

Digby School Bus Drivers' Strike

THE DIGBY SCHOOL BUS DRIVERS STRIKE

By

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INTRODUCTION

When the strike of the Digby school bus drivers, C.U.P.E. Local 1185, ended on the first of April 1983, the drivers had maintained their picket lines continuously for three years and eight months. This strike is now on record as the longest in Nova Scotian history. Although only twenty-five strikers were involved, the strike received considerable attention from the provincial and even the national media, because of the length of the strike, the bitter divisions it revealed and created in the Digby community, the court decisions finding the School Board guilty of unfair labour practices, and the weaknesses which were revealed in Nova Scotia's labour law.

This analysis of the Digby strike will discuss briefly the significance of the legal decisions and comment on the effects of this long and well-publicized strike on the Nova Scotia trade union movement. More importantly, it will focus on the forces at work within the small community of Digby that created this strike, and on some of the changes this strike brought about. In particular, some explanation will be offered of what on the surface appears to be a mystery: how it could come about that these few striking drivers, with no local tradition of militancy and with very limited outside support, were able to persist in the strike for so long.

Digby County is predominantly rural, not industrialized,¹ and has little history of trade unionism or workers' militancy. As with most such localities throughout Nova Scotia, political and economic power in the community appears to be concentrated in few hands. One local woman who has been active in public affairs, Eileen Chipman, speaks of "a few old families who run everything in Digby". She also complained bitterly of the secrecy and undemocratic methods used to control the Municipal Council, the School Board, and other public bodies.

As an example of these undemocratic methods, Ms. Chipman explained how school Board meetings, which were supposedly open to public observation, were actually conducted. All issues were discussed in committee, with the public excluded, prior to an open meeting. Then the open meeting would be very short and mystifying to observers, with the Board passing un-numbered resolutions and giving no explanation of the content of their decisions.

These extreme attempts to preserve secrecy had apparently been common in the workings of local government in Digby, and they continued to operate throughout the strike. Secrecy of this type made it difficult for any person who was outside the local clique to know what was happening. It also led many outsiders to suspect that corruption, political patronage and manipulation were going on behind the scenes.²

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Mainly, however, there had been little public pressure in Digby for information as to how the School Board or similar bodies operated. Most people in the community had shown little interest in such matters, and the School Board's high-handed dealings angered only a few individuals. The general community seemed to believe that a few people with patronage and influence did, in fact, run things, but that this was only to be expected and was acceptable as long as reasonable outward appearances were maintained.

Sometimes in such cases a little too much is revealed, and the municipal bodies suffer some embarrassment. During the strike, the union local regarded Richard Daley, the School Board Chairman, as a principal foe. Daley was on the Municipal Council and on many other Boards and committees as well as being a member of the School Board. It was claimed during the strike that Daley was also an electrical contractor whose firm had bid for and won much of the Council's electrical work.

C.U.P.E. Local 1185 brought this apparent conflict of interest to public notice and also wrote concerning this to Harry How, the provincial Attorney General, and to other provincial government officials. How and the other officials refused to take any action, beyond informing Daley of the allegations. They claimed that this was a municipal matter and not in their jurisdiction, the line the provincial government took generally on all issues concerning the strike.

The "conflict of interests" allegation became public knowledge, so the Municipal Council was forced to take some action. In a Council meeting in January 1980, the matter was raised for discussion. Daley's lawyer, who was also the Council's lawyer, presented evidence that Daley's electrical firm had just been reorganized. Daley himself was merely an employee. This satisfied the Council who voted that there was no conflict of interest.

In Digby, as elsewhere, it is difficult to prove how widespread the practice of giving out jobs and contracts through systems of political patronage actually is, because of the secrecy in which affairs are conducted. It is commonly believed that the cliques who ran municipal affairs had connections with the two main political parties, the Conservatives and the Liberals. It is felt that the two parties differ little in this; both work through networks of local alliances and patronage, and both are anti-union.

The fatalism with which this power was accepted in the community reflected the conviction that little could be done to change this and also that patronage reached deep into the society, frequently determining who had a chance of getting a local job. In one important sense it is not the actual truth of this picture of society that matters. The belief, alone, that networks of patronage had such power in the

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community, caused many to fear opposing those who were regarded as key figures in these networks.

The hard anti-union line taken by School Board Chairman Richard Daley and other School Board members seems to have represented the general view of those with power and influence in the Digby community. The bus drivers said that Daley had told them: "This is our offer -- take it or leave it. But if you go on strike, you'll never work in Digby." This was regarded as a serious threat and not merely bluster, given the way things had usually been run in Digby County. In this context, agreeing to strike was a very courageous act. One result of the strike and the community-wide conflict it engendered, however, was that the old clique could no longer run the affairs of the County unopposed.

THE STRIKE

In 1979 C.U.P.E. local 1185 had been in existence about ten years. Direct economic benefits had not been the primary motivating factor in unionization. Rather, the organization was a result of a concern over workers' rights. The School Board had a policy of complete discretion for hiring and firing, and it was a grievance over an unjust firing that sparked interest in unions.

There was no local tradition of trade unionism for the drivers to build upon. One driver said: "When the union was formed here, none of us had ever been in a union before. Around here you're brought up to hate unions. If you are in a union, you have to be a communist or in the Mafia or something!"³ In the ten years of its existence prior to the strike, the members had achieved little through their union. Drivers in neighbouring Clare District were unionized by C.U.P.E. and it was to these drivers that the Digby workers looked for advice.

The drivers were only minimally involved in the union over the first years of its existence. The School Board operated in an authoritarian fashion and, for a number of years prior to 1979, had used the threat of contracting out to maintain relatively poor settlements. This sort of threat had worked for years in controlling the school bus drivers. Gordon MacIassac, the C.U.P.E. representative serving the local when the strike began, says that the language and terms of the previous collective agreements were extremely one-sided in favour of the School Board. It was the worst contract he had ever seen. The drivers had no effective grievance procedure or job security, as well as having very low wages. A driver could, for example, be arbitrarily fired for wearing a soiled uniform.

Into the traditional set-up of Digby County there were two intrusions from the larger labour-management scene. The first was MacIassac, the C.U.P.E. representative, who activated an almost defunct local and inspired them to put up a fight for an

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equivalent rate of pay and for the elimination of what he termed the "feudal" employment conditions in the County. The second was the intrusion of a pro-management consultant who had experience fighting unions in Ontario and who acted as a negotiator for the Board. The Board had resolved for a long time to give as little as possible to the drivers; acting with the advice of their consultant, however, the actions of the Board were motivated by union-busting.

By December 1978, at the expiration of their contract, the Digby drivers were getting \$604 per month, while the drivers in neighbouring Clare district earned \$882 per month. This wide wage disparity between drivers who in some instances delivered children to the same schools, greatly rankled the Digby drivers. The bargaining strategy of the Board in the spring of 1979 was to take a hard line. They demanded the deletion of many of the benefit clauses that had been previously negotiated. C.U.P.E.'s position in negotiations was to demand an extension of the benefit provisions and wage parity with Clare. In conciliation, the Board dropped the give-back demands and offered a raise of \$48 per month, a sum that was not enough to satisfy the drivers. This time the threat of contracting out did not work and the drivers resisted.

In August, 1979, the twenty-seven drivers voted 74 per cent in favour of a strike. They indicated, however, that they were prepared to meet with the School Board at any time to prevent a strike from taking place.⁴ From their public stance, it appeared that the Board, too, was willing to continue discussions. In the event of a strike, Board Chairman Richard Daley declared, parents would be expected to arrange transportation for their children. More ominous, in retrospect, was his comment that conciliation "might be one way in which an agreement could be reached".⁵

In fact, the Board was preparing a contingency plan involving threats and dismissals. First, Daley made a "take it or leave it" offer of a \$48 per month increase and refused to negotiate. Rather than compromise with the drivers, the plan called for a strategy of no negotiations and replacement of the unionized with nonunionized drivers. Effectively, the union drivers would be fired and replaced by scabs. Soon after the strike began, on the fifth of September 1979, the Board decided to call for tenders for the operation of the buses in advertisements, which appeared on September 10. The Board had immediately made good its threat to try to destroy the union.

It appears likely that Gordon MacIlsac, the local's energetic and highly committed representative, had an important role in influencing the drivers' decision to vote in favour of a strike. But MacIlsac, like the drivers, could not anticipate the length and bitterness of the strike that was to follow. In retrospect, none of the drivers remember expecting a long strike, or having any notion of how ruthless the attempt to crush their local would be. Some of the men who voted to strike had religious

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scruples about picketing and militant action, and other had long been Conservative Party supporters, some of whom worked for the Tories in local elections. They thought they would be on strike for only a week or so. Then, they surmised, negotiations would be resumed and some compromise settlement would be reached somewhere between the School Board's offer and their demand for parity with the Clare drivers.

But Daley and the School Board had other ideas. The School Board had accepted the unionization of the drivers for many years. It had made little difference because they more or less dictated the contracts. Now, however, the situation had become polarized. The union was demonstrating considerable independence and militancy. It was in this context that the School Board sought the advice of a management consultant, Robert Street, who was an advocate of management rights and consequently anti-union. Given the actions of the Board following the drivers' strike vote, it is difficult to reach any conclusion other than the Board had aimed solely for the complete destruction of the union local. They appear to have been motivated by an ideological commitment to anti-unionism rather than any immediate financial considerations. They were willing throughout the strike to bear heavy costs to defeat the union. They were supported in this stance by the Digby Municipal Council, which gave the Board its unanimous backing.

Immediately after the strike began, even the offer of an additional \$48 was withdrawn by the Board, and they never thereafter, while Daley was chairman, showed any desire to enter into serious negotiations. At last minute negotiations, and in subsequent positions⁶, the union modified their demands while the Board refused to budge. At all subsequent meetings with union negotiators, which School Board representatives attended because they were obliged to by the government conciliator, the Board's position remained inflexible. Their actions were aimed at de-unionizing the school buses. By October it was clear that the real issue in the strike was no longer the drivers' intention to close the gap with their fellow drivers in Clare but rather a struggle over the existence of the union. The media interest in the strike broadened to the provincial level, as the issues became more fundamental, centering on the rights of employees to be unionized and to strike.

According to C.U.P.E., the employees "were forced out on strike ... by a school board more interested in promoting confrontation and union busting than in making sure the children got to school safely."⁷ As the *Digby Courier* put it, the "School Board is centering on whether they or the union are the final authority for administering of transportation in the Digby school system."⁸ The situation was extremely polarized. Wayne Gates was one of the six drivers who originally voted against the strike. But when the dispute "turned into a struggle over the union's right to exist, he manned the picket lines and stayed there." Lindsay Ford was determined to remain on strike until "I get my job back, even if that means forever."⁹

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The striking drivers recollect that, on the first night after the strike was called, many of them were asked to meet with Daley in Digby. Also present was John Comeau, the Municipal Council's lawyer, who had been the unsuccessful Conservative candidate in the preceding provincial election. The bus drivers were told that unless they resigned from the union immediately and signed individual, private contracts, they would never drive again. If they agreed, they could go right back to work at a better rate of pay.

Only two of the C.U.P.E. members succumbed to this combination of threats and promises; the other twenty-five remained firm and walked the picket lines.¹⁰ The School Board then began hiring other drivers, anyone they could get to drive the buses. By 20 September, Daley was stating that six buses were running. Meanwhile, the union was organizing public information meetings and trying to convince the Board to go back to the bargaining table.¹¹ By early October, Daley indicated that the final driving contracts had been awarded and that the board "had fulfilled its responsibility to the parents ... in providing transportation to students".¹² He made it clear that the issue was settled; in effect, there was no longer a strike. Any outstanding differences, Daley asserted, "will now have to be settled by the courts". Given this attitude, the Board ceased talking to C.U.P.E. Requests for meetings were refused even when they were relayed through the Department of Labour.¹³ Even later in the strike the Board resorted to the strategy of selling off the buses, advertising them in local papers, and setting up private contracts with non-union drivers as owner-operators.¹⁴

The strike was very costly to the School Board. From the beginning of the strike through to the end, the amount of money paid to these "scab" drivers well exceeded the settlement the Board would likely have negotiated with the union. In addition to these salaries must be added the publicity and lawyers costs. It does not seem, however, that the Board was counting costs. Their attitude was uncovered time after time in the various actions found to be "unfair labour practices" by the Nova Scotia Labour Relations Board (L.R.B.). The L.R.B. found that the original payment to the hired drivers was 23% more than they had given to the drivers as a final offer.

In response to the threat of dismissal and the contracting out of the bus service, C.U.P.E. filed an unfair labour practices complaint with the Labour Relations Board. Although the L.R.B. supported the complainant, the powers of the Board did not go beyond a reprimand and they could not compel a settlement.

ISSUES IN THE STRIKE

Gordon MacIsaac and the striking members of Local 1185 were convinced that the Board's intention was to smash the local. Their experiences during the strike led them to the further conclusion that the provincial government, led by John

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Buchanan, was giving the School Board full support in this. In the spring of 1979, Education Minister Terrence Donahoe had held out the carrot of increased autonomy for the school boards provided that they "demonstrate a willingness and a capacity to ensure that every possible economy is being exercised". They must be "willing to share in some of the unpleasant decisions facing us with increased financial restraint and declining enrolments".¹⁵ This was the initial green light the School Board needed to attempt to break the union.

As Kimber saw the issue: "For Nova Scotia's trade unions, the Digby bus strike has become a brutal object lesson in just how powerless they really are when they smack up against the combination of a determined, recalcitrant management and an unfriendly government." In his view, the province "looked the other way while the school board flouted the ... rulings".¹⁶ The Board could have been put in trusteeship by the government.

Instead, when the School Board was hiring strike breaking drivers, the provincial Department of Highways rushed an Inspector to issue licenses to these new drivers. The strikers maintain that licenses were given to many who were incompetent and unfit to drive school buses. Given this action, the partiality of the government became clear to the drivers.

Thereafter, the government's official attitude was that the Digby strike was a municipal affair in which they could not intervene. This was the consistent stand taken by the Minister of Labour, Ken Streach, as well as by other government Ministers, including Jack MacIlsac, the Minister of Municipal Affairs. Although Streach believed that the strike would be long and difficult, he refused to legislate an end to it, on the grounds that neither party had acted illegally.¹⁷ Letters from the union local were answered along these lines even after the Labour Relations Board had several times found the School Board guilty of unfair labour practices, and after the Board had defied the Industrial Relations Board's order to settle the strike. Later, the government ignored a request from the Labor Relations Board to prosecute the school board for ignoring "cease and desist orders in cases of unfair labor practices."¹⁸ Despite this rhetoric of keeping their hands off a municipal affair, however, the striking drivers pointed bitterly to the fact that throughout the dispute the provincial government supplied 83 per cent of the funds used to pay the strike-breakers.

There is no indisputable evidence of direct collusion between the Digby School Board and the government. There is only this list of past practices and the current stance of the government. But given their record on labour, much of the anti-union activity of the Digby Board would have met with the implicit approval of the conservative government. This government had passed the Michelin Bill against the protests of organised labour the year preceding the Digby strike. That Act had been

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designed to help the Michelin corporation avoid the unionisation of its plant in Pictou county. The general policy of the Buchanan government and the Conservative Party was without question antagonistic to trade unionism and hostile to militancy. The Government in Halifax, then, would have been pleased to contemplate the effect that the breaking of the Digby strike would have on other municipal and government employees in the province.¹⁹

This was the conviction that the Digby drivers were to develop for themselves during the strike. It should be understood that these workers were not seasoned labour militants who began their strike with such ideas. Most of them expected fair treatment from the government and the authorities. Prior to the strike, these drivers would have agreed with many of the anti-strike viewpoints commonly expressed about other struggles. They felt, however, that their own claims against the School Board were fully justified and would be apparent to any reasonable person. The government actions, therefore, came as a bitter shock to most of the drivers.

The C.U.P.E. drivers mainly express regrets that they did not begin the strike with the militancy they later acquired. They argue that that was the one chance they had of a quick victory. Once the school buses began operating again, that opportunity had passed. Stopping the scab buses would have required a level of militancy that the drivers could not have possessed at the start, one that they only acquired through the experiences of the next three and a half years. It would also have required considerable local support which was also slow to materialize.

Union leaders reportedly told the strikers at the beginning that anyone who scabbed would never work where there was a union.²⁰ This may have been sound advice in Cape Breton, but in Digby it flew in the face of an anti-union heritage where the reverse was more likely to be true. According to Lindsay Ford, "Digby isn't union country. I'm sure it'd be easier for a scab to get a job in Digby today than it would be for one of us.... The thing is that the union people just didn't understand this place."²¹ So the workers set up their pickets, but were unprepared to take any solid and effective efforts to prevent the strike-breaking drivers from taking out the buses. They were shocked to see the R.C.M.P. escorting these drivers through their picket lines and to find themselves subject to police harassment and arrests. They had always regarded themselves as law-abiding citizens and now they found themselves being treated as if they were criminals. During the initial period, ten arrests were made on the picket line for disturbances. Of these, two were convicted.²² The first arrest occurred when a striker kicked a rock and had it hit a reporter on the ankle. Arrests were made for creating a disturbance, refusing to obey an officer, putting stickers on buses, assault and breaking windows.

The strikers quickly came to regard the police as partial to the employer. According to one striker, since only about 10% of the arrests ended in convictions, "even by

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Digby court's standards, the arrests were unnecessary". In one court case a striker had been arrested for putting stickers on bus windows. Under cross examination the officer agreed that the driver subsequently drove with his vision impaired, but that he had failed to apprehend him: "Because I was sent there to arrest the strikers".²³

It is this context that the violence of the strike must be understood. At no time did the union sanction the use of violence against the contract drivers. Nevertheless, the extreme bitterness felt by individuals supporting the strike led to retaliation. The School Board was perceived as acting immorally, as stealing people's jobs and denying basic rights. The contract drivers were the most accessible targets and they suffered some forms of personal violence. Contract driver (and previous C.U.P.E. member) Lester Mullen's barn was burnt, plate glass windows were smashed, tacks were placed in bus tires. The strikers denied direct responsibility for acts of violence.²⁴

The Globe and Mail pointed out that events on the picket line were equally unpleasant. However, the only incident reported was the putting of vinegar in the windshield washers to squirt in the face of strikers putting stickers on the glass.²⁵ From the strikers point of view, however, the scab drivers used their buses as deadly weapons. Picketers were run at by the buses and most were hit glancing blows. A supporter from Annapolis was taken to hospital after being struck. In the words of one picketer: "The President of our local had his truck parked by the side of the road and they cleaned the mirror off that."²⁶

The degree of personal bitterness felt by the strikers was revealed in the report of the *Globe* which quoted Dan Bremner as having gone to the RCMP voluntarily "and told them he was about to commit an act of violence against one of the 'scab' drivers. 'It got to the point with me I knew I was going to kill somebody.'"²⁷

The Digby community very quickly became sharply divided on the issue of the strike. Barbara Yaffe reported that the community was split down the middle: friendships dissolved, stores owned by relatives of one side or the other in the dispute were boycotted, children were ostracized.²⁸ On one hand the prevalent sentiment against unions and strikes led to a fair amount of local hostility to the strikers. Michael Harris, also with the *Globe*, argued that the community was not split but that the anti-union sentiment predominated. He quoted a lawyer as stating that, "there may be some sympathy for the men themselves, but as far as the union goes, well, you've got a lot of very independent-minded fishermen." Roger LeDrew, the Local President, claimed that: "Almost from the beginning, most people have been for the school board."²⁹

In the *Digby Courier*, former bus driver Lester Mullen presented his views on the "unfortunate event". His letter, and those of Mark Crosby and David Balser, provide

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an indication of the flavour of anti-union sentiment in the county. According to Mullen, being a bus driver

is a nice part time position with sufficient remuneration and it is a service one can render to the community. Alas! the enjoyment has now disappeared. A new regime has moved into our town and even our safety is threatened. I have quite deliberately resigned from the C.U.P.E. Local 1185 and have answered the tender.

The latter move is one which I have done with some hesitation for I know that unions try to manipulate people and government, they are known to foster violence for their cause, and they tend to create within their ranks a situation very close to a totalitarian state. A defector such as myself is bound to be blackballed and perhaps refused re-entry into the work force wherever it is controlled by union hierarchy.

I commend the Digby School Board for the courageous stand it has taken against the never ending demand of greedy public employees.

Mullen asks rhetorically whether the country is to be run by elected representatives or rather, is to be manipulated and dominated by labour unions. The \$48.00 offer was "quite fair" because others in Digby County made less: "seven thousand dollars in ten months isn't quite the poverty line". His main concern was

to reveal some of my suspicions about unions.... There is something more sinister about the labour movement in our day than meets the eye. It isn't a local group of employees banded together for collective bargaining. C.U.P.E. for instance is nation-wide and we understand with assets amounting to over twenty million dollars. So whereas at one time employees were cruelly treated by management, the pendulum has swung the other way to the place where management is now threatened by excessively powerful and often irresponsible employees. But the irresponsibility seems to be rooted somewhere in the union hierarchy and its philosophy. I'm distressed by the 'brotherhood' aspects of the union. It seems to resemble the 'comradeship' of Socialism and Communism. Not only does the term 'brother' appear frequently in union circles but also I have heard the term 'redneck' which was used to indicate a member of the municipal council. Whatever the latter term means we can be sure it is not meant to be a compliment and it is clear to me that the C.U.P.E. official was down grading the very system of government that two world wars were fought to preserve.

So I have defected.

Mullen prefers the word "defector" because it is a "more respectable term than

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'scab' which Mr. McIssac hurls at me from the picket line." In addition, Mullen concludes, "it puts me in such honourable company as those who laid their life on the line for personal freedom from a communist regime."³⁰

In a similar style, Mark Crosby wrote to the editor concerned with what the union movement apparently did to Britain and "the very real possibility of a similar disaster happening in Canada". Although in the past unions made "wonderful" gains, they were now going too far to the point of greed. He knew from talking to certain unnamed union representatives, who were not involved in Digby, "that the unions are the unwitting fools of certain powers to bring our country to its economic knees. (I can document this.)" Consequently the labour movement "must be stopped as it now stands before things get worse."

It is for this reason that I have put in a tender on a school bus run. Not to steal someone's job -- but to do my part in defeating the trade union movement. Any of the present C.U.P.E. drivers who would seek to replace me (should I get the contract) is perfectly welcome to as soon as he leaves C.U.P.E. I will gladly hand him his keys back. Until then he is taking his chances with his stand for the union as I am taking my chances with my stand against the union.

It has been said by some wise person 'The only thing necessary for evil to triumph is that good men do nothing.' I rest my case.

Finally, in the same edition, David Balsler reported that none of the municipal councillors had personally been invited to attend an information meeting arranged by the union. He declared: "I am for 'Democracy'. I found not a spirit of a free man, but a spirit of 'If I want it, I'll take it'" at the union meeting.

I admire the fore-sight and courage of our School Board to put the buses out to Public Tender and I admire the courage of those who are willing to drive our children to school.

Just consider what the alternative will be, if the Bus Drivers as a Union are allowed to be the government.

God's Word says all these 'woes' will come, but woe unto those by whom they come.³¹

Many other local people saw the School Board's actions as arbitrary and unfair to the drivers, and consequently they supported the strike. Some refused to have their children ride in buses driven by strike-breakers, and there were a few who drove their children to school throughout the whole course of the strike. Teachers were also divided. One teacher was the wife of a striker but crossed the picket lines to maintain the family income. The *Globe* found that some were shocked by the obscene language. Another teacher, however, thought that it was "bad for the students to

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see the process of democratic collective bargaining so blatantly disregarded" by the School Board.³²

The Local also received some support from the Trade Union Movement. Money for the strike came in from other parts of Nova Scotia and from New Brunswick. Support came in the form of donations: three thousand dollars was raised at a N.S.F.L. rally; the highways workers gave them \$3200. The strikers particularly mention the generous support they received from the Saint John Trades Council which invited them over for a plant-gate collection. As the strike lengthened and gained national media coverage, support widened and donations came from some trade unionists in other provinces. In the words of one striker: "We've had so much support from other locals and other unions that all of our feelings are the same. If we give up on this picket line, then somebody else is going to be next. So we're fighting their battle as well as our own. Myself, I don't care if I ever drive a bus again -- that doesn't mean a thing to me. The thing of it is to see this thing through and to prove that people like Daley can't push everyone around. That's what this strike has brought about. It's not the bus anymore."³³

The support received from individual union members was particularly important for boosting morale. In addition to sharing their wage packet through special donations, some workers took direct steps in solidarity. Building trades workers unionized in the IBEW, for example, refused to cross picket lines to bring power to the new gym/cafeteria complex at Weymouth Consolidated School.³⁴

In general, however, the Digby strikers received only minimal outside support, particularly from the provincial "House of Labour". The Nova Scotia Federation of Labour passed various resolutions supporting Local 1185 and donated some money. Yet the Federation did not give the Digby strike the type of support that might have forced the government to take action favourable to the strikers. The weakness of the Federation of Labour on this issue reflected the same lack of will or absence of organizing power it displayed in its efforts to oppose the passage of the Michelin Bill. Gerald Yetman, the President of the Federation at the time, made one visit to Digby during the strike. This was to attend a rally in January of 1981. He made a militant-sounding speech pledging the Federation's full support to the strikers, but little in the way of action followed these pronouncements. The succeeding President of the N.S.F.L., Chester Sanford, put his support eggs in the political basket, making reference to a change in voters' attitudes and the 20% N.D.P. vote. Labour will get fair treatment, Sanford was quoted as saying, when it has political clout.³⁵

EVENTS IN THE STRIKE: 1980-1982

In the beginning of 1980, appeals to the government were fruitless. A petition

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with 1200 signatures was presented by C.U.P.E. asking that the two parties resume negotiations. This was a crucial union demand at that point because the Board was ignoring the union and acting as though there wasn't a strike -- as the Board said, they had met their obligation to provide bus service for the students.

Early in the year another effort at conciliation also failed. In February 1980 Judge Charles LeBrun of Bridgewater Provincial Court was appointed as a one-man industrial inquiry commission. In March LeBrun made recommendations on all outstanding issues. It appeared at the time that both parties to the dispute would accept this report. The compromise proposal was accepted by the strikers, "but the board, which had refused at first to participate in the hearings, refused for some weeks to respond to the report and then completely rejected its recommendations."³⁶ This was in May.

It was a bitter pill for the strikers, but it consolidated their sense of betrayal and pointed clearly to the indifference of the government. The issues had been widened even further. The central question was whether the L.R.B. and the Inquiry Commission had any powers at all. To the strikers they both appeared to be toothless tigers. Bitterness among the strikers and their supporters grew. Before the 1980 school year had begun, the bus garage and five buses were destroyed in a fire.

Another year of picketing began. The heart of the union strategy at this point was to bring maximum publicity to bear on the strike, on the grounds that the position of the drivers, supported by the LeBrun Commission, was unassailable. As an immediate tactic the union decided to call a one-day walk-out by C.U.P.E. school board locals in the province. Gordon MacIassac set out energetically to organize this "day of study", scheduled for 16 January 1981. He was rightly disappointed with the results and with the failure of the provincial organization to fully back the effort. The most conspicuous failure was the Halifax local, the largest in the province, which voted to remain on the job in the face of threats of discipline from the provincial government.

The province-wide "Day of Study" in solidarity with the Digby drivers, which was held on the 16th of January, was the most widespread action attempted during the strike but it was only a partial success. Only ten of the nineteen C.U.P.E. locals participated in the work stoppage: fewer than had been hoped by Gordon MacIassac, the principal organizer of this action, and fewer than had promised to take part. Enough supporters came to the rally in Digby on that day to halt the buses, although this was the only time the pickets were successful throughout the strike. The School Board attempted to undercut the meaning of the mass picket by using the excuse of a light snowfall to close the schools for the day. On the following day there was a rally and information picket outside the Lord Nelson Hotel in Halifax where the provincial

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Conservative Party was holding its annual Convention.

This show of solidarity was far from strong enough to influence the position of either the Digby School Board or the provincial government. The Conservative government had found that it suffered little harm from the hostility of the Nova Scotia Federation of Labour on other issues, such as the Michelin Bill. Despite the threats of the Federation to the contrary, there had been no substantial labour opposition, and the Buchanan regime had been successfully re-elected in 1978. Given this experience, the government was not influenced to change its implicit support for the school board by these efforts to support the Digby strikers.

The next step for the local, in the light of increasing media attention focussed on the strike, was to return to the Labour Relations Board with further complaints, which they did in February 1981. Again, the Chairman of the L.R.B., Judge Robert McCleave, proposed terms for a settlement. One of the key issues was still the right of the board to contract out bus service. Following 13 days of hearings, in a summer decision, the Labour Relations Board once more ruled in the union's favour and ordered both parties to put forward new contract proposals by the tenth of August. The order specified minimum conditions which were to be met in a new offer.³⁷ This was an unprecedented move, but the school board's response was not. Again, the school board refused to meet the conditions.³⁸

The L.R.B. ruled on July 30 that the Board must present an offer to C.U.P.E. 1185 by noon on August 11; the Board must offer the strikers at least \$48 retroactive to 1979 and an additional 23.2% through 1982; the Board must allow the Rand Formula for dues deductions, desist from further contracting out and from altering any other clauses.

At this point a settlement was in sight. A tentative agreement was worked out with the assistance of the L.R.B. and Judge McCleave, and both negotiating committees agreed to recommend the package to their respective principals. The union membership ratified the contract. The School Board negotiators, however, accepted legal advice that the L.R.B. had exceeded its mandate and accordingly did not recommend the package. In direct defiance of the rulings, on the sixth of August, tenders were called for nine school bus operators.³⁹

The School Board did make an offer to C.U.P.E. 1185 but it contained less money than the L.R.B. had ordered, made other alterations, and demanded that the union cease legal actions. On 12 August, having ratified a supposed agreement and then having seen the Board apparently renege by putting the buses out for tender, the strikers were adamant that they would not accept less than the L.R.B. had recommended. Even this would leave them \$200 behind Clare. They refused to drop their legal actions, which were a major source of their own legitimacy and reinforced

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the view that they were in the right and being treated not only unfairly but illegally.

When the School Board failed to comply with this "quasi-judicial body's order", the Chairman, Judge Robert McCleave, cited "two of the school board members for contempt and asked the provincial Court of Appeal to rule on whether the labor board had the power to force the school board to pay compensation to strikers and union." The order was to pay the union's legal_fees (\$20,000) and the Board was fined \$1,000/school day since September.⁴⁰ On April 15, 1982, the Appeal Court ruled that the L.R.B. did not have the authority to "direct what the agreement shall contain" but it could compel the parties to meet. Judge McCleave promptly declared that this provision was toothless in the face of "'The labor-management philosophy of the school board [which] is the most extreme use of bad faith that the members of this board can recall.'"⁴¹

Despite the severity of the violations, the School Board's interpretation that the L.R.B. had exceeded its powers in trying to compel a settlement (in effect, to act as a binding arbitrator) was upheld in April 1982 by the Appeals Division of the Provincial Supreme Court. In the summer of 1983, the Supreme Court of Canada agreed with the ruling of the lower court.

After three years, with the licenses to drive school buses expiring, the Board began selling off the buses to the replacement drivers as independent contractors. The *Globe* confirmed that the Board had agreed to finance purchase of the buses at 12% -- in 1982 this was a considerable reduction on commercial rates.⁴²

THE SETTLEMENT

By the end of 1981, with the strike having lasted over two years, it appeared that defeat was imminent. Despite the perseverance of the Digby pickets who, through attrition, had been reduced to thirteen in number, the school buses continued to operate. The strikers had won various legal victories before the Industrial Relations Board, but it seemed that the school board could defy the orders of the court with impunity. To make the situation worse for the striking drivers, in December 1981 the strike pay provided by C.U.P.E. ran out. "That's probably the hardest thing I ever had to do," says Gordon MacIssac, "Telling those guys just before Christmas that there would be no more strike pay."

By far the most remarkable feature of the strike is that through all this and after hope of victory must have seemed gone, the drivers kept up their pickets every day. Despite the continued attacks from the School Board with tacit government support, despite the weakness of the outside support the drivers received, despite the lack of strike pay so that they lived on odd jobs and the donations that trickled in, despite the hostility they faced from some of their neighbours, the drivers maintained

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their pickets every day for three years and eight months.

Most of the dramatic events in the strike occurred in the first period. Throughout 1982, as the strike dragged on and the drivers walked the picket lines, some legal proceedings continued. However, the Digby strike received less and less media attention. During this year, Gordon MacIssac, who was at the heart of the struggle in the earlier period, left the employ of the union. The fight seemed lost, and trade unionists in other parts of the province sometimes spoke of the Digby strike in the past tense, as a struggle to which more support should have been given. Yet the strikers maintained their pickets every day, and would not give up.

This is what eventually won victory for Local 1185: the persistence of the drivers in keeping up their picket lines. By the end of 1982 there was a growing certainty in Digby that the actions of the school board had been unfair. The continuation of the strike was an extreme embarrassment and expense to the Digby municipal authorities. In December, 1982, in the elections for a reorganized school board, Richard Daley and several of his associates were defeated. It seems very probable that the controversy surrounding the strike played an important part in determining the outcome of this election. In any case, the new school board began to conduct negotiations with C.U.P.E. representatives to settle the dispute. The settlement in March 1983 came as a surprise to most of the strikers, who themselves played little part in these negotiations. Nonetheless, it was primarily the persistence of the drivers in their action that brought about the settlement.

Under the settlement the striking drivers got their jobs back, but the strike-breaking contract drivers were retained until the end of their contracts. The drivers still did not attain parity with their counterparts in Clare district. The 1983 rate of \$954 per month for a part-time driver was still \$100 short of the Clare rate. The Digby drivers also received a retroactive payment of \$48 per month for the time worked in 1979. The possibly very large damages the Local might later have been awarded if the Supreme Court had decided in the union's favour (which it did not) were waived by the union.

Although this cannot be seen in itself as an outstandingly good settlement since it cost the C.U.P.E. drivers almost four years of great hardship, it was rightly regarded as a victory by the members of the Local. Against very great odds they had succeeded in defeating the School Board's efforts to destroy their Local. This victory signifies a potential change in Digby, a break in the power and influence traditionally held by local cliques allied with traditional political parties.

The mystery of the Digby strike is how the striking drivers maintained sufficient determination to keep up the strike for so long. They had the option of returning to work on the buses as contract drivers once the School Board showed its intention of

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turning the strike into a union-breaking lockout. Furthermore, the School Board clearly seemed to be winning, since it was able to maintain uninterrupted school bus services throughout the dispute. But these were part-time drivers, for the most part, and their pay reflected this. Most of them had some other source of income, although for some this was more precarious than for others. They intended to remain in the area and there were no equivalent jobs available to them.

The economic and social position of the drivers was consistent only in the diversity of ways of making a living found in rural Nova Scotia. One owned a service station. One even worked part-time for his fellow driver and striker. Others worked in the woods or owned various pieces of productive property, such as a back-hoe and work truck; one found work as a clerk in a fish store; another was a real estate agent. So they were going to be there anyway. But their determination to continue picketing rather than to resign themselves to defeat was exacerbated because they were angry and outraged about the way they had been treated. Their position, then, had as much in common with the petty-bourgeois rural independence of the primary producers in the area as it had to do with a collective, trade union consciousness.

Lindsay Ford, for example, was still not certain what he thought about unions. Sometimes, he suggested, he doesn't know whether they are good or bad. More crucial to the workers militance was their sense of betrayal and injustice. As Ford declared: "All I want ... is what's fair. The school board didn't use us fair, and the government didn't use us fair. They didn't use us fair at all. That's why I'm on strike and that's why I'm staying on strike."⁴³

The drivers may not have had trade union experience or a deep union consciousness, but they believed themselves to be right and believed sincerely that they were unjustly and indecently treated by the Board. The fight for the existence of their union also meant a fight for their self-respect. In other words, the marginal independence of the drivers, and more importantly the climate of independence of small, rural areas in the province, which often fosters an anti-trade union sentiment, also shaped the determination of the drivers to stick it out at any cost -- it helped to create the solidarity in the face of a viscous attack. As one striker said: "We in Digby County come from stubborn and independent stock and we are used to battling the elements and battling the government. You can push us only so far."⁴⁴ Whatever setbacks the strike may have had over the three and a half years, from possible unrealistic expectations in the beginning, to the failure of the trade union movement to put real teeth into their words, this moral element was a constant source of inspiration. The independence, the determination to be vindicated and the willingness to face sacrifices -- in the context of Digby County -- are linked to the petty bourgeois nature of the area.

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However, it is also important to emphasize the transition that occurred in their thinking. They were involved in a collective rather than individualistic struggle. And they were able, at least at the time, to see their fight as connected to trade union struggles elsewhere, to issues such as the Michelin Bill, for example. In Digby generally more people thought about and talked about such issues because of the Digby bus drivers strike.

The experiences of the strike so transformed the outlook of the drivers of Local 1185 that they were able to keep up their morale and their picket lines long after the fight seemed lost to most outsiders. These men, who knew little of trade unions or labour militancy beforehand, became stubborn union militants who would not give up. The great irony is that in acquiring this militance their main educators were the forces who tried so hard to weaken or destroy their union local.

¹ Ken Streach, who was Minister of Labour when the Michelin Bill was drafted, had visited Digby in the summer but would not comment "on the rumour that Michelin planned to locate in the Digby area" *Digby Courier*, 19 July 1979, p. 1. If we take this seriously, it is consistent with Michelin's preferences for locating in rural, non-industrial areas with few union traditions.

² The C.B.C.'s Fifth Estate had described Daley as the Ayatollah in Digby and described his regime as dictatorial. See Lawrence Currie, "The Digby Bus Strike, 1979-1981", in C.H.J. Gilson (Ed.) *Strikes in Nova Scotia 1970-1985* (Hantsport: Launcelot Press, 1986), p. 71. Following a suit by Daley, CBC apologised. *Ibid.*, p. 79n.

³ *Digby Courier*, 30 August 1979, p. 1.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*, 27 September 1979, pp. 1, 17.

⁷ *Ibid.*, 1 November 1979, p. 15. (Paid Advertisement).

⁸ *Ibid.*, 4 October 1979, p. 1.

⁹ Stephen Kimber, "Deadlock in Digby", *Today Magazine*, 16 January 1982, p. 16.

¹⁰ Three of the 27 employees worked full time, two drivers and one driver-mechanic, who worked 40 hours each week. The remainder normally worked a 25-hour week. *Digby Courier*, 6 Sept. 1979, p. 1

¹¹ *Ibid.*, 20 September 1979, p. 1.

¹² *Ibid.*, 4 October 1979, p. 1.

¹³ *Ibid.*, p. 10.

¹⁴ On 11 October 1979, a tender appeared in the *Courier* to sell three 48-passenger and one 60-passenger buses (p. 5).

¹⁵ *Ibid.*, 23 May 1979, p. 10.

¹⁶ Kimber, p. 16.

¹⁷ Barbara Yaffe, "Bitter N.S. School Strike Splits a Community", *Globe and Mail*, 15 December 1980, p. 10.

¹⁸ Kimber, p. 17.

¹⁹ This was the conclusion which Larry Katz reached. Katz is a senior research officer with C.U.P.E. Currie, p. 62.

²⁰ Kimber, p. 16.

²¹ *Ibid.*

²² Yaffe, p. 10.

²³ *Labour's Side*, August 1981, p. 5.

²⁴ Yaffe, p. 10.

²⁵ Michael Harris, "Digby's Three Years of Bitterness", *Globe and Mail*, 2 July 1982, p. 9.

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²⁶ *Labour's Side*, August 1981, p. 5.

²⁷ Harris, p. 9.

²⁸ Yaffe, p. 10.

²⁹ Harris, p. 9.

³⁰ *Digby Courier*, 20 December 1979.

³¹ *Ibid.* Carol Welch, from neighbouring Westport, also wrote a letter which appeared in the same edition. She referred to "a group of people who...put their selfish concerns ahead of God, country, school, children and neighbours." Further reading of her letter makes it clear that she is speaking of the union rather than the Board. Her belief was that the strike vote was won by a small majority of two votes, and that probably meant that the leaders had decided. These leaders, then, had forced the workers out against their will. She concluded: "It is frowned upon today to use the term Communism, but it is well known how these union leaders get their training." *Digby Courier*, 1 October 1979, p. 2.

³² Yaffe, p. 10.

³³ *Labour's Side*, August 1981, p. 8.

³⁴ Yaffe, p. 10.

³⁵ Kimber, p. 17.

³⁶ Harris, p. 9.

³⁷ *Ibid.*

³⁸ Kimber, p. 16.

³⁹ *Digby Courier*, 6 August 1981.

⁴⁰ Harris, p. 9.

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ Kimber, p. 17.

⁴⁴ *Digby Courier*, 11 October 1979.