

Bill 102 – Speaking Notes

Introduction

Good evening - I am Colin MacDonald, Chairman of Clearwater Seafood Incorporated.

We are Canada's and Nova Scotia's largest harvester and processor of Shellfish with revenues in excess of \$330,000,000 . We have 5 plants and two fleet operations in Nova Scotia and we employ approximately 1100 Nova Scotians. We are a global company with sales offices, storage and processing operations and distribution facilities in China, Japan, Germany, France, U.K., the U.S., we have two harvesting operations in Argentina and processing facilities in both Argentina and China. We enjoy a global reputation for integrity, sustainable fishing, quality and enjoy a very company proud and engaged employee base.

We do so while operating in both union and non union environments. Approximately 70 % of our workforce in Nova Scotia is unionized.

We have also always enjoyed a balanced labour management environment in Nova Scotia. In fact, one of the great attractions for us in being a Nova Scotia company, and undoubtedly many other large employers, is the stable and consistent balance in the labour management environment.

As a large employer with both substantial operations and support functions based in Nova Scotia, we have a significant interest in the amendments proposed by Bill 102. As such, we feel obligated to appear before this body to communicate our feelings that this legislative amendment is totally unnecessary and will do serious damage to Nova Scotia's reputation as an excellent place to work and carry on business.

I would like to begin today by telling you that Nova Scotia does not need Bill 102 for the following reasons:

a) Labour climate in Nova Scotia is very good and Unions and Employers respect their mutual obligations to bargain in good faith. As evidence of this I am told there have been only 3 findings of bad faith bargaining in past 14 years and only 1 in first agreement bargaining.

b) While we and others have had occasional problems in first contract bargaining, that is the nature of collective bargaining, just as it is in renewal bargaining.

c) Our experience and that of our workforce is that the existing legislative structure, processes and procedures work well. In fact reports from Conciliation Services of Department of Labour proclaim a lack of complaints/ findings of bargaining in bad faith. We have had strikes..three to my memory, all of them have been settle after a short period of time without need for arbitration and one in fact led to a decertification of the CAW by the employees as they felt their union had bargained in bad faith. Each and every incident that I am aware of was managed respectfully under the current structure.

2. Bill 102 distracts from the very real and serious economic issues confronting Nova Scotia:

a) Nova Scotia has many challenges to existing and new investments- high HST, high business and payroll taxes, high power rates, geography, demographics, etc.

b) Any changes to Trade Union Act (especially where unnecessary) will be viewed negatively by potential investors and will certainly not be a positive factor for future investments. We are being actively pursued by the many jurisdictions in which we do business to locate some of our activities there...they are anxious to provide us with guarantees of funding, labour peace and additional incentives such as tax benefits.

I mention this as I am certain that other serious companies looking to come to Nova Scotia or expand are being offered the same incentives.

I love N.S. ...it is my home. Nova Scotians have a great work ethic

c) Changes to Trade Union Act should only be made where there is a consensus between labour and management, especially where there is no current problem. Even the Labour Management Review Committee established by this Government only last year could reach no consensus that there is an issue that needs to be addressed. Also note success of Arbitration Advisory Committee established under Trade Union Act which by consensus recommended revisions to powers of arbitrators which were passed into law last fall without any uproar.

3. If the Government is determined to enact this type of legislation, there is a better FCA Model:

If Government is determined to proceed then do not follow a model which applies to less than 4% of Canadians (Manitoba) but rather choose one that follows the approaches of most of the other jurisdictions which have first contract arbitration (Canada Labour Code, Ontario, Quebec, BC, Sask and Nfld and Lab) and first require a determination of "dysfunctional bargaining".

In this context and in a situation where you are compelled to reward your supporters with First Context legislation, I would suggest three basic amendments to Bill 102.

a) First establish a Threshold- Like all other jurisdictions other than Manitoba, a party seeking FCA should first have to demonstrate that collective bargaining has become "dysfunctional". Ontario is the most precise and would require an applicant to establish that bargaining has been unsuccessful because of:

- i. the employer's refusal to recognize the union's bargaining authority;
- ii. the uncompromising nature of a bargaining position adopted by a party without reasonable justification;
- iii. the failure of a party to make reasonable or expeditious efforts to conclude a collective agreement; or
- iv. any other reason considered relevant by the Board.
- v. This will ensure that all Parties "think twice" before considering an application for FCA and make real and earnest efforts to conclude their own agreement.

b) Secondly amend the Powers of Labour Board- Like many other jurisdictions with FCA, the Labour Board should have more powers available to it such as:

- i. requiring more collective bargaining (with or without a conciliation officer) but without a rigid timeline;
- ii. requiring mediation; and
- iii. permitting a strike or lockout to continue (or requiring it to end immediately).
- iv. Once again the "uncertainty" of what (And when) might be ordered by the Labour Board should focus both parties on making concerted efforts to conclude their own agreement.

c) Thirdly Timelines- It follows from the above that the strict timelines in Bill 102 would require amendments. However an effective FCA would require

expeditious oversight and/or determinations by the Labour Board once an application has been made.

The labour climate in Nova Scotia is very good. Both unions and employers respect their obligations to bargain in good faith. This is obvious from the fact that there have only been 3 decisions in Nova Scotia where the Labour Relations Board found bad faith bargaining in the past 14 years – clearly employers and employees take this obligation seriously.

We recognize that occasionally there are problems in first contract bargaining. This is not unusual – it is merely the nature of collective bargaining. Our system demands that unions and management work collectively to resolve workplace disputes and to implement and amend collective agreements including first contracts. This system works and does not need to be changed.

This government needs to focus on areas of real challenge facing Nova Scotia of which there are many.

I am compelled to ask " What PRESSING PROBLEM is this Government trying to solve ???"

It is not an appropriate time to introduce labour legislation that creates greater uncertainty and angst in the business community when we are faced with declining employment, unemployment numbers of 9 % and the loss of 12,000 or more jobs in rural Nova Scotia.

We do not need to create more reasons why companies should not expand or locate in Nova Scotia...we need to in fact sell our attributes and convince them to come because we have a tremendous workforce, a great work ethic with minimum labour strife and a fair and equitable labour relations environment.

I believe we have far more pressing problems to solve as a province, we do not need to invent new ones ...i look at problems such as youth mental health. I am active in a large Capital Campaign at the IWK to provide the missing and very necessary support to this growing problem in our Province...a problem to which the Government should be directing its time and energies instead of to a bill which will only serve to hurt our economy, drive business further away from Nova Scotia..

I don't normally speak out about government action or in-action. I have always known that public office is a very tough, demanding and frustrating job which takes enormous dedication and a thick skin to handle...however I am compelled to speak out this time...this bill does nothing good or beneficial for the province or its economy or its many glaring social needs.