May 13, 2019 |

Op-Eds

Laird Cronk: Labour law changes help restore fairness and balance

Proposed changes to B.C. labour laws will make a real difference for workers, particularly the most vulnerable — children, new Canadians, and the working poor.

Raising the working age to 16 is really about child protection. First work experiences are formative, but must be safe and age-appropriate. Youth can continue taking on paper routes or stocking shelves. For the past 15 years, employers have been allowed to hire children as young as 12 for dangerous work, including in construction or mining. The Workers Compensation Board paid out more than $5.2 million in disability claims to children 15 and under in a decade. If your business model involves putting children in harm's way, you need another model.

Labour laws mean little without access to justice. Aaron is a general labourer who was never paid for his work. Three years and a B.C. Supreme Court injunction later, and he still hasn't been paid. Wage theft is theft: the government is right to improve Employment Standards enforcement, and the wage-recovery period is now extended to 12 months. "Self help" kits that forced workers to confront their own employers' malfeasance alone and unaided are rightly headed to the scrap heap.

Jhovie is a care aide for seniors in North Vancouver. Her employer is a company contracted by the care home to provide seniors care. The contract was retendered — flipped — four times in 10 years to save money. Collective agreements are binned and employees like Jhovie lose pay, benefits or

even their jobs when their employer's contract is retendered. Care levels suffered due to staff turnover. Contract flipping promotes a race to the bottom.

Labour code revisions will finally put an end to contract flipping in economic sectors where it has been rampant, including janitorial, food services, security and non-medical health care. These workers are predominantly women and are often first-generation Canadians. Jhovie, and thousands of caring professionals like her, finally have some job security and a chance to be fairly rewarded for their important work.

B.C. remains a low-wage, high cost of living province, with severe rates of poverty and economic inequality. A solid antidote is the ability for workers to come together and bargain collectively for better working conditions, research shows. Joining a union empowers workers to negotiate with their employer. There's a business case for collective agreements — a mutually agreed rulebook for employers and employees, ensuring certainty and respect for both.

Maintaining a two-step union certification process is a missed opportunity. Six jurisdictions across Canada have a one-step process, respecting workers' choice when more than 55 per cent of employees in a workplace sign union cards. My signature is good enough to get a passport, a mortgage or to vote: it should be enough to indicate that I want to form or join a union.

The existing two-step process includes a delayed second vote, which far too often results in improper employer interference, including worker intimidation and coercion, which is the finding of hundreds of Labour Relations Board decisions. Despite the missed opportunity, it's good to see a reduction in the unnecessary delay before the second vote, to five days from 10 and new limits on employer interference. We'll be monitoring the new law's effectiveness.

We welcome these much-needed revisions to our labour laws. They will help restore a real measure of fairness and stability to worksites across the province, helping to protect workers like Aaron and Jhovie.

Published in *The Province*, May 12, 2019