

# Queen's Park Kingmakers: Exploring the Union-Party Relationship in Ontario

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## Abstract:

The traditional understanding of union-party relations in Ontario suggests that the New Democratic Party (NDP) is the party of organized labour. Recent electoral contests, however, dictate that this is no longer the case. This essay examines the rise of modern union-party relations and provides strategic insights to the future of this relationship. While popular rhetoric suggests that unions now coalesce around the Liberal Party of Ontario, a more in-depth analysis suggests how this conclusion is overly simplistic. This paper confirms that the political strategy of the labour movement in Ontario has indeed changed and has important implications for all Parties seeking to form government.

Key Words: Union-Party Relations, Provincial Politics, Ontario Politics, Labour Movement, Third-Party Advertising, Working Families Coalition

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Our traditional understanding of the New Democratic Party (NDP) suggests that it is the party of organized labour; recent electoral contests, however, dictate that this is increasingly not the case. While for many years unions in Canada put massive resources behind the New Democratic Party at both the provincial and federal levels, this support was never constant across all trade unions. Furthermore, the unions that did associate with the NDP had difficulty delivering the votes of rank-and-file members to the party. Resultantly, over the past two decades, union-party relations have undergone considerable change. Combinations of internal and external factors have forced unions to reconsider their relationship with the NDP and reevaluate the larger union-party relationship in Canada. This has been particularly true in Ontario, Canada's largest province and industrial heartland. In recent years, Ontario's unions have largely begun to support the more centrist Liberal Party, and this provides a useful case study for understanding the changing nature of union-party relations. Despite a clear shift in the political activism and electoral support displayed by unions toward the Liberal Party, it has gone largely unnoticed in the relevant academic literature.

This article seeks to build upon the work of Professor Walchuk, who, in 2010, pioneered the first academic research on the topic of Ontario's Working Families Coalition (WFC) in the context of monitoring changing union-party relations in Canada.<sup>1</sup> Since then, this dynamic has evolved, and this paper aims to be an important contribution to our continued understanding of union-party relations in Ontario as a microcosm of the broader Canadian political landscape. Certainly, the WFC remains an important actor in Ontario politics and this

organization will be explored to contextualize modern behaviours and roles of unions in provincial politicking.

While popular rhetoric suggests that organizations like the Working Families Coalition and other union interests have unblinkingly aligned with the governing Liberal Party of Ontario,<sup>2 3 4 5</sup> a more in-depth analysis suggests otherwise. While at face value, such an assertion has significant merit; the union-party relationship in Ontario is considerably more complex than this perspective permits.

To be sure, the *raison d'être* of the Coalition is to divert votes away from the Progressive Conservative Party (and, to a lesser degree, the New Democratic Party) and by extension direct votes toward the Liberal Party, but this stratagem does not equate to loyalty nor does it represent the majority of unions in the province.

Lisa Young and Harold Jansen have articulated that union-party relations must be understood in terms of three competing aims: utility maximization, political economy, and ideological exchange.<sup>6</sup> A simplistic overview of the genesis witnessed in the union-party relationship suggests that it is best understood in terms of utility maximization, an approach that posits that “[u]nion and party leaders are rational actors seeking to maximize their organizations interests” and that it is “[...]reasonable to expect that union-party relationships will occur only if both organizations are able to derive some benefit from the relationship.”<sup>7</sup> Yet in reality, none of these explanations can fully appreciate the gradations of this relationship, though utility maximization most closely describes the relationship we observe today.

Indeed, the pragmatic approach followed by most of Ontario’s unions and the Liberal Party is consistent with two rational organizations seeking a mutual benefit through a shared relationship. For unions or their affiliates, the goal is coopt a government that willing to pass legislation beneficial to their direct membership or the members of their coalition, and in return, the Liberal Party benefits from having an aggressive third-party advertiser who also brings ‘soft money’, formal donations to its financial coffers, and, ideally, delivers votes from rank-and-file union membership.

This type of quid pro quo exchange built upon utility maximization runs contrary to the typical union-party relationship that Canada has been accustomed. Conventional wisdom understood that a historic connection between the labour movement and the New Democratic Party existed, which was rooted in a shared ideological commitment to social democracy, although it was assumed that an NDP government would be most beneficial to workers, thus adding some element of pragmatism to the historical labour-party relationship. However, to simply understand labour’s relationship with the Liberal Party as one built solely on pragmatism is short-sighted because it fails to fully consider the

impact of the rise of neoliberalism in Ontario and the defensive positions unions took against it.

Compartmentalizing the motivations of individual unions and their collective organizations is not a fruitful endeavor. What is plainly clear, however, is the absence of ideology as the primary feature of union-party relations. To fully illustrate the efficacy of this claim, an examination of the shortcomings of the relationship between organized labour and the New Democratic Party will be presented. As it will be seen, although the NDP is often identified as being the party of labour, it has been more than capable of passing legislation contrary to the interests of the labour movement. Furthermore, trade unions' rates of affiliation to the party have been low, and its popularity among the broader working class has been markedly weak.<sup>89</sup> As a result of these occurrences, the relationship between the NDP and organized labour has been precarious and these events helped to facilitate the rise of political action by unions that moved away from the NDP.

At the same time, one cannot properly contextualize the developments of modern unionism without first examining the volatile nature of labour legislation in Ontario during the 1990s and the rise of neoliberalism in Ontario.<sup>10</sup> Following the relative strengthening of labour legislation under the New Democratic government from 1990 to 1995, the Progressive Conservative Party over the next eight years reevaluated many changes made by the previous government and passed additional legislation that spurred business growth and sidelined the rights of workers, both unionized and unorganized. Thus, the emergence of new union behaviour should also be seen as a response to the volatile changes to labour legislation throughout the 1990s and the rise of neoliberalism, in addition to the challenges faced by the New Democratic Party to strengthen its links to organized labour and make a credible attempt at forming government in recent years. Lastly, the dynastic period of power experienced by the Ontario Liberals since 2003 will be discussed, having profoundly influenced the union-party relationship and given rise to a new phenomenon: middle-class unionism.

### **The NDP and Organized Labour: A Strained Relationship**

In 1961, the New Democratic Party was formed when the waning democratic socialist Co-operative Commonwealth Federation (CCF) joined with the recently formed Canadian Labour Congress, farm organizations, "new party" clubs, and other "liberally minded" Canadians to create a new political entity. Following a series of elections in the 1950s in which the CCF's electoral success stalled considerably, the creation of the NDP was seen not only as a way for the party to rebrand itself and shed the image of its perceived "doctrinaire socialism," but also to "strengthen the labour base of the party and broaden its appeal to the 'liberally minded' elements of the middle class."<sup>11</sup> The long-term workability of this curious alliance between the unionized working class and liberally minded middle class, however, was apparently lost on the party's founders. In 1968,

almost prophetically, Gad Horowitz noted, “that achievement of the first of these goals might be an obstacle to achievement of the second.”<sup>12</sup> That the new party would actively seek the support of and an affiliation with the organized labour movement was not a surprise. While the CCF had some allies in the former Canadian Congress of Labour (CCL), the party lacked any formal links to the labour movement and was unable to gain much support from the rival Trades and Labour Congress of Canada. In short, these limitations hampered the success of the CCF. As Horowitz has suggested:

No socialist party anywhere in the Western world could succeed without the financial and organizational support of the trade unions. The CCF was no exception. Since the Second World War, the dependence of the CCF on the unions . . . had been growing steadily. The next logical step was to . . . [bring] into being a massive union section through which labor could participate directly in the affairs of the party.<sup>13</sup>

To that end, the creation of the NDP, modeled after the successful Labour Party in Great Britain, was intended not only to afford Canada’s growing working class with a political voice, but also to secure the financial backing of affiliated unions, volunteers, and candidates in the form of trade unionists, and, perhaps most importantly, the political allegiance and electoral support of Canadian workers.

Despite the optimism that surrounded the formation of the NDP, it has had many shortcomings. First, the party had failed to form government at the federal level. Second, its failed relationship with trade unions and union members has contributed to its lack of political acquiescence. As Keith Archer has pointed out, the union-party linkage is weak as union affiliation to the party is low.<sup>14</sup> Specifically, he notes that “the NDP’s lack of electoral success can be attributed in part to the inability of union locals to either deliver more votes, or to stimulate higher rates of affiliation with the party.” Elsewhere, he has identified that union affiliation to the NDP reached its peak shortly after the party’s founding convention in 1961 and has been in decline ever since.<sup>15</sup> Low rates of union affiliation to the party have prevented working-class voters from embracing the party to the point that its founders had anticipated.<sup>16</sup> In light of the party’s precarious position and limited support amongst workers fifty years later, Horowitz’s statement that a party faces an uphill battle when it actively seeks the support of both the unionized working class and the middle class is of considerable relevance.<sup>17</sup> This is particularly true when examining modern developments in union-party relations and the growth of middle-class unionism.

In the provinces that the NDP has routinely governed—Manitoba, Saskatchewan, and British Columbia—the NDP has increasingly abandoned its social democratic principles and has become increasingly centrist in its policy orientation. For example, the Manitoba NDP has been characterized by its “pragmatic idealism,” the Saskatchewan NDP embraced “responsible conservatism,” while the British Columbia NDP increasingly viewed politics from a “business lens.”<sup>18 19 20</sup> Not surprisingly, the organized labour has opposed this

movement away from social democracy and toward a 'Third Way'. The actions and inactions of these provincial NDP governments have led to strains between the New Democrats and the labour movements in each of these parties. However, as there are only two political parties active in each of these—the NDP and another party further to the right—labour has lacked another credible political ally. Despite only serving one term as government in Ontario, workers were exposed to a similar move away from social democracy after the NDP managed to form government.

### **Rae Days: The NDP Form Government in Ontario**

Perhaps the party's crowning achievement occurred in 1990, when, for the first time ever, it formed the provincial government in Ontario. However, it did not take long for the NDP to embrace a more centrist outlook and betray the labour unions that had been their chief supporters. For example, on the eve of their election, NDP Premier Bob Rae made an attempt to reach out to the province's business community, promising that the new government would govern in the interests of all of Ontario in order to build confidence in the future of the economy.<sup>21</sup>

However, despite the conciliatory tone taken toward Ontario's business community on election night, one should not underestimate the changes made to the Ontario Labour Relations Act (OLRA) by the new government that were of direct benefit to Ontario's working class.<sup>22</sup> Under Bill 40, Amendments to the Labour Relations Act, passed in 1992, workers—both unionized and unorganized—were given increased benefits and protection. For example, the certification procedure was changed, eliminating the requirement of a membership fee and reducing the level of union support necessary for a representation vote from 45 percent to 40 percent; the Ontario Labour Relations Board (OLRB) was given the power to combine two or more bargaining units involving the same employer and union; a bargaining unit consisting of full-time and part-time employees was deemed to be an appropriate unit; union successor rights were strengthened; employees and union officials were entitled to engage in organizing and picketing activities on private property normally open to the public; and, perhaps most importantly, a ban on replacement workers during a legal strike was initiated. Subsequently, in 1993, the Crown Employees Collective Bargaining Act was amended, giving Ontario public sector workers the right to strike, and a year later, the government passed the Agricultural Labour Relations Act, allowing agricultural workers to organize for the first time.<sup>23</sup>

Despite the positive changes made to the OLRA by the NDP government in the early 1990s, the party is perhaps best remembered for its passage of Bill 48, the Social Contract Act.<sup>24, 25, 26</sup> Although the New Democrats were willing to extend many rights to trade unions through changes to labour legislation, they were also capable of passing legislation that drastically reduced the size of the public sector, tore up legally binding collective agreements, and eroded hard

fought gains that unionized workers had won over decades of negotiations. The Social Contract was part of a larger promise to Ontario's business community that it would "hold the line" on the \$10 billion deficit. In order to accomplish such a feat, the NDP turned its attention to fighting the deficit through a series of austerity measures that effectively ended free collective bargaining in the public sector through a three-pronged strategy. First, the government promised to implement a series of income tax and other tax increases that would raise \$2 billion in revenue. Next, the government introduced an expenditure control plan designed to find "efficiencies" in the public service, which included cutbacks to services and the elimination of 11,000 unionized public sector jobs. It was estimated that this would save \$4 billion. Lastly, the third part of the plan promised to save an additional \$2 billion over the next three years by entering into a Social Contract with public sector workers.

The Social Contract saw the government propose to renegotiate existing contracts and withdraw already agreed upon wage increases. The government also forced a three-year wage freeze on over 900,000 public sector employees and sought to roll back existing wages an additional 5 percent by introducing twelve days of unpaid leave each year. In this sense, the government fought the burden of the debt on the back of public sector workers. While Premier Rae had attempted to "negotiate" the terms of the Social Contract with the affected unions, they refused to consent to the draconian attempts to open existing contracts and largely walked away from the negotiating table. Although some of the unions were divided, there was almost universal condemnation of the act by labour leaders and their unions.<sup>27</sup> In the end, the government passed the Social Contract without the consent of the public sector unions, to the disappointment of public sector workers.

The response on the part of the organized labour movement brought to the forefront a divisive split within itself. With the social democratic allies passing anti-labor legislation in the form of the Social Contract and frustration amongst rank-and-file members affected by this decision (both directly and indirectly), Ontario's leaders found themselves in what may be deemed a loyalty dilemma. Katrina Burgess defines a loyalty dilemma as a situation in which labour leaders are pulled in strategically contradictory directions between the parties they support and the workers they represent.<sup>28</sup> A number of trade unions in the private sector, most notably the United Steelworkers (USW), the Communication, Energy, and Paperworkers (CEP), and the United Food and Commercial Workers (UFCW), remained loyal to the New Democratic Party, arguing that the government's changes to labour law were of considerable benefit to Ontario's working class and decided to continue supporting the party in the upcoming election.

These unions came to be known as the "pink paper unions" as their resolution supporting the NDP was submitted to the Ontario Federation of Labour Conference on pink paper. Meanwhile, the public sector unions whose members

were affected directly by the passage of the Social Contract, along with the Canadian Auto Workers, withheld their support for the NDP in the upcoming election. In this instance, their loyalty laid with the workers they represent and not the party who they traditionally supported. Working from a principled position that they could not, in good conscience, endorse and support a party whose Social Contract Act eroded free collective bargaining in the public sector; these unions remained neutral throughout the campaign. The emergence of the pink paper unions and the coalition of public sector unions (and the CAW) who withheld their support for the NDP illustrated not only that some unions no longer viewed the NDP as an ally, but also illustrated a large divide and public rift in the labour movement's political strategy.

With a large base of their support network in the labor movement angered over the passage of the Social Contract, rising unemployment, a sizeable deficit, and a considerable recession (which the province was beginning to emerge from), the New Democratic Party was badly defeated in the 1995 Ontario election. The party went from 74 seats in the legislature to 17 and saw its popular support drop to just over 20 percent.

The inability of the New Democratic Party and unions themselves to ensure a high rate of affiliation to the party and popularity amongst unionized workers challenged the intimate union-party relation that the founders of the NDP had otherwise envisioned. At the same time, the propensity of the New Democratic governments to enact legislation that was harmful to workers hampered its growth amongst unionized workers and caused unions to reevaluate their relationship to the party. In short, while some unions remained loyal to the party, others—such as those affiliated to the Working Families Coalition—began to examine new avenues in an attempt to achieve political gain.

### **The Common Sense Revolution: 1995 to 2003**

Elected on the promise of cutting personal income taxes, social assistance rates, and government spending dramatically, the Progressive Conservative Party won 82 of Ontario's 130 seats with almost 45 percent of the vote in the 1995 provincial election.

One of the first priorities of the new government was to roll back elements of labour legislation that had been passed over the previous five years. The centerpiece of the new government's labour legislation—Bill 7, an act to restore balance and stability to labour relations and to promote economic prosperity and to make consequential changes to statutes concerning labour relations—repealed all of the provisions of the NDP's Bill 40, changed the certification rules to make it more difficult to certify and easier to decertify a trade union, imposed a twelve-month bar on organizing if a union lost a certification vote, and limited the powers of the tripartite OLRB.<sup>29</sup> The Conservatives' omnibus labour bill also made changes to Ontario's Employment Standards Act (ESA), which, among

other things, limited the amount of money a worker could claim for unpaid wages and vacation pay and made it easier for employers to contract food, security, and cleaning services. Lastly, the legislation repealed the Agricultural Labour Relations Act, which had allowed the unionization of agricultural workers and made changes to the Crown Employees Collective Bargaining Act, which allowed the government to move forward with its plans to proceed with restructuring the Ontario Public Service.

Over the next few years, the Progressive Conservative government continued to prioritize the creation of conditions for economic growth and prudence regarding the public purse. Consequently, this meant changes to existing labour legislation and an overall shrinking of public sector spending. The government proceeded to place a cap on the minimum wage, which would see it remain at \$6.85 per hour for eight years. The Conservatives also presented and passed Bill 142 the Ontario Works Act, 1997, which required recipients of welfare to work up to seventy hours per month in order to receive benefits. Subsequently, the PCs passed the Prevention of Unionization Act, which outlawed recipients of Ontario Works from forming a union. In the spring of 1998, the government passed Bill 31, the Economic Development and Workplace Democracy Act, altering the certification requirements, removing the ability of the OLRB to impose certification if an employer had violated the law and intimidated union organizers during a vote.<sup>30</sup> This policy of finding efficiencies in government services, deregulating sectors, and privatization spurred the Ontario Public Service Employees Union (OPSEU) to launch its first province-wide strike. Furthermore, a number of unions representing Ontario's elementary and secondary school teachers in both the nondenominational public and state-funded Roman Catholic school boards also engaged in a province-wide strike.

After the reelection of the Conservative government in June 1999, they once again proceeded to amend the OLRA in the form of Bill 139, the Labour Relations Amendment Act, 2000. Under the conditions of the new reforms, the government made it mandatory for employers in unionized firms to post decertification procedures in a plant and fast-tracked decertification applications before the Ontario Labour Relations Board. In addition to requiring unions and employees to disclose their salaries of officials earning over \$100,000, the new act also extended the periods for decertifying a union from two months to three months and required the OLRB to consider an application for decertification before it could consider an application for first-contract arbitration.<sup>31</sup> Further changes in 2000 altered the ESA, giving employers the ability to average overtime hours over a four-week period before being forced to pay overtime rates.<sup>32</sup>

### **A Changing Union-Party Relationship: The Working Families Coalition and the 2003 Election Campaign**

Leading up to the 2003 provincial election, a number of trade unions in



Ontario formed an umbrella group known as the Working Families Coalition in an effort to see that the Conservatives would not be elected to a third term in office. The Coalition consists of a number of unions and labour councils: Ontario English Catholic Teachers Association (OECTA), Canadian Auto Workers, Ontario Secondary School Teachers' Federation (OSSTF), International Brotherhood of Boilermakers Local 128, International Brotherhood of Electrical Workers (IBEW), Millwrights, International Union of Operating Engineers Local 793, Ontario Provincial Council of Painters and Allied Trades, Ontario Pipe Trades Council, and Ironworkers Local 721.

This group represented a clear division in the partisan preferences of organized labour and broader political strategy of Ontario's labour movement. While labour's traditional political action consisted largely of explicit support for the New Democratic Party, the Working Families Coalition promoted a strategy considerably different from what Ontarians were used to seeing from their unions.

In contrast to organized labour's usual strategy—encouraging union locals to associate with, donate money to, and vote for the NDP—the Working Families Coalition deployed a strategy that differed in style and substance. As opposed to campaigning on behalf of the New Democratic Party, the WFC's strategy was to actively campaign against the governing Tories, and, in the process, implicitly encourage support for the Liberal Party. However, the coalition refrained from using the word Liberal in their publicity blitzes and formally campaigning for the Liberals, instead campaigning against the governing Conservatives. In this sense, the WFC was acting as a “third-party” and using soft money to promote the Liberal Party without explicitly doing so. As a result, the Coalition could donate money to the Liberal Party, as well as use soft money as a third-party advertiser, thus avoiding limitations associated with Ontario's campaign finance laws.

The cornerstone of the WFC's 2003 election campaign strategy was a series of formally nonpartisan but highly effective attack ads against the government. The advertisements, featuring an unflattering picture of then Conservative Premier Ernie Eves and the slogan “Not this time, Ernie,” highlighted the turbulent and contentious reign of the Conservative government. The advertisements served a dual purpose. As Ian Urquhart has noted, “The ads not only tore a stripe of Eves; they also allowed [Liberal Leader] Dalton McGuinty and the Liberals to take the high road with a positive campaign, in the knowledge that the dirty work was being done for them by the coalition.”<sup>33</sup> While there were certainly other reasons accounting for the defeat of the Progressive Conservative government in 2003, the repeated reminders of the WFC's advertisement certainly did not hurt the Liberal Party's cause. The Liberals won that election with 46.4 percent of the vote, doubling their seat total from thirty-six at the time of dissolution to seventy-two after the election. The Conservatives, meanwhile, lost thirty-two seats and saw their share of the vote drop below 35 percent.

## **The Liberal Party's First Term in Office:**

Upon its election in 2003, the new Liberal government proceeded to restore what it referred to as 'fairness and balance' in Ontario's labour laws.<sup>34</sup> Though not going as far as reinstating the reforms made to the OLRA in the early 1990s by the NDP, the Liberals did undo some of the changes made by the previous Conservative government and instituted additional changes to Ontario's labour legislation.<sup>35 36</sup> For example, unionized employers were no longer required to post decertification information in workplaces; unions no longer had to disclose names and salary benefits of all directors, officers, and employees earning \$100,000 or more a year; remedial powers of automatic certification during unfair labour practices during a certification drive were restored to the OLRB for the construction sector; a card-based certification system for the construction sector was reestablished; and power was returned to the OLRB to reinstate workers on an interim basis who were fired or disciplined during a union organizing campaign. The Liberal government had also increased minimum wage to \$8.00 by 2007, the end of its first term in office.

The changes to labour law and, perhaps more importantly, the general political climate in Ontario were beneficial to labour unions. In exchange for electoral support, campaign spending, and the deliverance of votes, the affiliated unions gained legislation that was favorable to their interests. As Ian Urquhart has observed, "all [of Ontario's unions] have reasons to be thankful to the governing Liberals for either increasing spending in their area or changing laws and regulations to their liking."<sup>37</sup>

For example, increased money was invested in the education sector, the Equity in Education Tax Credit was repealed, and collective agreements were negotiated relatively quietly with teachers' unions. More importantly for the teachers, perhaps, was that the new government did not legislate away their right to strike and force all outstanding issues to binding arbitration, as the Progressive Conservatives had promised to do in their election platform. In the automotive sector, the Ontario government quickly promised \$500 million in strategic investments to both create and retain jobs, prompting the CAW's Buzz Hargrove to comment, "[t]his strategy was something Premier McGuinty talked about during the election. He has listened to us."<sup>38</sup> The government later promised \$100 million to Ford for the building of a new flexible manufacturing plant in its Oakville assembly plant and further committed \$235 million to General Motors for updates to its St. Catharines and Oshawa facilities, as well as increased spending on automotive research and development at McMaster University in Hamilton.<sup>39 40</sup> These spending announcements were warmly welcomed by the CAW and the communities whose workers were employed in an industry that had begun to rust in wake of globalization.

Undoubtedly, the greatest beneficiaries of the new Liberal government

were the construction and building trades unions. After being elected to office, the new government passed Bill 144, the Labour Relations Statute Amendment Act. As previously noted, the changes made to labour legislation by the Liberal Party reintroduced card check certification for the construction industry. This effectively removed the two-step process of card check followed by a mandatory vote that was instituted by the previous Conservative government. However, it should be noted that card check certification was the normal procedure for union organizing in Ontario from the passage of the original Labour Relations Act in 1943 until 1995 when this procedure was removed. Over its fifty-two year history, card check certification was supported by an all-party consensus, as each of the Progressive Conservatives, Liberals, and New Democrats governed during this era. As such, this decision of government is a perfect example of the quid pro quo union-party relationship that had begun to materialize.

### **The Working Families Coalition and the 2007 Ontario Election:**

As the new government provided significant benefits to those unions affiliated to the Working Families Coalition who had supported the Liberals in the prior election, there was little reason why these unions would refrain from supporting the party in the 2007 election. As the general climate of labour relations had changed over the past four years, the government could legitimately claim that it was friendly to Ontario unions and suggested that workers would be better served reelecting the Liberals than electing the Progressive Conservatives. For their part, the unions affiliated with the Working Families Coalition had given over \$568,000 to the Ontario Liberal Party, individual candidates, and riding associations between 2003 and 2007.<sup>41</sup> The Ontario English Catholic Teachers Association and the Ontario Secondary School Teachers' Federation donated over \$175,000 and \$170,000, respectively, with the remaining bulk of money donated by the various building trades unions.

The strategy of the Working Families Coalition was two-pronged, allowing the Coalition to donate money directly to the Liberal Party to use on specifically Liberal Party campaign expenses, as well as engage in its own third-party campaign to promote to the goals of the Coalition—and by default, the Liberal Party. However, unlike elections in the federal jurisdiction, third-party campaign finance in Ontario is unregulated, allowing the Coalition to spend virtually a limitless amount in addition to what it donates to the Liberal Party.<sup>42</sup> In this sense, WFC unions and the broader labour movement can effectively—and legally—skirt the limits associated with campaign finance legislation for party actors.

Following up on its effective, “Not this time, Ernie” ads launched during the 2003 campaign, the WFC’s advertisement strategy was based on the slogan “You Decide.” A series of television advertisements focusing on four key areas—poverty, education, health care, and inspection—began by asking viewers/voters “if they remembered?” Through a series of newspaper headlines and the

narrator's explanations, the advertisements juxtaposed the eight years of hardship under the Conservative rule with the many improvements made over the last four years. Of course, the Liberal Party was never mentioned directly, though implicitly endorsed by the messaging. The advertisements concluded by stating, "that's what's at stake in this election." The goals of the ads were simple—making sure that the Progressive Conservative Party was not elected, and, by extension, ensuring that the Liberals were reelected.<sup>43</sup>

The 2007 election campaign was fought almost exclusively on the single issue of state funding for faith-based schools. However, this divisive issue arguably carried the Liberal Party to victory. For the Coalition, this ensured that all public money spent on education would be in the traditional nondenominational and Roman Catholic boards, which remain heavily unionized and represented by unions affiliated to the Coalition.

### **Organized Labour and the 2011 Ontario Election:**

In the 2011 Ontario General Election, campaign finance laws limited the Liberal and Progressive Conservative parties to spending a little over \$9-million each during the writ period, of which about \$5-million went to advertising, respectively. Three union entities, the WFC, the Elementary Teachers' Federation of Ontario, and the Ontario English Catholic Teachers Association continued to play a major role in the electoral process that labour had played in 2003 and 2007, and collectively spent more on advertising in the writ period than either of the main parties. To use American terminology, in 2011 observers estimate that organized labour became Ontario's first ever 'Super PAC'.<sup>44 45</sup>

Individuals, corporations, and unions were legally limited to giving a maximum of \$9,300 to Ontario political parties in 2011, whereas contributions to third-party entities continued to be unlimited. The elementary teachers spent an astonishing \$2.6-million on ads, almost 300 times as much as they could have legally given to any one party.<sup>46</sup> These union entities ran mostly anti-Conservative negative ads, which of course awarded an advantage to the Liberals. Premier Dalton McGuinty was freed to take the high road, with positive ads projecting his likeable "Premier Dad" image.<sup>47</sup> In effect, the union ads more than doubled the Liberals' advertising budget, which would have otherwise been roughly equal to that of the PCs.

The Liberals went on to a minority government that was only two seats away from forming another majority legislature. In the aftermath of the 2011 campaign, the staggering power of third-party money began to attract attention from the public, journalists, members of the legal community, and Ontario's Chief Electoral Officer.<sup>48</sup> For the first time in Canada's history, individual unions had matched and, in some cases, exceeded the financial messaging might of major political parties.

During the Liberal's mandate, two strategically important by-election contests were called; meaning that victory in both would have given McGuinty's Liberals enough seats to turn a minority parliament into an effective majority. The upstart NDP blocked the Liberal's plans by winning in Kitchener-Waterloo, in a campaign that was undeniably influenced by union spending and involvement in the political process. Labour mobilized to defeat the Liberals when McGuinty brought in austerity measures the previous spring. Indeed, at the NDP victory party, leaders of four of the province's largest labour unions stood, in orange shirts, smiling as Ontario's newest MPP [Catherine Fyfe] was introduced. One of them bragged that the NDP had been handed "the Cadillac of campaigns" thanks to union largesse.<sup>49</sup>

It was only months later, after financial statements were filed, that the extent of the largesse was known. Unions representing elementary teachers had spent more than \$846,000 on advertising campaigns. The secondary-school teachers had spent another \$676,000 on ads. The New Democratic Party itself had spent only \$50,000.<sup>50</sup>

The campaign of 2011 and the Kitchener-Waterloo by-election served as a microcosm of what has happened in Ontario General Elections since the 1990s.

Unions took action to check the Ontario Liberal Party's power by aiding the NDP in by-election contests. As massive interest groups, unions and union interest associations like the WFC understand that minority governments are more easily influenced and controlled. A minority parliament must be responsive to major issues of public opinion since they may be defeated at any time the legislature is in session and forced to fight an election on the current policy under dispute.<sup>51</sup> Conversely, a majority government wields tremendous power to implement their legislative agenda without risk of opposition, at least in the legislature. For the labour movement, the decision to deny the Liberal's a majority legislature was a calculated risk, but it sent a Godfather-like message. Namely, 'if you want win in Ontario, don't mess with organized labour'.

Publically decried, legally challenged, but left untouched, the Labour Movement's political racket in Ontario was allowed to continue. Predictably, the 2014 Ontario General Election would see union spending dwarf the total advertising and campaign budgets of the Liberal and Progressive Conservative parties in Ontario, raising fears that democracy is being hijacked in Canada's heartland.

### **Post-Mortem: Labour and the 2014 Ontario Election**

The 2014 campaign featured a steady flow of attack ads from all three parties, similar to the 2011 contest, but was defined by the unique influence and savagery of third-party advertising. Too, more third-party players entered the fray, from public sector employee unions to teachers, medical, and social

workers. Unconscionable to the public, for the first time in the province's history, the ethics of the Ontario Provincial Police Union was brought into question when they decided to sling political mud with the rest.<sup>52</sup> In sum, unions of all stripes and categories mobilized their efforts to steer the campaign toward maintaining the Liberal status quo. In this election, even old ideological allies of the NDP displayed utility maximizing behaviour. For example, in at least 25 of the province's 55 swing ridings, the Ontario Federation of Labour (OFL) urged union activists to help out Liberal, not New Democrat, candidates. Unions like the OFL, OPSEU, and others commissioned their own polling which suggested that in many constituencies Grit candidates enjoyed the best hope of defeating the local Tory.

Union leaders claimed they were acting for their own survival. They referenced a white paper issued by the Progressive Conservative's calling for changes to labour laws that would strip unions of many of their powers.<sup>53</sup> Then, in the first week of the campaign, PC Leader Tim Hudak announced plans to discontinue 100,000 public sector jobs, raising the alarm among the leadership of Big Labour.

Evidenced by their public statements, the president of the Ontario Federation of Labour said "it is not something [he's] shy to say, stopping Hudak is our number one priority. The future of the labour movement is hanging in the balance. I'm doing what's right for the labour movement."<sup>54</sup> The political messaging of third-party actors featured fear mongering as a central theme of attack advertisements against Hudak.

In the 2014 campaign, with Leader Kathleen Wynne outdoing the NDP when it came to union-friendly politicking, Liberal support from organized labour arrived in a most tangible form. Upset over Horwath's decision to vote down a budget that would have preserved public sector jobs through deficit spending, leaders of the province's largest labour organizations echoed the call of the WFC for union members to support the ground war on behalf of any candidate that looked capable of beating the local Tory. Given that the Liberals were consistently polling at about 33 per cent, compared to 21 per cent for the New Democrats on average, it was an invitation in many ridings to wholly abandon the NDP.<sup>55</sup>

For that, the union leaders made no apology. "Quite frankly, [Wynne's] government was more sensitized to what was necessary for workers than the NDP seemed to be," said Pat Dillon, head of the Building and Construction Trades Council of Ontario.<sup>56</sup> Like the OFL, the council commissioned its own polling in tight ridings and encouraged its affiliate unions to canvass, give money, and help get voters to the polls in the name of defeating Tories.

The immediate outcome of the 2014 campaign saw Ontarians go to the polls to elect the Ontario Liberal Party to a significant majority parliament at the net expense of nine PC seats. Months later Ontario's Chief Electoral Officer

(CEO) filed his final report on the election with all available data from Elections Ontario. Among his findings, it was revealed that third-party advertisers, primarily public sector unions, had spent \$8.4 million during the writ period. By contrast, parties themselves faced a strict legal spending cap of approximately \$7.4 million during the same period.<sup>57</sup>

In his report, CEO Greg Essensa described the current lack of rules for unions and interest groups who advertise during election periods as having created an “uneven playing field that can potentially influence electoral outcomes” and that “unlike political parties and candidates, there are no contribution or spending limits on political advertising during an election held by third parties in Ontario.”<sup>58</sup> Furthermore, Elections Ontario indicated that over the past three elections since 2007, when the tracking of spending by third parties began, they have witnessed a continued escalation in spending representing an astonishing increase of approximately 400 per cent. Too, this data does not include year-round or pre-writ spending, which is estimated to total in the billions.

A total of 35 third-party advertisers registered during the 2014 general election, a figure that has “more than tripled” since the reporting rules were put in place in advance of the 2007 election. Ontario is the only Canadian jurisdiction that regulates third-party ads without capping their spending or contribution limits.<sup>59</sup>

The Elementary Teachers’ Federation of Ontario spent just under \$1.3 million on anti-Tory ads. Working Families, a coalition of union interests, spent almost \$2.5 million, according to Elections Ontario disclosures. The Ontario Secondary School Teachers’ Federation spent over \$385,000.

In their report, Elections Ontario went so far as to advise legislators to strike an independent panel to explore any possible caps, increased reporting requirements, and anti-collusion provisions regarding the activities of third-party actors.

“All other political entities in the electoral process are subject to spending and contribution limits as well as greater reporting and disclosure requirements,” said Essensa. “The rules related to third parties are not consistent with how all other political entities are treated and should be strengthened to promote greater transparency.”<sup>60</sup>

Given that the current government is a net benefactor of union participation in the political process, thus making the likelihood of changes to existing election laws low, spending more and more each year is a brilliant strategy for increasing the political power of organized labour, despite being harmful to the long-term provincial interest.<sup>61</sup> Organized labour continues to receive its quid pro quo – bailouts of troubled industries, sweetheart contracts with public-sector unions, favourable provisions in the labour code, and economically inefficient job-creation schemes serve as examples. The result has

been ballooning provincial deficit and debt levels, while Ontario is now regarded as a 'have-not province' for the first time since Confederation.

## **What is the Future of the Union-Party Relationship in Ontario?**

### *Public Purse Poses Problems:*

The macroeconomic effects of the Harris era net spending cuts put his government and each successive government after it under tremendous and increasing pressure to deregulate and privatize.<sup>62</sup>

Not only did the fiscal program of the Common Sense Revolution reduce employment (as it's architects openly predicted), but also by reducing the social safety net, it aggravated the situation of those without employment in a way that has echoed to the present day.<sup>63</sup> Too, the 30 per cent income tax cut was central in restricting a permanent quid pro quo relationship between other parties and the labour movement.<sup>64</sup> Although three waves of Liberal governments have since levied new taxes and found new revenue tools, neither the Liberals nor the NDP have the nerve to boost provincial taxes to their old levels.

Given that the revenue base was more or less irreversibly reduced, we have witnessed deficit spending since 2003 that has steadily compounded the problem faced by those parties closely aligned with and reliant on the support of Big Labour.

In consideration of the parameters the Harris cuts imposed on future governments, the only viable solution to subsequent jobs crises has been and will continue to be deregulation and the downloading or privatization of government managed sectors and assets. In coming years, mounting budgetary pressures will increasingly inform such actions and others taken by government with the aim of lowering the cost of employing labour, such as reductions in safety, environmental, employment standards, and government ownership and management of assets and employment. These undertakings will necessitate that any Liberal or NDP government follow Margaret Thatcher's lead and reduce the clout of unions, challenging the union-party utility maximization model to some degree. The intensity with which these actors come to loggerheads will be primarily dictated by the real and/or perceived severity of economic times (public debt, unemployment, average wages), as well as public opinion toward the current government and other parties.

### *Union-Party Relations May Shift*

In an interview with David Frame, Director of Government Relations for the Ontario General Contractor's Association, he suggested that improved relations between the labour movement and opposition parties is possible but these communications been poorly executed in the past two electoral contests.<sup>65</sup>



He suggested that opportunities for cooperation had been mismanaged by opposition spokespeople, particularly from the Ontario PC's who "offered only unbridled neo-conservatism and failed to recognize the interests of their membership." Essentially, while courting unions for support in 2011 and 2014, Frame said representatives of the opposition failed to sell their vision for the province. Ian Cunningham, President of the Council of Ontario Construction Associations, echoed these comments, suggesting that his membership would be open to other strategic options if a more clear vision for future benefit had been presented.<sup>66</sup>

Catherine Swift, the lead spokesperson for Working Canadians, a not-for-profit organization dedicated to analyzing and disseminating information on the negative impact of union influence in Canadian politics. During the 2014 campaign, in her capacity as spokesperson, Swift held stakeholder meetings with many of Ontario's union leaders and their general memberships on behalf of the Ontario PC Party.<sup>67</sup> On record, Frame described Swift's pitch to his membership as being "over-the-top neoconservative" and "lacking consideration for [the] interests [of his members]."

### *The Rise of Rival Political Action Coalitions*

Only Big Business can raise the money to match Big Labour. The business community has the potential to balance the political equation by creating its own Super PAC in reaction to the deterioration of the general economy.

The issue of optics is a significant weakness of such a coalition, as attempts to champion such alliances in Canada have largely failed. Problem being, although both unions and big businesses are self-interest maximizing actors, they hold disparate reputations in public discourse (i.e. big business is only out for profits, unions defend workers).

### **Conclusion:**

This article has analyzed the development of the union-party relationship in Ontario with special attention to the growth of middle-class unionism as evidenced by the activities of the Working Families Coalition. It has challenged the suggestion that political action organizations formed by organized labour are shells designed to prevent the Progressive Conservatives from forming government and in the process are implicitly supportive of the Liberal Party. While it cannot be denied that, at face value, there is truth to this assertion, the in-depth analysis this article has presented suggests that there is considerably more to these organizations than simply being a de-facto shell for the Liberal Party.

Broadly speaking, the emergence of new trends in union political

behaviour is symptomatic of a larger reevaluation on the part of the labour movement and its relationship to the political process. As this article has illustrated, the reevaluation of the labour movement's political strategy was been informed by a number of experiences, including the failure of the New Democratic Party to ensure a high rate of union affiliation and support amongst the working class, the passing of the Social Contract by the NDP in 1993, the volatile nature of labour legislation in Ontario during the 1990s, the rise of neoliberalism in Ontario, and ultimately the emergence of middle-class unionism we experience to date.

This article suggests that the governing Liberal Party has helped union members to secure industry-specific investments and limited changes to labour legislation from government that have satisfied labour's new practical approach to political involvement. Of these investments by government, the most significant have been extended to middle-class unions, such as those comprising the Working Families membership. Allowing this quid pro quo relationship to thrive, unions have campaigned against and diverted votes from the Progressive Conservative Party, and, by extension, toward the Liberal Party. While Ontario's unions claim that industry specific investments are not the reason for their support of the Liberals, these investments have proved to be beneficial, suggesting the labour movement will continue to back the Liberals in the short to medium term.

Finally, an important conclusion of this article has been the confirmation that labour's indirect support for Liberal Party comes at the expense of the NDP, their traditional political ally. In the process, this has fostered and illustrated a clear public divide in the labour movement. Organizations like WFC have moved away from the traditional model of ideologically based affiliation to a pragmatic, interest maximization model where they act as an active third-party advertiser. This weakens the formal link between labour and political parties and suggests it is a quid pro quo relationship we witness today.

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Queen Elizabeth Delivered the Customary Queen's Speech at the State Opening of Parliament. A new parliamentary session began today, after the previous one—the longest continuous parliamentary session ever—came to a close. By Chloe Fousianes. Oct 14, 2019. TOLGA AKMEN/Getty Images. This morning, the Queen attended the first State Opening of parliament in some time. (The previous session, which lasted 810 calendar days, was the longest in 400 years.) This formal occasion is the only regularly held event that brings the House of Lords, the House of Commons and the Queen together. It consists