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Will ban on teacher strikes fly?

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A ban on teacher strikes is being pushed as a possible key issue in the Ontario government's re-election campaign. B.C., Alberta, Manitoba and P.E.I. have all banned teacher strikes, at least temporarily. Will this policy now fly in Ontario?

Ontario teachers' right to strike was legalized by Bill 100 in 1975. In 1996, the Education Relations Commission reported that the first 20 years of this legislation had worked well, with little time lost to work stoppages compared with other public sectors.

In late 1997, the imposition of major changes in governance and working conditions because of Bill 160 provoked the largest ever work stoppage in Ontario. But the government held its ground and the teachers went back to work after two weeks.

As the next election approaches and both the government-commissioned Rozanski report and public opinion demand more funding for public education, the Eves regime has begun to loosen the purse strings.

Since there is no love lost between the government and the teacher unions, and since parents, especially, never want a teachers' strike, Tory strategists believe a strike ban could be a vote-grabber.

The basic legal and ethical problem here — either ignored or denied in the other provinces that ban strikes — is that public education is not an essential service.

That is, it is not a service society cannot do without, even momentarily, because of the threat of loss of life or limb — like health, fire and police services. Inconvenient, yes; essential, no.

Removing the right to strike from teachers denies them the capacity to bargain effectively for optimal working conditions, not only for themselves but also for their students — including suitable class sizes and numerous special student needs.

The public recognizes that teachers have rarely abused this right in the past.

Only nurses and doctors have slightly higher levels of public trust in opinion surveys.

Even though they are designated as essential service workers, both doctors and nurses have threatened to strike when governments have acted unilaterally against their working conditions and what they saw as the best interests of their clients.

No compelling reason has been proposed for teachers, as non-essential workers, to accept such conditions. Statistics show teachers work more unpaid overtime than other employees and continually engage in courses, workshops and informal learning to upgrade their skills. But there is no ethical basis to expect them to be martyrs for the cause of education.

Public sentiment may now be even more of an obstacle to making a teacher strike ban a popular election issue in Ontario.

From Bill 100 to the mid-1990s, only a third of the Ontario public supported teachers' right to strike. But there was a significant shift in favour of greater support for teachers' rights when the Harris government began to implement its education agenda.

A slim majority actually ended up supporting the teachers' work stoppage around Bill 160 in 1997 and Ontarians have been about equally divided on teachers' right to strike in more recent Ontario Institute for Studies in Education surveys.

While declared PC voters and employers are still opposed, larger numbers of Liberal and NDP voters and most other occupational groups are more supportive of teachers' rights. Most notably, parents of schoolchildren are deeply divided on this question.

Surveys also show that public education is a more top of mind issue than it was before the last provincial election and that the public is much more satisfied with the job teachers are doing than with the government's education funding.

There is more popular support for teachers' right to strike now than there was when a prior PC government proclaimed it in 1975 and no compelling essential service argument has been offered to overturn it.

A strike ban is unlikely to be the "hot button" issue that will draw many new voters to the government's side.

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