

Liberals the lawbreakers in this dispute

Who are the real lawbreakers in the dispute between the teachers and the liberal government?

The government has been quick to condemn the teachers as lawbreakers. Invoking the rule of law, it has refused to negotiate with them and asked the courts to punish them.

The hypocrisy is astounding, as the laws that made this strike illegal are themselves likely illegal, and the government that created them a recidivist lawbreaker.

In 1972, Canada, with the approval of all provincial governments, ratified a United Nation's treaty designed to protect the rights of unions and their members. No provincial government has shown more contempt for this treaty than the Liberal government in British Columbia.

Tribunals of the International Labour Organization have consistently found the government to be in violation of treaty standards – nine times over the past few years, making it the worst repeat offender in North America – and they have become increasingly blunt in asking the government to mend its ways.

In a recent ruling, the ILO found it necessary to remind our government that “all governments are obliged to respect fully the commitments undertaken by ratification of ILO conventions.”

Previous governments in B.C. have respected international law- indeed, it was an ILO ruling that helped prompt the government in 1987 to extend collective bargaining rights to teachers in the first place.

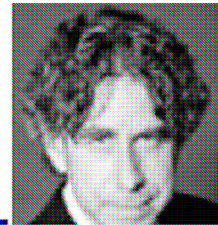
Premier Gordon Campbell, however, has said “I feel no pressure at all” to make changes to labour laws to comply with ILO rulings.

As a result, key legal elements of the government's case that the teachers' strike is illegal are themselves legally questionable.

The legislation deeming teachers to be an “essential service?” and denying them the right to strike on that basis, to take one example, was ruled by the ILO in 2003 to be a “violation of freedom of association principles and should be repealed.”

A limitation on teachers' right to strike can only be justified, according to the ILO, if the consequences of a strike “become so serious as to endanger the life, personal safety or health of the whole or part of the population.”

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And what about the recently passed Bill 12, which unilaterally imposes a settlement by extending the teachers' collective agreement, and correspondingly suspends their rights to bargain collectively and strike?

In 2003, the ILO found a similar piece of B.C. legislation to offend freedom of association. It “firmly request[ed]”, as stated in its ruling, that “the government... avoid in future having recourse to such legislated settlement.”

The simple truth is this – if the Liberal government had complied with international law, the teachers' strike would be legal.

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