

Sean McManus

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Calgary, Alberta

SM: Sean Patrick McManus. I was born and raised in Edmonton, born July 27, 1965. Brought up the oldest of three, two younger sisters. Father was a carpenter, a member of the Carpenters' local in Edmonton, worked a number of unionized jobs. He suffered a heart attack at the age of 38 and after recovering from that went to work in the office of the construction company. I finished high school and went directly into university; I graduated with a BA and then went directly into law school. Upon completing law school I articulated with an Edmonton law firm on Whyte Avenue, Matheson and Company, and after completing articles and being with them for about six months they very politely said, you can either find new clients to make the firm that much better or unfortunately you might have to find employment elsewhere. With that, through a stroke of luck or call it whatever, I ended up at a firm, Blakely and Dushenski. Bob Blakely at the time and still is very well known in the Alberta labour movement, representing building trade unions and at the time represented a number of the building trade unions including the plumbers and pipefitters. From that I got my start learning all about the labour movement and also about how you had to survive and progress and make victories, small victories in Alberta dealing with Alberta's labour laws. It was a wonderful education. Bob gave me all sorts of opportunities to jump in the deep end. It was either sink or swim, and it allowed me to get a firm footing. In 1993 I was successful on a position with the Alberta Union of Provincial Employees. At the time I was hired into what was called at the time the appeals and analysis department. What they were responsible for were doing the grievances and the arbitrations and the Labour Board hearings for the union. Rather than hiring outside legal help AUPE traditionally and still to this day does the bulk of their legal work internally. So I was one of the people that did a grievance arbitration for the union. I'll come back to deal with what occurred during my time with AUPE, because I joined AUPE right around the time a fellow by the name of Ralph Klein became premier in Alberta. We all know what happened with respect to the Tory government and their platform of privatization and the like. I was with AUPE for four years until 1997. In about early '95 I became regional director for the Alberta Union of

Provincial Employees. That required moving to Calgary. At that point I was responsible for all the membership outside of the Edmonton headquarters; so at the time it was about 20,000 members. I had union reps that reported to myself, and with the union reps, with the support staff, we provided assistance, we provided grievance, we conducted grievances on behalf of those members. In 1997 I was successful on a position with the International Association of Firefighters as Canadian director. That required moving to Ottawa. I was with the IAFF from 1997 to 2002. In 2000 I became assistant to the general president for Canadian operations with the IAFF, still in Ottawa. In 2002 my partner, Jodi Hubler, had just completed law school and we decided to move back to Alberta and started up a practice with respect to representing firefighters primarily; in fact, that's what it has evolved into. Presently I'm with the firm of McManus and Hubler, and it's a firm of two people – it's myself and Jodi. We represent firefighters, IAFF affiliates, and I think now seven provinces and two territories. So that's an overview and a background.

Q: What year was ???

SM: It was 1991 to 1993. It was very challenging going to the board on certifications and trying to certify in the building movement. It was challenging to say the least. Then when you move over to AUPE, AUPE like all other public sector unions immediately found with the election of Ralph Klein a real philosophy on privatization. It started, at least for AUPE, with the registries, where they were privatized. It then moved to the liquor stores. Virtually overnight, it took a few months, but virtually overnight 1,500 members were position abolished and the liquor stores were privatized. It was very frustrating to be with AUPE at the time just simply because you tried everything you could legally to try and stop it, but you found out very quickly there was very little that could be done legally because the cards were stacked against you. Even if you found an ability to argue something, the provincial government always had the option of changing the law. That's what you found when you were working for a union that were direct government employees. After the liquor stores there was thought that the next thing was going to be child welfare. I do recall being in a meeting with at the time Stockwell Day, who was the

minister, and saying to him, we can demonstrate through studies and otherwise that it's cheaper to maintain it in the public sector, there's more safeguards keeping it in the public sector. His reply very clearly was, you don't understand; this is a philosophy, it has nothing to do with whether or not it's cheaper. So you had that mindset of the provincial government and it became very difficult, and then of course you had the 5 percent wage rollback that Ralph, the premier at the time, decided he was going to impose. The difficulty there was trying to bargain in that environment. At first we were told by the government that they didn't care as long as they got their 5 percent. Well then it became painfully obvious as you went through the negotiating process, and at the time I'd been assigned to negotiating the general services bargaining agreement, and that was for all 20,000 public sector directly government employees represented by AUPE. At first we were told, fine, you can find creative ways to take the 5 percent, none of which were palatable to members obviously. But we were looking at perhaps days off, we were looking at ways of coming up with that 5 percent. We were told very early on by the government negotiators, no, we want the 5 percent and we want it in wages. So that posed obviously a great difficulty on members and employees, given the fact that the vast majority of them were single parents at the low end of the wage scale. Five percent for them was a huge, huge sacrifice that quite frankly they shouldn't have had to take. But reality was that these contracts got negotiated, the 5 percent was implemented, and that took us probably to the beginning of 1995. In Calgary you had the Calgary Health Region, which was stacked with government appointees from the Klein government, and the appetite of the day was privatizing – if it can be privatized, privatize it. The philosophy of the provincial government at the time was, we're in the business of getting out of government. The hospitals were by no means different in that regard. In the middle to latter part of 1995 you had a company called K-Bro that was looking at taking over laundry service for all the hospitals in the province. I think they had been successful in Edmonton and they were now moving into the Calgary area. They successfully convinced the Calgary Health Region to contract out laundry services for two of the Calgary hospitals, being the Foothills and the General. The General were represented by CUPE, I think it was Local 8, and for AUPE it was Local 55 at the Foothills Hospital. So you had CUPE members at the General and you had AUPE members at the Foothills. It was one of those

situations where you had the privatization decision being made, and quite frankly it was the members themselves who decided that enough was enough. I remember very clearly that when the announcement was first made, bearing in mind that these workers had already taken a 5 percent wage rollback, they already sacrificed for what the provincial government was saying they had to do, which nobody really believed. But the reality was these contracts had been negotiated, they'd taken their 5 percent, and now the Calgary Health Region was coming along and saying, by the way you're now out the door, you're all going to be terminated and K-bro is now going to be doing it. In fact they were planning, if you can believe it, to ship all the dirty laundry from Calgary to Edmonton by truck. So it was one of those situations where, at least for the AUPE members certainly, they had decided enough was enough. At the time of all of that I was regional director in the Calgary office. I remember getting the notice that they were all going to be position abolished, and trying then to deal with the local representatives at the Foothills Hospital, the elected people, and trying to figure out what could be done.

Unfortunately, there was no contracting out language in the collective agreement. It's not like you could say to the employer, well nice try, but the contract says you can't contract out our job. There wasn't any type of protection like that in the collective agreement. So you had this situation where these people, these members, the vast majority of which were first-generation Canadian, a number of them who were single parents, that were going to lose their livelihood. To a person, and I remember this very well, to a person they decided that they weren't going to take it anymore. The form that took was that a membership meeting was held for that group, and it was at AUPE's office. Carol Anne Dean, who was president of AUPE at the time, she was in Edmonton and she came down for the meeting. I picked her up and we talked on the way to AUPE's office about what to expect, what we would talk about at this particular meeting, knowing full well that over and above explaining what the process was and everything else, there wasn't a lot legally from a contractual point of view, from a legal point of view, that could be done to stop this. If they were bound and determined to contract it out they could do so, because there wasn't any protection in the collective agreement. I remember sitting at the front of the room with Carol Anne explaining all of this to those members, and those members quite rightly getting mad, getting frustrated, trying all sorts of avenues to try and get there and then

coming to the group realization that there wasn't a lot that could be done. At that point again I remember very distinctly a member stood up and said, well if they're going to take our job they're not going to take our dignity. With that they decided that they were going to go on strike. From the front of the room it was said, this is something that would be illegal, that you do not have protection here, you do not have a legal right to go on strike. The common refrain was, we don't care. We know we're losing our job, but they can't just simply take it without a fight. So they decided and AUPE decided, because at that point it was AUPE, driven very much by the membership. This truly was one of those situations that I'd never experienced before where the membership said, that's all great advice, we don't care. We're going ahead, we're going ahead with this. So very early the next morning, I can't remember what day of the week the strike started but I do recall it was mid-November, being on the picket line. It developed into a picket line. At the time it was just in front of the parking lot with I'm going to suggest pretty much the entire membership of the laundry there picking up picket signs, filling out picket signs, and then trying to organize a picket line. Quite frankly, none of them had ever been on a picket line, and it was trying to figure out going back and forth what we were going to do, which traffic we were going to let in. We didn't want to, being a hospital, you have to be very careful that you didn't stop an ambulance coming in with sirens going; you didn't want to do that. But if it was a food service truck, you wanted to at least stop that truck and explain to the driver what was going on. Nine times out of ten they turned around and went the other way. As the day developed you just saw that people started to realize that something bigger was going on than just simply the laundry workers' strike. I know from going over a couple times to the CUPE line that the same thing was going on over there, but certainly I can speak for the AUPE line – it was very strong from the get-go. You also had a number of unions within the hospital, within the Foothills – UNA and Health Sciences – coming out and trying to find out what was going on. Bearing in mind this had happened the night before, there wasn't a lot of opportunity to coordinate something. But you certainly had the laundry workers, the AUPE members, on that picket line. From there it just started to develop and you just saw solidarity in its truest form happen. You saw people coming up to the picket line that weren't involved with the hospital, bringing donuts, bringing coffee. You had people honking on a regular basis. At first you

acknowledged it but after a while it was like everybody was honking so it was tough to try and keep up. The third, the fourth, the fifth days came up and it was tough. The Calgary Health Region decided to play hardball. They took AUPE and I think it was CUPE as well to the Labour Board on two applications for looking for declaring it an illegal strike, looking for cease and desist orders, looking for the ability to fine the unions in quite large numbers and also the ability to arrest union officials. Part of the intimidation tactic, and I remember this as well, you have photographers that would go on the picket line and not be subtle about the fact they would take pictures of each of the picketers. Wouldn't you know it, those picketers' pictures would then show up at the Labour Board hearing. The Labour Board hearings would happen at 11 o'clock at night and it was just very at times strange what was going on when you knew that you had a membership that had decided they had absolutely nothing to lose and everything to gain by engaging in what they could only do, and that was withdraw their services. The Calgary Health Region got their cease and desist, they got anything they asked for from the Board because there wasn't a lot that you could say in response to it. They were looking for a declaration it was an illegal strike – ya, it was an illegal strike, there's no question about it. But in terms of trying to explain that to the Board, the Board isn't interested in the underlying rationality, underlying philosophy, the underlying unfairness of it all. They didn't care. They just had the law, they were abiding by the law. I do recall also at one point, I don't know at what point during the strike, but I do know a call came into the AUPE office looking for Carol Anne. She I think was on the picket line. I was in the office at that point and the administrative person came in and said, it's Ralph Klein, he's looking for Carol Anne Dean. I thought to myself, well what have I got to lose? I said, put him through. So it was Ralph. He introduced himself and he wanted to know who I was. He was trying to get a handle on what was going on; so it would've had to have been about four or five days in; the strike itself lasted ten days. I told him in no uncertain terms what was going on, how patently unfair this all was, and he had to get involved and he had to get involved now. It wasn't a long phone call. He wasn't rude or anything else, he listened and that was the end of the call. But it certainly struck home to me that it was having an impact. This was a strike in his back yard, in his stronghold. He'd been privatizing anything and everything. AUPE's membership had been decimated by the actions of the Klein

government. Here was the first time, because Ralph had been very famous about I don't listen to demonstrations, I don't blink, I don't do any of these things. Here was the first time where I saw a crack, and obviously I and everybody else was going to exploit that, any opportunity we had, and there was my opportunity to at least get my two cents in. There was then a shift in terms of Ralph getting involved, we think. We'll probably never know. Probably Carol Anne and others could speak more to that than myself. But I do know that there was some effort to get the unions back to the table to talk about it, which demonstrated just what kind of an impact this strike was having. If they were getting their cease and desist orders, if they could arrest union officials, if they could impose fines, why would they feel the need to get back to the table? Quite frankly, Ralph blinked. You had this momentum, you had other unions that were now saying, we're going to go out in sympathy strike. You had people honouring that picket line. You had people in Calgary, of all places in Alberta, that were responding to the absolute unfairness of it all. It was one of those wonderful moments in any trade unionist's career where you think, you know what, we could actually pull something off here. Doing union side work in Alberta is not something you do in terms of measuring it by success, because it's a constant struggle. You're always battling, you're always fighting, you're always trying to do what's right by your members and also get what is fair. Well what we have found over the years, and I know others can speak to it much better than me, is that what's necessarily fair isn't necessarily the result in Alberta. That can make it at times-it's the old saying- you can bang your head against the wall and after a while it starts to hurt. But it was one of those true moments where looking back on it you just felt very proud to play just a little small part in it. Quite honestly, union officials, union executive, reps, staff, were all doing their part. But none of this would've happened, I don't think anybody would disagree with this, if the members themselves didn't decide to do it. We were truly following. This was one of those wonderful strikes where the union officials, staff and everything else, had to catch up because they were already on the picket line, they had already decided we're on a picket line. Negotiations happened, we had Ralph blinking. You had a result which ultimately did not save those jobs – I can't sit here today and say we were ultimately wonderfully successful and it remained in-house and all that good stuff. But what did happen through negotiations is the laundry workers themselves went back to

work; there were absolutely no recriminations. Nobody got disciplined, because that was the big fear on an illegal strike, that some people were going to be fired or some people were going to be fined. None of that occurred. The laundry workers themselves got their employment extended for a number of months; I think it was either eight or ten months. They were then given severance packages as part of it. What was interesting is Ralph decided and made this public pronouncement that there'd be no more healthcare cuts through to the end I think of 1996. So you had a lot of positives that were happening. Again though, I absolutely tip my hat and I think about them often, I tip my hat to them because they decided enough was enough.

Q: What was the response of union membership?

SM: I do recall that there was discussion at the time. It's the old saying that you hear about, it's easy to go on strike but the hard part is trying to figure out how to end it. As part of this you had to determine what was in the best interests of the laundry workers; at least that was my view. In terms of those negotiations, I do recall that both CUPE and AUPE had ratification votes on these settlements. It's not like it was something that was imposed on them. I think part of the difficulty you had with a number of these members, again being first generation Canadian, even though they decided they were going on strike it was not a decision they took lightly. Many of them had come from countries where the rule of law was something that had completely broken down, and they weren't lightly making a decision that they knew was going to put them on the wrong side of the law. The difficulty though is you had to figure out if you had enough momentum going, if this could actually materialize into something bigger than just simply a localized Calgary two-hospital strike. There was certainly momentum going on. You had discussion from the Alberta Federation of Labour and others that this would be an opportunity to finally put Ralph back in his place with respect to it. But I do think in terms of where, and again me being staff in a regional director position, I'm not privy to what was the discussion whether or not we should be going further or anything else on this. But at least I know in my discussion on the picket line, walking with those members, that a number of them were anxious. At the first good deal they were anxious to try and get back to a sense of normality,

bearing in mind that they were now without pay for going on nine and ten days. The reality is too that there was that unease. After that initial euphoria of deciding, oh to heck with it, we're going on strike, we don't care what the consequences are, as the days went on there was that sense of, oh my gosh, I'm not sure how much longer I wanna remain on the wrong side of the law.

Q: If the government said it had to with philosophy and not money, then why the rollback?

SM: It goes back to what I was talking about in terms of when you bargained that 5 percent rollback; the thought was, well fine, if it's a philosophy then we'll figure out. Nobody wants to do concession bargaining, but if that's where it's going we can figure out ways to deal with it, we can figure out either kind of like what had happened after the fact in Ontario, you heard about days off and things like that. That was discussed and things like that, but the government negotiators then came back and said, no our clear direction is politically. So you have a philosophy that privatization was something they just wanted to embrace, it didn't matter. The liquor stores are a prime example of it now. Nobody I think will admit or say that the privatization of liquor stores has been a good thing – the quality, the quantity, the fact that you can't do what you used to be able to do in Alberta. Having spent some time in Ontario where the Ontario Liquor Control Board is, I think I have it correct, one of the world's largest purchasers of liquor because of their size, they have the selection and everything else that you don't have in Alberta anymore. That's a direct result of privatization – not only the fact that you've got 1,500 well-paying jobs with benefits that are no longer in existence. But that philosophy, like everything else with the provincial government, was philosophy when it suited. In practical terms, if they needed it for political reasons in terms of the 5 percent, they wanted it in money, they wanted it in wages. So when push came to shove it was philosophy but politics would always play a role as well.

Q: Was the public support evident in the media, with letters to the editor and discussion on the radio?

SM: It was interesting. This was the mid '90s so it's not as prevalent now, but you even found with a.m. talk radio, which has never been a supporter of the trade union movement, even with those open line shows – and I'm not going to mention names of those shows – but the reality is even on those shows people calling in were just. Calgarians got it that this was so unfair. This offended everything that was fair and just. That you could ask members, employees, workers, not at the high end of the scale but at the low end of the salary scale, to take 5 percent less in their wages six or eight months ago and then say, oh by the way, we've now decided to privatize your job, and you're out the door. People got it. Yes it was over and above the motorists honking, it was over and above the coffee, it was over and above the doughnuts. It was the calls to the call-in shows, it was the letters to the editor. It was the news stories, very favourable news stories. Even those reporters got it that this just isn't right. I do recall at times part of the struggle was trying to keep the other unions that were coming in support in line because they brought their own philosophy of how a picket line should operate. So some of them took the position, nothing goes through. Well again it's a hospital so you had to make sure that ambulances were going through and people were being cared for. There was never any discussion that any patient care suffered through all of that, and the point was still made that it was unfair. So it was one of those true experiences where Calgarians got it.

Q: Did the workers at both hospitals strike simultaneously?

SM: I'm sure other people have said it, it's now 14 or 15 years ago, but I do recall if it wasn't simultaneous it had to have been within a day. It truly was one of those situations, and there may have been CUPE people at the AUPE meeting observing and there may have been AUPE people at the CUPE meeting observing. And I'm trying to recall, there may have actually been some communications going back and forth between Carol Anne and it might have been Terry Mutton at the time. But it truly was, if CUPE had been out a day it couldn't have been more than a day. That's certainly my recollection. Everybody would've got that position abolishment at the same time. . . .

One of the things that I think continued that support in Calgary was the fact that the picket lines themselves were extremely orderly. There was a conscious effort on the part of members to make sure that the appropriate vehicles were stopped but anything emergency-related went through. I think that speaks volumes for that membership, knowing full well that if it degenerated or disintegrated or you had emergency vehicles being stopped they probably would've lost the public support right away. Interestingly enough you had a police presence there throughout the entire period of time. We never had any problem with the police. They understood that this was a picket line and it might be illegal. It even went to the courts and came back to the Labour Board, but there wasn't that sense of, well we're the police and we're going to instill some type of order. The picketers themselves instilled that order and to this day I'm extremely proud of how they conducted themselves on that picket line especially when you had photographers with these wide telephoto lenses taking your picture, and those pictures then showing up at the Labour Board hearings and the like. Again, that intimidation factor. But you had a membership that was very solidified. It was all about job preservation and they weren't going to take it lying down. They listened very intently to the negotiations that were going on. It came back for a ratification vote and at the end they decided, again themselves, that this was a deal that they could live with. They knew it wasn't a permanent fix, they knew that at some point, I'm trying to recall if it was eight or ten months down the road, their jobs would go from the Foothills Hospital. But they decided that for them that was the blink from Ralph Klein. I've spent many years now in the labour movement and it still ranks as my proudest moment in terms of just watching that membership.

Going back to influences and the type of people that convince you you're on the right side of all of this, certainly one of them is Jack Hubler, who is now my father-in-law. But certainly at the time when I was doing building trade work and doing work for the plumbers I can't think of anybody more committed to the trade union movement in Alberta than Jack. He's given his life to it, he believes it in, and he's one of those people who walks the talk. Certainly in terms of learning everything that is good about social justice, about progressive ideas, about good labour laws and everything else, Jack is certainly a key influence. There've been a number of other influences over the years. Dave Werlin and I were talking about this earlier, that you meet an

awful lot of people in the labour movement. What you take from it are they all bring their strengths to the table and hopefully over the years you're able to take some of those strengths and use it in your own day-to-day life in terms of progressive ideas and social justice.

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