



CFIB Involvement

► Outreach to CFIB on establishing unified labour board



CANADIAN FEDERATION OF INDEPENDENT BUSINESS

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Bill 100: Labour Board Act

Canadian Federation of Independent Business

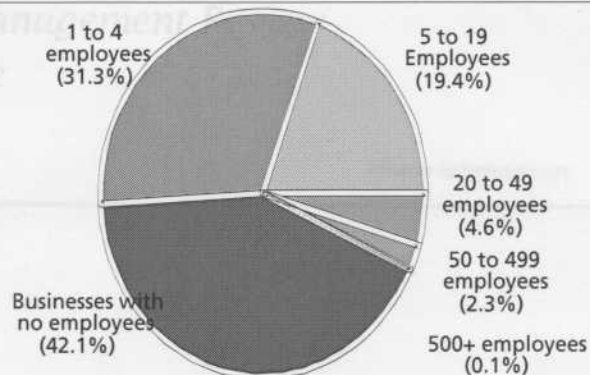
Leanne Hachey, VP Atlantic
November 2010

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Nova Scotia's business context

Most NS businesses are small.

Most businesses are non-unionized.



Number of Business Establishments: 54,414



CFIB Involvement

- ▶ Outreach to CFIB on establishing unified labour board
- ▶ Discussion paper titled **Consolidation of Labour Relations Boards and Employment Tribunals in Nova Scotia**
- ▶ Research and scans indicated board amalgamation was mostly procedural

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Concerns

- ▶ CFIB attended Bill briefing on Bill 100 Friday, November 19th and learned of the other aspects of the Bill:
 - ▶ *Posting of bonds*
 - ▶ *Successor rights*
 - ▶ *Labour Management Review Committee*

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Posting of Bonds

- ▶ Unclear why posting of bonds is necessary; little evidence indicating current system is not working
- ▶ 1 out of 4 appealed decisions are overturned
- ▶ Bond requirements could tie up cash flow of small businesses for months at a time

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Successor rights

As is outlined in the Bill:

134 Section 4 of Chapter 475, as amended by Chapter 61 of the Acts of 2005, is further amended by adding immediately after subsection (3) the following subsection:

(3A) Notwithstanding subsection (1), Section 31 applies to Her Majesty in right of the Province and employees of Her Majesty except persons to whom the Teachers' Collective Bargaining Act applies

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Successor Rights: Concerns

Because there was no consultation on this piece, we have more questions than answers:

- ▶ *What isn't working with the current system?*
- ▶ *To whom would it apply?*
- ▶ *Why aren't employees able to choose whether they want to continue to be represented?*
- ▶ *What is the private sectors' view on this? Will it impact contracting out?*
- ▶ *Will it limit the options of this and future governments?*

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Labour Management Review Committee

- ▶ No consultation

Concerning aspects:

Membership, Mandate, Process

1. Membership:

Unionized labour and unionized employers
exclusively

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Labour Management Review Committee

2. Mandate:

“...review, report on and make recommendations to the Minister on labour-relations issues on an ongoing basis; and conduct a review of this Act and *other labour relations statutes or any part of them*”.

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Labour Management Review Committee

3. Process:

While the ‘who’ and ‘what’ is clearly prescribed in legislation, the ‘how’ is not

- ▶ No requirement to publicly consult, no requirement to publicly report

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Why these are concerns:

- ▶ The LRMC is not representative of Nova Scotia's workforce and workplace:
- ▶ 93% of businesses in NS have fewer than 20 employees, most not unionized
- ▶ Unionization rates in NS are below 30% (most in public sector), 82% of private sector non-unionized
- ▶ Unionized labour and management (large business) should not be recommending changes that impact all businesses

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Summary

- ▶ Public was consulted on unifying labour boards - this should go ahead
- ▶ Aspects of the Bill that did not include consultation (successor rights, posting of bond for employer appeals, Labour Management Review Committee) should be removed and given proper consideration
- ▶ Government promised openness and transparency - there is still an opportunity to return to those values

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