

## Executive Summary

### “Restoring Fairness and Balance in Labour Relations:

### The BC Liberals’ Attacks on Unions and Workers 2001-2016”

This paper was commissioned by the BC Federation of Labour and was prepared by John MacTavish and Chris Buchanan of Hastings Labour Law Office. It was released at the BC Federation of Labour Convention on November 29, 2016. Through a comprehensive review of legislative changes and Board decisions, this paper chronicles 15 years of attacks on unions and workers under the BC Liberals (2001-2016).

The paper situates the legislative, regulatory and funding decisions within the context of other political eras in British Columbia going back to the establishment of modern labour relations in the 1970s. It concludes that this has been the worst era for labour rights in BC’s recent history.

The first section describes in detail the BC Liberals’ amendments to the *Labour Relations Code*, which made it more difficult for employees to join unions and easier for employers to intimidate and pressure employees into not doing so. These legislative changes, combined with the Labour Relations Board policy, procedures, and resulting decisions, affected a pendulum swing towards unfairness to workers and their unions.

The Labour Relations Board’s conduct during this period has shifted toward isolation from the labour relations community through an underfunded work environment, a series of inconsistent policy decisions, and the decline of its mediation services.

The paper looks at three specific groups of workers--construction workers, health care workers, and teachers—to highlight the BC Liberals’ legislative attack on workers and

their right to organize and collectively bargain.

The paper also documents problems with the *Employment Standards Act* and its administration. This includes an underfunded Employment Standards Branch, reliance on the “Self Help Kit” to solve workplace problems, a minimum wage that is amongst the lowest in Canada, and exemptions of key groups of workers from the protections of the Act.

The paper concludes with the following primary recommendations:

- Restore a reasonable level of funding to the Labour Relations Board and especially to the Employment Standards Branch.
- Restore the card-check certification process.
- Amend the Code so that when a membership vote is necessary (although this will not be then norm), an in-person vote must be held within five days, and mail ballots must only be held in exceptional circumstances.
- Repeal the new Sections 6 and 8 of the Code and restore them to the language that existed from 1992 to 2002.
- Restore the ESA as a statutory minimum floor of rights for workers, by repealing the sections that exclude workers covered by collective agreements.

In addition, the paper recommends the province should appoint a new panel of labour relations experts with a broad mandate to survey the need for changes to both the labour relations and the employment standards schemes.