

Vancouver Sun

A flawed bill:

The Vancouver civic strike highlighted the problem with proposed federal anti-replacement worker legislation

John Winter

Special to the Sun

Thursday, October 25, 2007



The City of Vancouver's new collective agreement gives outside striking workers 14 days to return to work, the equivalent of two weeks' notice for any second jobs they may have taken up since the garbage strike began in July.

This is the legacy of British Columbia's anti-replacement worker laws that some federal politicians are hoping to recreate under Bill C-415. If passed, the bill would prevent federally regulated employers from hiring replacement workers during strikes and lockouts.

A fundamental inequity in B.C.'s anti-replacement worker laws is that striking employees are free to take on extra work and income, but employers are prohibited from hiring other employees to keep the lights on. For example the recent garbage strike, a protracted three-month work stoppage, would have been settled much more quickly had employers been legally allowed to hire outside help.

Some federal politicians are misguided in their belief that B.C.'s anti-replacement worker laws and stable labour relations environment serve as a model for the push behind Bill C-415. Passage of the bill would risk the delivery of essential services to Canadians, harm the national economy and negatively affect third parties and small businesses that are dependent on federal industries in transportation, financial services and telecommunications.

Earlier this year, a similar anti-replacement worker bill was defeated in the House of Commons. The bill was rejected for many good reasons, including its failure to incorporate any provisions to protect "essential services" in the event of a work

stoppage.

Although the essential services clause of Bill C-415 protects the "health and safety" of Canadians, the bill falls short of taking into account services that are essential to the national economy. The bill also risks the economic viability of Canadian businesses that depend on the seamless delivery of services in federally regulated industries.

This year, Parliament recognized the overriding importance of the national economy when it legislated an end to the CN strike. Passage of Bill C-415 would handicap Parliament in the future from protecting our national economic interests during a strike or lockout.

By granting organized labour the ability to shut down federally regulated businesses, Bill C-415 would have a catastrophic domino affect on third parties. Small and medium-sized employers and employees have much at stake.

Take for example the manufacturer who depends on the railways to ensure just-in-time delivery of components to the factory; retailers and their customers who rely on the financial services sector to process millions of payment transactions every day; the small business that depends upon Canada Post to deliver its goods to customers in a cost-effective and timely manner. And finally, the millions of businesses, including home offices that depend on telecommunications companies for their telephone, fax and e-mail communications.

Work stoppages of this magnitude are damaging not only to small businesses, but also to the employees who work there. B.C. small businesses employ more than one million people, many of whom could fall victim to the unintended consequences of a ban on replacement workers. The burden of Bill C-415 on small business employers, employees and their families is staggering.

It has been noted that Bill C-415 attempts to protect unionized employees from large, federally regulated companies. But what protection can small and medium-sized employers expect from large and powerful unions? Big business has the resources to survive a strike or lockout. But small companies are at risk of being put out of business when these federally regulated services are paralyzed by a strike.

The Coalition of BC Businesses supports labour policies that will help foster a positive working relationship between employers and employees and a climate for economic growth and jobs.

Bill C-415 represents a profound power imbalance between big unions and small and medium-sized businesses. Surely, parliamentarians do not intend that a labour dispute should destroy or cripple a small business.

For this reason, they should defeat Bill C-415.

John Winter is chair of Coalition of BC Businesses.

jwinter@bcchamber.org

© The Vancouver Sun 2007