



Joint Statement from Alberta Federation of Labour Executive Council on Labour Code Review

September 28, 2011

Unions in Alberta wish to raise the strongest possible objections to the review of the Labour Code that was initiated by Employment and Immigration Minister Thomas Lukaszuk over the summer and is currently being conducted under the direction of Dwayne Chomyn, a partner in the employer-side law firm, Neuman Thompson.

We object to the review in part because it was launched at the behest of a coalition of anti-union employers in the construction sector – a group that is clearly trying to change the law in order to gain the upper hand in competition with construction firms that work with traditional building trades unions.

We believe that most Albertans would agree with us when we say that the government should not use its legislative power to help one group of Alberta employers gain unfair advantage over another group of Alberta employers.

In this case, the changes being considered under the review would clearly give an unfair advantage to non-union construction contractors and contractors who use employer-dominated unions such as the Christian Labour Association of Canada (CLAC).

We submit that the proposals put forward by the employer coalition – proposals which the Minister has decided will form the basis of the review process itself – are clearly designed to make it more difficult for Alberta workers to exercise their constitutional right to join a union and bargain collectively, especially in the construction sector.

The proposals are also a thinly disguised attempt to “raid proof” workplaces represented by employer-dominated unions such as CLAC; to muzzle real unions and restrict their ability to advocate on behalf of their members; and to undermine the independence and impartiality for the Alberta Labour Relations Board (ALRB).

We wish to make it clear to the Minister and the government that if any of these proposed changes are implemented, we would view such action as a profound, unjustified and, indeed, illegal attack on unions and the hundreds of thousands of working Albertans we represent. Implementing any or all of these proposals would result in an unprecedented and energetic response from the majority of unions in Alberta's labour movement.

We also object to the review because the review process itself is biased, unfair and perhaps even unconstitutional.

A fair and honest review of the Labour Code would involve advance consultation with all stakeholders (both union and employer). There would be consultation on the review questions, the process of the review and who should lead the review. A fair and honest process would also be conducted in full public view, with all submissions made available to interested parties. There would also be opportunities for cross-examination of witnesses and rebuttals to arguments and evidence presented to government by opposing sides.

Unfortunately, none of these steps were taken by the Minister. Instead, the process is closed-door and secretive. The only unions invited to participate are construction unions, even though the changes being contemplated would clearly affect all unions. And the man named to lead the review is none other than Dwayne Chomyn, an employer-side lawyer who has a long history of acting against unions.

The review as currently designed is the very antithesis of a fair and balanced process. We would go so far as to say that it is a "kangaroo court," not befitting any government in a country with strong democratic traditions like Canada.

In addition to our concerns about process and the proposals at the heart of the review, we object to the arguments put forward by the employer coalition to justify the review: arguments which, unfortunately, have been accepted and repeated by the Minister.

In particular, the employer coalition has argued that union-busting changes to the Code are needed to control construction costs and ensure future investment in the oil sands. While we agree that costs have been increasing in the oil sands, the weight of evidence and expert opinion clearly shows that this is the result of the rapid and unregulated pace of development in the oil sands, not the result of union contracts.

There is also no evidence that energy companies are hesitant to invest in Alberta. In fact the opposite is true: Alberta leads the country, indeed most of the world, when it comes to investment. The “competiveness” argument is nothing more than a straw man erected by the employers’ coalition in order to justify attacks a the constitutional rights of working Albertans.

In conclusion, we want to make it clear to government that the Code changes currently under consideration will not bring the kind of labour market “stability” that the employer coalition promises. In fact, these kinds of changes would almost certainly result in the complete opposite of stability as Alberta workers and unions organize and fight to defend their constitutional rights to freedom of speech and association.

With all of this in mind, we call on the current Premier and/or the new Premier to call a stop to the current Labour Code review process. If the government is determined to proceed with a review, we call on them to go back to the drawing board and develop a process that is truly fair, balanced and transparent.

As representatives of many of Alberta’s largest unions, we are truly proud of the important role that our members play every day in building the Alberta economy. We consider ourselves partners in the project of building a broadly shared prosperity in Alberta: a prosperity that benefits individuals, families and communities along with businesspeople and investors. We agree that the government should strive for a stable labour relations climate in Alberta. But stability comes from good and productive relations between workers and employers – and good and productive relations are based on respect. Unfortunately, the current review process is neither fair nor respectful. It needs to be scrapped.

This statement was endorsed by the Alberta Federation of Labour’s Executive Council on September 28, 2011