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Alberta's 2002 Teacher Strike:¹ The Political Economy of Labor Relations in Education

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Abstract

In 2002, approximately two thirds of school teachers in the Canadian province of Alberta went on strike. Drawing on media, government and union documents, this case study reveals some contours of the political economy of labor relations in education that are normally hidden from view. Among these features are that the state can react to worker resistance by legally pressuring trade unions and justifying this action as in the public interest. This justification seeks to divide the working class and pit segments of it against each other. The state may also seek to limit discussion and settlements to monetary matters to avoid constraining its ability to manage the workplace or the educational system. This analysis provides a basis for developing a broader theory of the political economy of labor relations in education. It also provides trade unionists

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in education with information useful in formulating a strike strategy.

Keywords: teachers unions; labor relations; Canada; regional government; politics of education.

La huelga de profesores de Alberta en 2002. La economía política de las relaciones laborales en el sector de educación

Resumen

En 2002, aproximadamente dos tercios de los maestros de la provincia canadiense de Alberta se declararon en huelga. Después de analizar documentación del gobierno, los sindicatos y de los medios de comunicación, este estudio de caso pone de manifiesto algunos aspectos poco discutidos de la economía política de las relaciones laborales en el sector educativo. Entre esos aspectos el Estado puede reaccionar a la resistencia de los trabajadores presionando legalmente a los sindicatos y justificar esa presión como una estrategia de defensa de el interés público. Esta justificación trata de dividir a la clase obrera y generar conflictos entre segmentos de clase. El Estado puede también tratar de limitar la discusión y los acuerdos a cuestiones monetarias para evitar que se limite su capacidad de dirigir los lugares de trabajo o el sistema educativo. Este análisis proporciona una base para el desarrollo de una teoría más amplia de la economía política de las relaciones laborales educativas. También proporciona los sindicalistas del área educacional con información útil para la formulación de estrategias de huelga.

Palabras clave: sindicatos docentes, relaciones laborales, Canadá, gobierno regional; política educacional

A greve de professores de Alberta em 2002. A economia política das relações de trabalho no setor da educação

Resumo

Em 2002 cerca de dois terços dos professores na Província canadense de Alberta, entraram em greve. Este “estudo de caso” depois de analisar a documentação do governo, sindicatos e meios de comunicação, mostra aspectos pouco discutidos da economia política das relações no setor da educação. Entre esses aspectos o Estado pode responder a resistência dos trabalhadores pressionando legalmente aos sindicatos e justificando a pressão como uma estratégia de defesa do interesse público. Esta justificativa visa dividir a classe trabalhadora e gerar conflitos entre os segmentos de classe. O estado também pode tentar restringir a discussão e os acordos sobre questões salariais para evitar limitar sua capacidade de dirigir o local de trabalho ou o sistema educativo. Esta análise fornece uma base para o desenvolvimento de uma teoria mais ampla da economia política da educação nas relações laborais. Provê também aos membros do sindicato informações úteis para a formulação de estratégias para a greve.

Palavras-chave: sindicatos de professores, relações de trabalho, Canadá, política educativa do Governo Regional

Introduction

This study examines the political economy of labor relations in Alberta's publicly funded school system. It focuses on the 2002 strike by two thirds of Alberta teachers. This strike represented a significant challenge to the government, both as an employer and as the state. This case suggests three important features of the relationship between the government and the Alberta Teachers' Association (ATA). First, the value of the ATA to the state was as managers of employee discontent. The failure to stifle or channel discontent into manageable forms and processes resulted in legal pressure. Second, when teachers challenged state policy, the state attempted to drive a wedge between teachers and other workers by constructing teacher resistance as contrary to the interests of the general public. It also attempted to justify its intervention in these terms. Finally, the state attempted to limit any discussion to "economic" matters, to minimize the impact of any settlement on the ability of the state to manage the workplace or the educational system.

These features are consistent with Hyman's (1989) analysis of trade unions as both a component of a capitalist society and a source of opposition to it. The features are also important pieces of the political context of labor relations in Alberta's education system. Their identification sheds light on the underlying dynamics of labor relations and assists teachers in the development of future political and bargaining strategies.

Labor Relations In Canadian Education

Approximately 95% of all Canadian primary and secondary students attend publicly funded and operated schools. Canada's constitution delegates responsibility for education (as well as labor law) to individual provinces and territories. Typically, these governments create locally elected school boards to operate schools while maintaining curricular control (Thomason, 1995). School funding may come from locally raised taxes, provincial grants, or some combination of the two. In Alberta, the provincial government provides funding to school boards; local school boards have effectively no independent taxation power.

Public school teacher associations have existed in Canada since before the first World War, changing over time to act as professional regulatory bodies and labor unions (Lawton, Bedard, MacLellan, & Li, 1999; Smaller, 1998). For example, the Alberta Teachers' Association (ATA) acts as the professional regulatory organization for all licensed teachers in Alberta. It also serves as a bargaining agent for the majority of Alberta's teachers. Local chapters of the ATA bargain with local school boards, but the provincial ATA executive can veto memorandums of agreement, and school boards bargain within the financial parameters set by the provincial government.

The structure of teacher bargaining varies widely among provinces. Models include negotiations between individual school boards and teacher locals, negotiations between the province and the provincial teachers' body, and province-wide negotiations (with some issues bargained locally). Over time, there has been a trend towards more centralized bargaining as the proportion of costs covered by the provinces increases (Thomason, 1995; Lawton et al., 1999).

At a high-level, the laws governing unionization and collective bargaining in English-speaking Canada are strikingly similar, following the pattern set by the US *Wagner Act* (Thompson & Rose, 2003). Canadian unionization levels have declined in recent years to 30.3% in 2007, but they remain more than twice US levels, and unionization is highly concentrated in the public sector. Unionization rates among public school teachers are over 90% (Government of Canada, 2008).

The expansion of collective bargaining in the public sector during the 1960s and 1970s saw legislation enacted that differed from that governing the private sector. Public-sector labor legislation varies significantly between jurisdictions and can determine the boundaries of bargaining units, limit the scope of negotiations, and sometimes require arbitration to settle bargaining impasse (Rose, 1995; Swimmer & Thompson, 1995). In this way, public sector unionization and collective bargaining is often constrained in ways uncommon in the private sector. Teacher unionization and collective bargaining may be regulated by specific legislation (Swimmer & Thompson, 1995; Lawton et al, 1999), although in Alberta, it occurs under the *Labour Relations Code*, the same legislation governing private-sector labor relations.

When bargaining reaches impasse, disputes are typically resolved through strike-lock out. Strikes and lockouts in the primary and secondary system often spark concern that the loss of instructional time causes irreparable harm to students. Governments have sometimes reacted to this concern (and parental pressure) by mandating arbitration or by enacting back-to-work legislation. Historically, teachers have also been reluctant to strike due to concerns about professionalism. The current research on the effect of work stoppages on students is inconclusive (Thomason, 1995).

The Political Economy of Labor Relations

A political economy analysis examines how various groups (e.g., the state, employers, unions) pursue their economic interests via political means. Canadian governments began directly intervening in the economy to regulate employment relationships in the late 19th century. When and how the state chooses to intervene in labor relations is influenced by the contradictory demands governments face as well as by the relative political power of labor and capital (Mandel, 1992; Picchio, 1992; Tucker, 1983/84, 1988, 1990).

On the one hand, the state must facilitate the capital accumulation process. That is to say, it must act in ways that allow capitalists to produce goods and services in a profitable manner and thereby encourage private investment. Failing to do so may result in an economic downturn, for which the government may well be held responsible. In this way states face pressure from capital to minimize limitations on the organization of work because this impedes profit making. Facilitating the capital accumulation process also requires the state to ensure there is an adequate supply of literate and numerate workers. However, the state faces pressure to produce these workers with as little impact on employer profitability (i.e., through taxation) as possible.

On the other hand, governments must maintain their own legitimacy with the electorate as well as the legitimacy of the capitalist system (or social formation). The operation of capitalist systems often negatively affects workers, who comprise the majority of the electorate. We see this in the form of low pay, poor working conditions, and workplace injury and death. These effects can cause a loss of confidence in a particular government or in the capitalist social formation. To gain re-election and perpetuate the capitalist social formation, the state has chosen to address these issues via employment laws and regulation.

Examining post-1944 Canadian legislation about unionization and collective bargaining suggests that an important state goal has been to maintain economic and social stability. Employers are compelled to recognize unions and bargain in good faith. Unions must agree to resolve differences during the life of the agreement via grievance arbitration. This legal framework reinforces employers' power to direct the production process. It also channels conflict and worker resources into a contract-centered environment characterized by highly legalistic processes that can bureaucratize collective action, in some ways making workers self-disciplining (Drache & Glasbeek, 1992; Fudge & Glasbeek, 1995; Hyman, 1989; Jamieson 1968; Pentland, 1968; Russell, 1995).

In considering this compromise, it is important to note Canada has also witnessed significant and aggressive government intervention into public-sector labor disputes. This intervention is designed to minimize the political and financial costs of public-sector strikes (Panitch & Schwartz, 2003). Employers have also sought to evade their statutory obligations with respect to at least some segments of the labor force (Fudge, Tucker, & Vosko, 2002; Vosko, 2006a).

Governments have also altered educational policy to align it more closely with the needs of the capital accumulation process. This can be seen in an emphasis on developing human capital (based on supply-side beliefs about job creation), socializing workers to accept the existing structures of work and opportunity, and linking curricular goals to the needs of the labor market (Bouchard, 1998; Livingstone, 1997; Sears, 2003). Education may also face privatization via private schools, contracting out services, and offloading the costs of education (cast primarily as of individual benefit) onto families and individuals by reducing government expenditures. Reduced expenditures can also push school systems into closer relationships with corporations (Harrison & Kachur, 1999). Unions can provide a point of resistance to this agenda (Sears, 2003).

A systems approach to studying industrial relations has dominated industrial relations thinking in North America since the 1960s. It emphasizes the rules, processes and structures of industrial relations (Godard, 2005). For example, a systems approach might focus on "what is the rule and how is it applied?" This tends to ignore that the rules reflect an underlying power structure and can change. By contrast, this case adopts a political-economy approach focused more on examining how various actors (in this case, the state and the ATA) seek to pursue their economic interests, both at the bargaining table and in the broader political arena (Hyman, 1989).

There has been little analysis of the political economy of labor relations in the Canadian school system (Ricker, 1994). The recent North American literature addressing teacher collective bargaining focuses on the affect of bargaining on educational reform (deMitchell & Barton, 1996; Eberts & Stone, 1987; Fuller and Mitchell, 2006; Goldhaber, DeArmond, Player, & Choi, 2008; Goldschmidt & Stuart, 1986; Hess & West, 2006; Kerchner & Koppich, 2007; Koppich, 2005), bargaining and wage structures (Belfield, 2005; Conley, Muncey, & Gould, 2002; Montgomery & Benedict, 1989; Naylor, 2002), and the strategies and activities of teacher unions (Bascia, 2000; Cooper & Sureau, 2008; Poole, 1999, 2000; Selinger, 1980). An interesting exception is Filson's (1988) consideration of the class position of teachers and Reshef's (2007) examination of the implications of government intervention in such bargaining relationships. There are also a number of descriptive accounts of teacher strikes, although few are scholarly (Lemke, 1982).

Method

The purpose of this case study is to generate insight into the political economy of this strike and teacher collective bargaining more generally. This begins with developing a narrative of the cause(s), course, and resolution of the strike. This narrative highlights the important goals and strategies of the state and the ATA, how the government and the teachers' union sought to advance their economic interests politically, and the case allows us to discern important features of the political economy of labor relations in Alberta's public education system. The case study presented below is based on primary and secondary documentary evidence from the 2002 Alberta teacher strike and the bargaining that preceded it. The controversial nature of the topic suggested that documentary evidence would be a more reliable source of information than interviews. Documents included newspaper reports, government and union press releases, and background documents, legislation, and minutes of the Legislative Assembly. The political importance of this strike led to a

rich documentary base for review. This approach tends to emphasize the goals and approach of the provincial ATA (and its president in particular).

Relying solely on documentary evidence has its drawbacks. This decision was taken following unsuccessful inquiries about interviewing key employer and governmental actors. The reluctance of these actors to be interviewed reflects the ongoing conflict between the ATA and the government as well as the operation of government confidentiality oaths. Interviewing solely labor-side actors was rejected as being likely to unbalance research. Also of concern was the incentive for interviewees to revise their recollections for political advantage.

Case studies use multiple forms of evidence to examine a phenomenon where the division between subject and context is unclear and the context is hypothesized to contain important explanatory variables (Yin, 1993, 1984). Analysis focuses on descriptive inference (i.e., understanding an unobserved phenomenon on the basis of a set of observations) rather than on causal inference (Guba & Lincoln, 1994; King, Keohane, & Verba, 1994; Owens, 1982). This process yields findings that are analytically (if not statistically) generalizable, supporting or contradicting broad theories about situations through the discovery of similarities and differences between the case and the theory.

The rigor of the descriptive inferences drawn by linking the data adduced in the case with the hypotheses can be tested against the four criteria found in the Parsons (1995) theory of plausibility (Weirisma 1995). First, does the explanation or theory make sense? Second, is the internal reasoning of the explanation of theory sound? Third, to what degree does the theory or explanation encompass the phenomena and are there competing explanations of equal comprehensiveness? Fourth, is the explanation of theory in the simplest form that adequately explains the phenomena?

Although validity and reliability are difficult to address in case study research because of the fundamentally different assumptions of naturalistic research, some way to assess the rigor of research is necessary. This can be addressed by examining the credibility and trustworthiness of the research. Credibility parallels positivism's validity but accepts that research results are constructed by researchers based upon their interaction with the subject (Kincheloe, 1991). This rejects belief in the existence of an external reality separate from the researcher (Hawkesworth, 1988). The credibility of the research conclusions is judged based upon the comprehensiveness and accuracy of the research process (i.e., were all available data sources utilized? was their use in context? were all alternative interpretations addressed?).

Trustworthiness is the degree of plausibility of the study's conclusions and replaces the positivist conception of reliability. Reliability provides validation (or invalidation) of generalizable causal models that positivist research seeks to develop. That the messy interaction between researcher, subject, and environment in naturalistic research makes replication of results difficult is not an indictment of naturalistic research because its purpose is not to create invariable causal models (Labaree, 1998). Rather, naturalistic research is designed to describe the world. Merriam (1998) suggests that by creating a thick description for the reader, the issue of reliability (i.e., trustworthiness) of the interpretation is passed along to the reader. Leaving a clear audit trail (e.g., generous citation to source materials) provides the reader with the opportunity to make their own judgments about whether they would arrive at the conclusions similar to those of the researcher.

The Case

Beginning in the early 1990s, Alberta's ruling Progressive Conservative (PC) government used a neoliberal prescription as a way to re-brand the party and gain re-election. First elected in 1971, the Conservatives were experiencing significant erosion of their support by 1990—a trend

some thought indicative of regime change (Dyck, 1997; Mansell, 1997). In late 1992, Ralph Klein was elected as party leader. Klein's 1993 election campaign focused on Alberta's growing debt and deficit (Lisac, 1995). Although Klein's characterization of Alberta as having a spending problem has been widely criticized (Drugge, 1995; Flanagan, 1995; McMillan & Warrack, 1995; Taft, 1997), he was re-elected in a landslide.

Following re-election, funding was reduced by 21% in post-secondary education, 17.6% in health-care and 12.4% in education. This somewhat overstates the reduction to education. Bruce and Schwartz (1997) note that half of school board funding at that time was derived from municipally levied school taxes, thus the government reduction meant only a 6.2% reduction in overall funding. Teachers also agreed to a 5% wage roll back. Subsequently, 141 school boards were amalgamated into 60. School boards also lost the power to levy education taxes, thereby making the province the sole source of school funding. Bruce and Schwartz (1997) suggest that this change was intended to prevent school boards from offsetting government reductions by raising locally collected taxes. This change also politicized the teacher collective bargaining process. Despite the continuing pretense of local bargaining, the provincial government became the target of teacher lobbying and frustration as it was the sole funder and thus the true employer (Reshef, 2007; Reshef & Rastin, 2003).

Alberta's labor movement did not effectively oppose these changes. It faced a conflicted membership base (many of whom supported Klein's basic approach), largely lacked the right to legally strike on the issue, and feared the potential of repressive legislation (Fuller & Hughes-Fuller, 2005). Little support for resistance was forthcoming from private-sector unions, which had been badly hurt by both hostile legislation and the recession of the late 1980s and early 1990s (Finkel, 2006; Taylor, 1995). When rank-and-file resistance to the cuts emerged (e.g., a 1995 wildcat strike by Calgary laundry workers), Alberta's labor leaders sought to settle the strike rather than use it as a way to resist the Klein agenda through further escalation.

In addition to clashes over wages and working conditions, teachers and the ATA faced changes in educational policy (Flowers & Booi, 1999; Mackay & Flowers, 1999). In addition to reducing funding, introducing privatization, and encouraging corporate partnerships, the Klein government completed long-term Conservative policy changes such as centralizing and standardizing of curriculum and student evaluation methods—changes in which affected teachers but in which they had little say (Mazurek, 1999; Taylor, 2001). The resulting acrimony doubtlessly spilled over into the 2002 strike, although clear linkages are difficult to find.

Reshef and Rastin (2003) characterize the Alberta Teachers' Association's (ATA) approach to the Klein agenda as one of acquiescence. Several factors led the ATA executive of the day to believe that a confrontation with government was not in the ATA's best long-term interests. Firstly, the ATA faced a fractured internal membership, with many teachers supporting Klein's deficit reduction agenda. Secondly, teachers generally believed that they should not mobilize against the government unless their ability to carry out their professional responsibilities was compromised. Thirdly, conflict was (and is) embedded in the ATA's dual role as professional regulatory body (wherein it acted on behalf of government) and bargaining agent. A separation of these functions or the end of a closed shop, as proposed in two private-member bills during the early 1990s, would entail at least short-term financial instability for the bargaining agent.

By 2002, the ATA faced a very different situation. Illegal strikes in 1998 and 2001 by general support workers and auxiliary nursing staff had resulted in wage hikes. Registered nurses also used the threat of a strike during the run-up to the 2001 provincial election to achieve wage increases of 17 to 20% (Fuller & Hughes-Fuller, 2005). Doctors had previously accepted a 21.9% increase in fees over a two-year period (Alberta Teachers' Association, 2002a). Government policy also began

emphasizing reinvestment, and the public's mood had shifted away from the deficit hysteria of the 1990s. Further, the ATA had a new executive, and the consequences of the funding reductions in the classroom were more clearly evident (Reshef & Rastin, 2003).

During this same period, government actions began mobilizing teacher resistance. Prior to the spring 2001 provincial election, the government reduced education property taxes by \$135 million. On April 5, 2001, Klein told teachers that he would "make sure that they are fairly compensated and given as good a work environment as possible so they will know how much they are appreciated" (ATA, 2001, p. 1). On April 10, 2001, the re-elected government's throne speech included a specific promise for more money for teacher salaries as well as to reduce class sizes (Government of Alberta, 2001). This eventually led to a 6% increase over two years (No end in sight for strike, 2002a). The ATA viewed this as a legislative cap on salary settlements because school boards had only the 6% available for wage increases, and teachers would not countenance taking money from classrooms to fund wage increases to meet its 20% wage demand.

In May, Minister of Learning Lyle Oberg indicated that the government would not increase education funding above budgeted levels. Subsequently, Members of the Legislative Assembly (MLAs) awarded themselves their second pay increase in a year, totaling 14.3% plus three months of severance pay for every year served (Alberta Teachers' Association, 2002a). On August 31, 2001, 51 of 62 teacher collective agreements expired. Additional public-sector settlements then occurred. In October, the civil servants settled for wage increases of between 12.3% and 15.7% over 2 years. In November, crown prosecutors were awarded pay increases ranging from 5% to 22%. The government also released a labor supply report indicating teacher and professor unemployment was 2.5%, indicating a shortage existed (Alberta Teachers' Association, 2002a). At some point (while accounts conflict on the timing details), the provincial government indicated that it was prepared to pay down the teacher's third of a \$4.7 billion unfunded pension liability. The ATA contended it was never a serious offer and was premised upon taking the money out of classrooms (Heymen, 2002).

At this point, teachers and the ATA believed that bargaining with school boards was pointless—government funding caps meant the boards had no ability to meet the teachers' salary demands. The ATA also indicated the government had reneged on its promises of additional funding, and the government was singling teachers out for a pay raise far lower than any other public sector group (including legislators), despite abundant budget surpluses (Fuller & Hughes-Fuller, 2005).

On February 4, 2002, 14,538 teachers in 17 locals went on strike, affecting 250,196 students (Reshef & Rastin, 2003). At the beginning of the second week of the strike, the government's message was that the strikes were disputes between local school boards and teachers; the government's role was to protect the public interest. Minister of Human Resources and Employment Clint Dunford (who was responsible for labor relations matters) stated,

I want to assure students and their parents that the government is monitoring this situation carefully to ensure their interests are protected. ... This government will only step in if job action by the teachers causes unreasonable hardship to third parties.... When these strikes end I want school boards and teachers to be able to say that they found local solutions to the issues in dispute and resolved their differences at the local bargaining table (Alberta Human Resources and Employment, 2002a, p. 1).

As the strike entered its third week, the ATA was concerned that the government would legislate an end and perhaps break the ATA into two pieces with new legislation—one a union and the other a professional body charged with licensing (Holubitsky, 2002a). The government had previously broken up the nurses' union in a similar manner following illegal strikes in the 1980s.

Joining the strike in week three were 6409 teachers in three more school districts, including the City of Calgary, a significant source of government support. The strike expansion affected a further 106,649 students (Reshef & Rastin, 2003). The government increased the pressure on the parties to settle or face government intervention. As no new funding was forthcoming, this pressure was primarily aimed at reducing the ATA's wage demands. The messaging continued to frame the strike as a "local matter." Dunford stated,

Each day children are out of school brings us closer to a situation in which government may be forced to weigh the rights to job action against the effect that it has upon third parties who are not at the bargaining table.

I am putting teachers and school boards on notice. It is time for them to return to the bargaining table and renew their efforts to find local solutions to the issues in dispute. Everyone agrees that this is the best possible outcome. Teachers are telling us they do not want to be ordered back to work and school boards are saying they do not believe an emergency exists yet. That tells me that local solutions are within reach (Alberta Human Resources and Employment, 2002b, p. 1).

In a press release issued the same day, and immediately after discussion of *Labour Relations Code* provisions for declaring a public emergency, Minister of Learning Lyle Oberg noted the government was assessing whether the dispute constituted an unreasonable hardship for "students, families and other third parties affected by the strike. The number of public calls to government have been increasing, and we'll continue to listen to Albertans" (Government of Alberta, 2002a, p. 1).

A cabinet meeting that day did not yield the expected back-to-work order, with Dunford indicating there had been progress in negotiations until media stories of a public emergency declaration convinced the parties that negotiating was futile (Dolphin, 2002a). Two days later, the government declared a public emergency, although no objective change in the situation had occurred (Alberta Human Resources and Employment, 2002c). The parties were given until March 15 to negotiate a collective agreement or the government would have a Dispute Resolution Tribunal arbitrate the matter.

The government's rationale for declaring an emergency was five-fold. First, it asserted that students were in jeopardy of missing so much school that they would not be able to make up the lost instructional time. Second, students with special needs were particularly affected by this lost time. Third, support staff were being laid off and thus without pay. Fourth, student teachers were unable to complete their practicum, with the strike preventing them from satisfying graduation requirements. Finally, families were facing financial hardships caused by additional childcare expenses incurred during the strike (Government of Alberta, 2002b). According to Oberg, panicked phone calls from parents turned the dispute into an emergency (Thomson & Hryciuk, 2002a). Court documents subsequently revealed 90 people had called demanding government action (in a strike affecting approximately 357,000 students). This was approximately 9.7% of total calls on the issue. By contrast, nearly 300 callers supported the teachers (Kent & Holobitsky, 2002).

According to media reports, there was not unanimity within government about this decision. Some legislators sought to draw out the strike to penalize teachers financially by forcing them to live on strike pay. "In two or three years we'll have the same thing all over again," a Calgary legislator (said). "They gotta feel some pain so they're not likely to put us through all this the next time." (Dolphin, 2002b, p. 1). Other members of the provincial assembly suggested legislating away the teachers' right to strike or legislatively removing a costly pupil-teacher ratio from collective agreements.

The back-to-work order relieved the immediate political pressure on the government and gave the ATA a means by which to end the strike, through arbitration. It also demonstrated government resolve to health-care unions that had contracts expiring that April. However, teachers immediately challenged the order in court and developed a plan to withdraw voluntary services, including marking provincial exams, sitting on committees, and developing curriculum. Dunford warned that a work-to-rule campaign might contravene the illegal work stoppage provisions of the *Labour Relations Code* (Thomson & Hryciuk, 2002a). Some school boards also voiced concerns that arbitration could impose costs on employers regardless of the employers' abilities to pay it (Holobitsky, 2002b). The bargaining structure created when the government removed school boards' power to levy taxes also remained unaltered (Obsolete bargaining, 2002b; Simons, 2002). The ATA suggested adopting province-wide bargaining to resolve the dynamic whereby the province deferred bargaining matters to school board trustees and the trustees pleaded poverty (McGinnis, 2002).

The government's response to the teachers' court challenge was to threaten back-to-work legislation (Thomson and Hryciuk, 2002b). On Monday, February 25, arguments about the public emergency declaration were heard in the Court of Queen's Bench. While the court considered the case, the provincial premier mused publicly that the province might declare teachers an essential service and permanently remove their right to strike (Hryciuk & Barrett, 2002), although Dunford denied working on any essential services legislation (Cryderman, Kent, Thomas, & Hryciuk, 2002).

On March 1, the Court quashed the government's public emergency order. Chief Justice Allan Wachowich ruled that the government had failed to prove there was an emergency causing unreasonable hardship and that the provincial cabinet's opinion on such matters "should be informed and reasonable, not whimsical, speculating or political" (Cryderman et al., 2002, p. 1). Of further concern was that the government treated all disputes the same, despite earlier insisting that school negotiations were a local matter about local issues. This drew criticism that

The government's failures to appreciate local issues and to prove emergent hardships revealed a callous presumption that local authorities can be told to negotiate, however powerlessly, while the province skips negotiating and proceeds directly to cabinet orders (New hope in teachers' strike, 2002c, p. 1).

With the cabinet order quashed, the ATA held off on further strike action and sought a meeting with the premier while it scapegoated Minister Oberg in the press (Rusnell, 2002). The March 4 meeting yielded a tentative agreement on an arbitration process to resolve the disputes. Teacher issues that the arbitration panel could not resolve would be referred to an independent body, what eventually became the government's Learning Commission (Thomson, 2002).

This agreement entailed risk for both sides. The province risked a rich settlement (thereby raising the expectations of health-care workers) while teachers risked alienating parents by having salary increases come from classroom money. Alberta school boards certainly feared getting caught in the middle of such a settlement—its members having to pay the settlement without any additional provincial money. By March 8, this agreement had begun to unravel. After meeting with representatives of the Alberta School Board Association (ASBA), Premier Klein announced that the arbitration process would deal only with salaries, a far narrower scope than the ATA understood the process would cover. Further, Klein suggested that the arbitrator might be directed to award only what school boards could pay. This shift in position may reflect pressure that Klein received within his own caucus from hardliners, stinging from having their back-to-work order overturned the previous week (Reshef, 2007; Thomson & Holobitsky, 2002).

On March 11, 2002, the government introduced the Education Services Settlement Act (Bill 12) to establish an arbitration process to resolve outstanding collective agreement issues

(Government of Alberta, 2002c). The use of legislation bypassed the public emergency requirement in the *Labour Relations Code*. Bill 12 defined employer broadly enough so that all 48 jurisdictions without current collective agreements (and not just the 22 jurisdictions that struck) were required to submit to the arbitration process, and all affected teachers were prohibited from engaging in work-to-rule campaigns. Arbitrators were precluded from considering classroom size, student-teacher ratios, or instructional time. This bill also stripped terms addressing these issues from agreements negotiated after enactment. Awards could not require school boards to run a deficit. This effectively limited financial settlements to the 4% and 2% provided by the government plus any additional money school boards could reallocate from other programming. The government was also allowed to refuse to release information relevant to the arbitration.

If illegal strikes occurred, Bill 12 allowed the Labour Relations board to suspend dues deductions (contrary to the *Teaching Professions Act*) and de-certify the ATA. Finally, Bill 12 allowed specific penalties for the ATA, its representatives, and individual teachers who advocated or caused a strike (Government of Alberta, 2002d). Oberg noted that teachers had only themselves to blame for this process, rejecting earlier government offers, including a plan to address the teacher's pension (Cotter, 2002). The legislature passed Bill 12, and the new legislation was given royal assent on March 14. Teachers then began a process of withdrawing voluntary services. Interestingly, by late March, at least eight school boards had negotiated and ratified contracts outside of the mandated arbitration process. The large Edmonton Public School Board (EPSB) also publicly considered pulling out of the Alberta School Board Association (ASBA) because (the Edmonton board alleged) the ASBA's actions had poisoned the working relationship Edmonton schools had with its teachers (Thorne, 2002).

By April 2, teachers elsewhere in the province were still waiting for the government to start the arbitration process up (Holobitsky, 2002c). In the meantime, the provincial government sought graders for grade 12 provincial exams that were written in April, seeking retired teachers as well as graduate students and tutors from post-secondary institutions—with little luck (Maclean, 2002). Angry at the loss of extracurricular activities, more than 500 students cut classes on April 4 to protest at the legislature. Another 80 appeared on April 9. Progressive Conservative legislator Mary O'Neill also introduced a private member's bill (that eventually passed) prohibiting school board employees from running for election to a school board (Zelgen, 2002).

Rather suddenly, on April 19 the province and teachers signed a broad agreement to resolve the dispute. This deal required the government to cover the ATA's portion of the unfunded liability for one year at a cost of approximately \$54 million. It also amended the arbitration process to allow for awards that forced school boards into deficit positions and addressed non-salary items such as classroom sizes. The government agreed to establish a Learning Commission to examine and make recommendations on teaching and learning conditions set out in Section 23 of the provincial Educational Services Settlement Act. The government also agreed to develop a process addressing the unfunded teacher pension liability. The ATA agreed not to pursue any legal challenge to the Educational Services Settlement Act, and the ATA also agreed to endorse a resumption of voluntary activities by teachers (Government of Alberta, Alberta Teachers' Association, & Alberta School Boards Association, 2002).

The deal and subsequent press conference were the cause of some skepticism among observers, who noted that the deal addressed neither the lingering acrimony nor the root causes of the dispute, including the dynamics created by local bargaining but provincial funding (Dolphin, 2002c). Teachers were also upset because their union did not tell them about the deal (or the negotiations) ahead of time; some continued withholding voluntary services (Braid, 2002; Myers & Dorworiz, 2002).

To its members, the ATA justified the deal and deal-making process as a politically feasible solution. The government was not prepared to repeal the Education Services Settlement Act but was willing to amend the arbitration terms if the ATA would drop its court challenge of the Act and recommend that teachers end their withdrawal of voluntary services. Among the risks of further conflict, even if the ATA won a court challenge of the Education Services Settlement Act, ATA leaders argued that the government might impose collective agreements through legislation, decertify the ATA as the bargaining representative of teachers, declare teaching to be an essential service, thus removing teachers' right to strike, expand the management rights of school boards, or remove from the ATA its role as a professional regulatory organization (Alberta Teachers' Association, 2002b).

The first settlements from the provincial arbitration process began arriving in June. In Edmonton, for example, teachers saw a 14% wage increase over 2 years. Despite earlier promises that the province would consider additional funding based on the awards, Oberg stated "Now that these settlements have been issued, school boards will need to analyze the details and determine how to accommodate the awards within their existing budget" (Lord, 2002, p. 1). The report of the Learning Commission is too long to address within the confines of this paper. Among the highlights are a recommendation to retain the dual role of the ATA with the right to strike—a recommendation supported by the government. The government remains uncommitted to the Commission's recommendation to implement province-wide bargaining (Alberta Teachers' Association, 2003; Reshef, 2007).

Subsequently, there have been two major developments. The first was a month-long strike by teachers in the Parkland School Division in 2007. This followed a one-day lockout (ended by the government) in 2005. The government refrained from direct intervention in 2007, and the school board and ATA local entered into voluntary arbitration. The second development flows from the common expiration date for almost all teacher collective agreements created by the 2002 settlement. This situation created the potential for another province-wide strike after the expiration of these agreements in August 2007. This was forestalled in early 2008 when all teachers in the province ratified a five-year deal, an agreement that saw in part the government assume responsibility for the \$2.1 billion portion of the unfunded pension liability teachers were paying.

Analysis

The purpose of this case study is to identify important features of the political context in which sit labor relations in Alberta's education systems. The 2002 teacher strike represented a significant challenge to the government as an employer and as the state, revealing contours of the political economy of labor relations that are normally hidden from view. Three important features of the relationship between the government and the ATA merit discussion. First, the value of the ATA to the state was as managers of employee discontent. Failing to stifle or channel discontent into manageable forms and processes resulted in legal pressure. Second, when teachers challenged state policy, the state attempted to drive a wedge between teachers and other citizens (including other workers) by constructing teacher resistance as contrary to the interests of the general public. It also attempted to justify its intervention in these terms. Finally, the state attempted to limit any discussion to putatively economic matters, to minimize the impact of any settlement on the ability of the state to manage the workplace or the educational system. These three features are broadly consistent with Hyman's (1989) analysis of trade unions as both a component of a capitalist society and a source of opposition to it. Each feature is further developed below.

SUPPRESSING CHALLENGES

It is axiomatic that unions seek to maximize their members' wages and improve their working conditions when collective bargaining. In 2002, the ATA determined it was not possible to attain higher wages or better working conditions by bargaining with local school boards. In striking, the ATA explicitly sought to pressure the government into providing additional money to school boards and, perhaps, sought to draw the government into direct negotiations. The 2002 strike challenged the government in several ways. The monetary cost associated with the ATA's demands ran contrary to the economic policy of the government (i.e., facilitating the capital accumulation process via low taxation). The political cost of conceding the ATA's demands would undermine the ability of the government to contain wage demands from other unions. Further, conceding the ATA's demands would also call into question the validity of the government's prior decisions about funding education. Overall, this posed a significant political threat to the government.

Consequently, the government tried several strategies to contain the problem. After unsuccessfully framing the dispute as between local school boards and teachers, the government threatened to and eventually did curtail the teachers' right to strike. The teachers' successful court challenge and withdrawal of voluntary services further intensified the conflict and saw legislative intervention by the state. The resulting Educational Services Settlement Act required the ATA to manage worker discontent by setting out penalties for strike action, thereby reinforcing the peace obligation that is a component of all collective agreements in Canada, where mid-contract strikes are statutorily precluded.

To continue the dispute, the ATA would have to risk an illegal strike, and it subsequently chose to negotiate the best deal possible at that time. It is unclear what line of reasoning led to this choice. It may reflect a desire to consolidate gains or mitigate further losses (Fuller & Hughes-Fuller, 2005). It may also reflect the ATA executive's perception (correct or not) of weak membership support for an illegal strike. It might also indicate the ATA executive's belief that further resistance would have threatened the viability of the union. This is consistent with the ATA's justification of the deal to its membership and with the notion that when faced with a clear confrontation with capital, a union's executive may put the survival of the union or its own interests ahead of its members' goals (Brenner, 1985; Leier, 1995).

In this analysis, we clearly see that the value of the ATA to the state was as managers of employee discontent. Failing to stifle or channel discontent into manageable forms and processes resulted in legal pressure that might be characterized as repressive of workers' trade union rights. Not surprisingly, the final settlement contained an obligation of the ATA to control its members.

Dividing the Working Class

As the strike progressed, the government increasingly emphasized the purported impact of the strike on children (particularly those with special needs), support staff, student teachers, and families. This was a deliberate attempt to pit the interests of striking workers against those of other groups, including non-striking workers. Public sector employment involves a range of complex relationships, with other citizens not only being recipients of teacher services but ultimately the source of funding for these services.

That said, the government's intentions are reasonably apparent. The state sought to focus attention on the specific dispute and its effects. This draws attention away from examining the government's role in the dispute. For example, an important contributor to the dispute was government policy regarding educational funding and low taxation, which supports the capital accumulation process. By focusing attention on how the dispute affected others, the government sought to avoid discussing the operation of the broader framework of class relations (Hyman, 1989).

Workers cannot always be pitted against one another. In 1995, laundry workers in Calgary struck following a decision to contract out their work. There was broad-based support from the public and other workers, including unions. The 1995 wildcat strike might be different in important ways. For example, it was perceived as resistance to a significant change in government policy, focused on privatization, which affected the jobs of many workers. The contracting out was also perceived as an injustice done to a powerless group that had already accepted significant wage rollbacks. And the matter concerned health care, which appears to strike a different chord with the public than education (Fuller & Hughes-Fuller, 2005).

Framing the strike in terms of the public interest was also used to justify legally ending the strike, justification that is a statutory requirement under the *Labour Relations Code* before ordering employees back to work. The government's failure to substantiate these claims when challenged in court must also be considered (Cryderman et al, 2002). As far as it is possible to determine, the government undertook no actual monitoring of the strike that assessed the impact on children, student teachers, or families. If this lack of substantiation indicates the government's rationale for the public emergency declaration was entirely political, this further supports Hyman's hypothesis that the government sought to maintain sectarian divisions within the working class as a way of managing conflict. This interpretation may be incorrect: the government may well have believed the rationale it was asserting, despite the absence of evidence to support it. Or, as suggested by Reshef (2007), the unexpected resistance generated by the ATA may have simply surprised the government, and this surprise may explain the poor evidentiary base available to support the government's position.

Monetary Nature of the Settlement

The government clearly sought to limit the scope of the settlement to monetary matters. In this way, it sought to protect its right to manage the workplace and the educational system. This is evident in the Educational Services Settlement Act, which prohibited consideration of class size and instructional load as part of arbitration. It also voided any agreements signed by school boards addressing such matters. These constraints were inconsistent with the government's earlier assertion that the disputes were local matters that ought to be resolved locally, but perhaps the provincial nature of the problem was already evident at that point. Deferring matters of educational quality to the Learning Commission (a vague and uncertain process at that time) allowed the ATA to maintain the appearance that classroom conditions were important to it, but without imperiling the economic settlement of its members.

The subsequent agreement between the Alberta School Boards Association, the ATA, and the provincial government marginally loosened this prohibition, and most matters were referred to the Learning Commission. Included in these matters was the issue of province-wide bargaining. Such a bargaining model would certainly resolve the difficulty inherent in the existing bargaining arrangements: the funder would be at the negotiating table. But it would also allow the ATA to threaten the government with province-wide strikes, a much more potent threat than a series of local strikes. In any event, the common collective agreement expiration dates created a form of province-wide bargaining anyway. The ATA used this leverage in 2007 to garner a pension deal in exchange for five years of labor peace. This suggests some acceptance by the government that it has a role in bargaining, although school boards continue to act as the employer at the bargaining table. Reshef (2007) notes that getting drawn into the bargaining process is one of the potential outcomes of government intervention in industrial relations.

Conclusion

While collective bargaining is often discussed in largely economic terms, it occurs within a political context that affects the goals and behaviors of the parties. The 2002 Alberta teacher strike helps us identify some of the important features of that context. First, the ability of teachers to apply economic pressure on their employer through strikes appears limited by the state's ability to act as employer and sovereign as well as its willingness to incur the political cost of curtailing workers' rights. This dynamic is much commented on in discussions of public-sector labor relations (Adell, Grant, & Ponak, 2001; Fuller & Hughes-Fuller, 2005; Swimmer & Thompson, 1995).

While the prospect of legal pressure creates a deterrent to strike activity, it does not resolve the issues that cause bargaining impasse. Further, strikes are not only caused by rational cost-benefit calculations by unions; they may also be ways to vent frustration and demonstrate power and resolve. Strikes can also be forced on unions by the actions of their membership. In this way, the threat of legal repression may reduce the likelihood of but not preclude strike activity.

The 2002 strike also demonstrates that despite this power, it can be difficult for the state to estimate and contain the political and financial cost of a strike. While the state was eventually successful in getting teachers back to work, it incurred significant financial costs as a result of its arbitration process. The state also experienced political costs. It is not possible to determine the direct relationship between the strike and declining popularity, but in a 2004 election, the Conservative Party won 61 of 83 ridings, down 12 ridings from 2001. The willingness of the government to incur \$2.1 billion in pension costs in 2007 to avoid a repeat of the 2002 strike suggests government was mindful of the political costs of a strike.

Strikes by public-sector workers often turn on the ability of workers to generate public sympathy that, theoretically, can translate into electoral costs for the government. In the short-term, closing schools disrupts childcare arrangements and, in the long-term, may negatively affect children's learning. This characteristic gives teacher strikes a high profile, which is an important component of generating political pressure on governments. Yet the day-to-day disruption of families' childcare arrangements can be a powerful political tool that the employer can use to undermine public support for teachers.

Alberta's government clearly tried to use this tactic to shape public perceptions of the strike. In fact, the government went so far as to misrepresent public sentiment to justify forcing an end to the strike. This suggests that like nurses, teachers may be able to draw on pool of public goodwill for support. Subsequently, during the 2007 strike in Parkland County, the government chose not to use this tactic, despite the impact this month-long strike had on families. Despite the apparent unwillingness of workers to be pitted against each other in these cases, there is little evidence of broader public interest in trade union efforts, such as labor law reform. In this way, the broader framework of class relations remains largely unchallenged.

Along a similar line, the government has been largely successful in ensuring that settlements addressed only monetary issues and did not limit its ability to manage either the workplaces or the educational system. This is demonstrated in the mandate of arbitrators under the Educational Services Settlement Act as well as the state's willingness to pay off the teacher's unpaid pension liability in 2008. By focusing attention on monetary matters, the state limited the ideological space available to trade unions to pursue changes in the broader framework of class relations (Hyman, 1989). This reinforces the pressure on unions to accommodate the interests of the state.

Overall, this case suggests that teacher unions should prepare contingency plans for state legal pressure if they plan to launch significant strike action. Among these ought to be some consideration of how to mitigate or co-opt government efforts to divide the working class and pit

segments of it against each other. Among the strategies may be seeking to expand the terms of the dispute from monetary matters to other educational issues of concern to all workers (e.g., class size, adequate funding). In strategizing about how to end the strike, teacher unions may wish to use the state's desire to constrain the settlement to monetary terms as a lever. Seeking other outlets for non-monetary issues may be a way to break a bargaining impasse.

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