

HOW CUPE 3903 STRUCK AND WON

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THE ISSUES

United under the slogan “Strike To Win”, Canadian Union of Public Employees (CUPE) Local 3903, representing teaching assistants (TAs), contract faculty, and graduate assistants (GAs) at York University (Toronto), stopped working on October 26, 2000. The strike followed four months of contract talks which had failed to secure the basic provisions of previous collective agreements and a first contract for a newly organized bargaining unit. Tuition indexation, a provision guaranteeing TAs monetary rebates for every dollar that tuition increased (essentially preventing TA wages from being eroded by tuition increases by ‘freezing’ tuition) was to be eliminated for incoming students. Similarly, the promotions programs providing some job security for contract faculty were threatened with near extinction. At the same time, requests by 3903’s newly organized GAs for a fair wage that was uniform across departments, tuition indexation, a small amount of summer funding, and some minimal health benefits, were routinely and systematically denied.

Our strike was built on the foundations of earlier (albeit less dramatic) battles fought and won in previous rounds of collective

bargaining. By 1998 we had bargained successfully for tuition ‘rebates’ and tuition ‘indexation’ (thus regulating tuition) in the context of funding cuts, deregulation of tuition fees, and massive tuition increases initiated by the Harris Tories (see Healy’s article in this issue). Similarly, by 1999 we had secured a second job promotions program that gave a portion of contract faculty some semblance of job security. Post-secondary administrations (as well as the government) watched closely, knowing that our strike would inevitably impact bargaining across Ontario.

After 11 weeks (78 days) and one of the longest strikes in Canadian university history, local 3903 celebrated a hard-fought victory. The contract, especially the deal with teaching assistants, was widely understood as a capitulation by administration to CUPE 3903’s demands. Drawing upon the principles, practices, and strategies of *democracy*, *solidarity* and *militancy*, we struggled for change in ways that expanded our capacities for self-activity and self-organization. The approach was very much grounded in a ‘socialism from below’ perspective, which David McNally (2001, 24) describes as “building the self-activity, consciousness, combativity and self-

organization of workers and oppressed peoples.” In the process, we gained a better understanding of the world around us and expanded the horizon of possibilities open to us for changing the world.

BUILDING POWER: RANK-AND-FILE UNION DEMOCRACY

Two aspects of organizing are particularly worth noting for any adequate understanding of the development of our union’s democratic capacities: the relationship between the bargaining team and the membership at large; and the implementation of membership-driven decision making structures and processes.

In previous rounds of collective bargaining, some members felt that the settlements negotiated had been undermined by the isolation of the bargaining team from the rest of the membership. Starting with recommendations emerging from the Women’s Caucus in 1998, as well as subsequent Executive Committee recommendations, a series of motions was passed at general membership meetings that demanded more accountability from, as well as communication and consultation with, the bargaining team.

We sought to strengthen and deepen these principles during the strike by passing motions at joint executive-bargaining team meetings committing the bargaining team (of which I was a part) to almost daily communication with the Executive Committee and membership. This was achieved through the establishment of Executive-

bargaining team liaisons and through constant bargaining updates and messages relayed to the picket line in the form of newsletters and pamphlets as well as via email. Members often communicated their feelings and analysis regarding bargaining team strategy over our union listserve and often e-mailed us directly with concerns and ideas. Bargaining team members also gave in-person report-backs at our weekly General Membership Meetings (GMMs). During periods when the bargaining team was not bargaining, attempts were made by some bargaining team members to walk the picket line as much as possible and give verbal accounts of what had been said at the table. Our bargaining practices gradually coalesced around a model that discouraged the bargaining team (and Executive) from constituting themselves as disconnected entities separate from, and unaccountable to, the membership. I would describe it as a type of ‘bargaining from below’ that strove to take cues from the membership as much as possible. This model conceived the bargaining team as accountable and responsive to an active (rather than passive) membership, taking direction from the membership on an ongoing basis. The bargaining team was not, however, free from internal tensions and philosophical differences regarding this open type of approach – indeed, far from it. But implementing bargaining structures and practices allowing more transparency and accountability facilitated membership participation and mobilization and contributed to a more democratic union culture.

Throughout the strike we sought to extend democratic decision-making processes in our union as a whole and thus implemented mechanisms that allowed for an even greater degree of democratic (and less-hierarchical) membership-driven decision-making. For example, during the strike, we created a Strike Committee open to all members that met daily and made the day-to-day decisions about the strike and planned complementary rallies and occupations. How often should we let a vehicle through the gates? Should we picket during convocation? What kind of direct actions should we undertake in addition to regular picketing? These kinds of decisions were taken up regularly in Strike Committee meetings and vigorously debated. Picket representatives from each of York's seven picketed main entrances and York's other campus at Glendon, were strongly encouraged to participate in these meetings so as to give voice to, and address, the experiences, problems and situations that were unique to each gate. While participants in Strike Committee meetings made general decisions governing the strike, each picket gate also took some autonomous authority, making group decisions appropriate to the situations that each picket line encountered. For example, when police ordered us to cease using our blue-safety gates (i.e. metal gates used to protect ourselves against vehicles), it was left up to each picket-line to decide what steps to take. Similarly, when members noticed vehicles sneaking into the main campus through a narrow section of bush, they immediately took matters into their own

hands. Hence, an eighth 'guerilla gate' was born, replete with a cow skull and horns hung from the tree as a signal to potential entrants of our omnipresence on campus. Our weekly (and sometimes more frequent) general membership meetings (GMM) were attended by four to six hundred of our twenty-two hundred members. At these meetings, touching, inspiring and often humorous anecdotes were shared, and motions establishing the principles regarding bargaining, strike strategies, and tactics were debated openly. For instance, at one meeting, a motion was overwhelmingly passed committing the bargaining team to specific language on tuition protection thereby preventing the language from being diluted by weaker language. When the mediator demanded (most likely at the behest of the employer) that we bargain under a media and communications blackout prohibiting the bargaining committee from communicating with our membership, we held a GMM to decide if we should proceed to bargain under such conditions. Our membership decided that a restricted time period of two days, after which a full report would be forthcoming, would be acceptable, as a one-time-only exception to our normal open bargaining process. At yet another GMM, the bargaining team was instructed not to accept any wage package for the newly organized graduate assistants below what was presently proposed. While a few members challenged the efficacy of this strategy which was referred to as 'tying the hands of the bargaining team', such motions made it extremely difficult to even consider bringing back tentative

agreements that did not stand up to members' expectations. It is often far too easy for bargaining team members, under constant pressure, deprived of sleep, isolated from the membership in hotel rooms, and generally driven crazy by the employer and each other, to misinterpret the resolve and demands of the membership. Ultimately, strong links to the members prevent ratcheting down demands.

The strike illuminated the interconnectedness of militancy and rank and file democracy in a very concrete way: it served as a living demonstration of how democracy facilitated both the exertion of our power as well as our collective and self-conscious understanding of ourselves as workers in struggle. In addition, it forced many of us to start to think of our union not as something that existed solely to 'service' us, but rather as an extension and expression of our class power, and as a vehicle and mechanism for collectively organizing and struggling for social change. While a large percentage of our young membership had never before participated in a strike, some of us had been emboldened by real-life examples and successes of decentralized and democratic decision-making processes in the form of affinity-group structures and consensus-style spokescouncil meetings in anti-globalization protests like Seattle, Washington and Windsor. These experiences served as a source of inspiration for many of us, both inside and outside of bargaining, to build structures eliciting high degrees of active membership participation and decision-making. By drastically

expanding the degree of membership involvement and participation during our strike – something at odds with many traditional bargaining processes and union structures - we began to develop a sense of our capacities, as well as an understanding of where we stood in relation to a coercive employer. As we gained confidence and skills, we began to exert our power as workers, a consciousness which did not always come easily to some of us. And as we exerted our power as workers, we began to see how our collective power increased - and watched in amazement as we collectively transformed into something far more than the sum of our individual members.

SOLIDARITY

The three units of CUPE 3903 – contract faculty, (newly unionized) graduate assistants, and teaching assistants – bargain all three contracts simultaneously as we negotiate to secure the best agreement for all units. Our unique alliance, while cumbersome at times, has provided the leverage for aggressive bargaining. As a result, we have been able to secure exceptionally strong collective agreements. As the strike progressed, however, the ties of solidarity became strained as the employer tried to play contract faculty off against the other units by offering a deal the employer predicted would be accepted. The employer then called for a forced ratification vote (a recent provision legislated by the Tories which allows employers to force unions to present an offer to members for ratification). Philosophical differences

around transparency and the power of the bargaining team in relation to the Executive and general membership also emerged early on between individuals and intensified as the strike continued. But we were able to maintain a remarkable degree of cohesion, especially given what the employer had thrown at us.

The principle of solidarity extended, however, beyond the internal differences among the three units. We forged links with undergraduate and graduate student groups and other unions on campus. Undergraduate students occupied administrative offices in support of, and solidarity with, CUPE 3903. At one point, some undergraduate students allegedly hacked into the computer system and posted “rally” announcements for CUPE 3903. York University Faculty Association (YUFA) support was extremely important – support that had been cultivated during and since YUFA’s own strike four years earlier when many contract faculty and teaching assistants supported picket lines and marched in support of YUFA.

Solidarity was also extended beyond the confines of York’s campus to the broader community. Many other union allies became a familiar sight on our picket lines, too. Other CUPE and Canadian Auto Workers (CAW) locals walked with us regularly, and CAW Local 112 delivered sandwiches to all of our picket lines on a daily basis throughout the strike. The Ontario Coalition Against Poverty (OCAP), the Ontario Secondary School Teacher’s Federation (OSSTF), and many other unions, community organizations, and

individuals showed their support on a regular basis. Prior to the strike we had already created a Flying Squad which acted in solidarity with other unions and organizations struggling against deportations and evictions, lending strike support, and participating in other mass anti-capitalist protests. The number of CUPE 3903 members who signed-on to our Flying Squad more than tripled during the strike, as our members became increasingly mobilized, politicized and radicalized.

We did not, however, take solidarity with the public for granted and launched a media campaign and outreach strategy at the outset of our strike. While our outreach was often limited mainly to the campus through the distribution of many colourful leaflets, we did try to branch out to other public places. Our strike inevitably evoked questions regarding the erosion of accessibility and quality of education and educational work – for us as workers and as students as well as for the wider community. And raising these questions allowed for discussions to take place regarding the larger restructuring in universities which was characterized by privatization and layoffs (and which intersected with other forms of deregulation of public services and programs, and corresponding changes to legislation). While the corporate media usually managed to avoid such issues, we were able to raise them periodically, and our concerns resonated with some of the public.

MILITANCY

An understanding of power was central to our ability to maintain a militant stance against the university administration. Some of us did not begin the strike with this understanding of power - nor, for that matter, with a genuine understanding of the meaning and practice of solidarity or membership driven decision-making. Rather, our understanding of power was borne out of concrete collective struggle, out of our experiences during the strike, on the picket line, in bargaining, and in our dealings with the administration and the media. We learned that the most well-crafted, skilled, persuasive arguments in bargaining often counted for nothing. This came as a shock to some of us who work in an environment celebrating (and supposedly practicing) the power of reason. But we quickly learned that it was really about power. Winning strikes was not about winning arguments, nor about moral persuasion, nor about one's debating prowess at the bargaining table. Indeed, we gradually realized that the bargaining process, while still important, was in the end subordinated to the economic and political leverage we could exert over the employer through the withdrawal of our labour power and through our ability to disrupt the normal functions and operations of York University.

Throughout our strike, we were continually complimented on our efficient picket lines that brought the university to a near standstill. It had helped that several previous rounds of collective bargaining had resulted in

near-strikes, and as a result, a significant portion of the membership was already well informed and mobilized. As the strike continued, we began to develop a multi-pronged approach, embodied in a slogan which emerged out of a GMM part-way through the strike: 'escalate and diversify'. We then sought to find ways to put increasing pressure on York administration, and diversify our strategies and tactics to facilitate this process, as well as provide us with ongoing morale boosting. Again, Strike Committee meetings were the place where interested members could plan, coordinate, and undertake our expressions of dissent, protest, and 'direct action' both on and off campus. Many creative schemes, rallies, occupations, and street theatre presentations were conjured up during Strike Committee meetings, such as 'Counter-Convocation' and the 'Twelve Dirty Deeds of Xmas' (which included occupations of the offices of Liberal Headquarters and workplaces of Board of Governor members, as well as subversive Xmas caroling in front of the house of the President of York University, to name just a few examples).

The 'escalate and diversify' strategy included internal actions involving the University Senate as well. While York University's Senate Policy 8 already protects students from academic penalties should they choose not to cross picket lines or hand in exams or papers, CUPE 3903 members and supporters in Senate introduced carefully crafted resolutions designed to further exert pressure upon the employer. One of these resolutions

allowed classes to be canceled if the academic integrity of a course was seriously compromised by low attendance due to the strike. At one point, York University president Lorna Marsden had requested Senate Executive give her powers to overturn Senate 8. Members of 3903 and supporters stalled the meeting for several hours through an occupation so the offensive policy could not be rammed through.

The militancy that we developed was a lively and spirited one. At one point, close to Xmas, we joined up with those forces opposing changes to the Employment Standards Act and sung "Solidarity Forever" in the legislature. Our militancy expressed itself in drama, song, music, drumming, puppets, theatre, spectacle, games, cookouts, teach-ins and poetry on the lines. A queer picket line emerged, 'history on the line' was shared, and our Guerilla Rhythm Squad sometimes went from line to line. It was militancy that bred solidarity and fostered community, a militancy complementing, and in turn reinforcing, the solidarity and democratic participation of our members.

And while our members' resolve was sometimes challenged by the doomsday scenarios that surfaced from time to time during the strike – from the media, administration, or some 'alleged' informant – our determination did prevail. When administrators ordered us off the property and police threatened to charge us with trespassing, we held an emergency GMM and decided to resume our positions and continue picketing. No

arrests occurred. At one point, administration confiscated our fire barrels, firewood, pylons and safety gates and only returned them after several days. Such tactics left our membership undeterred. Indeed, late into the strike, the membership demanded that we lengthen the number of hours picketed per day.

Approximately one month into the strike, the administration refused to bargain with us unless we 'substantially modified' our demands, while at the same time accusing us of walking away from the bargaining table. When the administration finally made an offer in mid-December, the membership rejected it at a GMM.

One of administration's final tactics, was the request for a government-administered forced ratification vote (which they spent an estimated \$100,000 organizing and advertising for it, including allegedly hiring a consulting agency). Once again, however, the administration completely underestimated our members' solidarity and militancy. Sixty-three percent of our members (one unit even voting as high as 79%) voted 'NO' to this anti-union attempt at strikebreaking.

On the day before a tentative deal was finally reached, our members were building shacks on the picket lines (amidst a massive outpouring of solidarity by 'union muscle', as one newspaper phrased it). These semi-permanent structures were as much symbols of our resolve that we were not moving as they were protection from the biting wind and cold. So while threats of trespassing charges, back-to-work legislation, bad-faith bargaining,

forced ratification votes, and injunctions did strike fear and doubt in some of us at times, we were able to pull together, dispel our fears, gather our wits, and maintain our resolve.

VICTORY

In material terms, several contract provisions not only countered attempts to gut our collective agreements, but also managed to continue incremental gains through bargaining. For teaching assistants, we indexed tuition rebates to corresponding increases, in the face of a government intent on deregulating, privatizing, and gutting student and worker rights. Contract faculty secured four tenure stream conversion appointments and six special renewable contracts, as well as language that affirmed the on-going nature of these job promotions programs. For graduate assistants we were able to win a first contract for approximately 400 people, an incredible feat in the present neo-liberal climate. Before our strike, the employer offered graduate assistants a base wage of \$4500 with no summer funding, no health benefits, UHIP fund, or rebates. As a result of the strike, we secured a uniform base wage of \$7,300 (by the second year of the collective agreement) across all departments, \$100,000 per year of summer funding, an initial tuition rebate, a health benefits package (80% paid by the employer in the first year and 100% in the second year), as well as discrimination and harassment language and a grievance procedure. A two-year deal was struck for all three units (a reprieve from yearly bargaining) and a 2% raise was

obtained for TA's and Contract Faculty. Finally, we negotiated groundbreaking language for all units securing an eight-week transsexual transition leave and amending our harassment and discrimination language to include transsexual transition status, gender expression and gender identity as the basis of discrimination.

The effects of this victory are still being felt, reverberating outward in a multitude of ways. For 78 days we took back our campus, we brought York University to a near standstill and determined to a large extent how the course of events on campus (and sometimes off-campus) unfolded from day to day. We began to see our connection to our history, to a history which we were forging each and every day. We began to feel connected with each other, as part of a strong union and a progressive York community— a sentiment many of us repeated over and over at our various meetings. And we began to feel connected to other people's struggles: from refugees who were being threatened with deportations, to those who were being threatened with evictions, to other striking workers. Approximately 250 of our members traveled to Quebec City to take part in the protests against the Free Trade Area of the Americas (FTAA), joining demonstrators at the fence and urging others to do likewise. Our union was also active organizing for the fall 2001 campaign of economic disruption in the province of Ontario against the Harris Tories.

For those of us who had never been on strike, this was the beginning of a process of politicization and

radicalization. If we were not certain or even aware of our collective power at the beginning of our strike, we most certainly were by the end. The threats facing workers and many other oppressed groups are formidable, and these threats are hardly over – particularly in this era of capitalist triumphalism. But greater democracy, solidarity and militancy in our unions and mass movements will allow us to transform the world we live in, struggle by struggle. This is how we struck and won.

Note:

Shorter versions of this article appeared in issues #28 and #29 of the *New Socialist*.

References:

- Healy, T 2002 Public exclusion, under funding and the intensification of work: universities and the erosion of democracy in Ontario. *Just Labour* 1, 68-76.
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