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## **Resisting the Common-nonsense of Neoliberalism: A Report from British Columbia**

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“Think globally and act locally” may be trite catchphrase, but thinking globally can give us insight into the how neoliberalism operates in our local schools and what we can do to resist its effects.

Take for example the recent feud between Vancouver School Board (VSB) and the British Columbia Ministry of Education. Faced with a \$16 million budget shortfall, the Vancouver school trustees, who have a mandate to meet the needs of their students, have lobbied for more provincial funding to avoid draconian service cuts. The government has refused the request, and its special advisor to the VSB criticizes trustees for engaging in “advocacy” rather than making “cost containment” first priority.

What kind of governing principles demand “cost containment” as the prime concern of those charged with meeting the educational needs of children? It’s called neoliberal globalization. It is the prevailing economic paradigm in today’s world and references something everyone is familiar with—policies and processes whereby a relative handful of private interests are permitted to control as much as possible of social life in order to maximize their personal profit.

The main points of neoliberalism will sound familiar to anyone who has paid attention to provincial government decision-making in British Columbia and across Canada (see, for example, Ross 2005):

- Rule of the market, that is, liberating free enterprise from any restrictions imposed by government, no matter the social damage that results;
- Cutting public expenditures for social services;
- Reduction of government regulation that might diminish profits;
- Privatization, selling government-owned enterprises to private investors; and

- Concepts of “the public good” or “community” are eliminated, replaced with “individual responsibility.”

The structure of the provincial funding model for education in BC follows from these basic tenets.

The VSB, indeed all school boards and other social services in the province, are now subject to the rule of the market, thus justifying “cost containment” as the first priority of those mandated to deliver education to the public. In this context, education is treated like any other commodity. Free market competition is viewed as the route to assure a quality product. And “efficiency” or “cost containment” is prized.

In BC, government retains its authority over public education, but no longer undertakes the responsibility of assuring the educational well-being of the public. Instead, this responsibility is devolved to individual school boards.

It is no accident that when the province appointed the special advisor to examine the Vancouver board’s budget processes, it specifically excluded the key issue raised by the trustees and every other school board in the province, the structure of the provincial funding model for education.

School boards are now expected to become part of the market by relegating the educational needs of their communities and making the financial bottom-line the first priority. The recent trend in BC educational policy makes this point clear. School districts have been encouraged to create business companies to sell the Dogwood diploma overseas. Lack of provincial funding has forced school and district PACs into extensive funding-raising, accounting for almost 2 per cent of district operating budgets province-wide. International student tuitions are such a major source of income growth for some school districts that government has assigned a deputy minister to coordinate the sale of BC education internationally.

And now the special advisor’s report recommends that the VSB close schools, cancel programs, fire teachers, and raise rental rates on non-profit organizations that provide services, such as after-school care, which are in short supply.

The clash between Vancouver trustees and the ministry of education is not “just politics.” Rather, education policy in BC reflects the key features of neoliberal globalization, not the least of which is the principle that more and more of our collective wealth is devoted to maximizing private profits rather than serving public needs.

### **Resisting the Common-nonsense of Neoliberalism**

The first step in resisting neoliberalism is realizing that we are not “all in this together,” that is, neoliberalism benefits the few at the expense of the many (Ross & Gibson, 2007). The corporate mass media would have us adopt the mantra that what is good for the corporate capitalist class is good for the rest of us—thus we have the “logic” of “efficiency” or “cost containment” in education prized over the educational well-being of the public.

Public debates in the corporate media about education (and other social goods) are framed in ways that serve the interests of elites. For example, in BC free market neoliberals in think tanks such as the Fraser Institute and in the dominant media outlets (particularly Canwest Global Communications, Inc.) have been successful in framing discussions on education in terms of accountability, efficiency, and market competition.<sup>1</sup> A frame is the central narrative, the organizer, for making sense of particular issues or problems (e.g., problem definition, origin, responsible parties) and solutions (e.g., policy). The frame is presented as common sense, thus the assumptions underlying the frame are typically unquestioned or at least under-analyzed.

It is imperative that educators challenge the dominant neoliberal frames that would define education as just another commodity from which profits are to be extracted. Examples of resistance include individual teachers working to reframe government-mandated curricula in their classrooms (e.g., Ross & Queen, 2010) as well as collective resistance of students, teachers, parents, and community activists working together on a broad array of fronts, such as the Rouge Forum (Gibson, Queen, Ross, & Vinson, 2009) or the March 4/October 7 movement in the US (Education 4 the People!, 2010).

British Columbia is home to one of the most politically successful neoliberal governments in the world, but fortunately it is also a place to look for models of mass resistance to the neoliberal agenda. One of the most important examples of resistance to the common-nonsense of neoliberalism in the past decade is the British Columbia teachers' 2005 strike, which united student, parent, and educator interests in resisting the neoliberal onslaught on education in the public interest (Rosen, 2005; Ross, 2005). Below, *Workplace* has reprinted two articles originally published in *Substance* ([www.substancenews.net](http://www.substancenews.net)), a monthly investigative newspaper devoted to in-depth reporting on major issues facing public education, which further describe the effects of neoliberal globalization on public education in Canada and how teachers and others there have united in resistance.

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<sup>1</sup> The parallel in the USA is the role played by the Business Roundtable in the construction of standards-based education reform movement as evidenced by George W. Bush's No Child Left Behind Act and Barack Obama's "Race To the Top" initiative.

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## **The Resistance: Public Schools and Neoliberal Madness in Canada**

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<http://www.substancenews.com/content/view/174/81/>

E. Wayne Ross

The economy in British Columbia is booming and the provincial government enjoys a surplus. The benefits of this strong economy, however, are not finding their way into public schools. In fact, private interests, as a result of the provincial government policies, are trumping public interests.

The Liberal Party of BC (the provincial version of the current federal government, which is now cozying up to the Bush administration) has already sold off public assets such as the provincial railroad and ferry networks. Are public schools next? Here's a look at the economic situation in the BC and the incongruous treatment of public school financing.

In December 2004, there were 17,000 new jobs and overall employment for the year rose by 2%. As a result the jobless rate in the province hit 6.1%, its lowest level in 24 years.

British Columbia leads all of Canada in the increase of housing starts for the past year, up 32%. In Vancouver, the housing market saw double-digit appreciation across the board in the fourth quarter of 2004. Home sales in BC generated \$9.4 billion in economic activity in the past three years (all figures CND\$).

The Canadian Federation of Independent Business recently released a survey that shows BC business owners are among the most optimistic in Canada. Nearly a third of businesses expect to add jobs in 2005 and only 9% expect reductions.

The provincial government has forecast a \$1.2 billion surplus due to higher natural resources royalties and income from Crown corporations. Provincial debt is expected to decline by over \$600 million.

The Liberal government in Victoria, the provincial capital, touts the fact that no corner of the province has been immune from this economic boom.

One would think that under these economic conditions public schools would be expanding services and resources to all students. Instead, this same government—lead by Premier Gordon Campbell—has produced a series of budgets that are devastating schools and making education less accessible.

Canada's spending on public education lags behind the average developing nations spend (\$7,480/student) according to the Organization for Economic Co-operation and Development and BC spends 13% less than that (\$6,529/student).

Under the current government, real per student education funding has plunged since 2000. Cuts in the provincial education budget have produce 92 school closings in the past two years, displacing more than 14,000 students. And 2,881 teaching positions have been cut, even though enrollment is 12 percent higher now than it was a decade ago.

The number of school librarians in the province by fallen from 939 to 706 in the past four years. A study the BC Teacher Librarians shows money available for library materials has declined by 12% over the same period.

According to Statistics Canada the student/educator ratio for BC rose nearly 5% percent from 2001 to 2003. While most other provinces were experiencing a decrease in student/educator ratio, BC saw largest increase in the nation. Tom Christensen, the BC's Liberal minister of education, argues for the importance of flexibility in labor contracts over the impact of large class size on student learning and safety in BC Schools. Christensen goes as far as claiming "Students in BC are better off since class limits were removed from teacher union contracts."

The BC government has refused to fund treatment for children with autism. In July 2000, the BC Supreme Court ruled declared that the treatment intervention known as Lovaas (or Applied Behavioral Analysis) was a medically necessary service and must be funded by the government. That court concluded that the failure to fund this treatment constitutes direct government discrimination against children with Autism Spectrum Disorder and is a breach of the Canadian Charter of Rights and Freedoms. The provincial government appealed to the Supreme Court of Canada and in November 2004 the lower court rulings were overturned. CBC News reported that BC Attorney General Geoff Plante "hailed the judgment, while extending his sympathy to parents with autistic children."

In his election campaign Premier Campbell promised a 5% reduction in higher education tuition, but instead has delivered steep increases. In the last two years tuition fees have increased by more than 80% at BC universities and by 100 percent at BC colleges. If tuition had risen by the rate of inflation since 1995 the average university student would be paying \$2,907, rather than the current \$4,735. (It is even worse for international students, who are paying up to five times as much as Canadian students. One recent report described international students at the University of British Columbia who were having to work illegal jobs and sift garbage for food to make ends meet.)

At the same time, provincial government funding per full-time post-secondary student fell by 9%, government support for postsecondary education in the province is at its lowest level in BC since the 1950s.

The cuts to public education funding in a time of plenty seems are much more than an absurdity. As in the US, the current situation in BC is a reflection of neoliberalism—the policies and processes that permit a handful of private interests to control as much as possible of social life in order to maximize their personal profit.

Embraced by parties across the political spectrum neoliberalism is characterized by social and economic policies shaped in the interests of wealthy investors and large corporations. The free market, private enterprise, consumer choice, entrepreneurial initiative, and government deregulation are fundamental principles driving the attack on public education across North America.

The Vancouver based Fraser Institute is leading the charge in the war on public schools in Canada and has close ties to the US Business Roundtable, Manhattan Institute, Olin and Thomas B. Fordham Foundations, all of which are players in the assaults on public schools in the US.

On a recent visit to Vancouver public schools, historian John Ralston Saul (spouse of Canada's Governor General Adrienne Clarkson) observed that the erosion of public school funding was a direct threat to democracy in Canada.

Saul offered an assessment reminiscent the “manufactured crisis” in the pre-NCLB United States: “Over the last ten years to 15 years there has been a growing chorus, an orchestrated chorus, a bad Greek chorus of a phony tragedy, claiming that there is a failure, and that this is a failure of public education, of the economy—that there are too many taxes.”

Canadians are being presented with public policies that will result in the kinds of inequities and perversions that neoliberal policies such as NCLB as created in US public schools. Saul warned his Vancouver audience that “our neighbor chose to go to an elite education, which is increasingly divided from the public system, and it makes [Americans] more and more like the old Britain, which was a class-based society.”

In the end, whether or not the savage inequalities of neoliberalism—which define US/Canadian relations as well as approaches to school reform across North America—will be overcome depends on how people organize, respond, learn, and teach in schools.

Teachers and educational leaders need to link their own interests in the improvement of teaching and learning to a broad-based movement for social, political, and economic justice, and work together for the democratic renewal of public life and public education across North America. The resistance network in the US is well-established and now is the time to start thinking globally and building international alliances because the forces that threaten free, high-quality, inclusive public education know no boundaries.

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### **British Columbia Teachers' Strike**

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E. Wayne Ross

Forty-two thousand teachers in British Columbia walked out of the classroom and on to the picket line in October, demanding improved working and learning conditions from the government as well as salary increases. The provincial government refused to negotiate with teachers and passed legislation imposing a new two-year contract on teachers with no improvements of conditions or wages.

Teachers defied the back to work legislation—which resulted in a civil contempt judgment against the British Columbia Teachers' Federation (BCTF), freezing of the union's assets, and a \$500 million fine, the largest civil contempt penalty in BC history. The province's 600,000 public school students were out of school for two weeks, before teachers agreed to an independent mediator's recommendations and returned to work.

Public support for the teachers remained strong throughout the strike and there was tremendous support from labor movement, which coordinated sympathy walkouts and shut down public services across the province.

#### **“Essential Service” Designation, Legislated Contracts And The Run Up To The Current Strike**

Poor relations between the governing BC Liberal Party and the BCTF can be traced back to August 2001, when the Liberals declared education an “essential service.” As a result, teachers lost their rights to take any action that significantly disrupted education. British Columbia is the only province in Canada in which education has been designated an essential service.

The contract also decreed a 2.5% per-year salary increase over three years. However, that increase was not funded by the government, nor were other increases in costs fully funded. As a result over 2,500 teaching positions, nearly 8% of the teaching force, were eliminated by school boards that lacked funding.

The BC Teachers' Federation began limited job action in November 2001 and two months later the Liberal government imposed a contract on teachers, which stripped away contract provisions on class size, class composition or the number of specialty teachers. Teachers responded with a one-day walkout, closing schools province-wide.

At the same time, unions representing teachers, nurses, college educators, health science professionals, and government workers in BC all filed formal complaints with the International Labour Organization challenging six laws pertaining to the right to strike and collective bargaining in the health and education sectors as a result of essential service designations.

After extensive investigation, the International Labour Organization concluded in March 2003 that six laws enacted by the BC Liberal government violated international conventions to which Canada is a signatory.

The ruling by the ILO affirmed the right of BC public service workers to bargain collectively and, if necessary, to go on strike and confirmed that the BC Liberals' essential services laws were contravening international law.

The BC Liberal government ignored the ILO's judgment. When the government imposed another contract on teachers through passage of Bill 12 last month, it was contravening a directive by the ILO "to avoid in future having recourse to such legislated settlement." The government's actions were a direct attack on the freedom of association principles that the espoused in the ILO ruling.

When the BC government lawyers provided arguments to the ILO in 2002 about why it had legislated contracts, it made a number of claims that are clearly not valid today.

In 2002, the BC government claimed that expenditures on services had created "unsustainable pressures on the budget." In 2004, the BC government had a \$2 billion surplus, and this year it is projecting more than \$1.5 billion in surplus. (See "Public Schools and Neoliberal Madness in Canada" in the February 2005 issue of *Substance*.)

In 2002, the BC government said, "public sector wage settlements have surpassed private sector increases." While the current government is demanding zero-zero-zero for all public-sector employees, including teachers, the private sector is paying average 3.5% increases for its employees this year.

In 2002, the BC government told the ILO, "the provincial rate of unemployment has exceeded the national average since 1998." During the 2005 election, the BC Liberal's claimed, "The unemployment rate fell to 5.7% from 6.1% in April, its lowest point since January 1981 and the second-lowest monthly rate since records began in 1976."

In 2002, the BC government told the ILO that, "the average number of employees in key public sector areas (education, health, social services, and public administration) has increased significantly in the last three years." In the intervening years, employment in public services declined, with 2,600 fewer full-time teaching positions.

In 2002, the BC government claimed to the ILO that, "any restrictions on collective bargaining or on the right to strike were exceptional measures, enacted in view of the difficult economic and fiscal situation." None of these conditions used by the government to justify the attacks on collective bargaining in violation of international conventions 2002 exist today, yet the government has continued violate international law imposing contracts and refusing to negotiate working conditions with teachers.

In June 2004 the contract previously imposed on BC teachers expired and bargaining began between the B.C.TF and the British Columbia Public School Employers Association (BCPSEA), which is the bargaining agent for the province's 60 public school boards. The BCPSEA takes its direction from the government and during the negotiations the BCPSEA could not discuss improvement of learning conditions or any salary increases in light of the government's declaration that all public sector workers would be given zero-zero-zero contracts.

Teachers and school boards began province-wide bargaining in 1993 and since then teachers have been subjected to government imposed contracts four times.

### **Teachers Say "It's time to take a stand"**

The two major issues (aside from demands that the government actually negotiate rather than legislate a contract) for the teachers are improved salaries and improved working and learning conditions.

On the salary front, teachers have seen their earnings lag behind inflation by about four percent over the last seven years. However, BC teachers justified their demands for salary increases (which they pegged at 3 percent per year for three years) in two ways. First, they argued that teachers in Alberta and Ontario, with the same qualifications and experience, make \$10,000 or more annually for the same work.

Jill Barclay, a special education teacher at Charles Dickens Elementary on Vancouver's eastside, came to BC from Ontario 10 years ago. She said that if she had remained a teacher in Ontario she would be making \$11,000 more than she does today.

According to the BCTF, a new classroom teacher with less than one year of experience, hired full-time in Vancouver in September 2005, would earn about \$42,700 per annum. A teacher in Edmonton with the same experience would earn about \$48,300, or \$5,600 more than the teacher in Vancouver.

A teacher in Vancouver at the top of the salary scale (11 years experience) would earn \$63,700, and an Edmonton teacher with the same experience would earn \$11,200 more. With zero-percent increase for teachers in Vancouver compared to 10.2% in Ottawa and Toronto and an estimated 6.5% in Edmonton, Vancouver teachers will increasingly fall behind. And by 2007, teachers at the top of the salary scale would earn between \$12,500 and \$14,000 less than teachers with the same experience in these other cities. The differences between Vancouver teachers and other teachers are even greater when the cost of living is taken into account.

Moreover, BC school administrators are the highest paid in Canada, according to a cross-Canada survey carried out by the Canadian Teachers' Federation. Not only do BC administrators make more money than administrators in other provinces, but the gap between teacher and administrator salaries in BC is the highest in the country as well.

Another justification for teacher salary demands is that the BC economy is booming and the government has a huge budget surplus as a result. Teachers' logic is if the provincial government can afford to reduce corporate taxes, why can't it provide its teachers with a reasonable salary increase?

The second major issue in the current crisis is working and learning conditions in BC schools. In the past four years there has been serious deterioration of teaching and learning conditions in the schools. The provincial government placed budget restrictions on the schools and, as a result, school boards were forced to lay off thousands of teachers (including 25% of the teacher-librarians in the province).

While the government infused an additional \$150 million into public education this year, the expectation is that next year school budgets will once again become subject to a freeze. (The BC Liberal Party's budget documents for 2005 forecast a two-year school funding freeze.) This infusion of money will help improve conditions but does not come close to restoring the learning conditions that existed prior to Liberal cuts to education funding and this funding has no money for salary increases.

Between 2001 and 2004, the provincial schools lost 2,609 teaching positions. About 700 of those can be attributed to declining enrolment, but 1,900 positions simply reduced services to students through larger classes and fewer support teachers. School districts have reported to the province that they are hiring 630 more teachers this year. This restores less than one third of the number of teaching positions cut beyond those related to declining enrolment.

In addition, teachers are being replaced by education assistants without professional training. While 2,609 teaching positions disappeared, boards hired 265 more education assistants in 2004 than in 2001. They are projecting hiring another 507 this year. This means that library technicians have often replaced teacher-librarians. Special education assistants have been hired to work with students with special needs, instead of teachers with the training and teaching experience to provide education that meets diverse needs in inclusive schools.

The teaching and learning conditions, particularly the importance of class size and class composition, have been the primary emphasis of the BCTF's campaign. However, teachers saw the government's refusal to offer salary increases as an insult added to injury.

Heidi Gonzalez, an elementary teacher in Delta, put it this way, "With regard to teacher pay, teachers never go into the profession to get rich...No one ever says I want to be a 'rich teacher' when I grow up...However, if we have no choice but to work under these dilapidating conditions, then at least let our salaries keep up with inflation and

neighboring provinces.”

“If we are being forced to work harder to educate our future, if we are forced to make do with what is given us, then at least show us a salary increase to give us some form of consolation.”

Barclay, says the cuts have had a particularly negative impact on special education services. “Over the years of cutting and cutting the whole system is just so stretched, I’m really worried it’s at the point of collapsing. I have a son who is coming into the system in two years and I wonder what’s going to be there for him,” she said.

Barclay described the loss of personnel support and special education funding to the point that special education administrators no longer have time to visit schools, instead they are caught up in paper work for the 18,000 screenings conducted every year in the district.

Charles Dickens school used to have teachers who were designated to work with teachers and students on technology and who also helped to keep all the computers running. Those resources have been cut and the computer in her room has been broken since last year. The outside computer technician has made one visit to the school this year and the computer remains broken and unused.

“We have a wonderful administration here and everyone works together,” Barclay said, “but I’ve been sitting in staff meetings where we’ve been told that there is not enough paper to last us the entire year. So if you don’t stop using so much paper you’re going to have to start buying your own. So I think, excuse me, are nurses asked to go out and buy their own needles?”

At nearby Sir Richard McBride Elementary, teachers tell similar tales of the damage produced by years of cuts to public education. Christy Wong says that McBride teachers have been spending thousands of dollars of their own money to buy supplies for their classrooms. Teachers get \$75 per year in discretionary money; and resource teachers receive only \$35 per year. As a result, they are stuck with textbooks full of out-dated information. Resource teacher Anne Lee described a diagnostic test she has to use that includes item describing a future where we might “some day have telephones without wires.”

Surrey, BC teacher Julia MacRae told *Substance*, “I teach in a drafty, dusty, leaking portable, where the walkway leading to it is flooded in every rainstorm. The kids complain about it.” But MacRae says that she is in fact “glad to be out there as the portables are larger than the regular classrooms, and so I have enough room for my now larger classes.”

Gonzalez says she has seen dramatic changes in her 7 years of teaching, but that class size is not as big an issue for her as class composition. “My 32 grade 4/5 students last year felt like a [combined] grade 2, 3, 4, 5 class.

“Students who 4 years ago would be able to go to a resource room to learn how to read are now in my class as a result of that resource room closing...those students are now

receiving spontaneous bouts of Learning Assistance.”

She says her average achieving students who previously would be getting learning assistance are now displaced. “If I had a class of 32 students who could work at the grade 4/5 instructional level, class size would not be an issue. Now, since class composition cannot be controlled, as a result of Resource Room closures, special program closures, etc., class size is the next best thing to manage,” Gonzales said.

Support for teachers has also diminished in recent years at a time when class composition has created more demanding conditions for teachers, especially as there has been an increasing number of special needs students without the concomitant increase in instructional support. “I used to have a TA for at least half the day if I had one severely special needs student,” Gonzalez said.

“Last year, I had a student with a cochlear implant, a severely learning disabled student, 3 ADHD students, a student with mild autism, Asperger's, and ADHD, and a highly anxious student...I had to fight for a teaching assistant. With the exception of the student with a cochlear implant, who had a TA for 2 hours a week, there was not one TA assigned to any of those students. I had to fight for one to be placed in my class for 10 hours a week,” Gonzalez said.

Paul Orlowski, who teaches at Kitsilano Secondary School in Vancouver, emphasizes the broader context of why the teachers were willing defy the back to work legislation and walkout illegally. “The current wildcat teachers strike must be seen in a much larger context than how the [mainstream] media frames it. It's not only about wages, or even working conditions.”

“Yes, it is about negotiating within a collective bargaining arrangement rather than imposing contracts with no changes whatsoever. But it is also about standing up for our civil society. And despite the current policy trends in many parts of Canada and the U.S., there is absolutely nothing radical about this kind of non-violent action,” Orlowski said.

Orlowski believes that government, particular Premier Campbell, is hypocritical its charges that teachers are setting a bad example with the wildcat strike. “Although the corporate media is emphasizing how wrong it is for teachers to break the law, many in the public remember that it was this very same premier who broke the law in Hawaii in 2003 when he got behind the wheel of his car after drinking so much alcohol at a party that he was found to be several times over the legal drinking limit. Our premier did not step down, nor did he thank the police officer for stopping him from putting the public in danger. So don't talk to us of the evils of breaking the law. Teachers engaging in a wildcat strike have nothing on *that* kind of behavior,” Orlowski said.

Gonzalez summed the reasons for striking by saying “I used to believe that the more experienced teachers were generally resistant to change and longed for the ‘good old days.’ However, more and more I've realized that those ‘good old days’ collectively represented a time when teaching conditions were much more conducive to effective learning...This strike is *for* our students. It is *for* improvement in learning conditions in

the classroom. It is *for* future teachers in the profession who have no idea that the 'good old days' actually existed."

### **An Illegal Strike**

After working for a full year without a contract and with no sign that the government would take action to reverse the trend of deteriorating conditions in BC schools, the BCTF Representative Assembly called for a strike vote in September. "We have been very outspoken about the decline in the quality of educational services we are able to offer," BCTF President Jinny Sims said. "Too many students are not getting the support they need to be successful. Teachers have carried on as best we can, trying to fill the gaps and make do with less. But we all know that, ultimately, this trend can't be allowed to continue."

On September 23, More than 88% of teachers voted "yes" to strike in order to achieve improvements in this round of negotiations. In all, 31,740 teachers cast a ballot, with 27,990 voting "yes." Over 80% of teachers in schools and teachers on call participated. Simultaneous with the announcement of job actions, the teachers announced they were seeking a 15 percent wage increase over three years.

If there was no major progress in bargaining, BCTF president Jinny Sims, promised a series of escalating job actions starting with no out-of-class student supervision; no meetings with management; no attendance reports; no communication with principals. This would be followed by rotating strikes two weeks later and a full-strike, province-wide walkout two weeks after that.

In response, the BC government passed legislation (Bill 12), which imposed a two-year contract on the teachers that included no wage increases and no improvements for teaching and learning conditions and effectively negated the teachers' right to strike or take other job action to defend their common interests as employees of the public school system and teachers of the province's students.

Enraged teachers then voted 90.5 percent to protest the legislation. After Bill 12 was passed, the Labor Relations Board told teachers to immediately resume their duties and work schedules, and ordered them to refrain from picketing at or near schools. It also told the union to refrain from declaring or authorizing a strike.

Saying they would not be bullied into a legislated deal, on October 7 teachers defied the government, Labor Relations Board and the courts and walked out of classrooms in what was declared an illegal strike. Sims and the BCTF continued to insist that they were ready and willing to negotiate 27/7, but BC Premier Gordon Campbell and his Labor minister Mike de Jong refused to negotiate with the teachers while they defied the Bill 12. "When you're a law-abiding citizen, you don't get to pick and choose which laws you want to abide by," de Jong told reporters. And stating what would become a government mantra in coming days he added, "this is not the kind of example you would expect from people who are teaching our children."

"Our teachers know what the legislation means. They're saying that there are some laws

that are so bad, so flawed you have to take a stand," Sims told *The Globe and Mail*. "They could threaten us with fines. They could even threaten to put me in jail."

On October 9, in a rare Sunday hearing on a holiday weekend, Madam Justice Brenda Brown of the BC Supreme Court found the teachers' union in contempt of court. The contempt application was made by the province's school boards, which had earlier filed a cease-and-desist order from the BC Labor Relations Board in the Supreme Court, giving it the legal effect of a court order. Brown said her judgment was not based upon whether the legislation teachers were protesting was fair or whether the teachers' actions were justifiable.

"The issue before me is both narrower -- confined to the consideration of the breach of the [LRB] order on Oct. 6 -- and wider -- concerned with the obligations of every citizen to obey court orders and the implications for democratic society if citizens choose which orders they will obey and which they will breach," Brown said.

"It is the rule of law, in this case obedience to court orders, which permits us to enjoy rights and liberties in a civilized and democratic society," the judge said. "These are fragile social constructs which are seriously weakened when a group refuses to obey orders from the court. If one may breach a court order, so may another, leaving none of us with rights or privileges."

### **Labor Movement And Public Rally To Teachers' Cause**

Over the course of the two-week strike the labor movement and the public showed strong backing for the teachers.

At the end of the second day of picketing, over 5,000 protesters gathered at BC Liberal Party offices in downtown Vancouver to protest Bill 12. Amidst calls for a general strike labor leaders from BC and across Canada delivered messages of solidarity with the teachers. The rally, sponsored by the British Columbia Labour Federation, included a strong showing of support of workers from other sectors including CUPE, Longshoremen, IBEW, Hospital Employee's Union, BC Government and Services Employees' Union, Telecommunications Workers Union (and others), as well many parents, and students.

At the rally Sims vowed that teachers would not return to work until a negotiated settlement was reached. "Like other working people we have the right to negotiate improvements in our students' learning conditions, which happen to be our working conditions and we will never apologize in asking to negotiate a fair salary settlement," she said.

The Vancouver rally was the start of a series of coordinated protests by BC labor organizations, the largest of which shut down the Victoria, the provincial capital on October 17.

An estimated 20,000 teachers and other union members, along with parents and students gathered on the Legislative Grounds in front of the Parliament Buildings demanding that

the government repeal Bill 12 and engage in negotiations with the teachers. The shouts of the crowd were loud enough to force the closing of doors and windows in the Parliament Building and even still the protest was heard indoors by the politicians.

"I say to Mr. Campbell on behalf of British Columbians: Get off the high horse and get down to the table and start talking," BC Federation of Labour president Jim Sinclair told protesters.

Canadian Teachers' Federation President Winston Carter said they won't stand idly by and allow a member organization to be attacked by what he called a 'wrong-headed' government.

"We are afraid, we are scared as a teachers federation that this is just a thin wedge and that other unions and all the public sector groups throughout Canada are going to be in the same boat the next time round if the government of this province gets away with this draconian measures that they're employing at this point in time," Carter said.

When asked whether the dispute could ignite a national general strike, Carter said it's important to make every public sector group in Canada aware of the BCTF dispute, but it will be up to each organization to decide how to support BC teachers.

Thousands of union members in Greater Victoria and all Canadian Union of Public Employee (CUPE) members on Vancouver Island were off the job in protest of the legislation imposed by the government on teachers. As a result, government services were disrupted and public transit was at a standstill. Classes were affected at Camosun College and the University of Victoria.

The Victoria protest was followed by mass solidarity walkouts across the province including the East and West Kootenay regions of BC; and by CUPE members in Greater Vancouver and the Fraser Valley.

The protests captured the attention of the BC business community. The president of the BC Business Council, Jerry Lampert told the media that the BC Federation of Labor was leading the province down the "quick road to anarchy. "We cannot have anarchy and chaos in the province," he said. "It can only serve to undermine both the economic and social aspects of this great province." Lampert said he supports people's right to demonstrate, but said that changes when they break the law.

Kevin Evans of the Coalition of BC Businesses said the teachers strike was "harkening back to the bad old days of British Columbia." Evans told the media he was concerned about this strike and the precedent being set as other unions approach deadlines in their own collective agreements.

The Faculties of Education at the University of Victoria and Simon Fraser University as well as the Department of Curriculum Studies at the University of British Columbia took public positions in support of the striking teachers.

Over 500 students, staff and faculty participated in a teach-in and rally for the teachers at

UBC which included speeches from UBC student teachers Jenien Tang and Joe Mergern, University Hill Secondary School students Layne Young and Alicia Smith as well as teachers, BCTF, and CUPE officials, and Vancouver School Board Trustee Noel Herron.

Colleen Garbe, president of CUPE 116 gave a passionate speech highlighting the importance of worker solidarity in the face of attacks on collective bargaining rights in British Columbia.

Education professor, and event co-organizer, Stephen Petrina told the student teachers in the crowd, “it is crucial, that you adopt a strong pro-union position. Your future depends on it. Since 2001, this Liberal government cut 2600 teachers from the system. This means that when you leave the University of British Columbia, your chances of finding a full-time teaching job is getting slimmer and slimmer.... Since 1996, union density in Canada has been declining. In 1999, union density dropped below the important level of 30%. The highest density rates are in education, where 70% of all teachers in Canada are union members. Please act on this privilege and right on behalf of all workers!”

In the days just before the strike, polls taken for the BCTF showed 56 per cent of British Columbians supported the teachers' position, compared with about 19 per cent who backed the government. That support remained steady and even increased as the strike moved into its second week. An Ipsos Reid poll found that 61 percent of the public backed the teachers' province-wide illegal strike. A similar poll by Ipsos Reid a week earlier pegged public support at 55 percent, with 33 percent backing the government.

### **Government, Courts Crank Up The Pressure On Teachers**

While public support was growing and the teachers and their allies were protesting across the province, the government and courts were turning up the heat. Four days after Madam Justice Brown found the teachers in contempt of court, she ordered the teachers' union funds to be placed in a trusteeship as punishment for their continued strike; being in contempt of court. The decision prevented union members from receiving \$50 a day in strike pay and restricted the union's use of fund to continue its campaign of civil disobedience.

The day of the mass protest in Victoria, the criminal branch of the provincial Attorney-General Minister appointed prominent Vancouver lawyer Len Doust as an independent special prosecutor to examine whether criminal contempt charges were warranted against the teachers and, if so, whether it would be in the public interest to proceed to lay charges.

Doust told Madam Justice Brown "it has become apparent that some of the [BCTF's conduct] displayed to date comes perilously close to criminal contempt of court," but that he would proceed cautiously and wait for direction from the court.

At a news conference Premier Campbell said there is "no excuse to break the law and show such flagrant contempt for the courts of British Columbia." Campbell said he is willing to meet with teachers, but he says it won't be to renegotiate the collective agreement. He said the union must order its teachers back to their classrooms to avoid the

possibility of criminal charges.

BCTF president Jinny Sims responded to Campbell by saying “There is a big difference between breaking the law and having a law designed to break you. We will not be broken.” Sims also said that she and other union leaders were prepared to deal with the consequences of the wildcat strike, even if it meant fines and/or jail time.

### **The Government Blinks, Then Teachers Return To Class With Mixed Feelings**

As the job actions spread across the province and the BC Federation of Labor promised more shut downs, including Vancouver and the Lower Mainland, mediator Vince Ready stepped into the fray. Ready, who had been appointed to recommend a new system of bargaining for future contracts before the strike began, began meeting with government and union officials on Tuesday, October 18. Ready is a legendary figure in BC, widely respected for his skills in mediating tough labor disputes.

Union president Sims said of Ready’s appointment as mediator, “this gives us a ray of hope.” But she also said that the union needs guarantees that talks will result in action before she will ask her members to vote on whether they are ready to return to work.

Ready’s involvement in the standoff was widely perceived as the equivalent of the government blinking. With public support still strong after the massive demonstration in Victoria, it was clear that the government had misread not only the teachers’ resolve, but public sentiment.

University of British Columbia professor Mark Thompson told the *Vancouver Sun* “I think they underestimated how strong the teachers would be and how they would stand up to the court injunction.”

The Liberal government refused to say whether it has specifically asked Ready to facilitate talks between teachers and the BCPSEA. Ready’s involvement was announced by the BCTF. The government did not want to look like it capitulated to an illegal strike after repeatedly stating it would not negotiate until teachers had return to the classroom. Labor Minister de Jong told the media that Ready was doing the job previously announced.

It did not take long for the “ray of hope” to dissipate. As Ready almost immediately declared an impasse between the teachers and the employers. After one day of talks, on Thursday October 20, Ready said the parties are “just too far apart to come to a facilitated agreement or any kind of negotiated agreement.”

Ready made his announcement after the BCTF publicly released their own proposals to end the dispute. Ready issued is own set of non-binding recommendations, which included \$100 million worth of provisions to improve salaries, benefits, and teaching and learning conditions. Which included:

- The government spend \$40 million to harmonize teachers salaries across districts (this represents a 2 percent increase for teachers province-wide;

teachers were seeking a 15 percent pay raise);

- The government make a one-time payment of \$40 million to the BCTF's long-term disability trust (teachers were interested in having a government take over payment of the premiums);
- The government provide \$5.2 million to raise teacher-on-call pay to \$190 per day (current average is \$165) and the TOCs would be bumped to the regular pay scale after three day on the same assignment and would also gain seniority;
- The government put an extra \$20 million toward improving class sizes and special-needs students supports now and consider doing so on an ongoing basis and consult the BCTF about changing the class-size limits in the School Act;
- The government amend the School Act to include class-size limitations in Grades 4-12;
- The government increase the number of teacher representatives at the Learning Roundtable, where stakeholders in public education would meet and discuss problems faced by public schools;
- The government and teachers establish a regular channel for ongoing communications.

The BC Liberal government immediately and “unconditionally” accepted the Ready recommendations.

On Friday, October 21, the BCTF was hit with a huge \$500 million fine for contempt of court for refusing to end its illegal strike. Madam Justice Brown of the BC Supreme Court said the court had no choice but to punish teachers for their refusal to obey her earlier back-to-work order.

Brown noted the fine would have been "significantly larger," but said she took into consideration the fact the province and teachers are close to reaching a deal to end the strike. She also warned the BCTF that additional penalties could be imposed depending on future developments in the teachers' contract dispute.

The same day, Jim Sinclair, president of the BC Federation of Labor backed his off support of the teachers' protests. Even before anyone had even seen the recommendations, Sinclair called off the BC Federation of Labor's involvement in rallies and job actions planned for Vancouver and Fraser Valley and demanded that the Ready recommendations be put to a vote by the BCTF membership.

Many teachers were furious over this Sinclair's actions. CUPE BC did, however, follow through on its commitment to protest in solidarity with the teachers and over 10,000 CUPE members put their “tools down” for the day and attended rallies in Vancouver and the Fraser Valley.

After a day of analysis, and in a surprise move the BCTF leadership reluctantly endorsed the recommendations. “We are recommending that you accept the Ready report,” Sims told teachers at Burnaby Central Secondary School on Saturday, October 22.

“I don’t want you to vote the way Jinny Sims wants you to vote, I want you to vote your conscience,” she said.

“We are deeply disappointed that the government did not see fit to agree to a letter that would confirm its commitment to class size limits for students in Grades 4 to 12 and to addressing class composition problems. However, we know that parents share our determination to achieve improved learning conditions for students. So we are confident that government will enshrine in the School Act these much-needed improvements to benefit all children in BC schools,” Sims said.

There were mix feelings among the rank and file about accepting the Ready report, but teachers voted 77 per cent in favor of ending a two-week wildcat strike. Just over 30,000 of BC’s estimated 42,000 teachers took part in the vote on Ready’s report and most schools reopened on October 24.

“Teachers have voted by a large majority to end our campaign of civil disobedience and to return to work tomorrow,” Sims said. “We will do so with our heads held high, and our hearts touched by the many gestures of kindness and solidarity we have experienced in the past two weeks.”

While many teachers were anxious to return to work, key goals identify by the BCTF were not achieved including: full, free collective bargaining for teachers; return of contract language on working and learning conditions stripped from previous contacts; and a fair salary increase.

Based on these reasons the Surrey Teachers Association recommended that their members vote “no.” The \$100 million worth of provisions in the Ready report amounts to less than what was saved by the government on teacher salaries during the two-week strike. Some BCTF members were against returning to classrooms because the government did not provide a written commitment regarding class size and composition.

A severe lack of trust remains as teachers return to work and began participating in Learning Roundtable discussions with the government, school boards, and parent representatives.

“This government has enacted six pieces of legislation targeting teachers’ rights and profession,” Sims noted. “These actions have undermined our trust in this government.”

Sims said teachers will be watching and holding this government accountable for their promises to amend the School Act to include firm class-size limits for students in Grades 4 through 12, and to address the serious issues of class composition and support for students with special needs.

Sims and three other BCTF representatives attended the first meeting of the Learning

Roundtable in Victoria on October 24. “We will be bringing a clear message from the thousands of people with whom we have walked and talked these past two weeks,” Sims said. “British Columbians support teachers’ speaking out for students, they care deeply about the learning conditions in their children’s classrooms, and they want the government to reinvest in a strong and stable public school system.”

Contract talks are set to begin next spring.

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