, Overpaid... CEO? Let's Talk Sense about Wage Increases](#). The Sixth Estate. June 5th, 2011.

[21] [Postal Strike Ends](#). Canadian Encyclopedia. *Maclean's* December 15, 1997.

[22] [Postal Strikes and myths - part 1](#). Denis Lemlin. CUPW. June 7th, 2011.

filibuster if the bill were amended so that it did not force the CUPW to accept lower salaries than the last Canada Post offer. However, the government refused to change this at all. The opposition was making a stand for the wage increases that the CUPW had successfully negotiated from Canada Post. The Conservatives remained intent on slamming the union with lower wages and locking them into a distorted version of binding arbitration (which we discussed above). This uncompromising attitude by the Conservatives ensured that the NDP would remain strongly against the bill. It is thus clear that the Conservatives share a large part of the 'blame' regarding the slow passage of the back-to-work legislation.

This is made very clear again through statements made by Lisa Raitt. This is a quote from a CBC news piece entitled [Canada Post debate shows no sign of ending](#)

Layton's comments came around the same time as those of Labour Minister Lisa Raitt, who also maintains she's looking for an agreement. But the Conservative government is prepared to sit until its legislation passes to send Canada Post back to work, Raitt said Friday after the House sat through the night.

Though they claimed to be looking for agreement, the Conservatives never made any genuine efforts to negotiate any changes to the bill. It is clear that they were content with the fact that they would eventually be able to pass bill C-6 unchanged, regardless of what that would cost Canadians.

The Conservatives repeated again and again the mantra that the fastest way for the public to get their mail was for the Opposition to support the back to work legislation. The NDP replied many times that they had no problem with the back-to-work legislation by itself. It was the additional constraints such as the lowered salaries and constricted arbitration that they had big problems with. This is a major point that we think Canadians should be made aware of.

Conservatives allowed the lockout

During the debate, one of the most interesting statements came from John McCallum of the Liberals who was formerly the Minister responsible for oversight of Canada Post. He said that Canada Post would definitely have

contacted the Ministers in charge of Canada Post before locking out its employees. He also said that it is entirely possible that the ministers told Canada Post that it would be fine to lock out its members.

The current Ministers of Canada Post are Denis Lebel and Steven John Fletcher.²³

The Conservatives thus definitely knew about the lockout before it happened. If they were serious about making sure that Canadians would keep getting their mail, they would have ensured that Canada Post would not lock out its employees. While Canada Post has some autonomy, it is to a great extent controlled and managed at the highest levels by the government. It is rather clear that the Conservatives allowed the lockout to happen and continue.

For a more clear look at this issue, we read the [Canada Post Corporation Act](#). We found that section 22, subsection 1 to be the most enlightening on this specific issue:

22. (1) In the exercise of its powers and the performance of its duties, the Corporation shall comply with such directives as the Minister may give to it.

There is, of course, much more to it than that, but the rest of that subsection merely lays out some specific regulations regarding this oversight via directives. It is clear that the Ministers have great power over Canada Post.

Taking sides

The Conservatives routinely claim that they are not taking sides in this dispute. They always seemed to follow this statement with something akin to: “Unlike the NDP, who are beholden to union bosses.” Let us examine this claim carefully.

It is well known that the NDP tends to champion the rights of worker unions more than the other parties. This isn’t really in dispute. The NDP has made it clear for decades that it will attempt to be the voice of workers and the common person.

Similar common knowledge exists regarding the Conservatives. It is well known

[23] [Canada Post: Corporate Governance](#). Accessed June 27th, 2011.

that they favour big businesses and the wealthy far more than the common working people or unions. We suggest that anyone disbelieving this claim should take a look at their legislative and executive history with regards to corporate tax cuts and anti-union behaviour.

These two pieces of common knowledge would certainly indicate that we could expect these two parties to be on opposite ends of this dispute. How do their actions stack up?

Conservatives are pro-management and anti-worker

On June 14th the Air Canada customer service staff went on strike at midnight. That same day the Conservatives promised to immediately begin the process of passing back-to-work legislation to force these workers back on the job. This is interesting for three major reasons:

1. Firstly, the strike was already expected to be a failure since the other workers at Air Canada had successfully kept the business working and there were relatively few problems with air travel.²⁴
2. Secondly, the legislated end of a strike takes away the most powerful bargaining tool that a union can legally wield. Without this bargaining chip, power would shift substantially from the employee to the employer.
3. Thirdly, this action sends a clear message to employers, as well as employees and unions in major industries. Employers can bargain harder than ever, forcing unions to either agree to deals that are bad for them or try to strike. If the strike happens, the Conservatives will be there immediately to legislate the workers back to the job, taking away their rights. This is particularly important in the case of Air Canada. Air Canada is a corporation, not a crown corporation like Canada Post. Air Canada is also not a monopoly like Canada Post is; there are many other airlines such as WestJet who can provide similar service. Thus, Air Canada itself cannot be considered an 'essential service' like water, power, food, etc. Additionally, the strike was not even having that much effect on Air Canada service.

Overall, this is an incredibly clear demonstration of the Conservatives definitively taking the side of the employer.

[24] [Walkom: Everyone wins with back-to-work bill, except Canada Post workers](#). The Star. Thomas Walkom, June 22nd, 2011.

On the evening of June 14th, Canada Post locked out its workers. As we stated above, the Ministers in charge of Canada Post would definitely have known that this was happening, and could have acted to change this outcome. At the earliest possible opportunity the Conservatives introduced back-to-work legislation for Canada Post. Let us note again that prior to the corporate lockout there had been minimal disruption of postal services and that most Canadians were completely unaffected by the rotating strikes. As outlined above, the legislation reduces the negotiated wages offered by Canada Post and takes away a number of important rights from CUPW. Again the Conservative actions have been definitively pro-corporate and anti-worker. **The Conservatives have clearly taken the side of management and then lied about that stance to the Canadian public.**

NDP defends right of workers to negotiate with employer

What side are the NDP on? It is clear from their speeches and their voting positions that in this discussion they are clearly on the side of CUPW. Does this mean that they are unjustly biased and merely serving the 'union boss thugs' whom Conservative Dean Del Mastro says are the only beneficiaries of the NDP's actions? Again, to answer this question let us look at their actions carefully.

Upon the presentation of the back-to-work legislation, the NDP immediately condemned it on the grounds of:

1. It renders collective bargaining useless.
2. It legislates lower wages than Canada Post was offering.
3. The crisis was instigated by Canada Post Corporation and not the workers. Canada Post is under the control of the government. Thus the government is 'solving' a problem that they created.
4. The government could simply end the lockout by phoning Canada Post and telling them to unlock the doors.
5. CUPW already agreed to go back to work with no rotating strikes as long as they could do so under their old collective agreement.
6. It puts severe restrictions on the freedom of the Arbitrator to make decisions for building the new collective agreement.

All of these major concerns are based on solid factual evidence. The NDP is certainly acting primarily for the sake of the workers in CUPW in this matter. However, it is important to remember that the deck has already been heavily stacked in favour of management prior to the beginning of the NDP filibuster.

The NDP have said that they believed there was little hope of reaching an agreement with the Conservatives, but they tried anyway. The many hours of debate let them elaborate on exactly why they were opposing the bill and implored the Conservatives to make some amendments to make the legislation more just. As we all know at this point, all of the amendments were voted down by the Conservatives. They showed no signs of having listened to 58 hours of debate filled with concerns about the legislation.

The NDP made it clear that if they were unable to convince the Conservatives to change anything in the bill, they would do their best to a) give CUPW more time to negotiate with Canada Post and b) make sure that they did their job of commenting on these very major issues so that the Canadian public would have a better chance of learning what the government was actually doing.

The NDP did not go all-out on their filibuster. They could have dragged it on for several more days at least, according to most sources. They chose to cut short the debate because CUPW had informed them that Canada Post refused to budge on negotiations and asked the NDP to simply try to amend the bill. The NDP filed their reasonable amendments which were all voted down by the entire Conservative party.

The NDP stood up for what the facts told them and refused to be cowed by the Conservative majority government who held all of the cards the entire time. In these actions they served CUPW and the Canadian public who deserved to know about the corrosive nature of this legislation. As a final point we would like to reiterate that it was the Conservatives who allowed the lockout to happen and didn't act directly to end it using their powers over Canada Post (as explained in an earlier section of this piece).

Taking everything into account, we believe that the NDP were truthful when they said that they stood for genuine collective bargaining. We also believe that the Conservatives were flat-out lying when they said that they were not taking sides in this issue.

NDP training exercise

It is also true that this situation provided a valuable opportunity for the NDP to give their new members a crash-course in speaking in the House of Commons. After this ordeal, we expect that the new members of the NDP will be unafraid to stand up and give voice to their concerns.

The fact that this filibuster doubled as a training exercise for their new MPs does not at all invalidate it in our opinion. We believe it underscores how the NDP is acutely aware of the fact that a number of their members are inexperienced, and how they are unafraid to admit that they are taking steps to rectify the situation.

The filibuster was not **just** a training exercise. There are much easier and less politically risky ways to have accomplished similar training. The NDP stood up for their concerns, but they also acknowledge that this effort was a very good experience for their new members.

It also gave the Canadian people an opportunity to hear some of the new, vibrant, and intelligent voices of the NDP. Indeed it was largely the great oration by new NDP members that made this debate watchable for us.

Conservative party lines

We watched a total of about twenty hours of the debate, so we became pretty familiar with a number of the speakers and questioners. This immense amount of exposure to Canadian politics left us feeling like we really need to say something about how the Conservatives treated this whole thing.

In addition to all the problems we have gone through in this article, the vast majority of Conservatives showed no unique or genuine thought in the House during the debates that we saw. Every single response was formulaic.

1. They would thank the member opposite.
2. They then state that they had been listening intently to the member opposite.
3. They then state that the member opposite does not have their facts straight or is confused about the matter. They do not go into detail on how the member opposite is wrong, they just say that they are.

4. They would then ask if the member opposite would agree that the fastest way to stop the pains of the Canadian people would be to support this back-to-work legislation.
5. They sit down as the rest of the Conservatives applaud them for their genuine contribution to the discussion.

This formula was used at least dozens of times, perhaps hundreds of times, during the debates.

The Conservative members were in fact not listening to the members opposite. The vast majority of their questions and comments had absolutely nothing to do with the actual statements made by the Opposition. The responses via the formula included just enough of the same words to make it seem like they might actually have been paying attention in the eyes of a viewer who simply watched a few minutes of the debates.

Only a very few Conservatives showed any semi-original thought. These original thoughts generally included an imaginative [red herring](#) built off of the NDP's statements. At best the Conservative comment or question would hint at addressing one of the many issues discussed in this piece, and would usually include a veiled or unveiled jab at the NDP.

As for most of the Conservatives that we saw speak, we were greatly disappointed to see them waste such an opportunity to engage the opposition meaningfully on such an important issue. They merely stuck to the formula, repeating party lines all night and day. We felt it was a waste of their talent and representative position to entrench along their party line and turn a deaf ear to discussion for 58 hours.

The NDP were very different. Every member presented their own perspective on the major issues at hand. They took the opportunity to express their own personal views, not just those of their leader. We were very impressed with a number of their speeches and especially with a number of their new members, particularly from Quebec.

Debate highlights

The good

We saw a number of excellent speeches by NDP members. We will attempt to briefly list the best we saw here:

1. [Tyrone Benskin](#) delivered a lucid and fact-based speech demonstrating a number of the major problems with the legislation.
2. [Thomas Mulcair](#)'s speech was what first piqued our interest in the debate. He provided an amazing, wide-ranging speech on Thursday that hit on all cylinders, providing not just a blueprint for resolving this issue but for good economic governance in general.
3. [Paul Dewar](#) delivered an excellent speech in which he clarified precisely how the wages stipulated in the legislation are lower than Canada Post's last offer.
4. [Wayne Marston](#) cleared up some of the facts about union laws and how they function. This was an excellent response to the continual harping of the Conservatives about what they call undemocratic unions. He also makes it very clear that the CUPW agreed to go back to work under the old contract, without the rotating strikes, but Canada Post refused.
5. [Pat Martin](#) spoke a number of times at some length, and his contributions are very good. One thing in particular that he clarified was how the current back-to-work legislation differed substantially from what is known as 'final offer selection'.
6. [Ève Péclet](#) delivered an [excellent and impassioned speech](#) between about 12:45am and 1:05am on June 25th. We were truly impressed to see such energy and dedication from a new and very young member of the NDP Quebec caucus. This speech was full of enough fire to reach right through the video monitors and grab our attention immediately. We thank Ms. Péclet for showing us that genuine passion exists in the House of Commons and it refuses to be stamped out by the monotone Conservative majority.
7. [Charlie Angus](#) contributed calm and well-reasoned statements to the discussions. His discussion of the history of collective bargaining in Canada was very helpful. His manner was exactly what we would expect from an experienced parliamentarian who has the best interest of Canadians in mind at all times.

We also saw **Elizabeth May** of the Green Party make two excellent speeches during the debates. The positions she took as neither an NDP or a Conservative are educational for all of us. She made it clear that political parties should not be mere proxies for the employees and employers who can't be at this bargaining table. She stressed that they should act with the best interests of all Canadians in mind. She stressed that the situation was entirely fixable if the Conservatives removed the unacceptable sections of Bill C-6. She said that she hoped that they could surprise the people of Canada by actually listening to one another and coming to a mutual understanding on the issue. She made it clear that the house was essentially an echo chamber at that point in time, but it definitely shouldn't be. In her second speech she accurately commented on a number of red herrings being thrown around by both sides of the debate. She accurately stated that these red herrings were politicizing the debate and thus undermining what effectiveness it had. Overall, we think her contributions were excellent, and we wish the entire house had listened to her.

The bad

Unfortunately everyone who made our bad list was from the Conservatives. We realize that this makes us look biased against them. We believe that any candid observer of the debates would have drawn similar conclusions. Opposition members made mistakes and bad arguments, but none of them did so to such an extent, or with such consistency.

1. **Lynne Yelich**: "There is no repetition on this side of the house." - This is after several dozen iterations of the same formula we discussed above.
2. **Bev Shipley** delivered a [red herring question](#) which was excellently responded to by Tyrone Benskin of the NDP.
3. **Joy Smith** brought up the fact that one of her constituents talked to her, saying that she has health tests in the mail that included mammograms.²⁵ Obviously a roundabout reference to breast cancer. This was her way of parading the pains of the Canadian public before the house. We thought this was a particularly low move by the Conservatives, demonstrating their utter lack of remorse about causing the situation in the first place.
4. **Dean Del Mastro** was viciously polarizing and inflammatory in his remarks. He showed no respect for the NDP, the CUPW, or its workers. He paid no attention to the facts during his speeches, questions and comments. His insults and prescriptive accusations made us feel like we

[25] [Joy Smith speaking in the House of Commons](#) June 24thd, 2011

were watching a blustering Republican from south of the border. We felt that the Honourable Mr. Mastro was the most disingenuous and inflammatory member of the entire House.

These highlights are in no way exhaustive, and are definitely not chronological.

Aftermath

After the bill passed the House of Commons, the CUPW published a press release condemning the Harper government for its 'unjust and punitive bill', and thanking the NDP for defending free bargaining for 58 hours straight. Lastly they state that while the filibuster gave them time to resume talks with Canada Post, the push for back-to-work legislation by the Conservatives had led to Canada Post being uncompromising in its dealings with CUPW.²⁶

The CUPW has also mentioned that they will be challenging the constitutionality of the bill in court, seeing as it impinges on the rights given in Canada's Charter of Rights and Freedoms.²⁷ This could prove to be a very interesting court case because the current court precedent seems to be on the side of the unions. It is also interesting because Bill C-6 specifically stated that it is not possible to challenge some of the decisions (such as the choice of the arbitrator, or the decisions made by the arbitrator) in court.

Before closing, we would like to point out a few excellent pieces of writing on this subject. The first is at Chronicle Herald by Laura Penny entitled [Harper to Canada Post workers: Suck it up](#). We feel that she makes excellent points and sums up the broader implications of this whole ordeal clearly and concisely. The second is by Brian Topp at the Globe and Mail, entitled [This is what a real parliament looks like](#). Both of these pieces provide eloquent fact-based descriptions of this situation aimed at the interested layperson.

We refer those readers looking for a 'conclusion' back to our executive summary in which we attempt to concisely knit together the most major themes of this piece.

[26] [Workers' Rights Take a Big Hit Under Harper's Majority Government](#). CUPW. June 25th, 2011.

[27] [Union claim could chart 'new territory' in Canadian Labour Law: Expert](#). Montreal Gazette, June 29th, 2011.

We hope that you the reader have enjoyed this article. If there are any questions, comments or criticisms, we invite you to participate in the discussion through the comment system or forum on our website www.visionofearth.org.