

**CAW Submission**

**Law Amendments  
First Contract Arbitration  
Nova Scotia Trade Union Act  
(Bill 102)**

**Submitted by:**

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I expect the committee will and have heard from a number of organizations from employers, labour and other interested organizations during these hearings that will address many aspects of this Bill and provide data and argument that demonstrates the value or lack of for First Contract Arbitration Legislation. My presentation shall speak in favour of this important Legislation.

Factual information about the impact of this Legislation in other jurisdictions, however, demonstrates and shows it is not the "economy damaging creature" that some have misrepresented it as, rather in the jurisdictions that it does exist, it actually helps avoid strikes and lockouts by deterring bad faith bargaining while respecting a worker's right to join a union.

This Legislation, I would suggest, recognizes the rights of workers to belong to a union; it does not move a worker to decide to join a union as some suggest, rather I would submit it protects the worker's right who has made the decision to join a union by ensuring such is not negated by bad faith bargaining.

It does not replace either party's right to negotiate a first agreement, rather it is an incentive for both parties to negotiate in good faith with the understanding at the start that at the conclusion of the process the workers who made the decision to form a union shall have that confirmed with a first Collective Agreement. It does not give advantage to either labour or business rather it protects the workers' rights once they have decided to join a union by injecting an element of fairness into the process while respecting the workers' rightful expectations.

The Trade Union Act fundamentally is designed to ensure there is a sound basis for free collective bargaining, giving the assurance to workers of their right to not only join a union of their choice but to disallow any party from subverting this right.

The Trade Union Act itself exists to provide that measure of fairness for workers and ultimately, while through the collective bargaining process, providing some say over their workplace conditions, a right every worker who chooses to join a union has a right to expect.

There are employers who are driven to increase profit at all cost by exploiting working women and men by treating them unjustly, denying them a fair wage, a safe workplace and a say in their working conditions. In these workplaces, workers look for some measure of fairness and a means to achieve some dignity by joining together and strengthening their position through a collective voice, by exercising their rights under the Trade Union Act of Nova Scotia to join a union.

And it is important to understand the process workers must be subjected to when the decision is made to join a union. The hill to climb is high with the odds stacked against them as they have to first sign a union card and then an application is filed which is posted at the workplace. Then they meet employer opposition many times with threats of job loss and of workplace closure if they join a union, after which they must then undergo yet another process of voting to confirm again that they were thinking right when they signed a card indicating they wanted to exercise their right to join a union.

I would like to deal with a few of the misleading messages from business groups and opposition parties that have dominated the public debate and contributed to some misconceptions of what this Bill stands for and what it does and does not do.

Just this past Saturday in the local paper, an executive at the Canadian Restaurant and Food Services accused the Minister of Labour of, and I quote "...trying to increase the number of unionized workplaces in Nova Scotia..." through this Bill – one of countless examples of using scare tactics instead of debating the merits of the Bill's content!

And perhaps the most bare knuckled spin efforts to ratchet up the fear level appeared in the local paper on November 4<sup>th</sup> titled "Michelin mum on labour bill." Although Michelin itself had offered no comment on the Bill to that date, the negative messaging speculated on the possibility that Michelin might reconsider future investments if this Bill was passed.

With no basis of fact to proceed on, the inference is that this employer is somehow nervous about legislation for workers who can join a union – again, scare tactics! Veiled threats regarding 3,400 jobs are floated to try and link this Bill and the economic health of our province by referencing an employer that is well insulated already.

And this is part of a long list of comments by business groups and opposition politicians who say that this Bill is about making it easier for workers to join unions or driving away potential business and hurting our economy.

Either these business leaders are ill informed on what Bill 102 actually does once workers decide to join a union or, perhaps even worse, see the current rules in the Act as a useful tool to keep unions out even after workers have joined by dragging negotiations out, so it becomes obvious that management is very aware that it can erode the support employees had for their union during the negotiating process. The employer knows that without a contract, the union cannot make good on its efforts to improve wages and working conditions, in effect subverting the rights of the workers to join a union.

With the guarantee of an arbitrated contract there is an end to the process, both sides would have to focus on negotiations, moving ahead rather than ploys or strategies to negate a worker's right to be in a union through procrastination tactics and the like. First contract legislation creates a stronger incentive to reach a deal.

Some employers suggest that workers would join unions on mass if "their only concern about joining a union was removed – the threat of a strike or lockout." With all due respect, that is absolute nonsense and reveals the ignorance of those who do not represent workers as I have done for over 30 years.

And for the record, unions are not anti-business, if merely for the fact that if business did not exist, unions would not exist either.

The economic challenges facing our economy and province must and are factored into our decision making process when representing our members. A strong economically viable company is good not only for the company but the workers who work there as well. Although not portrayed by many in the business community to have value in our society, unions have done more than anything else to provide workers with a voice to lift workers up and to improve the overall standard of living in our society by demanding a better distribution of wealth.

It is incumbent upon Government to address issues that affect our economy in a proactive manner as it is stated in the Trade Union Act. Issues of creating and maintaining an effective and positive industrial relations climate in the province is paramount for Nova Scotia's economic future. It is in this spirit that I support the introduction and passing of this Legislation.

I want to commend Minister Marilyn More and her Government for bringing this Legislation forward.

In closing, workers must have rights with meaning, giving them a reasonable expectation that if they sign a union card and then vote to join a union, they will have the right to a Collective Agreement with their employer within a reasonable period of time.

Respectfully submitted by:

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