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Interviewer, Winston Gereluk; Camera, Don Bouzek

LP: I am an emeritus research professor at York University and I'm also editor of *The Socialist Register*.

Q: In your book *From Consent to Coercion: The Assault on Trade Union Freedoms* you advanced a thesis that began with a recognition of what PC Order 1003 was all about in 1944. Could you summarize that?

LP: Workers secured bargaining rights through their union representatives at the end of the Second World War which established very clear legal requirements for when you were allowed to engage in a legal strike, the procedures you needed to go through in order to have a strike declared to be legal rather than illegal, etc. What happened initially--we talked about this yesterday, Winston, in the 1950s with the railway unions. When they struck – and usually they struck around the time that the grain needed to be transported from the prairies – back-to-work legislation started being passed which required those workers in those unions to go back to work even though they had followed perfectly the procedures of the law. A law was being passed that was applied to a particular group of workers for a particular period of time that removed their rights that were available in the general legislation. By the 1960s public sector workers started unionizing, and they are today of course by far the most unionized portion of the Canadian working population. Canadian density is around 28 percent and the public sector is over 70 percent unionized; so that's primarily where unionization is. But from the late 1960s and early 1970s on, public sector workers started making wage demands and trying to keep up with inflation and, say if they were nurses, tried to earn what plumbers were earning; often this was a very feminized working class. The governments, provincial and federal, started using this type of back-to-work legislation. They would follow religiously the procedures laid out in the general law, and then governments would force them back to work for a particular period of time.

Sometimes when there was a generalized strike movement in the context of the wage and price controls, they would remove the right to strike from all workers for a particular period of time, but only for a particular period of time. So we called this permanent exceptionalism. The phrase came out of a comment by DiGiovanna, the French philosopher, who once said, it's only the provisional that lasts. That has turned out to be the case. One has to say, the Supreme Court endorsed this after we brought our constitution home in 1987. Since then, there've been a series of rulings in more recent years which have declared some of these kinds of acts unconstitutional. By that point of course the workers have been forced back to work. We know that once you mobilize and organize working people, they develop a degree of consciousness and willingness to go through this difficult thing. They strike with all that's involved, in terms of loss of income and security, and all the reprisal that's visited upon you if you're a public sector worker for going on strike. When they're forced back to work, it's very hard to get the thing going again, even after the Supreme Court says, this piece of legislation was illegal. So that's the central thesis. It's not so much a thesis; it's really a description of what has been the reality. The legislation itself was restrictive in terms of workers' bargaining rights and freedom to exercise their collective capacities to express their power. This made it all the more restrictive in this informal, temporary, but permanent way.

Q: How did they get away with it? How did they justify it to the public?

LP: Well they didn't have referenda on these. They had a majority in provincial parliament or at the federal level, and passed it. Insofar as other parties who didn't want to lose votes, let's say from farmers, they would go along with it. The NDP, depending on the province or the time, the federal level, sometimes opposed this. But NDP governments did it themselves when they were in power--not perhaps as easily as Tory or Liberal governments did, but they've been known to do it as well.

Q: It seems that that trend is playing itself out and we're into a different era now, and the trade union movement is still not doing very well. Governments are still engaging tactics.

LP: Of course. They still occasionally are using back-to-work legislation, usually against workers in the public or quasi-public sector. The Ford government just did it for a union at York University, the Union of Adjunct Professors and Teaching Assistants. The Liberals didn't want to legislate them back to work but as soon as the Tories were in, they did. So it's still used. Recent Supreme Court rulings have made it a bit iffier to use, but nevertheless it's still used. No, much more significant has been the defeat of trade unionism since the 1980s. The use of back-to-work legislation was part of this, but much more important was what has come to be called the neoliberal assault on the public sector and the industrial restructuring which has undermined the power of industrial unions. You've seen a massive shift in the balance of power between labour and capital, and a significant decline in class capacities and class consciousness as well. I also think that the legislation we're talking about that was created in the 1940s, which turned union staff more and more into lawyers processing grievances, had a lot to do with the incapacity of trade unions to sustain the degree of class awareness, class consciousness, militancy, that they had to deal with in the 1940s and that was still visible in the 1960s. As a union staffer, you're spending much more time processing grievances through this highly legalized set of procedures and much less time organizing, much less time educating your members. The result of that is as the workforce changes, as the labour market changes, etc., you have less capacity to keep on top of organizing people in new sectors. But much more importantly, Engels once said that unions would be schools for socialism. They're not. The union leadership in the old days when unions really got going would risk their legitimacy with their members, most of whom joined not to challenge capitalism, but they'd often risk their legitimacy with their members by saying, look, this system is going to be unable to sustain any real balance of power between labour and capital. It may do so for a short period, but the dynamic of competition at a national and international level is always going to be to the benefit of capital. There were union leaders who understood this and tried to attach the respect and loyalty they had from the membership they'd organized to socialist movements. That doesn't happen anymore, at least very rarely. In certain places on the part of certain people, and they're admirable. But on the whole, that doesn't happen. It's partly because as well this union leadership has an enormous investment in keeping their organizations

going. Their organizations are integrated into this highly legalized structure. One of the reasons they comply with back-to-work legislation is that that legislation introduces coercive penalties if you don't comply, which involve massive fines, hundreds of thousands of dollars on union funds if you don't comply. The unions are expected under the legislation to tell their members to go back to work. When Jean-Claude Perrot was sent to jail in the late 1970s, he was sent to jail because he simply said, during a postal workers' strike on which a major issue was maternity benefits, this is freedom of speech; you can't force me to say something. They said, oh yes we can, and he was jailed for simply refusing to tell his members to go back to work. Later legislation of the type we've been talking about actually included fines of \$10,000 a day on individual union members. You can see that the unions get invested and we need to keep our organization going. This will endanger our organization. The organization is legally structured into the capitalist state that way. This has been one of the great contradictions of the victories that unions won. Victories often come with costs. When you look at this historically, that has been one of the costs.

Q: How has global capitalism intensified and deepened in recent years?

LP: It does go back to what we were saying, because most people think that globalization is something that began in the 1980s or '90s. The roots of it in the modern era actually go back to the same period, the post-war period, when, after the Second World War, the American informal empire established the conditions in Europe for what eventually Sam Gindin and I call the Canadianization of Europe, that is, setting the conditions for the vast inflow of American foreign direct investment into Europe with that American capital requiring to be treated legally as the same as domestic capital. All of the free trade agreements are primarily not about removing tariffs. That was largely done through the GATT, the General Agreement on Tariffs and Trade. It was largely about requiring each state to treat foreign capital, big multinational corporations, international investment banks, the same as American to guarantee the property rights, the investment returns, the profits of capital internationally. It was done under the rubric, of course, of the American state. To be fair, until Trump at least, for the most part Canadian or European or

Japanese capital coming into the States, except for certain areas restricted especially around military stuff, was also treated the same as American capital. This facilitation of capital flows goes back to effectively the establishment of the informal American empire after World War II. It is really codified and extended from the 1980s onwards, but the basis for it is there. The basis for it is there partly because of the way that the rules were written for the IMF, for the Bretton Woods Agreement, for the World Bank, back in the 1940s. They were largely about bringing financial capital and big multinational corporations back to health after the Great Depression. We tend to think of the New Deal regulations as something that would be seen as permanent. Well, capital simply became too big already by the 1960s. It was like we put a baby in an incubator and the baby thrives in the incubator and would otherwise have died. It becomes healthy. If you leave it in that incubator, it's going to get too big for that incubator. That's what already happened to the regulations on capital by the 1960s – they burst outside of the regulations. So what we saw was ideological deregulation. This was neoliberal, this was Milton Freidman, this was the Chicago School. Well they were pushing against an open door, because the New Deal regulations were already incapable of containing this dynamic international competitive capitalism. It's Canadianization, of course, because Canada moved from being a colony of Britain to being an informal colony of the United States as American capital became a class force inside Canada, jumped over the tariff barrier to invest in Canada. Europeans were saying by the 1960s, what's going on here is the Canadianization of Europe. We're not being formally colonized, but, right? Even with China today, China is a late developer in the world, which is developed on the basis of the most foreign direct investment of any late developer. Some people see China as a challenger to the American empire. Well yes, but it's also very much part of it, precisely because there's so much of foreign capital, so much of the international value chains that tie China into western capitalism.

Q: What is the effect of that on trade unions?

LP: It subjects unions to greater competition. The whole point of class formation, the whole point of workers coming together into some collective power – because as individuals they don't

have any power against capital – is precisely to organize in order to defend yourself against a competitive capitalism. This vastly increases the degree of competition that unions have to face; that is, multinational corporations can say, wages are too high here, we're going to invest elsewhere. They construct a competition amongst workers on a global level and they construct a competition among states for changing their laws in ways that will facilitate an inward flow of capital or that will encourage states to give large portions of their budgets over to capital in order to induce them to invest in their particular region. By going transnational, capitalists are able to whipsaw workers and governments. And yes, unions have faced that, whether they're public sector unions and more obviously if they're private sector unions, but it affects public sector unions as well precisely because it affects the budgets. So yes, it obviously has significant effects on unions. That's not to say that there aren't ways of fighting this. I think one can attribute too much power to capital. The capital-labour relationship has always been a relationship. It's an asymmetric one, but organized workers do have some power. It's not as if all the power lies in the hands of capital, because they need those workers to produce. Insofar as working people can cooperate so that a particularly important piece of logistics for the international value chains is interrupted, then a particular group of workers can force capital to acknowledge their power. Or, insofar as workers can collectively, across unions, across sectors, gather their power, they can have an impact on the degree to which capitalists can determine what states do. This is speaking in very general terms. You can only identify this at particular times and particular places with particular corporations and particular groups of workers, depending on what their history and capacities and organizational structures are.

Q: The Winnipeg strike was a different sort of response.

LP: What was going on generally in the capitalist world between 1880 and 1920 and what happened in 1919 across the world, with Winnipeg being one of the major instances of it, was a process of class formation, that is, people becoming aware of having a collective identity, which of course formed itself often around were you a metal worker, were you a textile worker, were you a fireman, were you a seamstress, and so on. But a sense of collective recognition that all of

us belonged to a social class and that we are exploited by and have different interests from the people who employ us and their broader social circles and families, etc. Winnipeg and the enormous class struggles that took place after WWI was a product of 30 or 40 years of that development of class consciousness that had partly to do with people. . . It's often employers who organize unions inadvertently. They take farmers, peasants, they bring them into the cities, they put them into large factories, large establishments, etc.. They house them in terrible conditions around the places they work, and the people develop a sense of, oh my god, we're in the same situation even though we came from these very diverse villages where we never would otherwise have met each other. So, even without union organizers, to some extent, people develop a sense of collective identity. That's partly what was going on. Ironically, by the 1920s, as urbanization increasingly pushed people not to be living in necessarily the same areas where they worked, as roads and highways and public transit allowed people to disperse, that began to undermine that collective sense of identity. It's been a battle to keep that going. It's not impossible to keep it going, but it has been a battle to keep it going. With the introduction of the radio, of television, of cinema. . . It used to be the case you'd go hear a great orator, and that would be your entertainment for the night at the union hall. Increasingly, people's entertainment became individualized and corporatized and commodified. So it's been a battle to try to keep that kind of class identity going. The Winnipeg General Strike was a product of that class formation, where seamstresses at the T. Eaton Company left their work or the call girls working for the telephone company, seeing themselves as having a common interest with metalworkers, with construction workers. Sometimes they were their daughters, etc., but that wasn't the essence of it. There was a class awareness which has been hard to sustain.

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