

**A Submission to
The Honourable Rob Norris,
Minister of Advanced Education,
Employment and Labour,
Government of Saskatchewan**

**Regarding Bill 80 –
An Act to Amend *The Construction
Industry Labour Relations Act, 1992***

**Prepared by UA Local 179
August 25, 2009**



Introduction

The United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada Local 179 (UA) have prepared this brief to the Government of Saskatchewan on the subject of Bill 80 – An Act to Amend *The Construction Industry Labour Relations Act, 1992*. This presentation supplements the one made by the Saskatchewan Provincial Building and Construction Trades Council (Building Trades) to the Human Services Committee during its public hearings into Bill 80 held on June 17, 2009. The UA is in complete support of the submission made by the Building Trades.

“The UA has, quite literally, helped to build Saskatchewan.”

The UA has a long and proud history in Saskatchewan. Our organization dates back to September 1906 when 13 determined pipe tradesmen applied for the Charter of Local 179. The UA has, quite literally, helped to build Saskatchewan. Our members have prospered during the good times in Saskatchewan and endured during the tough times. Through it all, the UA has fought hard to improve the lot in life for working men and women in Saskatchewan, and have worked hard to ensure that the construction industry in Saskatchewan has labour stability and continues to remain strong. It is with this in mind that the members of the UA oppose so strongly the amendments proposed in Bill 80. Throughout the 1980's and 1990's, many members of Local 179 were forced to take work outside the province because in Saskatchewan there were more people than jobs. This decade has seen the situation turn around with Saskatchewan now having more jobs than people. Members of the UA want to ensure that the prosperity in Saskatchewan and the record activity in the construction sector are not endangered by careless legislation that will fundamentally and radically alter the way the construction industry works.



“The problem with Bill 80 is that it contains little, if anything, to advance the government’s stated objectives.”

Objectives of Bill 80

The government has stated, most recently through testimony by the Honourable Rob Norris, Minister of Advanced Education, Employment and Labour, at the Human Services Committee hearings on Bill 80 that it wants to achieve a number of things through Bill 80: to increase the activity in the construction sector; to attract more skilled tradespeople to work in Saskatchewan; to increase worker choice; and to provide for certainty for the Labour Relations Board with respect to the matter of abandonment. These stated objectives are all, on their face, not unreasonable and ones that the UA is willing to work with government and business to achieve. In fact, for the most part, these are areas in which the UA is currently active. The problem with Bill 80 is that it contains little, if anything, to advance the government’s stated objectives. Rather it is our strong belief that the amendments proposed in Bill 80 will:

- let contractors – not workers – choose the union to represent workers;
- lead to lower wages for construction workers;
- end province-wide collective agreements and destabilize the construction industry;
- end the practice of organizing along trade-specific lines;
- invite the Christian Labour Association of Canada (CLAC) into Saskatchewan to negotiate employer-friendly deals in which workers will have no say;
- allow unionized employers to shed their union certifications through “abandonment” provisions; and
- create two regulatory systems for the construction industry in Saskatchewan that is confusing and puts Saskatchewan workers and contractors at a disadvantage.

The remainder of this submission will address each of the government’s stated objectives in turn.



The government says Bill 80 is needed to increase construction sector activity

Fact: The construction sector is more active than ever

Fact: Bill 80 could destabilize the construction industry

“The notion that Bill 80 is required in order for the construction industry to prosper is not supported by fact.”

The government has stated that Bill 80 is needed for the construction industry to grow in Saskatchewan.

“This legislation will lead to increased construction activity...”
(Minister Norris, News Release, March 10, 2009)

...we need a more robust – that is competitive, fair, flexible, and effective – construction sector.” (Minister Norris, Human Services Committee, June 24, 2009)

The notion that Bill 80 is required in order for the construction industry to prosper is not supported by fact. The most robust growth ever experienced by the Saskatchewan construction industry has, in fact, occurred under the current *Construction Industry Labour Relations Act*. By Minister Norris’ own admission:

“Activity in the construction sector is dependent on a stable construction industry and strong provincial economic growth.”

“Last year’s \$9.8 billion in new construction investments was a 104 per cent increase over 2004. There were nearly 7,000 housing starts, an 81 per cent increase over 2004. And there were about 3,235 employers in the construction industry last year. There was \$1.25 billion in payroll for 26,500 employees, a 76 per cent increase over 2004, with an average weekly earnings over \$950, a 27 per cent increase over 2004.”
(Minister Norris, Human Services Committee, June 24, 2009)

In fact, growth in the construction industry has followed Saskatchewan’s strong economic growth generally. Measured by the value of building permits, activity in the construction sector bottomed out in the early 1990’s when the value of permits fell to less than \$350 million per year for three consecutive years. The value increased to almost three times that amount by 2005 and doubled again to more than \$2 billion in 2008 (Source: Sask Trends Monitor). Activity in the construction sector is dependent on a stable construction industry and strong provincial economic growth.



The government says Bill 80 is needed to attract skilled workers to Saskatchewan

Fact: Workers go where the jobs are

The Government of Saskatchewan has said that Bill 80 is needed to help alleviate labour market shortages:

“These amendments will attract new entrants into Saskatchewan’s construction industry.” (Minister Norris, Human Services Committee, June 24, 2009)

“In fact, under the current labour relations regime in place now, Saskatchewan has attracted skilled workers to the province at a pace not seen in recent history.”

It is true that a growing economy needs to continually develop, attract and retain workers. It is also true that in recent years Saskatchewan has seen labour market shortages that have the potential to place a very real drag on economic activity. These shortages have occurred due to recent economic growth and have been exasperated by a history of interprovincial out-migration. People left Saskatchewan to go where the jobs were. The same basic force – the pursuit of jobs – has led to the recent in-migration of people into Saskatchewan.

To offer Bill 80 as a remedy to labour market shortages is ill-conceived. If anything, Bill 80’s potential to destabilize the industry will only draw attention and resources away from the far more difficult-to-solve forces influencing the labour market – aging populations and underrepresentation in the work force of particular groups, including Aboriginal people.

In fact, under the current labour relations regime in place now, Saskatchewan has attracted skilled workers to the province at a pace not seen in recent history. People in Saskatchewan are working at all-time high levels. We continue to have the strongest job market in Canada. As recently as August 7th, Minister Norris said as much in a news release:

“Saskatchewan continues to post the lowest unemployment rate in Canada and is now the only province with more people working than a year ago, according to the latest labour force report released today by Statistics Canada.” (Government of Saskatchewan News Release, August 7, 2009)



Tradespeople are working in the province. Just as the construction sector has mirrored the strength of the overall Saskatchewan economy so have job numbers. The boom in construction means a boom in construction jobs:

“And today, according to Stats Canada on the labour force survey, employment in our province’s construction sector continues to grow. In May, the latest month for which data’s available, employment in the construction sector had increased by 4,700 people... The construction activity in Saskatchewan is expected to be robust throughout 2009, this despite our global economic uncertainties that we work within.” (Minister Norris, Human Services Committee, June 24, 2009)

“The Saskatchewan job situation is the envy of Canada. In May of this year, Saskatchewan was the only province in which the unemployment rate dropped...”

Construction employment has traditionally ranged between 20,000 and 25,000 jobs through the 1990’s. Over the last five years, employment in construction has grown at 9.6 per cent per year. According to the Sask Trends Monitor, construction employment in 2008 averaged 37,000 jobs, although it was above 40,000 for most of the summer. While construction job growth has occurred in other provinces as well, the five-year growth of 9.6 per cent annually is well above the national average of 6.3 per cent. Saskatchewan is third in the country in construction job growth, following only Newfoundland and British Columbia (Source: Sask Trends Monitor).

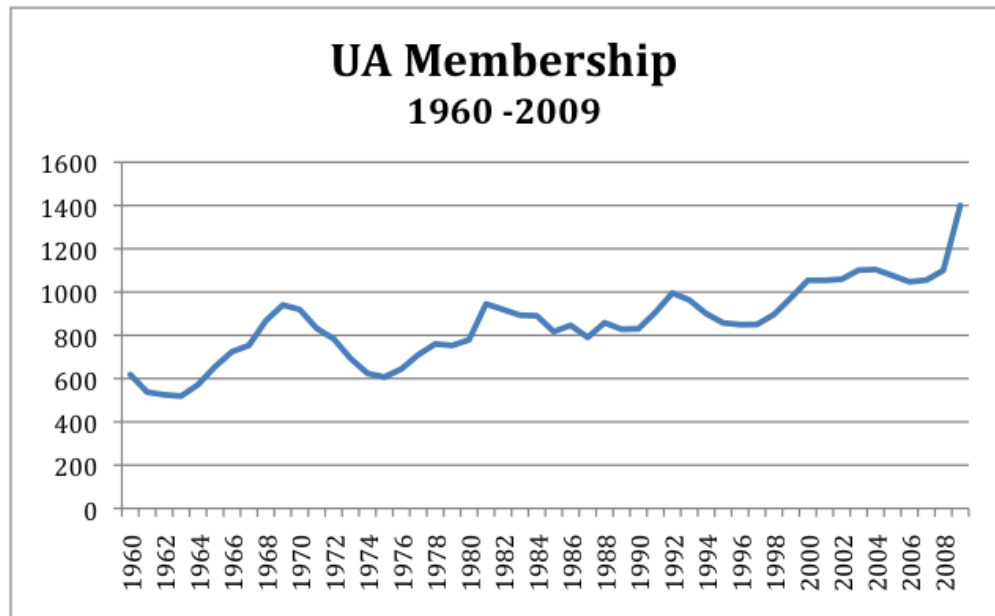
The Saskatchewan job situation is the envy of Canada. In May of this year, Saskatchewan was the only province in which the unemployment rate dropped – from 5 per cent to 4.9 per cent – and tied Manitoba for the lowest unemployment rate in Canada (Source: Sask Trends Monitor).

All of these jobs have pulled people towards Saskatchewan. The UA has seen a record number of members in recent years with estimates for 2009 at an all-time high of 1,400. Membership growth has been particularly strong in the last five years. The graph on the following page shows the historical membership of plumbers and pipefitters in Saskatchewan from 1960 to the present, and also illustrates that the increase in members in the last few years has been particularly steep.



“Before the government introduced Bill 80, no one had ever heard anyone suggest that Saskatchewan’s labour shortage was caused in part by construction workers who found Saskatchewan’s labour legislation unpalatable.”

“The notion that Bill 80 will significantly enhance labour in-migration is far-fetched.”



Estimates used for 2007-09

The solutions to labour market shortages in Saskatchewan are limited: convince people to work longer; attract more people from other provinces; attract more international immigrants; get more people into the workforce that have traditionally been underrepresented; and reduce the number of people who leave the province to work elsewhere. All the solutions require that the people doing the work have the necessary skills to do the job.

Bill 80 purports to be aimed at the second objective above – attracting more people to work in Saskatchewan. The government’s argument is that there are legions of workers in other provinces who are eager to work in Saskatchewan but have been prevented from doing so because of their aversion to working non-union, working for a Building Trades union or not working for the Christian Labour Association of Canada or the Communications, Energy and Paperworkers union. Bill 80 would certainly make Saskatchewan appealing for this cohort – but the real question is how many, if any, of these people actually exist. Before the government introduced Bill 80, no one had ever heard anyone suggest that Saskatchewan’s labour shortage was caused in part by construction workers who found Saskatchewan’s labour legislation unpalatable. And even if they did exist (and they don’t), it is very unusual that the Government of Saskatchewan would put their interests ahead of the 1,400 members of the UA living and working in Saskatchewan who oppose Bill 80 and were not even consulted in advance of the introduction of the legislation in the Saskatchewan legislature.

The notion that Bill 80 will significantly enhance labour in-migration is far-fetched.

“Implementing effective strategies to solve these problems should be where the government is spending its time ... Instead, the government has brought forward legislation that re-ignites old battles between business and labour...”

The Saskatchewan Labour Market Commission (SLMC) published a report in May 2009, entitled *Right People, Right Place, Right Time*. The Government of Saskatchewan both funded and praised the report. In it, the SLMC forecast that Saskatchewan would require 10,000 additional workers per year to the year 2020. To meet that demand, they said the following would have to occur:

- increasing employment levels of First Nations and Métis to that of non-Aboriginals;
- increasing the number of older workers in the economy in the short term;
- promoting a more accommodating workplace to increase participation of underrepresented groups (women, older workers, and those reporting a disability);
- sustaining positive net interprovincial migration; and
- increasing settlement of highly skilled and experienced immigrants to the province (SLMC, 2009: 4).

These are the pressing labour market problems that should be occupying the government’s attention. Implementing effective strategies to solve these problems should be where the government is spending its time and should form the basis for a positive engagement between government, business and unions. Instead, the government has brought forward legislation that re-ignites old battles between business and labour and pits Saskatchewan workers against each other, unions against unions and Saskatchewan contractors against large out-of-province rivals.

Apprenticeship

“Union members are the backbone of the apprenticeship system.”

The apprenticeship system provides an example of an area where government, employers and unions are working well together to address labour market pressures. Given Saskatchewan’s economic and job growth, it is not surprising that apprentices are being trained at a record pace. The Saskatchewan Apprenticeship and Trade Certification Commission is industry-led, meaning that both employers and employees – including a heavy representation from unionized sectors – serve on the board of the Commission. Union members also contribute their time and expertise to the Joint Training Committees and the Training Boards. Union members are the backbone of the apprenticeship system.



“The UA takes training seriously and training is a fundamental part of ensuring Saskatchewan meets its future labour market need.”

“Bill 80 is a problematic solution to a non-existent problem.”

As of June 30, 2008, there were 8,130 apprentices registered in Saskatchewan. This represents an increase of 20 per cent over the total at the end of 2007. The Commission received 2,853 new registrations in 2007-08, which exceeded the previous year’s record of 2,408 new registrations (Source: Saskatchewan Apprenticeship and Trade Certification Commission). These numbers attest to the success of the program and the high level of activity underway in sectors served by apprenticeship, including construction.

Union involvement in training doesn’t end with the apprenticeship system. The UA in Saskatchewan alone has a training budget of \$600,000 annually and is in the midst of building a new training facility in Saskatoon at an estimated cost of \$1.5 million. Currently, there are over 75 different training courses offered, including gas fitter, pneumatic theory, blueprint reading, plumbing code, medical gas programs, rigging and safety. The UA takes training seriously and training is a fundamental part of ensuring Saskatchewan meets its future labour market need.

The UA strongly believes the economy is strong, the construction industry is strong, job growth is strong, and the apprenticeship system is working. The evidence shows the current system under *The Construction Industry Labour Relations Act, 1992* is working. That is not to say that labour market demand won’t outstrip supply in the coming years. In fact, almost all analysis on the subject suggests our aging population will mean that there will be fewer people to do the jobs that need doing in our province. It is a real problem that needs a real solution. Bill 80 is a problematic solution to a non-existent problem.

Construction Industry and Labour Mobility

The construction industry is, by its very nature, transitory. No job is forever in the construction business. Employment is time-determined by either what a tradesperson is qualified to do or by the length of the project. In the construction industry, full-time work doesn’t mean going to work everyday from nine to five for the same employer. It means working for different employers – sometimes many different employers – and on different projects in the course of a year. A pipefitter may have a number of weeks of work at 60 or even 70 hours a week and then a few days, a week or even more before the next job starts with a new employer.

Unlike other sectors of the economy, the nature of the work in the skilled trades means that the primary employment connection that tradespeople have is with their trade or craft-specific union as opposed to a particular employer. In industrial, unionized construction, tradespeople don’t



“Unlike other sectors of the economy, the nature of the work in the skilled trades means that the primary employment connection that tradespeople have is with their trade or craft-specific union as opposed to a particular employer.”

apply for jobs with employers, and employers don't publicly advertise jobs and solicit applications. Rather union hiring halls fulfill the human resources function of providing employers with the skilled tradespeople that they require. In practice, employers needing skilled tradespeople for a project will contact the union hiring hall and specify the number of workers they need, the particular skills required, when they need them and for how long. The union will in turn notify their members of those employment opportunities and ensure that the employers get the workers they need.

In instances where there is an insufficient local supply of labour, the Building Trades unions are able to access the 500,000 Building Trades members Canada-wide. The travel card system in place in the UA and other Building Trades unions allows for maximum labour mobility. Under the system, a union member from outside of Saskatchewan is able to work in Saskatchewan as though he or she is a member of Local 179. The portability of pensions and benefits between jurisdictions allows maximum labour mobility among UA members. It allows UA members to go where the jobs are. People in the skilled trades, perhaps more than people in any other vocation, are required to be mobile. Journeymen, as the name implies, often travel or relocate in order to ply their trade.

“The travel card system in place in the UA and other Building Trades unions allows for maximum labour mobility... It allows UA members to go where the jobs are.”

Their sheer numbers across Canada make Building Trades members an important group to consider in any conversation about labour mobility. Applying the national unemployment rate of 8.6 per cent to the pool of 500,000 Building Trades workers yields 43,000 workers that are theoretically available to work in Saskatchewan under the current labour relations system. That number compares favourably with the record high number of workers reached in Saskatchewan's construction industry in the summer of 2008 of 40,000. It compares even more favourably with the 23,000 workers that the Progressive Contractors Association of Canada work with through their association with the Christian Labour Association of Canada and the Communications, Energy and Paperworkers (CEP) combined (Hansard, June 17, 2009: 800). For the record, CEP states that it has 5,000 workers Canada-wide working in construction (Hansard, June 24, 2009: 887).



The government says Bill 80 is needed to increase worker choice

Fact: Bill 80 reduces worker choice

“The UA strongly disagree with the Minister’s statement and in fact, believe the amendments are really about providing choice for employers.”

When introducing the amendments, Minister Norris stated that Bill 80 is necessary “first and foremost [for] the choice for employees” (News conference, March 10, 2009). The UA strongly disagree with the Minister’s statement and, in fact, believe the amendments are really about providing choice for employers.

Under the current *Construction Industry Labour Relations Act, 1992*, a construction worker in Saskatchewan has the choice to work either for a unionized or a non-unionized contractor. If that worker chooses the benefits of working on a unionized site, then he or she must join the union associated with his or her particular trade. Pipefitters, for example, must join the United Association of Pipefitters and Plumbers, or the UA. This is an arrangement that plays out over and over again in many sectors, including for the government’s own employees. If you work for the Government of Saskatchewan, you are required to join the Saskatchewan Government Employees Union (SGEU). If you work for one of the health regions as a nurse in Saskatchewan, you are required to join the Saskatchewan Union of Nurses (SUN). If you work for a publicly-funded school, you must join the Saskatchewan Teachers’ Federation (STF). If employee choice is not important in these sectors then why is it important in construction? It’s because Bill 80 isn’t about worker choice as Minister Norris would have us believe – it’s about changing Saskatchewan labour legislation to the benefit of large out-of-province contractors – even though it may be to the disadvantage of Saskatchewan workers and Saskatchewan contractors.

A close examination shows what kind of choice is offered through Bill 80. Bill 80 will allow contractors to pick the union they want to deal with through a process called voluntary recognition. This differs from the normal circumstance of unionization where workers decide they want to form or join a union and proceed through the steps prescribed in *The Trade Union Act*. Under Bill 80, a contractor may voluntarily recognize a “dummy union” or an “employer union.” This allows the employer to choose the so-called union, and then to choose the terms of the collective agreement, including wages and benefits. The only choice left to the worker is whether to work for that particular employer.



“... there is a danger that a “sweetheart” deal may be struck, one which favours the trade-union and management but which is to the distinct disadvantage of the employees.”

“Voluntary recognition under Bill 80 represents a reduction of worker choice.”



UA Local 179
August 25, 2009
Page 11

Risks with voluntary recognition were outlined in 1999 by the Alberta Labour Relations Board. In relation to a case involving voluntary certification of the Christian Labour Association of Canada, the Board said:

“... there are risks to voluntary recognition which are not present, or are less likely to be present, where the relationship is initiated by a certificate or bargaining authority issued by a labour board, following the full paraphernalia of certification proceedings. For example, there is a danger that a “sweetheart” deal may be struck, one which favours the trade-union and management but which is to the distinct disadvantage of the employees.

Alternatively, an employer may, for no readily apparent reason, invite a trade-union to enter into a collective agreement, but later examination reveals that the employer’s objective was to influence his employees against another trade-union which had been experiencing some organizational success. Finally, even in the absence of such clear improprieties, it is entirely possible that a voluntary recognition will result in the employees having foisted on them a bargaining agent which they never wanted and still do not want.” (Alberta Labour Relations Board, Vertex Construction Services Ltd. Decision, March 17, 1999. Paragraph 28)

Voluntary recognition is problematic for worker choice for another reason. Although it is allowed under the current *Construction Industry Labour Relations Act*, it is used rarely – usually by a designated union in relation to a project agreement. Bill 80 sets the stage for a much more frequent use of voluntary recognition. And because it involves an employer voluntarily recognizing a union, it pre-empts the normal union certification process. This means that the Labour Relations Board is not involved and that in effect the union in question which has been voluntarily recognized by the employer cannot be decertified, because it was never certified in the first place. Whereas a union certification carries with it an annual “open period” where the members of that union can choose to decertify it for whatever reason, that open period does not exist in the circumstances of a voluntary recognition. The upshot is that workers who are member of unions that are voluntarily recognized cannot ever decertify that union. Voluntary recognition under Bill 80 represents a reduction of worker choice.

“... Bill 80 gives preference to out-of-province contractors and their hand-picked, employee-friendly unions and then takes away a worker’s right to get rid of that union if they don’t like it, and their right to file complaints about that union if it hasn’t fairly represented his or her interests.”

And as a further assault on worker choice, Bill 80 will prevent workers that belong to a union that has been voluntarily recognized by an employer – which is always the circumstance with the Christian Labour Association of Canada in the construction industry – from taking their union to task if they feel they have not been fairly represented. Under the current labour relations model in Saskatchewan, if an individual believes that he or she has not been fairly represented by his or her union, that individual can, under s25.1 of *The Trade Union Act*, file a Duty of Fair Representation complaint against his or her union with the Labour Relations Board. Bill 80 neatly eliminates that option for workers because that section of *The Trade Union Act* applies only to *certified* unions, not to unions that have been *voluntarily recognized*. Again, Bill 80 = Less Choice For Workers.

To sum it up, Bill 80 gives preference to out-of-province contractors and their hand-picked, employee-friendly unions and then takes away a worker’s right to get rid of that union if they don’t like it, and their right to file complaints about that union if it hasn’t fairly represented his or her interests. To add insult to injury, the government has chosen to characterize Bill 80 as necessary to increase worker choice. Nothing could be further from the truth.



The government says Bill 80 is needed to make clear rules on abandonment

Fact: Abandonment provisions allow employers to get rid of unions

Abandonment refers to the notion that a union has abandoned its bargaining rights through inaction or inattention. If the Labour Relations Board finds that abandonment has occurred, it can order the decertification of that union.

Although the concept of abandonment has long been considered and applied by the Saskatchewan Labour Relations Board, neither *The Trade Union Act* nor *The Construction Industry Labour Relations Act, 1992* has ever contained provisions governing the concept. Bill 80 would legislate the concept and change dramatically the law relating to abandonment in Saskatchewan.

For the last 20 years, the Saskatchewan Labour Relations Board has ruled on matters of abandonment without requiring any specific legislative provisions to do so. The courts in Saskatchewan have, through past rulings, supported the Labour Relations Board's authority to consider and make decisions on abandonment. If the Labour Relations Board has the authority to rule on abandonment and has in fact done so, with the support of the courts, what is the purpose of the abandonment provisions in Bill 80? After a careful reading, the answer appears to be that the government is intending to dramatically change labour law in Saskatchewan to allow employers to use abandonment as a back door to get rid of union certifications. If these changes become law, Saskatchewan will be the only jurisdiction in Canada that has enacted legislation on retroactive abandonment.

The abandonment provisions in Bill 80 will allow employers to walk away from their certification orders if they can prove that a union has been inactive for three years – even in the distant past and even if the employer bringing the claim of abandonment was inactive during that time and had no employees during the three years in question. The new abandonment provisions could be used to immediately clear the decks of any certifications in the construction industry that were inactive for any three-year period in their past. This is not currently the case, because without the Bill 80 provisions, an employer could not successfully argue

“... the government is intending to dramatically change labour law in Saskatchewan to allow employers to use abandonment as a back door to get rid of union certifications.”



“The new abandonment provisions could be used to immediately clear the decks of any certifications in the construction industry, that were inactive for any three-year period in their past.”

abandonment had occurred in a situation where the employer was inactive and did not have any employees. The reasoning is obvious – a union can hardly be actively promoting its bargaining rights to an employer if that employer has no employees on whose behalf a union may bargain. Bill 80 specifies that no such limitations shall be placed on the Labour Relations Board in its consideration of the abandonment. Specifically, proposed section 6.1, subsection 4 states that:

“The board is not limited in the exercise of its jurisdiction by the system of collective bargaining in the construction industry pursuant to this Act or by the absence of employees in the appropriate unit of an employer with an active presence in the construction industry.”

Additionally, Bill 80 amendments will allow any three-year period to be considered by the Labour Relations Board in assessing abandonment, including the distant past. Section 6.1, subsection 4 states in clause (c):

“The board may consider any period of inactivity by a trade union in the promotion and enforcement of its bargaining rights, whether that period occurred before, on or after the coming into force of this section or the filing of any application pursuant to this Act or The Trade Union Act respecting that employer.”

So, for instance, if a construction company – Green Construction – is operating under a long-standing certification order in Saskatchewan, they could bring a claim of abandonment before the Labour Relations Board. Under the provisions of Bill 80, a union could be found to have abandoned its bargaining rights – and thus its certification – if at anytime in the past, there were three consecutive years of inactivity. Even if that inactivity existed because Green Construction had no employees during those years, and even if those three years of inactivity were followed by a decade of active bargaining and representation.

Changing the rules by which we govern our relationships after the fact is a power very rarely used by governments and should only be used to correct a significant injustice. Further, the Bill 80 amendments state that the Labour Relations Board is not limited in making a determination of abandonment “by the system of collective bargaining in the construction industry.” This means a union could be found to have abandoned its bargaining rights because it had bargained with the Representative Employers Organization (REO) on behalf of employees with the designated unions – as specified by *The Construction Industry Labour Relations Act, 1992* – instead of having bargained with a particular employer. For example, assume the UA has a long-standing contract bargained with a representative employer organization of which Green



Construction is a member, and the UA has been bargaining in good faith with the REO as it is required to do under the Act. Under Bill 80, Green Construction could say the UA has abandoned its responsibilities and apply to have the UA decertified. This can happen because Bill 80 allows the Labour Relations Board to ignore the system of collective bargaining in the construction industry.

It is interesting to note that the abandonment provisions in Bill 80 will apply only to construction certifications under the “old system” – that is the system of relationships between unions and unionized employers that existed since 1992 under *The Construction Industry Labour Relations Act, 1992*. New employer-driven unions do not have to worry about abandoning their obligations to their members.

Taken together, Bill 80 amendments give unionized contractors ample opportunity to shed their union certification.

This is especially important as Bill 80 essentially creates two parallel and uneven industry labour relations systems in Saskatchewan. As the Minister of Labour has pointed out, the existing system under *The Construction Industry Labour Relations Act, 1992* would stay in place for existing unionized contractors, while inviting new contractors into Saskatchewan under a new set of rules.

The government has said the Bill 80 amendments are necessary to make the construction industry more competitive. If the government is taken at its word, then contractors in the new system will be more competitive (i.e., able to more readily bid on and win contracts) than contractors in the old system. If that is the case, then contractors under the old system – Saskatchewan-based contractors with Saskatchewan workers – will be at a competitive disadvantage compared to out-of-province contractors with out-of-province workers. In essence, the government will place Saskatchewan firms and Saskatchewan workers at a disadvantage compared to out-of-province competitors.

That is bad enough, but to remedy having disadvantaged local contractors, the government has provided them with a way out of their certifications through the abandonment provisions in Bill 80 so they can compete on a level playing field with their out-of-province competitors.

The abandonment provisions built into Bill 80 are a very radical change to the system of construction labour relations and are targeted at the construction sector alone. Curiously, the abandonment provisions considered so necessary in the construction sector are not required in any other sector.

“Taken together, Bill 80 amendments give unionized contractors ample opportunity to shed their union certification.”

“... Saskatchewan-based contractors with Saskatchewan workers – will be at a competitive disadvantage compared to out-of-province contractors with out-of-province workers.”



Conclusion

This submission raises significant and substantial concerns with government's proposals to change the construction industry. We believe these changes will not improve the existing legislation and will, in fact, lead to serious harm to the industry.

The construction industry in Saskatchewan is hot. Building permits, employment levels, and apprenticeship registrations are all up. The system is not broken. The government does not need to fix it.

"The system is not broken. The government does not need to fix it."

Although the government has said that the issue of employee choice is at the forefront of their reasons for introducing the legislation, in fact, the only additional choice provided is to employers. The democratic approach would be to talk to the working men and women of Saskatchewan and not just to the Christian Labour Association of Canada and the Progressive Contractors of Alberta.

The abandonment provisions of Bill 80 are radical and will allow willing employers to shed their union certification, conceivably against the will of its workers. To retroactively change the rules governing abandonment is at odds with the principles of good and fair government.

The government is creating two parallel systems in the construction industry that will create unevenness and inequality between existing Saskatchewan workers and companies, and new workers and companies entering the province. The government does this despite the fact that these workers and companies are working hard everyday to build the strong economy and province we are all enjoying. In addition, the parallel system being created is incredibly complex and will be next to impossible to implement in a logical and orderly fashion.

The government needs to fundamentally rethink what it is trying to achieve with Bill 80. The UA, through the Saskatchewan Provincial Building and Construction Trades Council, is ready, willing and able to work with business and government to make an effective system work better. Let us not risk the stability of the system. The government should set aside Bill 80 as flawed and unworkable, and work with organized labour within the current *Construction Industry Labour Relations Act* to chart a new, fair, democratic course for the construction industry.

