



Bargaining Forward:

The story of the 2021 CUPE strike in New Brunswick

BY SUSAN O'DONNELL AND DAVID GORDON KOCH
INTRODUCTION BY DAVID FRANK
CONCLUSION BY STEVE DROST AND SANDY HARDING

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LARGE COVER PHOTO:
A striking worker outside Minister of Education
Dominic Cardy's office in Hanwell, New Brunswick,
November 1, 2021.

Photo: Cole Burston

SMALL COVER PHOTO:
Striking workers march along Brunswick Street through
Fredericton, New Brunswick,
November 2, 2021.

Photo: Cole Burston




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Public goods and good jobs: An introduction to the story

David Frank



It was the biggest strike in Canada that year. On a sunny Tuesday afternoon in early November 2021, thousands of people marched through the streets of Fredericton. Stopping traffic, waving banners, sounding noisemakers and chanting slogans, they made up one of the largest and most high-spirited demonstrations ever to take place in the New Brunswick capital.

When they reached the provincial legislature grounds, the crowd easily exceeded 5,000 people. Surrounding streets were blocked off for several hours as they cheered speakers, exchanged news about the progress of their strike, and welcomed supporters and members from other unions. In communities around the province, pickets walked up and down the sidewalks at major intersections and in front of shopping malls, holding up signs and waving to passing drivers who honked their approval.

The strike by 22,000 workers, members of 10 province-wide locals of the Canadian Union of Public Employees (CUPE), lasted 16 days, but these events were in the making for months, even years. How did the members of this union arrive at this moment of confrontation? What issues were at stake? And why did they receive such strong support from the people of New Brunswick?

The following chapters open with a decision the union members made almost five years before the strike started. And this short introduction begins more than 50 years earlier, when CUPE first began to emerge as a force in provincial society.



Pickets at a hospital in Moncton during the general strike in June 1992.

Photo from *Provincial Solidarities: A History of the New Brunswick Federation of Labour* by David Frank/Telegraph-Journal Archives

Public goods and good jobs

When the Canadian Union of Public Employees was founded in Winnipeg in 1963, there were only 2,500 members in New Brunswick, most of them working for local hospitals, school boards and municipalities. Things changed as a result of Premier Louis J. Robichaud's plans to expand and modernize the province's public services, reforms that became known as the Equal Opportunity program.

Robichaud understood that New Brunswickers remembered the extreme poverty of the Great Depression and the shared hopes of a better future at the end of the Second World War. They wanted governments to expand social services, improve living standards and attack disparities in education and health care. Equal Opportunity was a plan for more efficiency in government and more social justice in the distribution of public goods. Robichaud expected that the unions, who had long called for New Brunswick to "open the doors of opportunity" for the province's workers, would be natural allies in this cause.

At first, the premier and his advisors did not realize this would also mean extending union rights to provincial government employees. They had been excluded from the definition of "employees" in the historic labour laws of the 1930s and 1940s that recognized workers' right to join unions and participate in collective bargaining.



But unions insisted that all workers were entitled to the same opportunity to deal with their employers on more equal terms. In their view, collective bargaining was a basic feature of the democratic way of life and a necessary means for advancing social progress.

Under the energetic leadership of John F. “Lofty” MacMillan, a navy veteran and Saint John policeman who had become a regional organizer for CUPE, union members wrote letters, signed petitions, lobbied cabinet ministers and members of the Legislative Assembly (MLAs), and held rallies and meetings in all parts of the province. By 1968, they had won the day with the adoption of the *Public Service Labour Relations Act*. Giving public employees the same rights as other workers, explained the Minister of Labour at the time, would ensure that the province had “employees with a high morale because they are working under conditions which they themselves have had a part in creating.”

This was the beginning of CUPE’s long commitment to supporting good public services for New Brunswickers and good jobs for the women and men who deliver them. By 1971, the year that New Brunswick implemented Medicare, CUPE had more than 10,000 members in New Brunswick. This was more than four times the number in 1963, and the union continued to attract members in new areas, including the province’s nursing homes. In addition, other public sector workers, such as nurses and teachers, were also starting to benefit from changes in the labour laws and making their presence felt through their unions.



March to the New Brunswick Legislature in Fredericton on November 2, 2021.

Photo: Cole Burston

Expenditure management

Classic wage theory distinguishes between the minimum market price that an employer needs to pay workers to ensure that they come back to work the next day, and a more favourable wage that enables workers to share more fully in the good things of life. The labour relations system, as it has emerged out of a long history of unregulated conflict, spells out a system of rights, restrictions and responsibilities designed to reconcile such differences.

First and foremost in this set of historic compromises is the negotiation of a collective agreement, a binding contract that covers wages, conditions and procedures. In return for the promise of stability and due process, workers give up their freedom to take unilateral collective action. Even when the contract expires, work is expected to continue and no legal strikes are allowed until all stages of negotiation and conciliation are completed. The assumption is that, through a process of delay and discussion, and what the law calls “bargaining in good faith,” negotiators on both sides will reach reasonable conclusions.

Union membership in Canada is unevenly distributed today, the result of a segmented labour market in which many workers, especially in the private sector and in the part-time, gig and casual parts of the economy, do not have good access to union membership. Nonetheless, settlements for unionized workers tend to push up wages



in the non-union sector, adding to the tax base and stimulating the economy. In addition, unions are usually in the lead in calling for measures that benefit all workers, such as workers' compensation, paid vacations, maternity leave, pay equity, child care, affordable housing and living wages.

History never travels in a straight line. Unions in Canada made gains in the early 1970s. Membership rose to unprecedented levels and the national income shifted in favour of workers' wages, as well as the "social wage" in the form of public services shared by all citizens. But by the 1980s conditions were changing due to a widespread retreat by governments from social responsibilities, sometimes described as a turn to neoliberal policies based on the claim that market forces would produce the best social outcomes.

Accordingly, federal support for social programs, including Medicare, was sharply reduced. Provincial governments responded by cutting public spending, privatizing services and lowering corporate taxes, all in the interest of proving that they were "open for business." Typically, they also insisted that no alternative strategies existed to raise revenue through fairer taxes, better resource royalties and smarter social and environmental policies. Meanwhile, as wage agreements in the public sector fell behind the cost of living, CUPE and other public sector unions found themselves on the front lines to defend public services and union wages.

In the early 1990s, CUPE members in New Brunswick experienced a dramatic example of the new approach when the provincial government made use of a power that no private sector employer has, namely the power to suspend collective bargaining and enact laws supporting their position as the employer. In 1991, under Premier Frank McKenna, a very different kind of Liberal than Robichaud, the government brought in the *Expenditure Management Act*, giving them the authority to postpone wage increases they had negotiated only a year earlier.

There were large protests, and this violation of due process was later condemned by the International Labor Organization. But this did not stop the premier from making another attempt to revoke contracts the following year. With support from the New Brunswick Federation of Labour, CUPE locals led the resistance and, in 1992, went out on an illegal four-day strike that tied up public services across the province. The government threatened massive fines and decertification, but CUPE held the line, fighting the provincial government to a standstill and forcing them to withdraw the legislation.

1992 was as close as the province had ever come to a general strike. Still, Liberal and Progressive Conservative governments continued to follow the mantra of low corporate taxes, low wages and reduced public spending. In 2001, the Bernard Lord government attempted to bring in back-to-work legislation to impose a contract on hospital employees, a tactic the Richard Hatfield government had used against school board workers in 1982.

With annual wage increases generally limited to 0%, 1% and 2%, union members watched their purchasing power continue to fall in the face of rising prices. Signs of reduced public spending were visible throughout the province, from unrepaired roads and bridges to overcrowded hospitals and schools without adequate resources. Unions worried that they were dealing with political leaders who no longer believed in the positive role of governments and unions to promote social and economic progress.

Despite the setbacks, some hopeful signs were visible in Supreme Court of Canada decisions, in 2007 and 2015, that the right to collective bargaining and the right to strike are supported by the *Canadian Charter of Rights and Freedoms*. These were, in places, eloquent statements of workers' right to participate, through their unions, in "determining their wages, working conditions and the rules that will govern their working lives." The ability to strike was considered "an affirmation of the dignity and autonomy of employees in their working lives."

A closer look at those court decisions, however, also revealed they were made on the basis of time-consuming appeals arising from labour disputes that took place years earlier, a reminder of the inconvenient truth that constitutional rights are only a reality when they are activated and put to work.

Moving forward

History does have turning points, and the following chapters begin in 2017 with the decision by CUPE to prepare for more aggressive bargaining in the coming rounds of negotiations. The story of the several stages that culminated in the strike in the fall of 2021 may be read as a case study, both in the world of provincial labour relations and in the engagement and mobilization of union members. Readers will be able to see some of the complexity of the labour relations system as it currently exists, including the frustrations and roadblocks facing workers who attempt to exercise their right to collective bargaining. They will also learn a good deal about how unions function and how members participate in formulating policy and making decisions, including the all-important choices involving strike action and approving contracts.

While wages were the central unifying issue for workers in this long campaign, it is notable that the situation came to a head under the stressful pandemic conditions of 2020 and 2021. The public health crisis was a forceful reminder of the value of public services and the workers who deliver them. Moreover, the CUPE locals demonstrated a high level of solidarity by coming together in a centralized bargaining process. This kind of common front bargaining, in which key issues are negotiated at a single negotiating table, may suggest new forms of solidarity for the public sector unions in the province.

By the summer of 2021, the stage was set for a confrontation between the provincial government and the province's largest union. The conflict attracted attention across the country, and this detailed narrative analysis helps to capture the drama and significance of the events. History is never over, and this account of the "Breaking the Mandate, Bargaining Forward" campaign meets the need for union members and the public, both in New Brunswick and beyond, to see themselves as participants in an ongoing story.

CHAPTER 1

Breaking the mandate, bargaining forward



"Stand up and fight back." The 2021 CUPE strike in New Brunswick can be traced back to a resolution at the fifty-fourth CUPE NB convention in April 2017 at the Fredericton Inn.

Photo: CUPE

The campaign that led to the strike in 2021 began as a resolution at CUPE New Brunswick’s annual convention more than four years earlier. Hundreds of delegates from the union’s locals gathered in Fredericton, representing some 28,000 workers across the province. At this April 2017 convention they debated and then voted to support a resolution that called on the union to prepare a detailed action plan for the next collective bargaining cycle.

The resolution stated that the New Brunswick government was mismanaging public finances while blaming deficits on the cost of public services, that workers were getting hammered at the bargaining table and that real wages had been stagnant for more than 20 years. The government was out to destroy public sector unions, the resolution concluded, and “the only way to deal with a bully is to stand up and fight back.”

The resolution was introduced by the province-wide bargaining unit representing social workers, human resources development officers and probation services. CUPE 1418 president Steve Drost, himself a front-line social worker for almost 30 years, later recalled that the resolution was prepared after

members from his and many other locals kept saying: “We just can’t keep up. We’re losing more and more and more.”

“It was a basic affordability issue for everybody,” Drost said.

Eleven months later, in March 2018, members returned to the province’s capital for a bargaining conference at the Fredericton Inn. There, they heard CUPE NB president Danny Légère and CUPE’s Maritimes regional director Sandy Harding describe plans for the new bargaining campaign. Harding and Légère had known each other for years as union officers and had been on CUPE’s National Executive Board

together. After Harding became the regional director, the two planned the campaign framework.

“We knew this couldn’t be just a top-down campaign,” Harding later recalled. “A key component would be going to the communities where the members were.”

At the Fredericton meeting, they introduced the campaign plans under the theme “Breaking the Mandate, Bargaining Forward.” This meant challenging the “wage mandate” that successive provincial governments had imposed on all public sector workers, and it meant that union members were determined to protect and improve their wages through the collective bargaining process.



A huge yellow banner with an upright fist was on display behind Légère and Harding as they spoke that day. Over the next several years, the raised fist – a widely recognized symbol of unified resistance – became the symbol for the new campaign.

Interviewed later, CUPE 1190 plow operator Michel Losier explained that, turned one way, a closed fist signals “that you want to fight.” But the CUPE fist, turned the opposite way, means “stronger together.”

CUPE 2745 educational assistant Melissa Brown said: **“When I have that fist up, it’s unity, it’s solidarity, it’s standing together with my co-workers and other members of the province and other unions.”**

Striking workers from across New Brunswick hold a rally with supporters at the legislature in Fredericton on November 2, 2021.

Photo: Cole Burston

New Brunswick's austerity governments

In 2018, CUPE faced a bleak political landscape. There was very limited support for their demands in the provincial legislature and public opinion remained uncertain, often shaped by anti-labour rhetoric in the corporate media.

Predictably, the week of the Breaking the Mandate conference, New Brunswick's flagship English-language newspaper, the *Telegraph-Journal*, published an editorial titled "Hold line on public sector wages," describing the CUPE event as "Breaking the Bank." The notoriously pro-corporation and anti-union newspaper was published by Brunswick News, a J.D. Irving company owned by one of the wealthiest families in Canada.

Since the 1980s, the New Brunswick government's fiscal policies, like those of the Canadian government and austerity governments globally, had dramatically widened wage and wealth gaps. Increasingly regressive tax regimes were shifting the tax burden from corporations to individuals. Tax havens such as Bermuda, home to the Irving family of companies, were siphoning off billions every year, money that could have been used to support public services in Canada. Overall, tax cuts were reducing the fiscal capacity of governments.

In New Brunswick, public sector workers had suffered from more than a decade of cuts and below-inflation wages and were the lowest-paid public sector workers in the country. The province's low wages were disproportionately hurting women, who made up the majority of CUPE members in the province.

In the decade leading up to the Breaking the Mandate conference, New Brunswick had switched between Liberal and Progressive Conservative governments. Both parties shared almost identical austerity agendas.

In 2018, Liberal premier Brian Gallant was continuing the austerity work of the previous PC premier, David Alward, who in turn had continued from Liberal premier Shawn Graham, who had continued from PC premier Bernard Lord. In 2014, when Gallant came to power, the Green Party elected its first-ever member, but the New Democratic Party had been absent from the New Brunswick legislature for almost a decade.

During Alward's term of office from 2010 to 2014, his finance minister Blaine Higgs, a former Irving Oil executive, had brought in a change to public sector pensions that transferred financial risk to workers and removed defined benefit payments. These "reforms" were vigorously opposed by CUPE and other public sector unions.

After the Liberals returned to power in 2014, they announced a strategic program review. Late in 2015, their report, "Choices to Move New Brunswick Forward," called for public sector cuts and privatizations as the preferred methods to balance the provincial budget. At the time, CUPE noted that if the majority of "savings" in the report were adopted, it could result in more than 1,000 CUPE members losing their jobs in the years ahead.

An overwhelming number of recommendations in the Choices report continued the neoliberal austerity policy favoured by previous provincial governments. Rather than seeking to grow the economy and implement progressive tax packages, the budget would be balanced by cutting social programs and introducing privatizations.

At a political education conference in late 2017, organized by the New Brunswick Federation of Labour, CUPE NB president Danny Légère drew attention to the threat of public service privatization. Governments were using three tactics to dismantle public services, he said: simply handing over responsibilities and infrastructure to the private sector; forming public-private partnerships, or P3s, in which the private sector retained control; and, most recently, handing over only parts of a public service to the private sector in multi-year contracts.

A good example was close at hand. Earlier that year, the Gallant government had announced a deal with the French multinational Sodexo to provide food, cleaning and custodial services to New Brunswick hospitals. Norma Robinson, president of CUPE 1252, the New Brunswick Council of Hospital Unions, expressed concern about what privatization would mean for the quality of health services, especially hospital cleaning and food services, that have a direct impact on patient care. “It’s very disheartening that the Government of New Brunswick is going down the road of privatizing health services,” she said. “Where will it end?”

A year later, the government backed down, ending talks with Sodexo and cancelling plans to privatize hospital services. It looked like a win for public services, but it soon became clear the government was attempting to use the privatization threat to squeeze concessions from union members. Premier Gallant said the government was looking for “a better way” than privatization for providing services, hinting at layoffs to “streamline” services.

By the time CUPE NB launched its Bargaining Forward campaign, the public sector was under considerable strain. Wage stagnation had led to recruitment

and retention problems and staff shortages in many sectors. Stress was high among CUPE members, especially in nursing homes and hospitals. The new campaign promised to strengthen members’ engagement in the union and prepare them for action.

Bargaining Forward

Within CUPE, all union locals are independent bargaining units with authority to negotiate directly with their employer. Over many years, in response to attacks on the public sector, many locals across the country had reached the conclusion that they needed to work more closely with other locals in their sector or region. This was a way to push common demands and fight off the same kinds of concessions sought by employers.

The Bargaining Forward campaign was not only calling for a change in government priorities, but also proposing more collaboration and coordinated bargaining among all CUPE locals in New Brunswick on the one issue they all had in common: “wages, wages, wages.”

This approach was summed up in a statement, prepared by CUPE in 2018, that the negotiators for

all CUPE locals in New Brunswick were asked to read at the start of bargaining with their government counterparts:

“All of us, in every sector, are on the same page: we will not accept anything less than what we need to catch up and get back our purchasing power. Our focus on real wage increases means that the days of zeros, ones and twos are over. We are open to meaningful and respectful dialogue on all matters at the table – we will be bargaining for substantial improvements to contract language and benefits. But you need to know that respecting our members starts with bargaining for higher wage increases. And that our members are willing and ready to do whatever it takes to achieve it.”



Norma Robinson, president of CUPE 1252, the New Brunswick Council of Hospital Unions.

Photo: CUPE

Anti-privatization demo outside the office of Premier Brian Gallant in Dieppe, December 2017. Addressing the crowd is Lise Ethier, a nurse at the Dr. Georges-L.-Dumont University Hospital Centre, alongside CUPE NB president Danny Légère (left) and Jennifer McKenzie, leader of the New Brunswick NDP (right). Others pictured here include Cecile Cassista, executive director of the Coalition for Seniors and Nursing Home Residents' Rights (third from left).

Photo: CUPE



CHAPTER 2

Nursing home run-around

CUPE National President Mark Hancock at CUPE NB's annual convention in April 2019.

Photo: CUPE

May Day 2019 was not business as usual at the Minister of Social Development offices on King Street in Fredericton. The doors were locked, the minister was absent and people were camped out in the corridor, wearing black T-shirts emblazoned with the Bargaining Forward slogan.

Many protesters at this occupation were bargaining team members for the New Brunswick Council of Nursing Home Unions (NBCNHU), which represented about 4,000 workers in CUPE locals in 51 nursing homes across New Brunswick. Others at the protest were CUPE staff.

Council president Sharon Teare, a resident attendant at a Saint John-area nursing home with more than 20 years of work experience, explained they were demanding to meet with the Minister of Social Development.

“The nursing home sector is in crisis,” she told an NB Media Co-op reporter at the occupation site. For decades, the nursing homes had been suffering from staff shortages and absenteeism rates caused

by injury and burnout. With New Brunswick’s aging population, they were hard pressed to meet the basic needs of current residents and to deal with growing waitlists of seniors requiring higher levels of care.

The NBCNHU wanted to restart meaningful negotiations for their contract, which had expired three years earlier. CUPE was forced to accept wage concessions in that contract after the Gallant Liberal government pushed an austerity



In 2019, May Day brought a new look to the Fredericton offices of Dorothy Shephard, Minister of Social Development. Taking a break during the occupation, Sharon Teare, president of the New Brunswick Council of Nursing Home Unions (left, facing camera) plays cards with CUPE staffer Marcos Salib (right) and others.

Photo: CUPE

agenda and as newspapers battered the union in the court of public opinion. In May 2018, the NBCNHU had reached a tentative agreement that was rejected by nursing home workers unwilling to accept another contract with low wages. They were determined to bring the situation to wider public attention.

Mr. Higgs goes to court

By the time of the occupation, CUPE was dealing with a new government elected six months earlier. The new premier, Progressive Conservative leader Blaine Higgs, was now

leading the province's first minority government in 100 years. His support depended on a small party new to the legislature, the People's Alliance.

CUPE NB also had new leadership. At the annual general meeting in April 2019, Danny Légère stepped down as president and later became the New Brunswick Federation of Labour president. Brien Watson, who worked in the education sector, was elected CUPE NB president and Steve Drost became first vice-president. "My mission is clear," Watson said at the time. "Build our members' power and obtain better wages, working conditions and fairness for New Brunswickers."

The dramatic action by nursing home workers on May Day 2019 was prompted by a head-spinning round of maneuvers by the Higgs government that convinced union leaders the province had no intention of bargaining with nursing home workers in good faith.

Their right to strike was a central issue. A decade earlier, in 2009, the Graham government had brought in the *Essential Services in Nursing Homes Act*, which CUPE believed violated the *Canadian Charter of Rights and Freedoms*. In 2015, the Supreme Court of Canada had ruled that a law in Saskatchewan barring the right to strike was unconstitutional. CUPE asked



Rally to demand a fair wage for nursing home workers and all public service workers in New Brunswick outside Premier Blaine Higgs's office on April 12, 2019.

Photo: Susan O'Donnell

the New Brunswick Labour and Employment Board to review the provincial legislation in light of this decision. In December 2018, the Labour Board ruled that the New Brunswick law violated the Charter. The Act was null and void.

On March 7, 2019, NBCNHU members voted 94% in support of strike action. But rather than return to the bargaining table, Premier Higgs launched a direct attack. He sent his lawyers to Moncton and, on March 9, secured a ten-day court injunction to prevent the strike. Over the next months, he obtained extensions to the court injunction.

Barred from striking, CUPE nursing home workers took to the streets to raise public awareness of their situation. They were now at the centre of the Bargaining Forward campaign. Over the next three weeks, CUPE members waved the now-familiar signs with raised fists at rallies in Shippagan, Saint John, Edmundston, Sussex and Quispamsis, as well as Fredericton.

'Alberta wages'

On April 1, Global News reported on a confrontation between CUPE workers and Premier Higgs that raised hackles across the

province. In Quispamsis, where the Progressive Conservative Party was having its annual convention, CUPE NB organized a protest at which one member told the premier: "You tell me why I have a sister that works for a company in Alberta and she makes \$10 more than I do an hour." Higgs responded: "In Alberta that may be true. If you want that kind of wage, then Alberta's where to get it."



CUPE members and supporters rally at the Legislative Assembly on March 19, 2019. The demonstration coincided with the tabling of the 2019–20 budget.

Photo: Norm Knight



**MINISTER SHEPHARD,
MME LA MINISTRE SHEPHARD,**
Before you comment, you should walk a mile in our shoes!
These are Nursing Home Workers
worn out shoes, from being
run off our feet!
YOU may be 'comfortable with
staffing levels' but we AREN'T



Avant de faire des commentaires déplacés,
vous devriez passer une journée dans nos
souliers. Ces chaussures usées sont celles
des travailleuses et travailleurs des foyers de
soins qui doivent courir pour faire leur travail.
Vous êtes peut-être « satisfait(e) du nombre
d'employés » mais nous NE SOMES PAS



"Worn out shoes." A message for Social Development Minister Dorothy Shephard from nursing home workers and union leaders during CUPE NB's fifty-sixth annual convention in Fredericton, April 10-13, 2019. Kneeling are CUPE National President Mark Hancock (right) and CUPE National Secretary-Treasurer Charles Fleury.
Photo: CUPE

The “Alberta” remark spurred many more CUPE members and supporters to participate in the year’s largest demonstration, on April 19, outside Premier Higgs’s office in Fredericton. About 500 people, many wearing Bargaining Forward t-shirts, blew noisemakers and waved large upright fists. CUPE’s national president Mark Hancock came to Fredericton for the event to share a message of solidarity.

Still, the Higgs government was unmoved and the minister responsible for nursing homes, Dorothy Shephard, postponed scheduled meetings with Teare. Stopped from exercising their right to strike, the union turned to direct action on May 1 and, for several days, maintained their occupation at the minister’s offices. “The occupation is one of my proudest moments,” Teare later recalled.



Arbitration or strike?

Along the way hopeful signs appeared. In the provincial legislature, the three opposition parties – Liberals, Greens and People’s Alliance – tried twice in April and May to pass a resolution calling for binding arbitration without conditions in the nursing homes dispute. The government managed to block the vote with procedural obstacles. On the third try, on May 31, the motion came to a vote and passed. Outside the Legislative Assembly, CUPE members were jubilant. But Premier Higgs simply ignored the result. He would continue to rely on the courts to prevent a strike.

Finally, in July, a judge ruled in CUPE’s favour, giving the government until early January 2020 to comply with the Charter and recognize the workers’ right to strike. It seemed the nursing home workers had finally won the battle.

On December 20, the NB Media Co-op published Sharon Teare’s heartfelt open letter to the families and loved ones of nursing home residents, in order to calm apprehensions about the potential impact of a strike: “We are caught between a government pushing us to do more with less, and our frail

seniors, who need more quality, unrushed hands-on care. That’s why we, through our union, campaigned over the last 20 years for better hours of care for your loved ones. That’s why we are ready to challenge this government. Rest assured, no matter what actions we take, we will never jeopardize the safety and well-being of the residents we love and serve.”

Later that December day, nursing home workers, most wearing their work uniforms, filled the legislature visitors’ gallery for the final sitting of the year. The order paper featured a debate on Bill 17, which proposed a complex method to declare nursing home workers essential during a labour dispute, a move that would effectively remove the workers’ right to strike. Bill 17 also limited any arbitrator’s independence in deciding on wage increases. This time the People’s Alliance members sided with the government. The bill passed.

After the vote, CUPE workers and their supporters noisily exited the visitors’ gallery and gathered outside the legislature building. In the *Telegraph-Journal*, Premier Higgs stated: “It’s really disappointing if, at this point in time, we’re back to the ‘60s, shaking our fists and jumping up and down.”



In May 2020, the NBCNHU reached a tentative agreement with the government and, in July, the nursing home workers voted to accept it. The contract, backdated to 2016 and expiring in October 2022, included a wage increase of less than 10% over the six years. By the time of the vote, members were worn down from their very public struggle, which had lasted for more than the two years after they rejected the first tentative agreement. Jason Saint Onge, then vice-president of CUPE 5108 and a nursing home worker at the Résidences Jodin in Edmundston, recalled: “When we were winning in court, even when we win, we lose.”

Brien Watson and Steve Drost (left to right) at the CUPE NB convention in April 2019 when Watson was elected president and Drost became first vice-president.

Photo: CUPE



CHAPTER 3

A shot in the arm, a slap in the face

In December 2020, Premier Blaine Higgs announced a new wage mandate for the public sector — with a 0% wage increase in the first year — while asking public service unions to help with mass vaccination efforts. A clinic to administer the Pfizer-BioNTech vaccine to front-line health care workers began December 23, 2020 at the Dr. Georges-L.-Dumont University Hospital Centre in Moncton.

Photo: Government of New Brunswick

The COVID-19 pandemic hit New Brunswick in March 2020. CUPE NB had been rolling out its Bargaining Forward campaign for two years, but when the province went into lockdown, the campaign screeched to a halt.

At the time, several CUPE provincial bargaining units were in the early stages of preparing for job action. Some educational workers in CUPE 2745 had taken strike training and signed up as strike captains. CUPE 2745 member Melissa Brown recalled: “When COVID hit, CUPE backed off, because this was a world pandemic. We didn’t know what would happen, we had uncertainties. And we knew that we weren’t going to be going out on strike during COVID.”

When New Brunswick declared a state of emergency, CUPE offered to help the province meet the need for more flexibility in public services. Despite the ongoing disputes, CUPE demonstrated good faith by signing mobility agreements that covered workers in 10 locals and helped the province weather the first months of the pandemic. The agreement allowed the government to keep public sector workers in critical functions – including health,

education, waste removal and others – to remain on the job, and to redeploy or reassign workers in non-critical roles to other work locations.

New Brunswick had one of the lowest COVID rates in the country, a success widely attributed to the government’s proactive public health measures and the front-line workers who put them into effect during a time when vaccines were still not available.

Melissa Brown recalled:
“I was working in a building with 700 kids, before the vaccinations came out. We were putting ourselves at risk, right? And we did it with a smile on our face, showing the same love and compassion to the kids.”

Premier Higgs was riding high in the polls during this period and, in September, his Progressive Conservative party won the first “pandemic election” in Canada, giving him a majority government.

Shortly afterward, the premier did not miss another opportunity to show his lack of respect for the collective bargaining process. In September, CUPE 963 reached a tentative agreement with their employer, the Crown corporation NB Liquor. The settlement included a 9% wage increase over five years, which members approved in a ratification vote. However, in November, the Higgs government overruled its own negotiators and refused to honour the agreement. The fallout led the NB Liquor chief executive officer to resign and CUPE 963 was left with their long-expired old contract.



"We were putting ourselves at risk." COVID-19 meant new hazards for workers like Melissa Brown (right), an educational assistant with CUPE 2745 who worked in a building with hundreds of students before vaccines were available. She's pictured with Melissa Morrison, also a member of CUPE 2745.

Photo: Submitted



"We work hard to keep kids safe": On the picket line in Fredericton, New Brunswick, November 1, 2021.

Photo: Cole Burston

'Zeros for heroes'

On December 9, the first COVID vaccine was approved for use in Canada, and Premier Higgs immediately called a Zoom meeting with public sector union leaders for December 11. He started by asking for help. He wanted to ensure that front-line health care workers would get vaccinated first, and he hoped union leaders would encourage their members to get their shot.

Then, almost as an afterthought, Higgs announced his new wage mandate for the public sector: 0% for the first year in all contracts, followed by 1% for the following three years.

Sandy Harding later recalled: **"I don't think anybody expected he was going to go backwards with the wage mandate during the pandemic. That was kind of a jaw-dropping moment, when people were still knee-deep in the pandemic – hard at it in our fragile system, putting their lives at risk, the Band-Aids holding our system together, getting little to no recognition at the time – were told 'you're getting**

a zero for 2020.' It was jaw-dropping to me; I did not see that coming."

CUPE NB called a press conference to denounce the new mandate. Later, the *Telegraph-Journal* asked the premier if he was concerned about the possibility of labour disruptions. Higgs said no, that all New Brunswickers knew they needed to chip in for a common cause, to keep taxes low and the economy going. "We've all put in horrendous hours, and we're all tired of COVID," said the premier. "But now, we have to say, 'I'm glad that I have a job, I'm glad I'm able to contribute and I want to help our province.'"

What was Premier Higgs giving workers? “A shot in the arm, and a slap in the face,” said Harding.

Premier Higgs ‘woke up the beast’

The zero wage offer was the spark CUPE NB needed to revive the Bargaining Forward campaign. Members were shocked that after being cooperative and collaborative

during the crisis, the premier came back to them with a zero. Suddenly they were primed for mobilization and more open to coordinated bargaining.

CUPE spokesperson Simon Ouellette later recalled: “When the premier got his majority, and then said: ‘everybody’s getting a wage freeze’ while the rest of the country was giving the bonuses to their front-line workers, that’s when he woke up the beast.”

Since Blaine Higgs had become premier of New Brunswick in November 2018, CUPE had been

learning about his government’s methods for dealing with labour disputes. The struggle of the nursing home workers across the province presented numerous examples of their tactics, but the premier also seemed to have a hand in several smaller municipal disputes involving CUPE locals.

In July 2019, the City of Bathurst locked out CUPE 1282 members, and in February 2020, the City of Fredericton locked out CUPE 508. In March 2020, a regional government in northern New Brunswick locked out its CUPE 4193



Several municipal labour conflicts happened in the lead-up to the 2021 CUPE strike in New Brunswick. The City of Bathurst locked out its inside workers from CUPE 1282 in July 2019.

Photo: CUPE



The Chaleur Regional Services Commission locked out workers at the Red Pine sanitary landfill near Allardville in northern New Brunswick represented by CUPE 4193 in February 2020.

Photo: CUPE

members from a regional landfill site. When the workers mounted a picket and disrupted garbage services, the premier sent his favourite Fredericton labour lawyer to replace the local bargaining team. Clearly the premier was attempting to control from Fredericton a local dispute that was far from the capital city.

In all three municipal labour struggles, CUPE NB worked with the union locals to bring the Bargaining Forward campaign into these individual situations. This was a way of reminding workers and local residents that the community's

struggles were “just another fight in this big grand scheme of things,” recalled Ouellette. Having the CUPE NB fist visible at labour struggles throughout the province helped build understanding by both CUPE members and the public that the fist is a symbol of a larger labour struggle.

The City of Fredericton lockout of CUPE 508 outside workers in winter was one of the first times in a long while that Sandy Harding remembered seeing massive public support for unionized workers. Fredericton residents were outraged that the city hired scabs to replace

its locked-out outside workers, especially after telling the public that managers would be driving the snowplows. “This was kind of a test case,” Harding later recalled, “to understand how to talk to the public about this stuff, how these are public services that they are not getting, about learning what resonated with the public and what didn't.”

The CUPE leadership learned from the nursing home workers' struggle, the three municipal lockouts and the NB Liquor debacle that Premier Higgs would use every anti-labour tactic in the book to try to evade

the collective bargaining process. When Higgs “woke up the beast,” CUPE leaders recognized that their members were ready to mobilize for a strike.

Learning from the 1992 CUPE NB strike

Over the next few months, most provincial CUPE leaders participated in an online “Strike School” led by the influential United States union organizer Jane McAlevey, whose ideas focused on the importance of high membership participation and an open bargaining approach.

The province-wide CUPE strike that had occurred almost two decades earlier, in June 1992, also offered lessons. Shortly after the Frank McKenna Liberal government passed a law to overturn legal contracts with public sector workers, CUPE was able to rally members to join picket lines in front of hospitals, schools, highway garages, liquor stores, ferry docks and government offices. Technically, it was an “illegal strike” because CUPE had not gone through the steps required to reach a legal strike position under the *Public Service Labour Relations Act*.

In 2021, however, CUPE was preparing for a legal strike, following all the required steps outlined in the Act. Still, the experience of the 1992 strike was useful for the union 19 years later. CUPE NB first vice-president Steve Drost had participated in the 1992 strike as a young social worker, and he consulted with organizers of the 1992 strike to learn what had worked at that time. From those discussions came several lessons.

One was the need to pull together all the local CUPE resources in the different regions of the province. In 1992, Regional Action Committees, 13 of them across New Brunswick, were crucial for mobilizing members. It was important that they were structured to have local control, with community members and local CUPE leaders as well as representation from CUPE staff and the CUPE NB executive.

These groups knew their communities well, functioning as the union’s eyes and ears and boots on the ground. After the 1992 strike, these Action Committees remained largely dormant, but CUPE leaders realized that they needed to be brought back to life to support the Bargaining Forward campaign. They played a key role in introducing CUPE to the local communities and developing public support for the workers.

Early into the campaign, before the pandemic, the Regional Action Committees began organizing local events to introduce CUPE to their communities. Michel Losier, a CUPE 1190 plow operator, recalled later how the Bathurst committee invited families to a community day to learn about the different public services CUPE NB members provided. “I brought a plow, and the kids could get into the truck and see what the driver has to do, and I would explain how it works and all the mechanisms of a plow driver. It was a fun day, there were some burgers and hot dogs and those inflatables for the big kids to play on.”



Michel Losier, a snowplow operator and member of CUPE 1190, general labour and trades.

Photo: Submitted

Strategic communications and organizing

A second lesson from 1992 was the importance of a strong communications strategy, including daily updates to keep members informed through live messages and video recordings that were not scripted but spoke from the heart. Sandy Harding also recalled that at the first strategic planning meeting in early 2018, they agreed that every message needed to be adapted to its audience and looked at through three lenses: the members, the public and the government.

Also, CUPE hoped to win “earned media” coverage and not just rely on issuing press releases. They had a better reception from the independent French-language daily newspaper *Acadie Nouvelle*, but domination of English-language newspapers by the Irving-owned Brunswick News was a major problem. “There was always a kickback because if an article said anything nice about CUPE, it would have to be followed by three days of nastiness,” said Harding. However, leaders knew that members wanted to see their struggles reflected in the newspapers and on TV.

A big difference from 1992 was widespread access to the internet and social media, in addition to direct personal contact with union members and the public. When the Bargaining Forward campaign ramped up again, after pausing when the pandemic hit New Brunswick, there had been no in-person meetings for more than a year. “So, we had to pivot and think how we can start organizing again electronically and learning this,” recalled Steve Drost. “That was one of the beauties of the technology; we could write a message and boom, it went out to all the members.”

Behind the scenes, the provincial bargaining units were continuing to organize. Michel Losier was the recording secretary for the CUPE 1190 executive. He later recalled the intensive campaign preparations: “I’ll tell you, there was a lot of meetings. In the last three years, there might have been 150 to 250 meetings that I recorded. Wow. I mean, wow. It was on the internet, it was on the phone, was sometimes in person. Some of those meetings were two days and three days. It was pretty challenging, I’ll tell you. I’m Zoomed out!”

Educational assistant Melissa Brown was the chief shop steward for CUPE 2745 in Region 3, Moncton. Establishing good communication lines with all the members was “a huge process,” she later recalled. “We needed to collect everybody’s personal email [addresses], we opened up a private Facebook page for our members to be able to relay the messages very quickly if need be. We also created phone trees – each school had one person who would call three people, and they would each call more people.”

Mobilization for coordinated job action speeded up after the union’s annual convention in April 2021, when Steve Drost was elected president and Sharon Teare became first vice-president. Kim Copp, a licensed practical nurse and president of her local in a nursing home in Riverside-Albert for more than 12 years, had been elected secretary-treasurer the previous year. With Sandy Harding as regional director, herself a former president of CUPE 2745 (educational support staff), the four made up the new leadership team.

Many deadlocks make coordinated bargaining possible

In April, CUPE NB began a series of Zoom events for the media to bring the lived experiences of CUPE members to public attention. At one event after another, presidents of the provincial bargaining units described their members' experiences of working throughout the pandemic. The local presidents at these events spoke from the heart as workers. With very few exceptions, they were full-time public sector workers, participating in union business only as required.

The media events were timed to announce a "deadlock" in contract negotiations for each provincial bargaining unit. The Labour Board declares a deadlock when both parties reach an impasse at the bargaining table. The options at this stage are limited: both sides can agree to binding arbitration or the union locals can call for a strike vote.

The Higgs government consistently refused to agree to binding arbitration because, Sandy Harding explained, the premier knew he could not control what was going to happen.

On April 27, a team from CUPE 1251 spoke to the media. The local represented close to 800 professional

correctional officers, human service counselors, laundry service workers, custodial workers and many other public sector workers in the province. Members often worked in dangerous working conditions, with laundry workers facing infectious diseases and bodily fluids on incoming hospital linens, and correctional officers working with violent offenders.

“Our members never stopped working and protecting New Brunswickers throughout this entire pandemic,” CUPE 1251 president Chris Curran told the media.

Following CUPE NB's convention in April 2021, the leadership team consisted of Steve Drost, Sharon Teare, Kim Copp and Sandy Harding.

Photos: Submitted



“We stayed in our regular work locations in correctional facilities, and we went to assist at the border, the airports, as per our mobility agreements. Sick time usage has gone down during this pandemic, so we’re at work more than we were before. And the reality is a large portion of our members working full-time hours take home less than the \$2,000 monthly CERB [Canada Emergency Response Benefit]. And yet they’re still at work.”

By offering zero to CUPE members and refusing binding arbitration without conditions, Premier Higgs had created a situation that made mass public sector worker mobilization possible. By the end of May, more than 8,000 members of five CUPE bargaining units were in deadlock. It seemed that, for the first time since 1992, most of the provincial bargaining units would

be aligned in their bargaining cycles. This opened the door to form a common front and engage in coordinated bargaining.

CUPE members hold a rally in Fredericton following CUPE NB’s annual convention in 2019.


Photo: Joshua Berson





Some of the more than 200 CUPE members attending an online media conference on July 19, 2021.

Screenshot: CUPE



On the last Friday in May, the new CUPE NB president invited the media to a Zoom event to hear an announcement: “I’m letting Premier Higgs know that starting on Sunday, May 30, the premier has 100 days, until Labour Day, to settle collective agreements for the 22,000 CUPE members in bargaining. More than 8,000 have already declared a deadlock and 12,000 more are headed in that direction.”

“If the premier and his cabinet refuse to act in a reasonable and responsible way,” Steve Drost continued, “once these 100 days have passed, CUPE members will have to mount a province-wide coordinated action. The premier is forcing job action on the citizens of New Brunswick.”

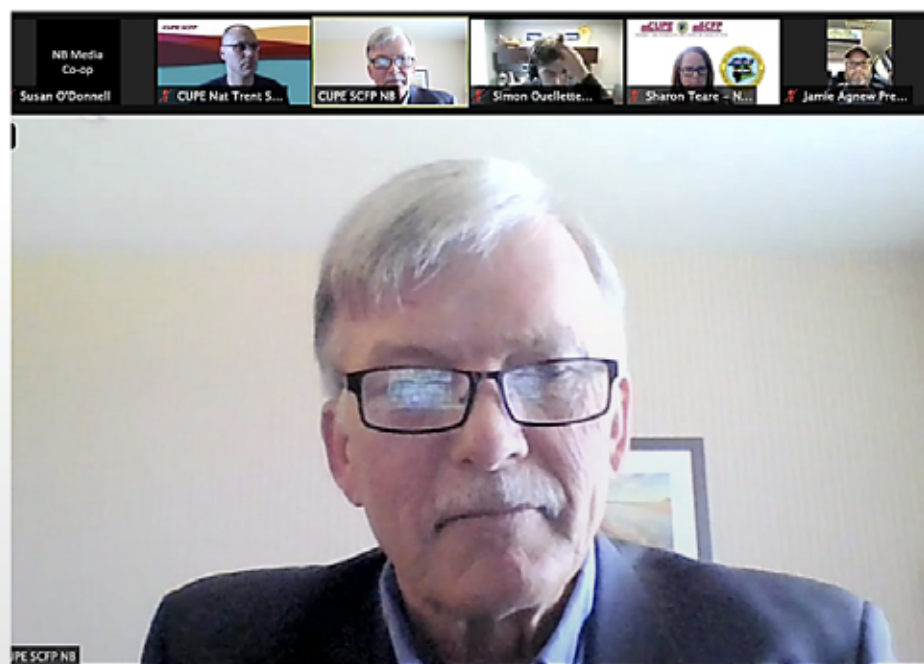
Much later, Drost recalled that event: “Thinking back, that press conference was on a Friday. On Saturday, I had a lot of emotions flying, like: ‘What the hell did I do?’ I was quite happy being a social worker six weeks before the clock started.” He recognized the enormous responsibility of leading a group of 22,000 workers, knowing the impact it could have on them and their families. “It was daunting, but I also knew the workers and their families could not afford to go any further behind in wages,” he said.

Predictably, on June 1, a former editorial page editor of the *Telegraph-Journal* published a commentary, “Strike threats will backfire on CUPE,” claiming that “Premier Higgs has largely co-operated with and respected public servants.”

CUPE gives Higgs 100 days to settle on fair wages: losing money every year must stop

“Premier is forcing job action on the citizens of New Brunswick”

by Susan O'Donnell — May 29, 2021 Reading Time: 3min read



CUPE NB President Steve Drost issues ultimatum at a media event on May 28.

CUPE members are losing money every year because their wages do not keep up with the rising cost of living. Hundreds of union positions are unfilled as qualified New Brunswickers choose to work outside the province where wages are fair.

Major recruitment and retention problems mean that many public sector workplaces in New Brunswick do not have enough staff, and existing staff are struggling to fill the gaps.

The NB Media Co-op covered the CUPE 100-day ultimatum for fair wages with a series of articles. Here, the launch of the ultimatum by CUPE NB president Steve Drost on May 28, 2021.

Article published online by the NB Media Co-op, May 29, 2021

The clock starts on strategic planning

On its website, CUPE NB started a large timer display, counting down the hours, minutes and seconds to Labour Day. Why 100 days? Sandy Harding later recalled: “One thing that I’ve learned from government is that they will always say, ‘Oh, the union didn’t give us enough time, and now they’re rushing us.’ Setting the time clock stopped the argument that they couldn’t deal with it in time, that we left it too late.”

Timing was everything: CUPE needed to roll out its strategy during the pandemic, and most New Brunswickers had not yet had their first COVID-19 vaccination. The strategy – including membership mobilization, rallies, strike votes and a strike – needed to fit within time periods when it was safe for the public to gather. During planning sessions in May and June, Drost recalled: “We were paying attention to public health, watching the modeling, what was going on around the rest of Canada, the rest of the world. We had identified a window, a very, very finite window, as our most strategic point.”

CUPE planned the 100-day strategy carefully, with a focus on mobilizing members and building public support. Milestones were set every 25 days and key activities were scheduled at specific stages, culminating in a Bargaining Summit planned for August 28.

At the 50-day mark on July 19, more than 200 CUPE members gathered at a Zoom media event at which CUPE Ontario president Fred Hahn announced that his union was donating \$50,000 to the CUPE NB strike fund. On cue, the *Telegraph-Journal* published an angry editorial: "Ontario unions should back off."

Coordinated bargaining

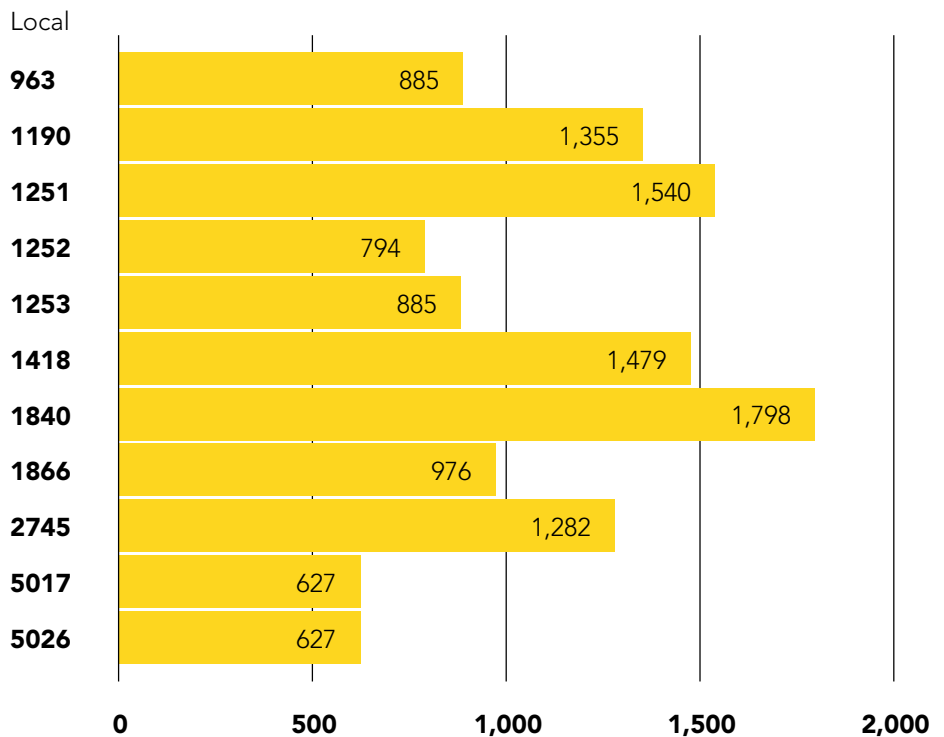
All this time, the CUPE leadership was reaching out to Premier Higgs, asking to meet. When they did meet briefly in July, CUPE told the premier that the door was always open, that the union was more than ready to sit down and set dates for bargaining.

On New Brunswick Day, August 2, Steve Drost and Sandy Harding worked the crowd at the celebration outside the provincial legislature, chatting informally with the premier and opposition party leaders. The day was "not for political talk," said Drost, but to keep the relationships ongoing and "show the premier that we're here and still hoping to get a decent contract for the workers."

At this point, the CUPE leadership was encouraging the different provincial bargaining units to engage in something as close to open bargaining as possible. Traditionally, CUPE locals worked independently, providing information from the bargaining table only to their own members. The CUPE leadership wanted the locals to see that sharing information with other locals would create a degree of transparency that was good for promoting solidarity.

"We had to make sure that we had a general or a generic item that everyone needed, and was in agreement with, and to be able to get the groups to understand that some of their other issues will not be resolved this round, and they would have to look at bringing them back after that," recalled Drost. "It was really challenging. There were a lot of complications, not necessarily from the leaders around the table, but they needed to go back and get the consent of their membership to go along with this process. There were a lot of discussions."

Number of days between contract expiration dates and September 1, 2021



Many CUPE locals had contracts that expired several years before the 2021 strike.

Source: CUPE

CUPE 1190 member Michel Losier recalled that the low-wage mandate was the turning point that convinced members to go for coordinated bargaining: “Members were ready. It was time for us to stand up for what we thought was a fair wage. We said we can’t do it by ourselves; it had to be the whole group.”

On the night of August 17, the CUPE bargaining teams participated in a virtual one-hour meeting with the Treasury Board and Premier Higgs. At last, the premier seemed ready to address the unsettled contracts and asked that they be handled at a single bargaining table.

The union readily agreed to the premier’s request for centralized bargaining, on the condition that the talks were about wage increases and not about concessions. “Fair wages” was the common item all the bargaining units could agree on, and CUPE made it clear to the premier that the union would continue to organize its members until a fair deal was reached.

CUPE then established a centralized bargaining committee, representing the 10 CUPE provincial bargaining units in current negotiations. As Drost said later, “Thank you, Mr. Higgs. He gave us the tool we’d been trying to create internally; he was able to do that for us.”



“Are you short on workers? Pay them better and you’ll find some, Mr. Higgs.” A CUPE billboard in Moncton, July 2021.

Photo: Gabrielle Ross-Marquette

Hope for a fair wage? CUPE New Brunswick agrees to central bargaining with government

Province-wide solidarity marches planned for August 28

by Susan O'Donnell — August 21, 2021 Reading Time: 3min read



Nursing home workers and other workers rallying for fair wages and against austerity budgets in 2019. Photo from CUPE NB.

With the clock ticking on CUPE New Brunswick's strike vote ultimatum to Premier Higgs, a recent agreement offers new hope for a constructive return to the bargaining table.

As the 100-day deadline approached, the union agreed to engage in centralized bargaining with the provincial government.

Article published online by the NB Media Co-op, August 21, 2021

'Making it real' for the premier

Nearing the end of the 100-day ultimatum, the province agreed to two days of bargaining starting August 25, three days before CUPE NB's Bargaining Summit. After arriving at the negotiation table, the

government offered the bargaining team a deal that the New Brunswick Nurses Union had just rejected in parallel talks with the province: 8.5% over five years. That did not go down well, Drost recalled.

After that first day of centralized bargaining, some team members said they thought the government

negotiators were not reporting back fully to the premier, who did not seem to understand the financial and other hardships members were facing. CUPE asked for the premier to appear for talks the next day.

The team decided that they would "make it real" for Premier Higgs. After he arrived, each bargaining unit president described their members' lived experience: unable to pay bills, unsure of making the rent, worried about being evicted, unable to deal with their children's mental health problems, the stress of working short-staffed because of recruitment and retention problems, and related stresses.

"This tactic had a remarkable effect internally on people," recalled Harding, "not only for themselves delivering it, but being able to tell their own bargaining team that the premier cannot say he doesn't know. We've exhausted all avenues."

The Treasury Board representative was angry at the CUPE leaders for "shaming" the premier with their stories,

Harding said. **"I told him: 'You don't know what's going on in this province, there are shameful things happening.'"**

Negotiations ended with the promise of a new government offer the following week.

For decades, the government had been telling the union that there was no need to increase wages because recruitment and retention was not a problem – people were lining up to get a government job because the wages were appropriate. However, when recruitment and retention reached the crisis stage, the government dismissed it as a valid metric. “Okay, wait a second here,”



A poster for public solidarity walks to thank frontline workers across the province. In addition to the locations listed, a walk also took place in Sackville.

Image: CUPE

CUPE researcher Gabrielle Ross-Marquette recalled thinking. “Recruitment and retention problems are key indicators. The government’s told us that for 20 years and now, suddenly, they completely dismiss it. Running out of excuses, they fell back on their tired refrain of ‘we are broke’ even when their coffers were overflowing.”

CUPE NB took out advertising on buses and billboards in each major city with a simple message: “Premier Higgs, you can’t find any workers? Have you tried paying them better?”

Bargaining summit and community support

On Friday, August 27, the CUPE NB Bargaining Summit was held in Fredericton. Due to the COVID conditions, it took place in a large outdoor conference tent located behind the Crowne Plaza Lord Beaverbrook Hotel. Participants included the provincial bargaining team leaders, CUPE national leaders and several other provincial CUPE leaders. The presidents of the New Brunswick Federation of Labour and the Canadian Labour Congress also spoke. CUPE NB livestreamed the event on Facebook and opened it to the public.

The next day, under blue skies, CUPE NB and the Regional Action Committees held a “Walk to thank front-line workers” for members and supporters in 14 communities across New Brunswick. “We did this very strategically. We wanted the government to know this movement is not just a group of leaders in Fredericton,” Drost recalled. The goal was to help everyone understand what the struggle was all about. CUPE NB invited other unions and allied organizations to join their members on these walks.

These kinds of efforts to reach out and mobilize community support had been organized by the Regional Action Committees since the start of the Bargaining Forward campaign and were producing results. Simon Ouellette later recalled that the Saint John Regional



The CUPE centralized bargaining team is pictured a few days before the Labour Day deadline with bargaining team members of locals in Parts 1, 2, 3 and 4 of the New Brunswick public service on Friday, September 3, 2021, in Fredericton.

Photo: CUPE

Action Committee president Leah Logan phoned him on that Saturday to say that “she was completely blown away by the support for the solidarity walk for front-line workers: ‘There’s like a thousand people out here and we don’t know what to do because the megaphones are not loud enough.’”

Back to the table, down to the wire

Both sides returned to the bargaining table on August 31 at the Fredericton Inn, the Tuesday before the Labour Day deadline. The province’s new offer was only marginally better than the previous week: 9% over six years — 1.25% annual increases for four years, followed by 2% hikes for two years.

But the government’s new offer had five concession demands, including removing defined benefit pensions from two collective agreements in which they were protected by strong contract language. That pension concession, which transferred the financial risk to workers, was the same change that Higgs, as finance minister, had introduced almost a decade earlier for other public sector workers.

“We came back with a counter saying this is not relevant,” Drost recalled. “We tore it completely apart. We said: ‘This is inappropriate. This is not free collective bargaining. This could be bad faith bargaining.’” Negotiations dragged on until late in the evening Thursday night, September 2. CUPE

expected to be back at the table the next morning, but the government did not return.

“When we got slapped with all the concessions, that was his response to being shamed at the table with the truth,” Harding recalled. “A lot of people actually felt super deflated after that. It’s like: ‘How can we win against someone who consciously wants to destroy the public health system or the public service?’ And the only way to do it is fight back in a big group and stay united. It was like a learning moment for everybody.”

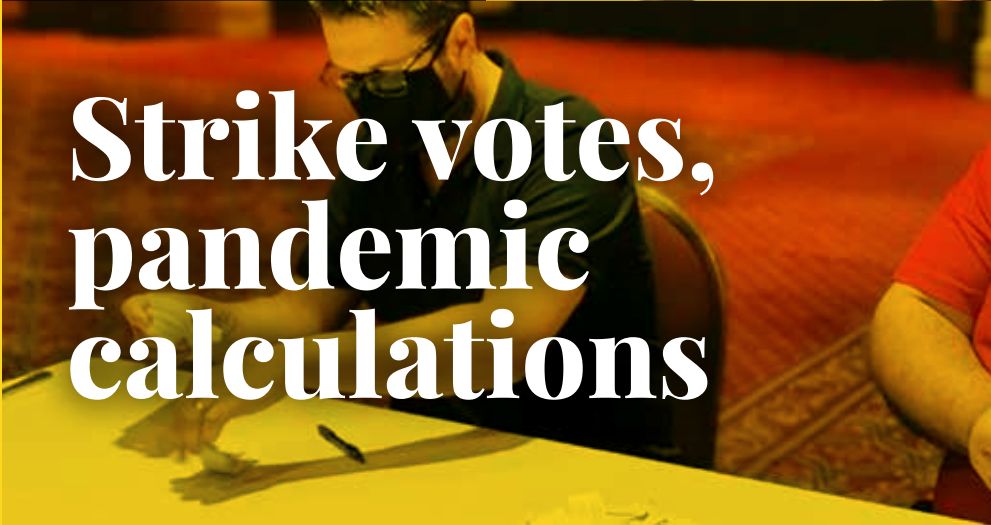
Finally, on Monday, Labour Day, the 100-day clock ran out. It was time to take strike votes.

CHAPTER 5

Strike votes, pandemic calculations

Counting the ballots for CUPE 1840, CUPE 5017 and CUPE 1866, the first locals to hold votes and announce overwhelming rank-and-file support for strike action in September 2021. Those early results proved to be a bellwether: an average of 94% of voting members across 10 provincial locals voted to strike.

Photos: CUPE



One month after Labour Day, on October 6, CUPE 1190 president Brent Wiggins announced that his local, representing workers in general labour and trades, had voted 95% in support of strike action.

CUPE 1190 was the last unit in the centralized bargaining team to announce its results. All told, 18,252 out of 21,656 eligible union members – 84% – had cast ballots over the previous month, with an average 94% supporting a strike.

The following week, after the “cooling off” period required by the Public Service Labour Relations Act, 10 locals representing approximately 22,000 workers would be in a legal strike position.

Wiggins looked tired when he made his announcement, explaining: “Voting has not been easy. There’s been more procedural wrenches thrown into our voting process, after the province put in a meritless bargaining in bad faith complaint to the Labour and Employment Board in an attempt to stall our process. But in the end, we prevailed, with the members united, coming

back out to vote the second time, sending a clear message to Premier Higgs to get back to the table and bargain with those he calls front-line heroes.”

Strike votes are strictly regulated and monitored by the Labour Board, including the timeline for the notice and placement of information for



Hours after CUPE released the final results of its strike votes, the Higgs government announced that it would reclassify more than 1,900 licensed practical nurses, transferring them from CUPE 1252 to the New Brunswick Nurses Union. NBNU president Paula Doucet, shown here, called it “a very shady move by the government.”

Photo: NBNU

members, with observers signing off that each step has been properly carried out. Representatives from the Board witness the ballot counting. Steve Drost explained: “Through the entire process, the government is watching closely for an opportunity to contest the process, looking for one little slip to say, ‘We’ll take it to the Labour Board; you’re going to have to redo that vote.’”

There was, unfortunately for CUPE, one unintended slip. On the bulletin board at one voting location, a bargaining unit removed its notices, which uncovered an old poster from a previous round of bargaining with a wage offer years out of date. A manager took a picture of the old poster and, with the photo as evidence, the government announced it was making an unfair voting complaint to the Labour Board. To rescue the situation, CUPE

called for a new vote for CUPE 1190, which delayed the process by more than a week.

CUPE 1190 member Michel Losier later recalled: “The first time was good. But the second time we had to do it, we did the vote outside and it was in the rain. There was a drive-through. It was very challenging. I stayed there three days. It was cold. I mean, it was not pretty. But the turnout was good. There were times that we questioned how it was going to go, but at the count we were alright.”

Within hours of CUPE announcing the final strike vote results, the government announced it was reclassifying more than 1,900 licensed practical nurse positions so that they would no longer be eligible to belong to CUPE 1252. Instead, they would be transferred to the New Brunswick Nurses Union. The reclassification process had been under consideration for many months, but the timing shocked observers in the labour movement. Nurses’ union president Paula Doucet said the timing was meant to undermine the strike and “was a very shady move by the government.”



THE SIGNAL

CUPE NEW BRUNSWICK
NEWSPAPER

Summer 2021 Edition / nb.cupe.ca / @cupeNBscfp

**100 DAYS FOR
A FAIR CONTRACT**

**Blaine Higgs and his MLAs
are forcing a strike on
public service workers and
the citizens of New Brunswick** **P.3**

CONTEST
Many 
Prizes to Win!
See page 2 →

**IS THE PROVINCE
TRYING TO
QUIETLY CLOSE
WORKSAFE NB'S
REHABILITATION
CENTRE?**

P.5

Drinks and Books
Suggestions
for this summer



P.18

CUPE published The Signal in the lead-up to the strike, with articles on the struggles of CUPE members, the erosion of buying power among workers and even a summer reading list.

“This is union-busting at its worst,” said CUPE 1252 president Norma Robinson. **“Higgs is doing this because more than 94% of health care workers voted to strike. This retribution is an insult to the rights of all health care workers to free collective bargaining.”**

Voting to strike

Readying members for a strike had taken more than three years after the launch of the Bargaining Forward campaign. The main mobilization method was one-on-one member conversations and education. In the years from the start of the campaign up to the strike, almost 10,000 members took part in education sessions.

The training ramped up in early 2021. In May, CUPE held more than 25 online strike preparation training sessions, organized by CUPE 1252, but open to members of other locals. In June, CUPE started picket captain training. Planning continued throughout the summer and, closer to Labour Day, the union offered sessions on how to conduct strike votes.

Voting to strike was not easy for many members. For example, Melinda Warren, a social worker with CUPE 1418, recalled that during strike voting in early September, she was “torn about doing the strike.” Recently relocated to Fredericton, she and her partner had just bought a house and had many bills to pay, with a toddler in daycare. “I was worried about if we went on strike, how am I going to pay all these bills?” At the same time, “the cost of food and everything was going up, and our wages hadn’t.”

CUPE 2745 educational worker Melissa Brown recalled the strike vote from another perspective: “At that point, we were three years and nine months expired on our four-year contract. The last couple of years, the cost of living has just skyrocketed, from rent to groceries to gas to everything. And we hadn’t had a wage increase in a long, long time. Members were getting frustrated and anxious. How were they going to pay their bills? And people were just like, ‘We’re done. We just want to go. And we want to get this over with, we want to get our strike votes in, we got to get this done,’ because we’ve been talking about it literally for four years.”

Sharing information and assessing readiness

The CUPE NB website and Facebook page were a primary information resource for members leading up to the strike. Facebook postings gathered hundreds of reactions and shares. A video CUPE released in late August on Facebook featuring Steve Drost and images of workers providing public services across the province was viewed more than 8,000 times. The video explained the history of the struggle, calling it “a fight between David and Goliath.”

Since the NB Media Co-op started up in 2009, CUPE NB has supported the labour-friendly online publication. The NB Media Co-op ran a “100-day ultimatum” series of news articles before Labour Day and then continued its coverage up to and during the strike. The online stories were widely shared on social media by CUPE members and the broader public, with each story attracting thousands of hits.

During the summer, CUPE published and distributed *The Signal*, a newspaper with the same name as one the union had published during the 1992 strike. CUPE brought it back for the 2021 strike. *The Signal's* 2021 edition included stories describing the struggles of the different locals in bargaining.

Early into the 100-day campaign, it was recognized that members would be in two groups: those likely going on strike and those who were not in a strike position but could be asked to provide support. “Team Strike” worked to prepare members for job action, while “Team Solidarity” began to plan ways to support the members on the strike path.

Applying the ideas of union organizer Jane McAlevey, a series of “structure tests” were used to gauge support levels and identify gaps. For instance, three member

surveys conducted prior to the strike tested how ready they were for job action, with questions asking if members would be willing to go outside their comfort zone and put themselves out to the public holding a picket sign.

Several of these tests involved information leafletting to gauge how the public would respond to CUPE information and how comfortable members were being out in public. The first test was run in collaboration with CUPE 963, NB Liquor workers whose tentative agreement had been rejected by the premier the previous November.

CUPE and the Regional Action Committees organized members to pass out leaflets outside all the NB Liquor store locations across the province. The leaflets explained the struggle the CUPE 963 workers were going through and asked for the public’s support. CUPE

1190 member Michel Losier later recalled: “At the liquor store, when we passed the pamphlets out, I was there for over two and a half hours, and I was only turned down once. The public was supporting us.”

The next information leafletting was two days outside high-visibility locations across the province, giving CUPE members the opportunity to get used to being out in public with other locals and see for themselves the level of public support. The members holding up the CUPE fist signs were encouraged by the many honks, with drivers in passing vehicles holding up their fists in return.

These early signs of public support helped to build confidence within CUPE that members would have the support they needed for a successful strike.



Signs of solidarity: CUPE’s raised fist became ubiquitous across New Brunswick in the lead-up to the 2021 strike.

Photo: CUPE

CHAPTER 6

Ready for action



CUPE planned collective direct actions across the province beginning on October 15, 2021, when this photo was taken in Saint John. The centralized bargaining team also asked members to follow their collective agreements to the letter as of that date — for example, by taking all of their breaks as negotiated in the contract.

Photo: Sandy Harding

The weeks following the announcement of the strike vote results were tense. By October 12, all 10 CUPE locals on the centralized bargaining team were in a legal strike position, and the union continued to prepare for a coordinated withdrawal from work. The province showed no interest in resuming negotiations and a strike seemed inevitable.

Front-line workers speak out about Higgs' \$100M big business giveaway [videos]

by Susan O'Donnell — July 13, 2021. Reading Time: 4 mins read



Front-line workers represented by CUPE react to the news about multi-million subsidies to big companies in New Brunswick to pay their power bills.

Front-line workers are speaking out about the government's handout of more than \$100 million in electricity rebates to six paper mills, including three owned by J.D. Irving.

A CBC investigation revealed that the corporate welfare for big business to pay their power bills has been going on since 2012 and will continue in 2021.

Meanwhile, the Higgs government is refusing to negotiate fairly with public sector workers, who are losing money every year because their wages are not keeping up with the rising cost of living.

On October 7, CUPE pushed the strike deadline back to October 22 to correspond with the province's latest round of public health restrictions. After an upsurge in COVID-19 infections and hospitalizations, New Brunswickers were instructed to remain in single-household bubbles for the Thanksgiving long weekend. Areas of the province hardest-hit by the virus, including Moncton and Edmundston, were placed under two-week "circuit breaker" restrictions.

"We will not be pulling members off the job in strike action during the fourteen-day period of newly imposed restrictions," the centralized bargaining team reported to members. "We feel this is in the best interest of the public."

For most New Brunswickers, the Thanksgiving weekend would be a quiet time, and there was plenty to think about. One challenge for the union was the constant messaging from Premier Higgs, reflected in the corporate news

CUPE workers responded to news of massive subsidies for New Brunswick's pulp and paper industry in an article published by the NB Media Co-op on July 13, 2021.

media, that the province was broke and could not afford to pay higher wages. Governments had been repeating the same mantra for almost two decades, but the claim was wearing thin.

Earlier that summer, when a CBC investigation uncovered a government program that had given more than \$100 million in NB Power rebates to J.D. Irving and two other big pulp and paper companies over the previous decade, CUPE saw an opportunity to show members how austerity worked in New Brunswick. The same program was set to pay out another \$10 million to the richest corporations in the province.

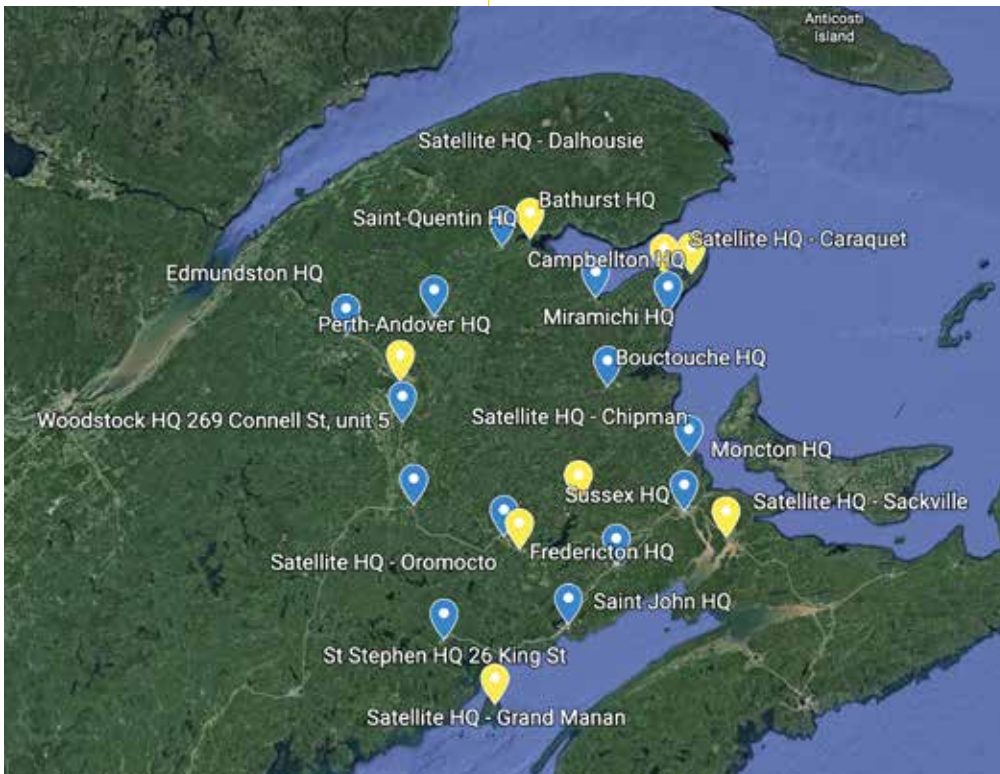
CUPE NB leaders reached out to members with an ask: “Put testimonials on Facebook about the government’s ‘big business giveaway’ and your struggle to pay your own power bills and send them to all of your friends.” Members obliged, making videos that were widely shared on Facebook.

Meanwhile, a CUPE research team led by Gabrielle Ross-Marquette had analyzed federal funding to the province for COVID-19 wage top-ups that the government was not spending. Their conclusion was that the province was running a surplus.

In September, the week before the start of strike votes on Labour Day, the province, without explanation, abruptly cancelled its regular quarterly fiscal update. This was highly unusual, and Moncton economist Richard Saillant published a column in the French-language daily *Acadie Nouvelle*, and later in the *Telegraph-Journal*, suggesting that the province was running a surplus. He noted that a strike could be avoided “with goodwill and a little creativity on both sides.”

When a fiscal update was finally released on October 13, there was a surplus of more than \$400 million.

“It’s just not going to the people,” CUPE NB president Steve Drost commented at the time. **“Or the people who are serving the people.”**



Topographical map of the Maritimes region. Strike headquarters across the province of New Brunswick are marked in blue, with satellite offices marked in yellow.

Source: CUPE

CUPE NB SCFP

**ONLINE MASS
MEMBERSHIP MEETING**

**RENCONTRE GÉNÉRALE
DES MEMBRES EN LIGNE**



THURSDAY, OCTOBER 21
LE JEUDI 21 OCTOBRE

- 10 AM
- 1 PM
- 7 PM

FRIDAY, OCTOBER 22
LE VENDREDI 22 OCTOBRE

- 10 AM
- 1 PM
- 7 PM

Meeting link (en): str.encore-ca.events/cupenb-en/

Lien de la rencontre (fr): str.encore-ca.events/cupenb-fr/

ALL CUPE MEMBERS IN NB : PLEASE ATTEND!

Please ensure you attend one of the scheduled one-hour meetings. Participation is key, even if your local is not in bargaining or considering potential job action.

TOUS LES MEMBRES DU SCFP AU NB DEVRAIENT Y ÊTRE !

Assurez vous de participer a une session des réunion d'information. chaque session durera une heure. Votre participation est essentielle, même si votre section locale n'est pas en négociations ou n'a pas envisagé de grève.

NB.CUPE.CA

NB.SCFP.CA

Thousands of provincial public sector workers attended mass online membership meetings in the days leading up to the strike.

Image: CUPE

'A strike is coming to a town near you'

With a strike still on hold after Thanksgiving, CUPE NB continued to campaign for public support. Information pickets visited schools, colleges, hospitals, courthouses and community centres across the province, warning that the province was refusing to return to the bargaining table.

The latest word from the provincial government was not encouraging. Premier Higgs was still claiming the union was out of touch with its members. He refused to budge on earlier wage proposals and still demanded concessions on benefits and pensions; earlier, he had agreed that only wages would be included in this round of bargaining.

CUPE set up strike headquarters in 14 locations across the province along with eight satellite offices, locations that would function as information hubs, relaying news from the centralized bargaining team to members and sharing responses.

Thousands of union members attended online meetings where union leaders reviewed key provisions for running a successful legal strike. For one, it was important to understand that

many members would remain on the job as designated essential workers who could not quit work during a strike, a number that included most of the hospital workers.

Members were encouraged to exchange messages via Signal, an encrypted messaging app; those without cellphones were urged to partner with fellow workers.

The strike trajectory was set and the union was ready to move fast when the time came, regional director Sandy Harding told one virtual assembly. “Just take that big, deep breath, keep informed, and you will be notified about what you need to do when,” she said. “A strike is coming to a town near you.”

Last-minute mediation

There was a break in the tension on October 22, the strike deadline, when the two sides agreed to resume bargaining. This time negotiators had the help of an experienced mediator proposed by the union, Fredericton lawyer Joël Michaud.

Talks started on Sunday, October 24, and continued until 1 a.m., Michaud moving back and forth between the rooms of bargaining teams at the Fredericton Inn, trying to work out a settlement.

CUPE’s last position was a 12% wage increase over four years for all locals, while the province offered 10% over five years. It seemed like the makings of a settlement, but negotiations did not progress. The Higgs government stuck to its demand for two locals to accept new pension language to end their defined benefit provisions.

Talks fell apart on Tuesday night when the union learned from the mediator at 10:30 p.m. that “the employer was not responding to our last pass,” CUPE announced.

At a tense news conference the following day, Premier Higgs withdrew his most recent offer. Instead, he was prepared to offer the union just 8.5% over five years. The premier’s withdrawal seemed to indicate that he’d lost interest in a negotiated settlement.

If CUPE followed through with strike plans, Higgs warned, he would potentially take drastic action: either back-to-work legislation or another emergency order.

Although various Canadian governments had used back-to-work legislation some 150 times in the past, the measure was open to court challenges in the light of recent Supreme Court decisions. However, using a public health emergency order would not require any legislative debate and could be put into effect within hours.

The premier stated that he intended to “protect and limit the impact” of a strike on New Brunswickers, “especially when we’re in a pandemic.” CUPE countered that the union and the province had already agreed months earlier that health services were protected through essential worker designations negotiated through the Labour Board. As the union pointed out, those designations “exist to ensure the health, safety and security of the public are protected.”

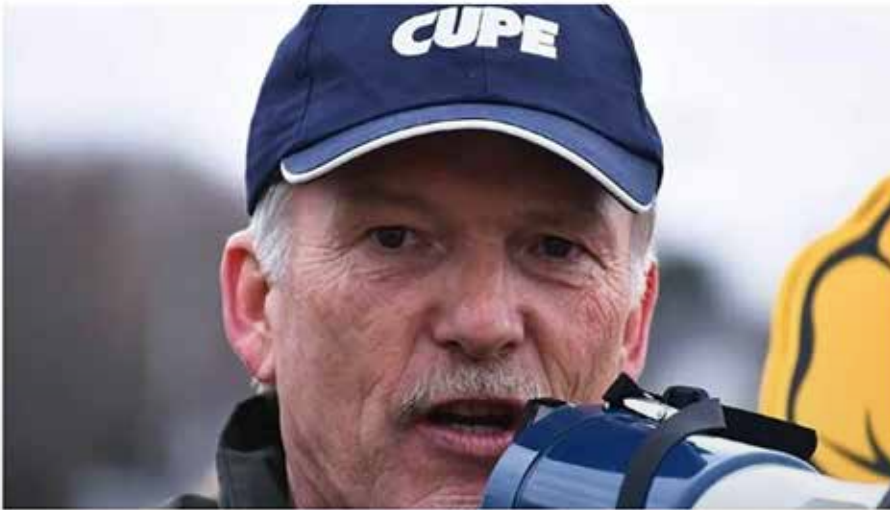
‘The right thing to do’

CUPE was not prepared to back down. Far from it. As CUPE NB president Steve Drost put it in a speech published by the NB Media Co-op on Thursday, October 28: “Our members are ready to strike. We don’t want to be in this position, but here we are. We are in a struggle for social and economic justice. This is a fight to protect the workers who provide essential services to the people of New Brunswick.

CUPE NB: Province-wide job action is the only way left for us to be heard

President Steve Drost says CUPE NB is fighting for social and economic justice

by Stephen Drost — October 28, 2021 Reading Time: 4min read



Steve Drost is the President of CUPE New Brunswick. Photo: CUPE.

CUPE New Brunswick members are ready to strike. We don't want to be in this position, but here we are. I would like to share our view of the history leading up to our strike position.

We are in a struggle for social and economic justice. This is a fight to protect the workers who provide essential services to the people of New Brunswick.

Over the past 50 years, the billionaires and the super-rich were successful in eliminating a lot of private sector jobs in North America. These were good paying unionized jobs, and they were relocated to countries of the Global South where the billionaires could pay workers less, give poverty wages and few if any benefits, and conduct their business with very little to no regulation or regard for the environment. Of course, they were also paying next to no taxes.

"We are in a struggle for social and economic justice." On the eve of the strike, CUPE NB president Steve Drost published a statement in the NB Media Co-op.

Statement published online by the NB Media Co-op, October 28, 2021

“Workers are tired, fed up and very angered,” Drost continued. “Many workers are quitting their jobs. They’re retiring early if they’re able to. They are done and they’re refusing to be bullied. They’re tired of working harder and harder and going further and further behind. They are tired of the poor working conditions, of being undervalued, overworked and underpaid, and many workers are starting to stand up for themselves. And that is what has brought us to where we are today.”

Drost criticized the decades-long attack on workers' rights and public services, and the accumulation of wealth by the super-rich. It was time to end the long years of austerity and renew support for public services provided by New Brunswick workers.

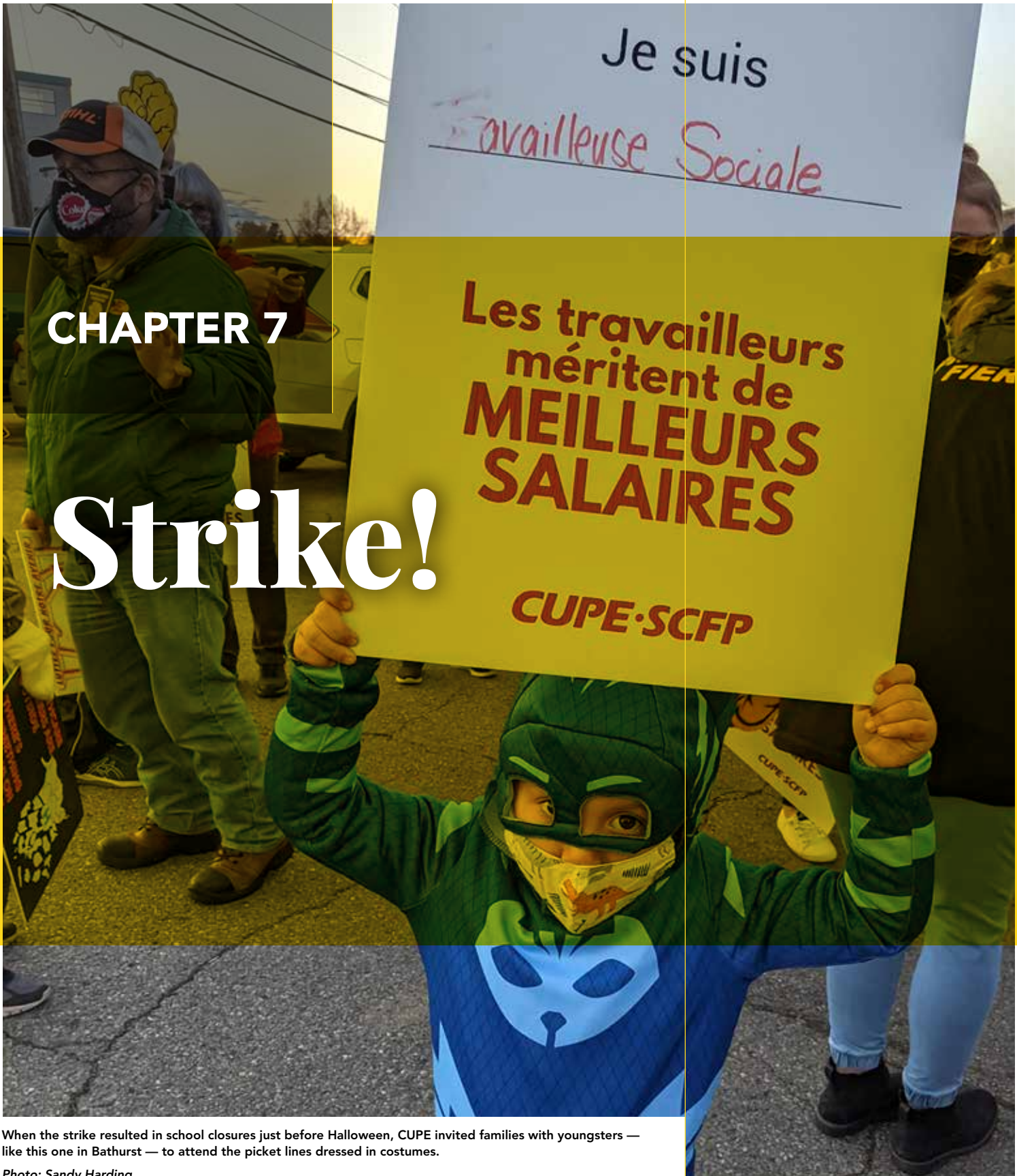
He called on New Brunswickers to understand that CUPE was bargaining not only for its members, but also for the future of the province: "In New Brunswick, public services have been severely reduced, thus eliminating our health care and social safety net and putting it in a state of perpetual crisis. We have some of the highest rates of early childhood poverty in Canada. We have a crumbling health care system. And this was happening before the pandemic crisis."

“And that’s why we’re doing what we’re doing. Not because we’re greedy workers, we’re doing this because we’re trying to protect the public services that all taxpayers deserve. And we are doing this because it is the right thing to do.”



On the picket line in Edmundston, New Brunswick, November 3, 2021.

Photo: Cole Burston




CHAPTER 7

Strike!

When the strike resulted in school closures just before Halloween, CUPE invited families with youngsters — like this one in Bathurst — to attend the picket lines dressed in costumes.

Photo: Sandy Harding



The first picket lines went up before sunrise, at 6 a.m. on Friday, October 29. In Moncton, the horns of passing motorists wailed in support of the striking workers throughout the day as hundreds of CUPE members lined both sides of Mountain Road near Vaughan Harvey Boulevard, one of the busiest intersections in New Brunswick's most populous city. Across the province, picket lines sprang up in high-visibility areas, bristling with the union's signature yellow fist.

In launching the strike, CUPE had to deal with a provision in the provincial *Public Service Labour Relations Act* that prohibits picketing in front of government facilities during a work stoppage.

“That created some challenges,” CUPE spokesperson Simon Ouellette said in an interview, **“because this is the first major legal strike where we have workers from all sectors on strike. So how can you not picket in front of a public building?”**

As a result, the union chose their locations carefully to ensure that government facilities were “not in your field of vision,” Ouellette said, to avoid the prospect of huge fines and drawn-out legal proceedings.

The walkout's first phase engaged seven of the 10 locals in the centralized bargaining committee. On the line were social workers, correctional officers, highway and ferry workers, and community college employees, as well as school bus drivers and support staff in the public education system. Hospital workers and several other groups remained at work.

In response, school districts announced the closure of schools. Teachers and administrators, not represented by CUPE, would go to

work and transition back to online learning.

Drost later recalled uncertainty among CUPE's leadership about how the public was going to react. Families had already undergone a series of pandemic-related disruptions, including school closures.

At the time, the province had just extended COVID-19 restrictions in several regions, with a new fourteen-day circuit breaker in a large section of the Saint John region starting on Friday. There was a very real sense of COVID fatigue among the general public.

To complicate the situation, the strike arrived just before Halloween and some parents complained that

their children were unable to enjoy wearing their costumes at school that day as they had planned.

Trick or treat

Education Minister Dominic Cardy, a controversial leader of the provincial New Democratic Party before joining the Progressive Conservatives, seemed intent on stirring up resentment among the public, following the previous year's pandemic cancellation of Halloween activities. "I have no idea why CUPE decided to start their strike by targeting schools on such a special day for kids," he tweeted.

CUPE responded by inviting parents to bring their children dressed in costume to the picket lines, with the union supplying the treats. Later, Steve Drost credited regional director Sandy Harding for turning the picket line into an impromptu Halloween party. Sandy said, "Listen: kids just want people to see their costumes," he recalled. "'Get some friggin' candy down to the picket line now!'"

The underlying message was summed up in a union statement addressed to New Brunswick parents: "This struggle is about ensuring that our communities can continue to afford the essentials as well as leisurely activities like Halloween."

Many families welcomed that message, recalled Terry Crouse, the chief shop steward for CUPE 813 – part of the larger New Brunswick Council of Hospital Unions, CUPE 1252 – and a long-time dietary worker at the Saint John Regional Hospital. "They know that the people looking after their children need a decent wage," said Crouse, who also served on an education committee for her local. "They brought their kids down and they played."

Her daughter was among the hospital employees mandated to stay on the job as designated essential workers. Crouse's own six-year-old grandson spent much of the strike with her at the union hall on Douglas Street in Saint John (where she kept the office running), since school was out and both parents were working. "He got a good education on how to run a strike," she said.

Frustrated rank-and-file workers were prepared to walk out long before the strike began, Crouse recalled. Beyond the staffing crunch, the pandemic meant workers risked bringing the coronavirus home from the hospital. The rules affecting their day-to-day routines at work were constantly changing. And the extra personal protective equipment, though necessary, made the work more difficult. "For a good year and a half, they're saying, 'Listen, let's just go, let's just walk.'"



Young Keaton Harper poses in his shark costume in support of striking CUPE workers in Sackville on November 12, 2021.

Photo: Bruce Wark



Picket line outside Minister of Education Dominic Cardy's office in Hanwell on November 1, 2021. During the Halloween weekend, Cardy announced the province would lock out all non-designated workers from CUPE 1253 and CUPE 2745 who weren't already on strike.

Photo: Cole Burston

Workers locked-out

In another development over the Halloween weekend, Education Minister Cardy announced that the provincial government was locking out all non-designated workers from CUPE locals 1253 and 2745. The lockout affected more than 3,000 workers not already on strike, including custodians, bus drivers, school library assistants, administrative support workers and educational assistants.

Cardy stated that CUPE's actions had created a **“volatile climate for teachers, students and parents.”** The lock-out was necessary, he said, **“to establish stability and continuity of learning.”**

With students expected to learn from home, the province also placed all educational assistants on leave without pay, even those actually “designated” as essential workers. CUPE 2745 immediately filed a complaint with the Labour and Employment Board, which ruled in support of the union on Monday: the province had violated labour law by attempting to place designated workers on leave during a strike.



Striking workers picket in front of Education Minister Dominic Cardy's office in Hanwell, New Brunswick, November 1, 2021.

Photos: Cole Burston

That legal victory boosted the spirits of workers on the picket lines, said CUPE 2745 president Theresa McAllister.

Public support grows for striking workers

On the first weekend of the strike, the government issued statements blaming the union for reduced public services. Premier Higgs was quoted in a government media release saying, “CUPE NB provided no advance notice for their strike activity.” Repeating a now-familiar refrain, he charged that the strike was caused by interference from CUPE headquarters in Ottawa.

Steve Drost set the record straight, pointing out that CUPE’s 100-day ultimatum had put the government on notice months before. And after delaying the strike due to the intensifying COVID-19 crisis, the union had warned that a work stoppage was “imminent.”

As for interference from Ottawa, Drost reminded the premier that 94% of the membership involved had voted for strike action. “This is not from the national union,” he said. “New Brunswick workers have decided this mandate so they can get fair wages.” He urged the government to come back to the bargaining table.

While a columnist in the Irving-owned newspapers predicted that CUPE was unlikely to gain public support by going on strike,

a declaration from the province’s anti-poverty and social justice organizations suggested otherwise. The Common Front for Social Justice stated: “We want Premier Higgs and all MLAs to know that our organizations and the people of New Brunswick have confidence in our public sector workers and stand with them. When they strike demanding that these problems be addressed, they are striking for all of us.”

Over the course of the weekend, the strike continued to roll out in waves. Education workers who began striking on Friday were joined by other locals, culminating on Sunday with health care workers from the New Brunswick Council of Hospital Unions, CUPE 1252.

Although most hospital workers remained at work as designated employees, hospital authorities warned of longer wait times and cancellations of non-urgent services. The province used its COVID-19 updates to accuse the union of hindering the pandemic response, such as the cancellation or rescheduling of vaccination clinics.

CUPE argued that clinics in New Brunswick should be capable of 2,000 shots daily. "However, due to staffing shortages and recruitment challenges that existed before the strike, clinics have been delivering about 200 vaccinations/day," the union stated.

The night before CUPE 1252 joined the strike, Terry Crouse stayed at the union hall in Saint John, along with another officer.

"We slept in the hall that night because we weren't sure what time we were going to get called," she said. "So, we just set up some cots here at the hall, to see what was going to happen."

On the line, she recalled an outpouring of public support, as passing motorists honked their horns and waved to the striking workers. "We couldn't believe it, the amount of support we got from the public."

Lively street scenes continued on the strike's fourth day, Monday, November 1, as members came out to walk the picket lines and appeal for public support.

Picket lines were established throughout the province, including in Moncton, Fredericton, Campbellton, Miramichi, Sussex, Saint John, Woodstock, St. Stephen, Edmundston, Perth, Bathurst, Tracadie, Saint Quentin, Sackville, Shediac, Dalhousie, Grand Falls, Oromocto, Harvey and McAdam, Chipman and Minto, Caraquet, Lamèque, Saint George, Grand Manan, Hampton, Nackawic, Bath, Kedgwick and Quispamsis.

On Fredericton's northside, CUPE members lined up all day on the sidewalks along both sides of busy Main Street. One of the picket captains, social worker Melinda Warren, said that her local had been without a contract for four years. Union members were highly motivated, some of them constantly dancing on the line. "Our members have been pumped for this strike since day one," she said.

NB's dirty laundry

During the strike, there would be many more signs of community solidarity, including from small businesses. In some communities, local businesses offered discounts to strikers. For example, On the Vine, a grocery store in Saint John, offered a 5% discount to all shoppers as long as the strike lasted. The business even included CUPE NB's signature fist in its advertising, along with the words: We Support You!

Meanwhile, a food truck called The Nomad set up shop by the Saint John picket line, selling Solidarity Dogs, CUPE Burgers and Union Poutines, and donating part of the proceeds back to the union.

As the strike dragged on, the dispute also widened beyond New Brunswick's borders, after activists learned that laundry had been diverted from Saint John to a facility in Ottawa.

Roughly 35 people picketed outside the HLS Linen Services facility in Ottawa on Monday, November 8, according to Brian Edgecombe, a retired CUPE analyst who was involved in the solidarity action.



“Of course, the primary reason for this action was to send a message to striking NB workers that there were workers in Ottawa ready to take action in support of their struggle,” Edgecombe said in an email. “The coverage of our action and the social media response told us that we had been successful in demonstrating our support.”

“It’s pretty symbolic,” Simon Ouellette later remarked, **“stopping New Brunswick’s dirty laundry.”**

A worker on the picket line in Woodstock, New Brunswick.

Photo: Sandy Harding

CHAPTER 8

Rally at the New Brunswick legislature



"This is what democracy looks like." CUPE NB president Steve Drost, fist raised, outside the New Brunswick legislature on November 2, 2021.

Photo: Cole Burston

On Tuesday, November 2, the fifth day of the strike, CUPE members disrupted the first sitting of the Legislative Assembly since June with one of the largest rallies ever held in the provincial capital.

The previous day the government had abruptly cancelled the official start of a new legislative session to give it “more flexibility” to take the exceptional step of introducing back-to-work legislation. Instead of the scheduled Speech from the Throne at 1 p.m. on Tuesday, members of the Legislative Assembly heard bellowing horns and cheering crowds. Even the microphones used by MLAs inside the legislative chamber picked up the outside noise.

In Question Period, members of the opposition parties hammered the government for failing to settle the strike at the bargaining table. “I cannot imagine for one second that the Premier likes to hear what is going on outside,” said Liberal leader Roger Melanson. “When are you going to get back to the negotiating table so that we can resolve this labour dispute?”

Green Party leader David Coon demanded to know why Higgs had walked away from the table when an agreement was within reach only a few days earlier. “Why is the Premier holding 22,000 public servants and all New Brunswickers hostage to his demands for concessions on pension plans when the negotiations are supposed to be about fair wages for the public sector workers of this province?”

Coon pointed out that most CUPE workers on strike were women: “These women do not get paid nearly enough or get provided with sufficient hours of work to be able to support themselves by themselves. This is nothing more than systemic discrimination based on gender.”

For his part, Higgs said that he was prepared to reach a fair deal but was also “being prudent with taxpayer dollars.” The biggest obstacle to a



Upwards of 5,000 people marched to the Legislative Assembly of New Brunswick on November 2, 2021, answering a call for support from CUPE. It was one of the largest demonstrations ever held in the provincial capital.

Photo: Cole Burston

settlement, he recognized, was his demand for changes in pensions, but he blamed the resistance on outside influences.

“It is because CUPE National is driving the bus. CUPE National is driving this negotiation and that is why we do not have a deal,” he said. “It is as simple as that.”

A loud message for fair wages

Outside the legislature, the crowd was exhilarated. The previous day, CUPE NB had issued an appeal for New Brunswickers to come to Fredericton and “send a loud message to government that the public supports fair wages for front-line workers.”

CUPE NB had organized the event within the previous 72 hours, timed to coincide with the planned formal opening of the Legislative Assembly. As Drost and other CUPE NB leaders drove from their “War Room” at the Radisson Hotel in Hanwell, the union president was hoping that perhaps 2,000 people would be in attendance.

The horns and cheers could be heard up along the Wolastoq River and blocks away across town.



Demonstrators in Fredericton on November 2, 2021.

Photo: Cole Burston



“When we got to the Exhibition Grounds, there was pretty well already a thousand there,” Drost recalled. “And the numbers, they just kept growing and growing.”

Crowds assembled there on Smythe Street at noon, and also in front of the Lady Beaverbrook Rink on University Avenue. From these two locations, they marched through the streets to join other demonstrators in front of the legislature. There, they covered the lawn and spilled out into the surrounding streets under the blue sky of a beautiful fall afternoon. Reliable estimates placed the crowd at 5,000 or more, and the union had crowd marshals on hand to direct the flow of people and ensure a peaceful rally.

Staff Sergeant Michael MacLean of the Fredericton police later commended CUPE NB for bringing together so many people without incident. “On behalf of the Fredericton Police Force, I wanted to pass along my appreciation for how helpful you and your designated marshals were today,” he said in an email. He called the event “a job well managed.”

In addition to the familiar waving fists and “Bargaining Forward” signs from earlier demonstrations, other messages read:

“I DESERVE FAIRNESS”

“I’M A PROUD FRONT-LINE WORKER”

and

“WORKERS DESERVE FAIR WAGES.”

A poster of a shattered provincial map read:

“IF HEALTH CARE WORKERS ARE OUTSIDE, THERE’S SOMETHING WRONG ON THE INSIDE.”

Another said:

“CUPE NB SCFP 1253 CLEANS THE WAY FOR SAFE EDUCATION.”

Some hand-lettered signs read:

“WE ALL DESERVE A PAY RAISE”

“WE SERVE AND CARE FOR NB PEOPLE. DO YOU?”

“HIGGS! COME PLAY NICE IN THE SANDBOX!”

and

“THIS IS WHAT SOLIDARITY LOOKS LIKE.”



Pierre Bourgeois, president of CUPE 5017, New Brunswick Community College (front centre, facing crowd), holds the microphone during a rally at the Legislative Assembly on November 2, 2021.

Photo: Cole Burston

The New Brunswick Federation of Labour displayed its banner prominently, as did other public sector unions, including the New Brunswick Nurses Union, the New Brunswick Union of Public and Private Employees, the New Brunswick Teachers' Federation, and the faculty unions at St. Thomas University and the University of New Brunswick.

'We're there for you'

Busloads of union members arrived in the provincial capital from across New Brunswick. A transport schedule included pick-up locations at Campbellton, Dalhousie, Miramichi, Moncton, Sussex, Hampton, Saint John, Perth, Woodstock, St. Stephen, Edmundston, Bathurst, Pokemouche, Tracadie, Saint Leonard, Grand Falls–Grand-Sault and Bouctouche.

In making plans, organizers found a shortage of available coach buses because of the pandemic: regular bus tours had been cancelled, so companies had not licensed their vehicles. The shortage prompted a gesture of solidarity from Indigenous allies, with Eel River Bar First Nation loaning school buses to the union.

“The feeling was: ‘You guys need buses? We’re there for you.’” Drost recalled.

New Brunswickers were well aware that relations between the Higgs government and Indigenous communities had reached a new low point in October after a memo from Attorney General and Minister of Justice Ted Flemming had been leaked to the media.

In it, Flemming banned civil servants from acknowledging unceded or unsurrendered First Nations land. CUPE NB responded with a statement calling the memo “an affront to reconciliation efforts.” Drost warned that any attempt to discipline members for making territorial acknowledgements would be met with grievances, and he called the memo an infringement of members’ right to free expression.

‘We’ve got this’

Among the workers travelling to Fredericton for the rally was Lorraine Urquhart, a longtime court stenographer from Saint John and a member of the bargaining team for CUPE 1840. She recalled a feeling of pride and solidarity at the demonstration, and an encouraging response from the general public. “It was very positive energy,” she said.

The rally was significant even for members unable to attend in person, as pickets continued across the province. “We could hear it from Bathurst,” joked CUPE 1190 plow operator Michel Losier, coordinator of the strike headquarters in that

northern New Brunswick city, 250 kilometres away, where members watched the events by video.

The union had planned to livestream the rally online, but the feed went down as the crowd poured in. “So many people were on their phones that there was just no more bandwidth,” recalled Simon Ouellette.

Christine Goguen, a CUPE 5026 executive member from the Dieppe campus of the Collège communautaire du N.-B., recalled local residents showing support by holding placards or banging pots and pans, a form of protest practised internationally, and known in Spanish as *cacerolazo*.

An evocative placard at the November 2, 2021 rally at the Legislative Assembly.

Photo: Cole Burston



One child care centre brought out a group of young children, who also held signs and joined in the noisemaking. "That one was very touching," Goguen said. "I've been in a few rallies and protests, and I had never seen such a strong community support like this. It really charged my batteries for the weeks ahead."

Crowd marshals cleared a path for CUPE NB leaders as they arrived on the grounds of the legislature. "The crowd spread and opened a path for us to reach the steps of the legislature," said Daniel Légère, president of the New Brunswick Federation of Labour. "There's a feeling I have never had before with that many people there."

Lorraine Urquhart, member of CUPE 1840, provincial court stenographers.

Photo: Submitted



Harding had initially worried about anti-maskers hijacking the demonstration, but only a handful showed up. She said the sheer size and energy of the demonstration represented a "turning point" in the strike. That's when she knew: "We've got this."

'You know your worth'

Standing on the steps of the legislature holding a microphone, Steve Drost kicked off the rally with the kind of land acknowledgement the Attorney General had recently banned among civil servants. As the crowd cheered, he declared: "I give thanks and I recognize that we are

Protesters with placards that say, in English translation: "No to zeros! Enough is enough!" and "Higgs, quit messing with us! Come back and negotiate."

Photo: CUPE



on the unceded and unsundered territories of the Mi'kmaq, the Maliseet and the Passamaquoddy."

"I just want to tell you how proud I am to be a member of CUPE NB today," he continued. "Your leaders have heard you loud and clear. For too many years you have been attacked. For too many years they have not paid you your worth. And you have given us a very strong message. You know your value. You know your worth. And we're here to stand with you."

The presidents of the 10 locals on the centralized bargaining team also addressed the crowd.

“I am so honoured to represent you at the centralized bargaining team,” said Shawna Morton, president of CUPE 1418. **“Together we’re going to win this and we’re going to win it big.”**

“I am sick and tired of being beaten down by this government,” said Chris Curran, president of CUPE 1251. “We are here to support you and get you the raises that you deserve.”

Pointing to the long empty table placed at the foot of the steps, Harding called for the government to return to bargaining. “We are going to use our outside voices because we are not on the inside,” she said. “Use your outside voices now to tell them to get back to the table. It’s pretty bad we have to bring a bargaining table here to come and bargain with this government.”

Drost raised linked fists with New Brunswick Federation of Labour president Danny Légère and led the crowd in a solidarity chant.

“You are standing up for every worker in this province,” Drost told the crowd. **“You are standing up for democracy. Because, Mr. Higgs, this is what democracy looks like.”**

Signs of solidarity: Danny Légère, president of the New Brunswick Federation of Labour, is pictured during a rally at the Legislative Assembly on November 2, 2021.

Photo: Serge Landry



CHAPTER 9

Friday showdown



CUPE NB president Steve Drost raises his hands in apparent exasperation as Premier Blaine Higgs intervenes during a union media conference on the steps of the Legislative Assembly, November 5, 2021.

Photo: Cole Burston

Saint John laundry worker Brandon Boucher wasn't surprised when he learned on Friday, November 5, that the Higgs government was ordering CUPE health care workers to return to the job on their next shift. The government was using a mandatory order issued under COVID-19 emergency provisions. "We were all expecting something like that to come," recalled Boucher, a member of CUPE 1251.

Indeed, Higgs had been suggesting practically from the start that he would force provincial employees back to work, either with back-to-work legislation or by using the powers available under the existing public health state of emergency. Legislation would take at least four days to enact, but an emergency order could be activated within hours.

Boucher, the father of a six-year-old son, works at Saint John Laundry, formerly known as Fundy Linen. The 150-worker Service New Brunswick facility provides laundry services for care homes, hospitals, emergency and extramural medical services. In October 2019, workers at the facility had staged a wildcat strike over workplace bullying and poor

working conditions and since then had grown increasingly frustrated as the cost of living increased.

Workers were ready to strike and had been impatient with the 100-day ultimatum. "Everybody was saying, 'Why are we giving him 100 days? Let's just do this. Let's just get this over with,'" recalled Boucher, who was vice-president of his unit in the lead-up to the strike.

Eight days into the strike, they were ordered back to work by midnight the same day. Facing crippling fines, they decided they had to comply. "Everybody was pretty mad about it, that's for sure," said Boucher. The laundry workers were well aware of the importance of their role in the larger health care system. "When

the hospital doesn't get their laundry, obviously it shuts a lot of stuff down."

Back-to-work order

The mandatory back-to-work order affected more than 3,000 non-designated workers in three locals, including CUPE 1251, institutional services and care; CUPE 1190, general labour and trades; and CUPE 1252, the New Brunswick Council of Hospital Unions.

The latter was the largest by far of the three, representing about 9,000 members in a wide range of fields in the provincial health care system, although their numbers had



Brandon Boucher, a Saint John laundry worker and member of CUPE 1251, is pictured with his son.

Photo: Submitted

been reduced from about 11,000 in October, when the province reclassified some 1,900 licensed practical nurses.

For violations of the mandatory order, individual workers would face massive fines, ranging from \$480 to \$20,400 per day. Those penalties also applied to anyone “who counsels another person not to comply.” CUPE itself was subject to a minimum penalty of \$100,000 per day. And in cases of non-compliance, the government retained the right to contract out work or bring in strikebreakers.

Back-to-work orders are highly controversial in Canadian labour relations. But specialists in the field found this pandemic-style order unusual because it provided no mechanism, such as arbitration, for achieving a settlement, as back-to-work orders usually do. It looked like these workers would be required to remain at work as long as the province continued to declare a public health emergency.

CUPE regional director Harding recalled a constant refrain among lawyers working with the union as the province exercised its extraordinary powers: “This is uncharted territory.”

Face-off on the steps

That same day, CUPE NB had called a morning media conference, with the tables again set up at the front steps of the legislature.

“We just whipped it up pretty quickly to show that we’re trying to bargain,” Harding recalled.

Early the previous afternoon, union leaders had entered Chancery Place for meetings at the premier’s offices and remained in the building well into the evening. Steve Drost remembered there was relatively little discussion, with the CUPE team waiting outside the premier’s office much of the time. Late in the evening, Higgs made an offer that once again required a review of pensions, a non-starter for the union.

With Higgs indicating that his offer was firm, Drost said he would take it back to the centralized bargaining team. But he told the premier he couldn’t recommend the proposal, since it still involved concession language on pensions.

“We were there to negotiate wages,” Drost said.

Back at the hotel, it was close to 10 p.m. when he presented the local presidents with the proposal. “People were very upset,” Drost recalled, as the province attempted to “hold the other groups hostage” over the question of pensions affecting the two locals.

By around 2:30 a.m., the bargaining committee decided to make a counter-offer. Drost attempted to contact a top government official by cellphone, eventually leaving a voicemail when she didn’t answer the late-night call.

CUPE had refused the government’s offer, but the next morning, Drost heard reports that Higgs was circulating in the crowd outside the Legislative Assembly, promoting a deal supposedly reached the previous night. The problem was that there was no deal. It appeared to be the latest attempt by Higgs to push the narrative of a union leadership purportedly out of touch with its membership.

At 10 a.m., Drost sat at the table outside the legislature and read out two versions of the proposed agreement for the benefit of reporters and the hundreds of



Union spokesperson Simon Ouellette gestures for Blaine Higgs to return the microphone after the premier intervened during a CUPE media event on the front steps of the Legislative Assembly on November 5, 2021.

Screenshot: CUPE

strikers on hand. A settlement on wages seemed very close, a matter of 25 cents on the hourly rates in years four and five of the contracts.

Drost's voice boomed through the loudspeakers with a message for the premier: "You want a deal? You come out right now and let's settle this. Let's get back to work." Then came one of the most dramatic moments of the strike. There was an uproar as the premier suddenly appeared in the crowd.

"I heard the booing first," Harding recalled.

The mood was tense as the premier, wearing a suit and holding some notes, stepped forward. He apparently wanted to address the crowd. Harding offered the premier

some hand sanitizer for the mic. Then, standing on the steps behind the seated union leaders, Higgs began to repeat his timeworn talking points.

"We're at odds, it seems, between national and local," he said, prompting groans and boos from the crowd.

He went on to make a pitch for his proposal, which hinged on a review of pensions for CUPE locals 1253 and 2745. The angry crowd answered with heckling. "Sign the deal," they chanted. The scene produced one of the most memorable photographs of the strike, when Drost threw up his hands in apparent exasperation as the premier spoke.

On the picket line in Woodstock, New Brunswick, November 3, 2021.

Photo: Cole Burston

After the clamour finally overpowered Higgs, CUPE's Simon Ouellette gestured for the premier to return the cordless microphone. Higgs thanked the crowd and departed with his entourage, followed by jeers and the howling of noisemakers.

Doubling down

Premier Higgs was hardly a peacemaker that day. Within hours he was holding his own live-streamed media conference to announce the mandatory back-to-work order. "The situation has gone on way too long," said the premier. He was not questioning the validity of a legal strike, he claimed, even as he was about to make a large part of the existing strike illegal.





A
PENSION
IS
NOT A
PERK



BUS DRIVER
&
Warehouse Workers
FAIR WAGES

DRIVE THRU
WAREHOUSE

Also speaking at the media conference were the CEOs of the province's two regional health authorities, who noted the importance of health care workers – now more than ever, a scarce resource – and the dire working conditions that existed long before COVID-19.

“In Horizon and Vitalité, we do not have a buffer of employees,” said Dr. John Dornan, head of Horizon Health. **“We are at a suboptimal level 365 days of the year.”**

Dr. France Desrosiers, head of Vitalité, stressed the commitment and professionalism of all health care employees, but said the situation was “no longer tenable” because their facilities were at maximum capacity. Neither of the CEOs explicitly endorsed the emergency order, perhaps

recognizing that a settlement would be the best way to restore staffing levels.

Even Minister of Justice and Attorney General Ted Flemming, who signed the back-to-work order, seemed ready to praise the striking workers when he told reporters he believed the picketers outside the Legislative Assembly were “polite” and “considerate.” But he also noted somewhat ominously that “if one of those people who were protesting today happened to get hit by a car, I think when they go to the hospital, they [would] want somebody to look after them.”

Even before the order went into effect, Green Party leader David Coon voiced his strenuous opposition to the drastic measure. When the emergency order was announced, he resigned from the all-party COVID-19 cabinet committee that had been regularly consulted on managing the public health situation. During the media conference announcing

the back-to-work order, a reporter informed Higgs that Liberal leader Roger Melanson had also quit the committee. “I’m not surprised,” the premier replied.

The following day, the province issued a media release stating: “The Regional Health Authorities are reporting no issues with employees showing up for their shifts and an overall positive morale.” In fact, the hastily announced order had generated confusion at certain workplaces, with some workers being turned away. “They were not allowed to go to work,” CUPE 1252 president Norma Robinson said at the time.

She objected to comments from the provincial government suggesting that people weren’t receiving medical care, or even dying, because of the strike. “They’re trying to put that on the backs of those members that are on the picket, and that is definitely not fair,” she said. “For lack of better words, it really pissed us off.”

And the morale was hardly positive at Saint John Laundry, said Brandon Boucher of CUPE 1251. **“Everybody was angry, frustrated,”** he said. **“It was craziness.”**

Meanwhile, public opinion in the province was trending strongly against the Higgs government. A petition on the website change.org collected more than 18,000 signatures calling on the premier to resign. And a poll commissioned by CUPE NB

found that roughly 82% of respondents supported its campaign for wage increases.

Mackenzie Thomason, a bus driver represented by CUPE 1253 and the New Brunswick NDP leader, is shown during a march to the office of Minister of Labour Trevor Holder in Saint John.

Photo: Chris Thompson



A photograph of a worker on a picket line. The worker is wearing a dark hoodie and is holding a large, stylized sign of a raised fist. The sign is yellow with black outlines and is held up against a background of a cloudy sky and a building. The worker's hand is visible, wearing a dark glove. The sign has the word 'CUPE' written on it. The overall scene is lit with a warm, yellowish light, suggesting a sunset or sunrise. The image is framed by a yellow border on the left and right sides.

CHAPTER 10

Breakthrough!

A worker on the picket line in Edmundston during the 2021 strike.

Photo: Sandy Harding

Schools were still closed as the strike entered its second week. After more than a year of on-and-off pandemic interruptions, parents were stretched to the limit, helping their children once more to cope with the challenges of online learning. With public support for CUPE workers running stronger, families wanted the province to settle with the union.

Back in the Legislative Assembly, opposition leaders demanded to know why the schools were still closed, and why the premier was prolonging the strike. Thousands of workers were back on the job under the emergency order, and the Higgs government showed no sign that it was trying to achieve a settlement.

In fact, the strike was expanding. On Tuesday, November 9, CUPE 963 announced a vote of 97.7% in favour of strike action. More than 500 workers at the province's liquor stores and warehouses had accepted a tentative agreement in 2020, but Premier Higgs had vetoed the deal. Now they were set to become the eleventh CUPE local out on strike.

To some observers, the prospect of adding NB Liquor workers to the picket line appeared to push the

government to action. However, CUPE NB president Steve Drost and regional director Sandy Harding both doubt that was the tipping point.

“The momentum was there,” Drost said.



Teachers show solidarity with striking CUPE workers in Perth-Andover, November 3, 2021.

Photo: Cole Burstun

Talks started again on Remembrance Day, Thursday, November 11. A union delegation met with Premier Higgs and his advisors for almost six hours at Chancery Place, overlooking the lawn of the legislature across the street. They returned the next afternoon, and the meetings continued until past midnight.

Michel Losier, a member of the negotiating team for CUPE 1190, recalled driving from northern New Brunswick to the provincial capital as the deal came together. For practically the entire journey – roughly three hours from Petit Rocher to Fredericton – he was on a hands-free device, discussing the proposal with members. He said he was proud of the outcome, especially improved conditions for casual workers. “This was a big fight for us,” he said.



On the picket line in Fredericton, New Brunswick, November 1, 2021.

Photo: Cole Burston

Finally: good news

It was the news the province was waiting for. Around 8:30 p.m. on Saturday, November 13, day 16 of the strike, the CUPE centralized bargaining team announced that a proposed wage package had been agreed with the provincial government.

No details were provided, with the proposed settlement referred to each union local for members to vote on whether to accept or reject it. Meanwhile, pending the results of ratification votes, picket lines would be coming down on Sunday. Members were returning to work as soon as possible, and schools would be ready to open on Monday.

The agreement on a common wage package covered all 10 locals represented on the centralized bargaining team. This included seven locals that negotiate directly with Treasury Board: general labour and trades (CUPE 1190), rehabilitation and therapy (CUPE 1418), provincial court stenographers (CUPE 1840), institutional care and services (CUPE 1251), the New Brunswick Council of Hospital Unions (CUPE 1252), the New Brunswick Council of School District Unions (CUPE 1253) and education support staff (CUPE 2745).

Also on the centralized bargaining team were three CUPE locals that deal with Crown corporations: Worksafe NB (CUPE 1866), the



"More than praise, we need a raise." Workers picket in Woodstock on November 3, 2021.

Photo: Cole Burston

New Brunswick Community College (CUPE 5017) and Collège communautaire du N.-B. (CUPE 5026). Although not included in the original round of bargaining, the workers at NB Liquor (CUPE 963), who were slated to strike the following week, would also be voting on the tentative agreement.

For the time being, the pension issue that had preoccupied the premier for so long seemed to be set aside. The two locals representing school custodians, bus drivers, educational assistants and other education workers (CUPE 2745 and CUPE 1253) had arrived at a proposed memorandum of understanding about pensions.



The COVID-19 pandemic highlighted inadequate wages for front-line workers. Striking workers picket outside the CF Champlain shopping centre in Dieppe, near downtown Moncton, on October 30, 2021.

Photo: Colleen Reynolds

Without revealing details of the agreement that the bargaining team was recommending to the locals, Drost confirmed that the settlements would help make up the losses of recent years by achieving wage rates above the level of inflation. "I'm so pumped and relieved," he commented. "I am very proud of these workers."

Deal: collective action broke the wage mandate

Unions are democratic institutions. Leaders are elected and union contracts are sent back to the members for approval. This process

was on full display at the Fredericton Inn on the morning of Friday, November 19. Over the course of the week, all of the CUPE locals had held information sessions to go over the proposed wage package, and then they had voted on the agreements.

One by one, the presidents of the 11 union locals now involved announced the results of the ratification votes. Ten voted to accept it, and one to reject it.

CUPE NB released a statement to announce the terms of the wage increase. "The new five-year contract is the result of a long struggle, culminating in mass strikes, for wages that go above the cost of



living,” said Steve Drost. “Nothing in this deal was given to us kindly. It was earned through the members’ mobilization and their resolve on the picket lines.”

The deal for members was a general economic increase of 2% plus a 25 cent per hour adjustment at the start of every year of the contract. As the average hourly wage for a CUPE member in New Brunswick was \$21.50, the 25 cents an hour represented more than 1% for every year of the contract. “The overall agreement stands above a 15% adjustment over five years or 17.9% for the lowest-paid classifications,” Drost said.

Casual workers who prior to the strike were unjustly receiving less than 80% of the pay of a full-time worker doing the same job would now receive full pay.

The new agreement represented a remarkable achievement. Back in December 2020, Premier Higgs wanted to impose a wage freeze, followed by three years of 1% increases. When centralized bargaining began in August, the premier moved to 8.5% over five years.

“Through public pressure and mobilization, Higgs had to adjust,” Drost said.



Signs of solidarity: Members of the New Brunswick Nurses Union show support for striking CUPE workers.

Photo: NBNU



CUPE 813 and 1199 represent members at the Saint John Regional Hospital and Saint Joseph's Hospital. Both locals are part of the larger New Brunswick Council of Hospital Unions, CUPE 1252. The locals had signs made to thank members of the public and businesses that supported the strikers. This sign was on the lawn of a member on Loch Lomond Road, Saint John.

Photo: Terry Crouse

The one local voting against the deal was CUPE 1253, school bus drivers, custodians and other school workers. Local president Iris Lloyd said her members rejected the agreement because the memorandum of understanding language was “very unclear” about the protection of their pension rights.

CUPE 1253 members agreed to continue working while bargaining continued. This turned out to be a long process ending in March 2022, when members approved a revised agreement.

When the ratification vote results were announced on November 19, CUPE was able to claim a victory at the end of a long struggle.


“This government and any government needs to be investing in public services because our families and all New Brunswickers deserve good public services,” said Drost. **“This is just the beginning. This agreement has done nothing to address recruitment and retention. We still need to be bargaining forward.”**

“But we have broken the wage freeze mandate. We’ve pushed back against austerity, against the wage mandate, and showed that it could be done with collective action.”

CONCLUSION:

Solidarity works

Steve Drost and
Sandy Harding



In 2021, workers fought and won. To onlookers, our province-wide strike might have seemed like a spontaneous event, or something planned just a few months ahead. In fact, it took us more than three-and-a-half years of hard work and planning with the Bargaining Forward campaign. Our victory was not an easy one, but it was well earned.

When Premier Higgs was given the 100-day notice to reach agreements, it was about drawing the line in the sand and saying that workers deserved better. CUPE members held out hope that he would actually bargain fairly, as naive as that may sound now. Higgs showed disrespect for the union over and over.

Examples include waiting until the 89th day to sit and negotiate with us. Higgs didn't heed our warnings about the frustration of CUPE members, whose work proved essential under the most difficult pandemic conditions. Perhaps he didn't realize we were serious, or that grassroots members would fight.

The premier's punitive approach to negotiations only strengthened our resolve. Recall in October 2021, when he withdrew an offer of 10% over five years, only to propose 8.5% instead. The membership and wider public saw this kind of treatment as unfair.

After the settlement of new contracts, Higgs lost no time in disrespecting parts of the new collective agreements, including unduly delaying retroactive wage payments. These are all attempts to minimize the real impacts of the strike. Because he cannot admit defeat, he tries to diminish the importance of what we achieved through solidarity.

Sharing our story – protecting our collective memory – then takes on a new importance. CUPE's 2021 strike

was one of the largest successful acts of resistance in New Brunswick's recent history. We hope it can serve as an inspiring example for working people facing hostile and powerful adversaries.

Workers' success stories, even old ones, play a big role in shaping our future expectations. When we began the Bargaining Forward campaign, we talked a lot about the "illegal" CUPE strike of 1992. Knowing we had pulled off that massive multi-sector provincial strike against another austerity-driven government, led by then-premier Frank McKenna, prepared us mentally for a new fight. Looking back at tactics and tapping into the lived experience of past leaders gave us hope and a better idea of the task ahead.

Back in 1992, we had to face governments pushing harmful trickle-down economic policies, privatization and deregulation. Today, we face similar threats. People are told to be happy just to have a job, while the ultra-wealthy and their pals in governments put profit over human dignity and the natural environment. We cannot let this go on for another 30 years.

Change must be led by ordinary people, which is another reason why we are sharing our story. When delegates at our 2022 CUPE NB Convention unanimously voted to recommit to the objectives of Bargaining Forward, they displayed hope that successful acts of resistance can snowball into system-changing social movements.

Back in 2018, when we rolled out the mass membership sessions, workers could have instead chosen the status quo. Going through two cycles of wage controls by the previous New Brunswick governments, under both the Liberals and Progressive Conservatives, had taken a toll on the morale of workers. Let's not

forget that hundreds of public sector employees had already "voted with their feet," leaving the province or changing jobs because wages had not improved for so long.

But our leadership was motivated and our members chose hope, the vision of a better future for front-line workers. Stories from the past, our history of fighting back, and a certain internal culture of militancy had "vaccinated" enough of us against defeatism and fear.

We remember how insulting it was for our rank-and-file members when Higgs claimed the strike was spearheaded by CUPE's national office in Ottawa, as if New Brunswick workers did not have the intelligence and guts to choose action by their own democratic free will. Our members chose to turn anger into action. They understood that with all the locals standing together, they were part of something stronger.

During the long journey to the picket lines, we were thinking and strategizing based on what the members were saying. Union

leadership and staff went to the members in their communities instead of expecting them to come to us. We believe this was a key component of our success.

Looking ahead

Following the successful 2021 CUPE strike, the province has announced the minimum wage in New Brunswick will increase by two dollars. Other unions, even those who had accepted less favourable collective agreements, have received the higher CUPE wage mandate. These positive "domino effects" are some of the many ways that organized labour improves living conditions throughout the economy.

Better compensation for public sector workers will inevitably strengthen services such as education and health care. Money in the pockets of ordinary people will help local businesses, resulting in a stronger social fabric.

However, history teaches us that strike victories are rarely secure if they are not protected by a mobilized, politically aware and united working class. Employers, private and public, have often been able to claw back gains by exploiting divisions in our movement. Consequently, spreading the flame of militancy within and beyond our ranks is the best protection we can give ourselves to safeguard and build on our advances.

We do not have the luxury of resting on our laurels. Instead, we must leverage our victory to grow our movement, organize new workers and show that united workers have the ability to make lasting positive change.





A message of thanks from **Steve Drost:**

There are so many people and organizations to thank, but I will try to keep it to a minimum and apologize if I miss some. I thank workers who are the backbone of this province. They stepped up to protect themselves, their families and public services.

I thank our elected union leaders in New Brunswick, CUPE's national officers and staff who were there every step of the way. Sandy Harding, regional director of CUPE Maritimes, was unbelievably helpful, and her staff were also phenomenal. Other CUPE locals and divisions across Canada had our backs and gave us support. The national union gave the workers full support. Other public sector unions and private sector unions in New Brunswick, the New Brunswick Federation of Labour and Canadian Labour Congress were remarkable.

Community allies and small businesses were empathetic and treated the strikers with respect and dignity and as the real heroes they are. I also thank Bob Davidson, who was one of my mentors and one of the main architects of the 1992 strike, where thousands of public sector workers defied the law to protect collective agreements. The spirit and creativity that came with this resistance was a great source of inspiration.



A message of thanks from **Sandy Harding:**

I wish to thank the general CUPE membership, from NB and outside, who were there directly or indirectly supporting us. As a regional director, I must highlight the great work done by our staff, the support given by our national office and our national officers. I thank our community allies and ally organizations of all kinds. I thank our previous CUPE NB presidents Daniel Légère and Brien Watson, and of course, our current president Steve Drost. And finally, I must show gratitude towards all New Brunswickers, and especially those activists and rabble-rousers scattered in every community: you are the spark that fires the engine of change.

Roll call

Centralized bargaining team

*The eight names associated with the locals listed below are the elected presidents for the respective bargaining units.

CUPE 1190	Brent Wiggins	General Trades and Labour (Transportation and Infrastructure)
CUPE 1251	Chris Curran	Institutional Care and Services (Corrections and Saint John Laundry)
CUPE 1252	Norma Robinson	New Brunswick Council of Hospital Unions
CUPE 1253	Iris Lloyd	New Brunswick Council of School District Unions (Bus Drivers, Custodians and Maintenance)
CUPE 1418	Shawna Morton	Rehab and Therapy (Social Workers, HRDOs, Probation Officers, Human Rights, Recreation and Cultural Officers)
CUPE 1840	Patricia Brewer	Provincial Court Stenographers
CUPE 2745	Theresa McAllister	Educational Support Staff
CUPE 5017	Pierre Bourgeois	New Brunswick Community Colleges (Liaison for the Government of New Brunswick Part 4 Locals 963, 1866, 5017 and 5026)
CUPE NB	Steve Drost	President
CUPE staff	Sandy Harding	Maritimes Regional Director
CUPE staff	Gabrielle Ross-Marquette	Researcher
CUPE staff	Danika Dupuis-Parker	Servicing Representative

CUPE staff assigned to the centralized bargaining team

CUPE 963	Denis Bruns	Coordinator
CUPE 1190	Danika Dupuis-Parker	Coordinator
CUPE 1251	Mike Davidson	Negotiator
	Andrew Woodcock	Coordinator
CUPE 1252	Ralph McBride	Coordinator
	Samuel LeBlanc	Coordinator
CUPE 1253	Mike Meahan	Coordinator
	Marcos Salib	Servicing Representative
CUPE 1418	Michelle LeBlanc	Servicing Representative
CUPE 1840	René Doucet	Coordinator
CUPE 1866	Patrick Roy	Coordinator
CUPE 2745	Trent Snickers	Coordinator
CUPE 5017	Kim McCaffrey	Coordinator
CUPE 5026	Guy Ward	Coordinator
CUPE	Sandy Harding	Maritimes Regional Director
CUPE	Gabrielle Ross-Marquette	Researcher
CUPE	Simon Ouellette	Communications Representative
CUPE	Aditya Rao	Human Rights Representative
CUPE	Emily Niles	Researcher
CUPE	Matthew Stella	Communications Representative

Local bargaining teams

CUPE 963 New Brunswick Liquor Corporation	Jamie Agnew, Lisa Vincent, Raymond Thibodeau, Denis Melanson and Paul Lavigne
CUPE 1190 New Brunswick General Trades and Labour	Brent Wiggins, Joey Kelly, Heather Holland, Jean-Guy Richard, Michel Losier, Maurice Gullison and Scott Jamer
CUPE 1251 Institutional Care and Services	Chris Curran, Cindy O'Donnell, Tanya Monteith, Tara Winzar, Heather Flaherty, Cindy Johnson and Maurice LeBlanc
CUPE 1252 New Brunswick Council of Hospital Unions	Norma Robinson, Lisa Allen, Bryan Harris, Sue Touchie, Charline Cormier, Kim Davidson, Scott Floyd, Ellie Michel, Cheryl Omvlee, Daniel Boucher, Charles Dupuis, Joseph Lanteigne and Mary Jardine
CUPE 1253 New Brunswick Council of School District Unions	Iris Lloyd, Kelly Way McCurdy, Will Thibodeau, Gérald Landry, Brian Guitard, Jeanette Curtis, Krista Duguay, Tim Whippie and Craig Avery
CUPE 1418 Rehab and Therapy	Shawna Morton, Gary Burris, Tracy Hookey and Martine Levesque
CUPE 1840 Provincial Court Stenographers	Patricia Brewer, Brenda Renouf and Lorraine Urquhart
CUPE 1866 Workplace Health, Safety and Compensation Commission	Ryan Wentworth, Charlene Gordon, Heather Vail, Monique Rogers and Joanne Vautour
CUPE 2745 Educational Support Staff	Theresa McAllister, Christianne Robichaud, Sherry Wilkins, Marilyn MacCormack, Sharon Thompson, Erin McAllister, Michael Osborne and Elise Richard
CUPE 5017 New Brunswick Community Colleges	Pierre Bourgeois, Rob Burke, Victor Landry and Dave Dunnett
CUPE 5026 Collège communautaire du Nouveau-Brunswick	Brian Nadeau, Eric Ravelojaona and Christine Goguen

Team Solidarity

Sharon Teare	President, New Brunswick Council of Nursing Home Unions
Laurie Anderson	President, New Brunswick Community Services Union
Jill Greene	President, New Brunswick Council of Municipal Workers
Kimberly Copp	Secretary-Treasurer, CUPE NB
Serge Plourde	President, CUPE 4193 Vice-President - Small Locals, CUPE NB
Leah Logan	President, CUPE 946 Vice-President - Small Locals, CUPE NB

Team Solidarity was made up of CUPE councils and locals who were not in bargaining. They played a key role supporting the groups preparing to take job action.

CUPE Maritimes staff for headquarters and picket lines

Fredericton area	Jeff Bate Boerop, Sheila Bourque, Denise Breau, Danika Dupuis-Parker, Glen Gallant, Sandy Harding, Liana Lacey, Simon Ouellette, Aditya Rao, Gabrielle Ross-Marquette, Patrick Roy, Trent Snickers and Gaby Williams
Woodstock and Perth area	Chris Kennedy, Ralph McBride and Kim McCaffrey
Bathurst area	Karen Blanchard and June Savoie
Dalhousie area	Louise Firlotte, Janice Melanson and Lynne Williams-Lepage
Miramichi area	René Doucet
Tracadie and St. Quentin area	Guy Ward
Edmundston area	Gérald LeBlanc and Lise Michaud
Moncton, Sackville and Bouctouche area	Chantal Bourgeois, Denis Brun, Karla Carnegie-MacDonald, Stacy Delaney, Joline LeBlanc, Michelle LeBlanc, Samuel LeBlanc, Lori MacKay, Marcos Salib and Mary Vincent
Saint John and Hampton area	Amanda Atherton, Sherri Comeau, Joseph Cormier, Michael Davidson and Michael Meahan
Sussex area	Andrew Woodcock
St. Stephen area	Tamara Elisseou



A lively evening picket line in Edmundston, New Brunswick on November 3, 2021.

Photo: Cole Burston

Authors and publishers

The Canadian Union of Public Employees (CUPE) is the largest union in Canada, representing 715,000 members in health care, emergency services, education, early learning and child care, municipalities, social services, libraries, utilities, transportation, airlines and more.

CUPE is the largest union in the province of New Brunswick, currently representing more than 28,000 members. CUPE has six offices in municipalities across New Brunswick.

The NB Media Co-op is a member-run independent media outlet, publishing stories with a social justice lens and including the perspectives of workers, students, Indigenous peoples and other marginalized groups. The NB Media Co-op retained editorial control of this project.

This book is available in both official languages for download on the CUPE website (cupe.ca), and the NB Media Co-op website with links to the stories about the 2021 strike (nbmediacoop.org/2021-cupe-strike).

Authors

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The introduction was written by **David Frank**, a professor emeritus in Canadian history at the University of New Brunswick. He is the author of *Provincial Solidarities: A History of the New Brunswick Federation of Labour* (2013).

Steve Drost and **Sandy Harding** co-authored the conclusion. Steve is a social worker who worked on the front lines of child welfare for more than three decades. Throughout his career, Steve has been an activist in the labour movement. Before he was elected as CUPE NB president, he served in a number of leadership roles within the union, including president of CUPE 1418, Rehabilitation and Therapy, from 2013 to 2021. Sandy has nearly 30 years of experience as a labour activist with CUPE, beginning in

1992 as a member of CUPE 2745, Education Support Staff. After serving in a number of elected roles in the union, she accepted a permanent servicing representative staff position with CUPE in 2013 and became CUPE's regional director for the Maritimes in 2017.



Picket lines in Sussex, New Brunswick, on November 4, 2021.

Photo: Cole Burston

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