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Canada

More pay, but less union democracy - A complicated strike victory at Air Canada

- IV Online magazine - 2025 - IVP608 - September 2025 -

Publication date: Tuesday 2 September 2025

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After an inspiring four days on strike, Air Canada flight attendants are now voting on a tentative agreement (TA) that offers significant gains in pay. To get the TA, however, union officials also agreed to sacrifice the workers' right to reject the whole deal and fight for more. Canadian socialist David Camfield explains the unusual circumstances of this struggle—and the unusual deal that ended it.

Flight attendants at Air Canada (AC) and Air Canada Rouge, around 10,500 workers, went on strike from August 16 to early in the morning on August 19. The workforce is 70 percent women and mostly young—three-quarters of them have under five years of seniority. They are members of the Canadian Union of Public Employees (CUPE) because AC was once a federal Crown Corporation (a publicly owned company) that was then privatized.

Workers had been on strike for only a few hours when the Liberal federal government intervened. The jobs minister told the Canada Industrial Relations Board (CIRB), the federal labor board in whose jurisdiction workers in air transport fall, to direct the union to end the strike and order that the dispute be resolved through binding arbitration. This intervention was widely expected, since the Liberals have done this before on several occasions, using Section 107 of the Canada Labour Code.

On most of those occasions, union officials simply complied, but this time they didn't. The workers stayed on strike.

CUPE National President Mark Hancock tore up the CIRB back-to-work order in front of a cheering crowd of strikers at Toronto's Pearson Airport. The message from CUPE's top officers and those of CUPE's Air Canada component was clear: The only way the strike would be settled would be through negotiations. This was undisguised defiance of the order under Section 107, whose legitimacy CUPE officials rejected.

Hancock said he was willing to go to jail if that's what it came to. This can happen. CUPE National President Grace Hartman did time in jail back in 1981 for not ordering Ontario hospital workers who were on an illegal strike to return to work, and Jean-Claude Parrot of the Canadian Union of Postal Workers was jailed in 1978 for not telling members to respect a back-to-work law passed to end a postal strike.

The strike was absolutely solid, which was no surprise because the strike authorization vote had been 99.7 percent in favor, with a 94.6 percent turnout. Flight attendants were strongly in support of the key union demands: significant wage increases to make up for all the erosion of the buying power of their wages under the previous contract—which had been a ten-year collective agreement!—and an end to the unpaid work that'd long been accepted in the industry. This work is just part of the job for flight attendants, who have only been paid for the time the plane is in the air, not for any time they spend on the plane while it's on the ground, before or after a flight.

Although the strike completely grounded AC flights, and was disruptive for travelers, there was a lot of sympathy for the flight attendants. CUPE officials had laid the groundwork for this with effective public communications efforts focused on the issue of unpaid work. Members of other unions and other pro-union people started to join the picket lines. For many active union members, leftists, and, I think, lots of other working-class people, seeing Hancock tearing up the back-to-work order and insisting that the strike wouldn't end until the union had negotiated an agreement was electrifying. For anyone who's been dismayed by the federal government's use of Section 107 to snuff out strikes and worried about how that gives the idea to provincial governments that they could add similar provisions to the provincial labor laws that cover about 90 percent of workers in the Canadian state, CUPE drawing a line against the back-to-work order was really inspiring.

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The Canadian Labour Congress, the equivalent of the AFL-CIO in the U.S., put out a statement on August 17 demanding that the order be withdrawn. It pledged financial and other support for the strike, and “unwavering solidarity” if the government took legal action against CUPE. No surprise that it was vague about what action that commitment would translate into, but it was still unequivocal support for a law-defying strike. And it called on the government to pledge not to use Section 107 against a strike again and to remove that section from the law as soon as parliament next sits.

The strike continued into Monday, August 18, with bargaining suspended, but that evening it was announced that the union’s bargaining team would be meeting with Air Canada. Early in the morning on Tuesday, they announced a deal had been reached and the strike was over. CUPE’s statement made it sound like a great victory had been won:

Flight attendants at Air Canada and Air Canada Rouge have reached a tentative agreement, achieving transformational change for our industry after a historic fight to affirm our Charter rights. Unpaid work is over. We have reclaimed our voice and our power. When our rights were taken away, we stood strong, we fought back—and we secured a tentative agreement that our members can vote on.

That’s how most people who supported the strike are thinking about the outcome, but it didn’t take long before facts came out that paint a different picture.

The tentative agreement that flight attendants will be voting on only gives them a choice between ratifying the deal and rejecting it, in which case wages will be settled by arbitration, but everything else that was negotiated will end up in the collective agreement anyway. That’s not at all how the collective bargaining process works in the Canadian state. Unionized workers have the right to vote to accept or reject a tentative agreement in its entirety, unless binding arbitration is being used to determine outcomes. But in this case, very unusually, and because the CIRB had declared the strike was over in legal terms, workers have been presented with a ratification vote that doesn’t allow them to actually reject the deal. CUPE officials have agreed to a settlement that denies workers that right and prevents them from going on strike again to fight for a better deal in this round. They didn’t win a negotiated tentative agreement that workers could accept or truly reject, which would have treated the back-to-work order as a dead letter, let alone force a withdrawal of the order.

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As for what’s in the four-year tentative agreement, there are wage increases. For people with under five years of seniority, it’s 12 percent in the first year, and for the rest, it’s 8 percent. After that, it’s 3 percent, 2.5 percent, and 2.75 percent. And there is partial ground pay, for an hour or just over one hour per leg of a flight, depending on the width of the plane body, with percentages rising from 50 percent of the hourly pay rate this year to 70 percent in 2028. Those are gains, absolutely, but that doesn’t mean that unpaid work is over or that this is a transformational change.

The ratification vote is ongoing, from August 27 to September 6, online and by phone, and I expect that some won’t vote at all because of their disappointment, anger, and resignation from knowing that even if they reject the deal, they won’t be allowed to fight for a better one. But because expectations were high, maybe a majority will vote no. Although it’s hypothetically possible that flight attendants could reject the deal and then go on a wildcat strike that defies the law and their union officials, I don’t think that’s going to happen. There would have to be really strong organization among rank-and-file workers outside of the official union structure, with confident militant rank-and-file leaders, preconditions that seem doubtful right now.

All in all, I think the outcome is a partial and complicated win. Workers won real gains in pay, but they don’t have the

right to reject a deal and fight for a better one. What's happened seems unlikely to be a big deterrent to the federal government using Section 107 to end strikes in the future.

It's worth pointing out that negotiating a deal that workers don't have the right to actually reject had advantages both for the company and for CUPE officials. The company got a guarantee that the strike wouldn't resume, and union officials got insulation against rank and file pressure to fight for a better deal and lead more strike action.

Also, the outcome of a deal that workers can't genuinely reject is bad for union-building. It's not democratic. It took the decision about whether the deal was good enough out of workers' hands. This isn't going to encourage the most militant workers who were really inspired by striking to get more involved in the union.

A bigger victory was definitely possible. Air Canada was completely grounded. They were losing a lot of money, so they were under a lot of pressure. Management was completely unprepared for what happened. They expected the federal government would intervene and then CUPE officials would tell workers to comply with a back-to-work order. During the strike, CUPE put out an online graphic with a quote from an interview that AC's CEO Michael Rousseau did with BNN Bloomberg on August 18. Rousseau said, "Well, we thought, obviously, that Section 107 would be enforced, and that they wouldn't illegally avoid Section 107."

If the strike had gone on longer, I think CUPE could have won a much bigger win for flight attendants and for the working class as a whole. Even if they hadn't forced the government to rescind the order, they could have won a deal with bigger gains that ignored the back-to-work order—a deal that workers could ratify or truly reject. That would have been an amazing precedent. And if there had been sympathy job action by any airport workers or any workers at WestJet, which is AC's main competitor, like slowdowns, calling in sick, or not crossing picket lines, other employers would have been freaking out behind the scenes and leaning on AC to settle. I don't know if any sympathy action would've happened if the strike had lasted longer, since it's illegal and most workers today have no experience of doing it, but it's not impossible that at least a little bit could have happened, especially if the government had moved to punish CUPE for defying the law.

So why did CUPE officials end the strike the way they did? For the top people at CUPE National, I think the main goal was to negotiate a settlement with some gains for flight attendants. They didn't want to have everything decided by an arbitrator. After the government intervened, that was still their overriding goal. Winning a political victory against the use of Section 107 against strikes, which would have been a victory for the working class as a whole, was secondary. Once they forced AC back to the bargaining table, they dropped that objective and focused on the main goal.

Why did they do that? Above all, they're committed to collective bargaining. That legally-regulated, tightly-controlled process is at the core of what the layer of full-time union officials, both elected officers and staff, do—that, along with handling grievances, which is how disputes over workers' rights in collective agreements are dealt with in between rounds of collective bargaining.

I think the top leaders at CUPE have shown that they're prepared to support militant action if that's what it takes to preserve conventional collective bargaining. That makes them different from the heads of many other unions. Blatant government intervention with back-to-work orders and back-to-work legislation undermines conventional collective bargaining. So they're sometimes willing to support workers challenging it or even lead that challenge, as they just did. They're willing to sometimes use militant tactics to fight for goals that aren't radical.

We need to remember that defying the law can lead to massive fines for unions. That can damage unions as institutions, even threaten their ability to operate. For the union officialdom of full-time officers and staff, that's a

different kind of problem than it is for rank and file union members, because they depend on the union machine in order to keep on functioning as officials. So once CUPE's top officers saw a path to getting a deal that would end the strike and put an end to the threat of big fines or charges against them for defying the law, they went for it.

A knowledgeable CUPE person put it to me this way: "You have to hand it to National for playing their cards so well—they effectively posture as bold militants to the membership and public, while effectively containing struggles within status quo parameters. They get their cake and eat it too."

This isn't the first time they've done it. In 2022, when CUPE's Ontario School Board Council of Unions (OSBCU) was in bargaining and then was hit with pre-emptive provincial legislation to stop them from striking, they defied the law and struck anyway. Organizing toward sympathy strikes to support OSBCU started to happen. As soon as the provincial premier said he'd withdraw the law if the strike ended, CUPE National officials and other union officials put pressure on the president of OSBCU to accept the offer and go back to bargaining without the power of striking workers and their many supporters as leverage. And that's what happened.

From a distance, the outcome of the Air Canada strike can easily look like what CUPE National said it was. So lots of people probably think it was simply a tremendous win. That will encourage union activists to use it as a positive example. They can say, "Look, CUPE defied the law and won, that's what we should prepare to do if we have to." That's good. It's good that flight attendants showed you can have a strike that's popular and that defies the law and wins, even though it causes inconveniences for lots of people. It's good that Hancock tearing up the back-to-work order was all over the news.

But what actually happened wasn't what it looks like from afar. To me, what happened confirms that we can't rely on the union officialdom to fight to win in a consistent way, even when the officials are more militant. Union members who want unions that are really militant, democratic and solidaristic need to organize themselves on their own and work to change our unions. We need to build caucuses, groups of members who take to heart what the Clyde Workers' Committee said in Scotland back in 1915: "We will support the officials just so long as they rightly represent the workers, but we will act independently immediately they misrepresent them."

For more on this strike, check out episode 57 of the podcast [Victor's Children](#).

30 August 2025

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