Submission
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To the
Law Amendments Committee on
Bill 102: An Act to Prevent Unnecessary Labour Disruptions and Protect the Economy (Amending Chapter 475 of the Revised Statutes, 1989, the Trade Union Act)

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On behalf of our 70,000 members of the Nova Scotia Federation of Labour (NSFL), we very much appreciate this opportunity to offer our comments on the proposed amendments to the Trade Union Act with regard to First Contract Resolve entitled – "An Act to Prevent Unnecessary Labour Disruptions and Protect the Economy".

We are an umbrella organization, directly chartered by the Canadian Labour Congress (CLC) and we represent over 350 affiliated local unions with a collective membership of approximately 70,000 workers; from every community and every type of workplace across the province. Given the structure and collective membership of the NSFL, we quite likely represent many of the employees of the employers that appear before you in opposition to the legislation.

In addition to this collective representation we also, as an organization, speak out on issues that impact on the unorganized as well; issues such as the Minimum Wage, precarious employment, Occupational Health and Safety and Workers' Compensation to name a few.

We are also appreciative for having the opportunity to participate in the study day and group discussion on this topic sponsored by the Labour Management Review Committee (LMRC) on Sept.23rd and for providing the opportunity to respond to the discussion paper – First Contract Settlement now openly being referred to First Contract Arbitration (FCA).

Unlike other views and opinions being heard; we are very pleased and supportive of the creation of the LMRC last fall with the passage of Bill 100. The intent to form a stakeholder body and process to review legislative and related matters with the goal of enhancing relationships between workers and employers and to improve the overall

labour relations and reputation of the province is commendable and a positive step towards the intended goal.

This is a unique opportunity to deal with issues or matters important to the stakeholders and although it may be viewed as not being perfect, it is a far cry from the process and consultation opportunities we have had in the past.

In the past, stakeholders or at least those who represent workers, were left totally out of the process until legislation was introduced, being told 'that's what law amendments is for". Bill 100 corrected this by establishing the LMRC and review process.

The *Trade Union Act* is based on certain principles which embody a consensus on labour relations which has been accepted in all Canadian jurisdictions for the past 60 years. From time to time, in all or most jurisdictions, changes are made based on these principles to address needs in today's workplaces; such as the matter before us today.

From the discussions and views being heard; First Contract Arbitration has already been deemed "unnecessary and draconian legislation" by many employers and their organizations.

It is clear that this approach by some employers and their organizations is meant to categorize labour relations as trite, compared to the economy, taxation, productivity, our GDP etc...

Surely these organizations do not truly believe that using outdated and counter-productive labour relations techniques during the first set of negotiations will drastically improve the economy of Nova Scotia?

Whenever there are discussions about modernizing any workplace-related legislation, the following wrong-headed logic is dragged out:

- It is only for the benefit of unions, not the workers.
- An intelligent and positive labour relations environment is somehow bad for business.
- Why do we need the change?

It is not only in regards to Labour relations related legislative change that many of the same voices are heard; bemoaning the same woes.

We hear similar 'the sky is falling' cries whenever there is an increase in the Minimum Wage, it too being called a job and investment killer – although the actual statistics do not support this claim.

Also, a number of years ago when workers were given rights under Occupational Health and Safety (OH&S) legislation, hysteria on steroids hit the fan– this was indeed going to be the demise of business; a job killer and would have a negative impact on investment – again history has proven them wrong.

It may be argued that this was over twenty-five years ago; but we would suggest little has changed; the same fears and blocks are encountered whenever efforts are made to improve on the OHS regulatory support system; seeing new regulations going ahead at a snail's pace.

We clearly dispute or challenge the view that "there is no need to discuss this matter, first contract arbitration", as part of the overall goal of building and improving Labour

Relations in the province; an open mind will clearly see we do have a record and history of difficult and protracted first contract negotiations, some of which have resulted in strikes.

Some of these strikes achieved national notoriety, while others resonated throughout the province. Incidents of excessively long bargaining sessions and strikes leave a bitter taste in the mouths of the affected stakeholders, sometimes taking years to build the trust that had been so undermined or destroyed.

Some of these situations also had, and continue to have a devastating effect on our economy, profitability of employers, and productivity of employees and overall work environments and yes, possibly even have a negative impact on investment.

But if you do not represent an organized workplace or workers; you likely have no concept of how devastating of an impact this can have on workplace relations.

Many have argued now is not a good time for this change or where is the need for this. Weak but anticipated laments – which only begs the question when is a good time; we are now decades behind the majority of the other jurisdictions which have embraced this measure.

We are also among those who believe progressive thinkers are wise to review, discuss and possibly improve on such matters, before we are actually confronted with a situation; rather than await a conflict and then scramble, asking how do we resolve this dispute; sometimes even seeking government intervention; from mediation to legislation. Knowing the potential of what may befall us; the wise person builds a dyke before the flood.

We commend the Government for bringing forward Bill 102 "An Act to Prevent Unnecessary Labour Disruptions and Protect the Economy". And we would call upon Government and fair-minded employers to once and for all deal with the same old opponents of good labour relations by implementing the First Contract Arbitration legislation in spite of the fear mongering and uninformed pronouncement of doom and gloom.

In every successful democracy, decent labour relations exist, ensuring mutual respect between employers and employees and better productivity and economic growth.

This legislation is good step forward, building on and improving Labour Relations in the province and it is thus good for our economy.

We would also like to address the very misleading comments or allegations being made that this legislation only benefits unions.

There is no supportive evidence that this sort of legislation leads to an increase in union organizing; rather this type of legislation levels out the playing field in the interest of workers. If either side at the bargaining table, for whatever reason, fails to negotiate a resolve; this legislation supports the workers' rights to a collective agreement.

Further to this, you have heard many presentations from stakeholders who are firmly on one side or the other, and I think it is important to again look at the submission from the Canadian Centre for Policy Alternatives-Nova Scotia (or CCPA-NS), an independent, non-partisan research institute concerned with issues of social, economic and environmental justice.

Their presentation cited "***concrete evidence*** *to support the contention that FCA will be good for employees, employers and the Nova Scotian economy as a whole. Empirical*

evidence conclusively shows that FCA improves a jurisdiction's labour relations. British Columbia has had FCA since 1973, and its economy has performed markedly well since that time, relative to other provinces with measurable positive impacts. It has, for example, resulted in less time spent negotiating and more time focused on productivity. In addition, more first contracts are signed without parties resorting to work-stoppages or lock-outs".

The only parties or individuals who may have anything to fear from this legislation are those who have no desire or intent to fairly negotiate and conclude a collective agreement.

If you are not one of them; this legislation will not impact on you.

This legislation basically means; no more starving out the workers as collateral damage – due to poor labour relations; fairness and justice will be achieved as indicated in the preamble to the Trade Union Act.