

International Labour Organization suggests Sask. government rewrite two pieces of labour legislation

BY PAMELA ROTH, LEADER-POST MARCH 30, 2010

REGINA — The president of the Saskatchewan Federation of Labour (SFL) is calling it a "good day for labourers in the province" after the International Labour Organization (ILO) suggested the provincial government to go back to the drawing board and rewrite two pieces of labour legislation.

The ILO, a tripartite body of the United Nations, suggested the laws dealing with essential services and the Trade Union Act be rewritten in full consideration of and cooperation with the affected workers and labour groups.

Among its six recommended corrective measures, it also instructed the government to keep ILO officials informed of the steps being taken to bring the province into compliance with international labour standards.

The ILO itself doesn't have specific enforcement and remedial powers, but labour groups are hoping its ruling will push the government to take action.

"They have told the Brad Wall government that these laws clearly violate international law," said Larry Hubich, president of the SFL, who was "pleasantly surprised" at the depth and strength of the decision.

"It vindicates the position we've been advocating. We expect the government will comply with the recommendations and request of the ILO."

The ILO Committee on Freedom of Association examines complaints from unions and workers of member countries regarding domestic legislation that allegedly violates international laws proclaimed by the United Nations.

Last June, the National Union of Public and General Employees filed a complaint with the (ILO) on behalf of the Saskatchewan Government and General Employees' Union (SGEU) in response to Bill 5, the essential services act, and Bill 6, an act amending the Trade Union Act, which the union argues undermine Saskatchewan workers' right to freedom of association.

Bill 5 relates to maintaining essential services when a strike occurs that affects essential health, safety or other services.

The other piece of legislation deals with aspects of labour law, such as certification process. It requires a secret ballot before a union can be certified and gives employers more leeway to communicate directly with employees on certain union-related matters — a move Hubich said takes away workers ability to put any pressure on the employer to get a settlement.

Hubich said the final tipping point was when the government failed to talk with Saskatchewan employees or employers before it drafted the legislation.

If the government does not comply with the recommendations, Hubich said the SFL has every intention of proceeding with the court case it began filing last year.

"I think responsible governments are governments that pay attention to these international organizations," said Hubich. "If I was Brad Wall, I would want this fixed and want it fixed fast."

The government has responded by maintaining its labour legislation is fair and balanced, even in the wake of the ILO ruling.

If the matter does proceed to court, Rob Norris, the province's minister of advanced education, employment and labour, said that's fine with him.

"The ILO is offering an opinion that's non-binding so I think Mr. Hubich is fear mongering on this," said Norris, who noted the revised laws are consistent with the best practices across Canada.

"This legislation is sound. It doesn't change our position at all. We have every confidence our legislation will withstand any challenge."

The SFL represents approximately 95,000 workers from 37 affiliated unions across Saskatchewan.

proth@leaderpost.canwest.com