



**Nova Scotia  
Construction  
Labour Relations  
Association Limited**

260 Brownlow Avenue, Unit 1  
Dartmouth, Nova Scotia  
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December 2, 2010

VIA FAX 424-0547

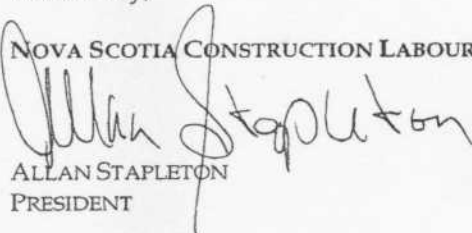
Ross Landry, Chair  
Law Amendments Committee  
PO Box 1116  
Halifax, NS B3J 2X1

Dear Mr. Landry,

Please find enclosed our submission to Law Amendments regarding Bill 100, as well as copies of our letters to the Liberal and PC Party Leaders dated October 25, 2010.

Yours truly,

NOVA SCOTIA CONSTRUCTION LABOUR RELATIONS ASSOCIATION LIMITED

  
ALLAN STAPLETON  
PRESIDENT

Enclosures

GM/ag



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**SUBMISSION BY NOVA SCOTIA CONSTRUCTION LABOUR RELATIONS ASSOCIATION  
TO LAW AMENDMENTS COMMITTEE**

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This submission is made on behalf of the Nova Scotia Construction Labour Relations Association Limited, the accredited bargaining agent for all unionized employers in the industrial/commercial sector of the construction industry.

This organization approached the present government earlier this year with a request to consider an amendment to the Trade Union Act requiring all employers bound to the collective agreements negotiated by the accredited association be required to pay dues to that association, whether they are members or not. A package of information relating to this topic was presented to the government and to both the Liberal Caucus office and the Conservative Caucus office in October of this year. That package contained suggested wording for the proposed amendment, letters from assorted trade unions indicating that they had no objection to the requested amendment, and also a letter of support from the Construction Association of Nova Scotia, as well as a copy of the Carey Brothers case which had ruled that dues payment was unenforceable against non-members.

Although the wording proposed under Bill 100 is not identical to that suggested by our organization, its intent and purpose is clearly identical to that which we had requested, and neither exceeds nor fails to meet the requested change. I attach hereto copies of the letters sent to the Liberal Party Caucus and the Progressive Conservative Caucus offices, which outlined the nature and functions of the Nova Scotia Construction Labour Relations Association and details the rationale for the requested change to Part II of the Trade Union Act contained in Article 150 of Bill 100 on pages 34 and 35 where Chapter 475 of the Trade Union Act is amended by the introduction of the proposed wording for Section 98a.

This provision does nothing other than legislate a fair and uniform scheme whereby all those companies who take the benefit of the collective agreements negotiated by the Nova Scotia Construction Labour Relations Association are required to make a standard and uniform contribution to the financing of said association regardless of whether they participate as members. I need hardly add that membership is, of course, open to all unionized contractors and that the decision to participate or not rests entirely with the individual company.



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October 25, 2010

The Honourable Manning MacDonald, CD, ECNS  
Liberal Party House Leader  
c/o Nova Scotia Liberal Caucus Office  
5151 George Street, Suite 1402  
PO Box 741  
Halifax, NS B3J 2T3

Dear Mr. MacDonald,

I am writing to you to inform you:

- A) about the organization I represent, and,
- B) about a change to Part 2 of the Trade Union Act (the TU Act) which this organization has requested, and which will likely be introduced to the Legislature shortly.

I am the President of the Nova Scotia Construction Labour Relations Association (NSCLRA) ([www.nscira.ca](http://www.nscira.ca)), formerly known as Construction Management Bureau. The NSCLRA, pursuant to the accreditation provisions of Part 2 of the TU Act, is the accredited bargaining agent for all unionized employers in the Industrial/Commercial sector of the Construction Industry in Nova Scotia. (The Industrial/Commercial sector covers all construction work other than single family dwellings, duplexes, roads, highways, tunnels, sewers, watermains, and pipelines.) NSCLRA has held the bargaining rights of all unionized employers in the sector since the mid-nineteen-seventies. We are an organization made up of contractors, controlled and financed by our members. We bargain on behalf of employers with the assorted trade unions who constitute the Building Trades, with one set of collective agreements covering Mainland Nova Scotia and another set of collective agreements covering Cape Breton Island. Currently, we have approximately 140 member contractor members who are arranged into Trade Classifications which correspond to the Trade(s) each member employs e.g. Carpenters Trade Classification, Electrical Trade Classification, Painters Trade Classification, etc. Each Trade Classification selects a Bargaining Team to negotiate with its corresponding trade union, and also selects a Trade Director to sit on our Board of Directors. Our organization has four full time employees, two of whom are managerial/professional, and two of whom are secretarial. We represent employers in all collective bargaining within the Industrial/Commercial sector (with thirteen Mainland Union Locals and twelve Cape Breton Union Locals), and also act for employers in grievances, arbitrations, Labour Relations Board hearings, and matters arising before the Supreme Court of Nova Scotia.

Currently, only members of NSCLRA can be required to contribute to the finances of the organization, this despite the fact that ALL unionized employers in the sector are bound to our collective agreements and take the benefit of said collective agreements. All our collective agreements have a term negotiated into them requiring the payment of a contribution of thirteen cents (\$0.13) per hour for every employee hour worked, called the IIF or Industry Improvement Fund, to the NSCLRA. All member companies pay this sum, and the large majority of non-member unionized companies also pay in order to maintain a functioning office and organization. In the 1980s, a Nova Scotia Supreme Court decision (Carey Brothers)

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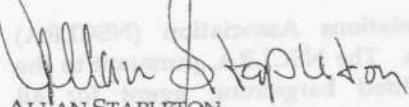
held that only member companies could be compelled to contribute to NSCLRA finances and since that time, a number of companies have refused to make contributions. These companies do not participate in the difficult and time consuming business of negotiating collective agreements, yet they not only avoid the tough decisions that invariably arise in that context, but, because they do not contribute to the IIF, they gain a monetary advantage over those companies that devote the time and effort to work on behalf of the industry.

The TU Act amendment we are seeking would require that IIF provisions negotiated into a collective agreement would be enforceable against all employers bound to that collective agreement.

I would be delighted to meet with you, and/or your caucus in the Legislature to review our request for this amendment and to answer any questions or concerns that you may have. Attached, please find a copy of the proposed amendment, letters from Trade Unions indicating that they have no objection to the requested amendment, a letter of support from Construction Association of Nova Scotia, and a copy of the Carey Brothers case.

Yours truly,

**NOVA SCOTIA CONSTRUCTION LABOUR RELATIONS ASSOCIATION LIMITED**

  
ALLAN STAPLETON  
PRESIDENT

Attachments

GM/ag

Currently only members of NSCLRA can be required to contribute to the funding of the organization. This despite the fact that ALL unorganized employers in the sector are bound to our collective agreements and take the benefit of said collective agreements. All our collective agreements have a term negotiated into them requiring the payment of a contribution of thirteen cents (\$0.13) per hour for every employee who works for a member company. All member companies pay this sum and the large majority of non-member unorganized companies also pay in order to maintain a functioning office and organization. In the 1980's a Nova Scotia Supreme Court decision (Carey Brothers) board hearings and matters arising before the Supreme Court of Nova Scotia.



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October 25, 2010

Chris d'Entremont  
PC Party House Leader  
c/o Progressive Conservative Caucus Office  
Centennial Building, 8<sup>th</sup> Floor  
Suite 805 - 1645 Granville Street  
Halifax, NS B3J 1X3

Dear Mr. d'Entremont,

I am writing to you to inform you:

- A) about the organization I represent, and,
- B) about a change to Part 2 of the Trade Union Act (the TU Act) which this organization has requested, and which will likely be introduced to the Legislature shortly.

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