

Bill #102

On Behalf of

United Food and Commercial Workers  
Union Canada

&

Eastern Provinces Council



Please find my Presentation that I would like to  
Present on this Matter



Thank you for this opportunity to comment on this important, necessary and long overdue legislation.

What is a "Trade Union"? Google and Wikipedia both state the definition as: "an organization whose membership consists of workers, union leaders, etc."

The first Job of a Union is to negotiate. It is not the only job but it is the #1 Job.

A Labour Union is known for its Contracts.

That's why people join a union. We need this legislation to allow us to respect the wishes of the workers, a majority, who voted for the union in a secret ballot vote.

We need this legislation to allow us to require both sides to bargain and when they are at the table be on an equal level or in other words take out the "class structure as it is today.

"We need this legislation and regulation to continue the work that started years ago in Nova Scotia and in Canada. Look back to Justice Rand's decision from the Rand Commission August 1968.

It stated: In historical conclusions what that history beyond serious doubt, establishes is the fact that the government of Labour management relations cannot be left to the uncontrolled action of the immediate parties to them.

The Labour relations are based upon the issue of relationship and the contract. Governments have been regulating the issues surrounding Labour Management issues for years such as injunctions, picket actions, behaviour, votes and so on....

This is just the next logical step on this road to equality as we advance labour relations in Nova Scotia.

Even the certification order produced by the Labour Relations Board says, the union is the certified bargaining agent for the following workers at (insert Company Name) etc.

Local/Section Locale 1288P  
281 rue Collishaw St., Moncton, NB E1C 9R1  
6.857.3226 toll free/sans frais 1.800.560.8329  
x/télé. 506.853.7573  
cw1288pnb@nb.aibn.com

Local/Section Locale 864  
220-1550 Bedford Hwy., Bedford, NS B4A 1E6  
902.864.8329 toll free/sans frais 1.800.565.1646  
fax/télé. 902.832.0186  
ufcw@eastlink.ca

Local/Section Locale 1252  
104-58 Kenmount Rd., St. John's, NL A1B 1W2  
709.753.8830 toll free/sans frais 1.800.563.8141  
fax/télé. 709.753.9082  
ufcw@ufcw.nf.net



(2)

The secret ballot produced by the Nova Scotia Labour Board and used to join the union states, "In your dealings with management at (insert Company Name) are you in favour of being represented by a name of union as your bargaining agent?" Yes/No

Not: Do you want a Union? YES/NO – It clearly says to the worker, that the union and the company are going to be bargaining and reach a contract.

Let me try to explain the process.

- ✓ Workers sign union cards – 40% or more
- ✓ Union applies for vote (Wages and conditions are frozen)
- ✓ Workers vote on a secret Ballot
- ✓ Box sealed for at least 10 days
- ✓ Possible Hearing (Nova Scotia Labour Relations board)
- ✓ Delays by agreement or not from 10 days to months to years – yes YEARS
- ✓ Vote counted
- ✓ Union wins
- ✓ Certification order issued (as certified bargaining agent)
- ✓
- ✓ Negotiation commences (Union not able to visit the workplace) Negotiate – only 1 year protection from decertification from date of certification.
- ✓ Strike vote taken only
- ✓ Conciliation takes place
- ✓ No offer accepted if there was one to vote on
- ✓ Lockout / Strike

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During these months/years there is no changes or wage increase, could be years in essence a wage freeze.

As a worker who joins the Union, I expect to get a contract – most basic #1 goal.

This 1<sup>st</sup> contract legislation will allow for greater clarity for both parties to focus on the need to reach a contract. If you do not want to have an outside arbitrator to give you a contract negotiate one. It's simple!

The secret ballot vote to join the union is separate from the contract but it is totally reasonable to believe that the parties will reach a contract.

The union won- the company lost. Get over it, respect the worker's vote.

Forcing the union to go on strike/lockout for the 1<sup>st</sup> contract voids the secret ballot vote used for certification. Why do this?

At Keddys Motor Inn in Port Hastings and Scotia Recyclers in Kentville, this respect did not happen.

The employer carried their anger over the loss, to the bargaining table. This is wrong. It promotes frustration. Unfair rules weighted in favour of the company, pickets, injunctions, courts costs, hearings, regulations increase police costs Etc.....

Workers believe that a vote for the union will equal a contract – A contract allows the parties to build a relationship that promotes the needs of the workers and the business – Respect the vote. The parties need time to build a relationship.

Company and workers need to know, now that the certification vote is counted, the job is to get a contract or you get one imposed.

Justice Rand spoke to this in his report but believed that in 1968 with our present scale of values that task, at best, will be difficult, the resources of ingenuity in evasion of a regimen are legion. Profit sharing and contract arbitration would appear to be legitimate claims, but as of 1968 had not presented attractiveness to purblind power. The resolution of this deadlock calls for high intelligence and education.

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Well we are here now. We have evolved. Now is the time.

First contact can lead to;

- Aggression
- Loss of business / moral
- Bad press -- for the company/ the union / the province
- Increase cost to courts
- Increase costs to legal -- police- Jails -- private investigators
- A sense of real loss and control
- Creates family strife and community
- Takes time and focus away from building a relationship.

Don Keddy owner of the Keddys Hotels told me if I can't beat you, I have to get along with you. We did. But it took a costly Strike 13 months long. Why cause the delay? There is a better way, first contract legislation. Give us a chance.

Scotia Recycling (Entry level jobs, work still needs to be done and workers respected)

In 2010 Scotia Recycling actions and attitude lead to a 12 week strike in Nova Scotia and the following;

- Strike lead to Injunctions
- Police visit daily (6-7 times per day)
- Public Delay to transfer station (company build on Government land to prevent strike workers greatest effect)
- Police searches/Scabs - Public
- Charges/ arrests/ drug charges
- Dangerous actions by company (bus)
- Job ownership fears of job loss, costly health care costs, and health and safety concerns.
- Public angry at politicians, cost rise to do business.
- Law -- Legal cost increase
- Police cost rise and wasted management time.

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- Labour Board officer's time.
- Strike cost: estimate for every \$1.00 in strike benefits paid to workers \$1.50 is paid in additional legal costs as well.
- Workers/Public believe that Laws / Rules do not work for workers, even labour laws
- An a workers belief that the Wealthy win.

This in quality is what we all want to stop.

Justice Rand stated:

"Labour relations are considered to be one of the most, if not the most, important internal issue facing Western democracy, in this field of interest. The reconciliation must, as a minimum, be the result of persuasive judgement drawn from demonstrated realities." Or as I see it, we need a chance to see each other eye to eye – business to business – equal. (Demonstrated realities – We need the 1<sup>st</sup> contract to see, understand, to grow, and build a relationship)

We deserve better in the home of democracy over 250 years now. We should respect the workers vote to have a union and a contract.

Respect the process started in 1968.

**Pass this BILL.**

We will all be safer and better off when we are all equals.

It is never too late to do the right thing.



Thank You,

Respectively Submitted,

Mark Dobson  
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UFCW Canada  
Eastern Provinces Council