

Bill 80: Sask. Party too eager to please business supporters

BY MURRAY MANDRYK, THE LEADER-POST DECEMBER 1, 2009

Governments get into trouble when they start to put the interests of their supporters first.

Thus, the ongoing problem with Bill 80 -- The Construction Industry Labour Relations Amendment Act, 2009 -- although, in fairness to the Saskatchewan Party government, it's a bit more complex than that. There again, it almost always is.

Every controversial piece of legislation contains some valid reason for wanting change. Bill 80 is no exception. At some point, a Saskatchewan government would have had to clarify the "abandonment" issue where a union stops representing the workers -- something that the Saskatchewan Construction Association (SCA) rightfully argues is unfair.

The SCA points to one ruling by a former Saskatchewan Labour Relations Board (LRB) chair appointed by the previous NDP administration who determined he couldn't rule on abandonment issues -- an LRB ruling that turned out to be especially punitive to the owner of an electrical company that was forced to pay the union dues from the "abandonment" period.

However, complicating the matter of union "abandonment" is the fact it usually involves a business that itself has chosen to become dormant. In fact, unions would obviously prefer not to completely "abandon" a company that has been certified because of something called "double-breasting" -- a practice in which construction companies in the early 1980s under the then-Progressive Conservative government got away with folding a company that became unionized and starting up a new company, forcing the unions to organize the job site again.

While the SCA is right that this particular LRB ruling (since overturned by the new LRB under the Sask. Party government) was a head-scratcher, the unions argue that the LRB can obviously rule on abandonment issues and that there is really no need for a massive overhaul of legislation as is proposed in Bill 80. In fact, the unions have made no bones that they see Bill 80 -- especially its retroactive provision on "abandonment" -- as a new backdoor way for construction company owners to get around double-breasting laws reinstated by the NDP when it came back to power in the early 1990s.

Pro-business groups -- who obviously have the Sask. Party government's ear -- see it differently, which takes us to Thursday's attempt to ram through Bill 80 prior to this week's end of the fall sitting.

Of course, all governments are somewhat swayed by their supporters -- especially in areas as philosophical as labour. (All one has to do is look at the last NDP's government's union preference

Crown Construction Tendering Agreement, or its push to implement available-hour provisions for all part-timers to see that NDP governments have sometimes been as guilty.)

The best the rest of us can hope for is that whoever is in power isn't so beholden or captivated by its supporters that it starts to make really bad, rash policy decisions. Unfortunately, this was precisely the disturbing thing about Sask. Party MLAs trying to ram through Bill 80 in the waning hours of this sitting for what seemed to be little reason other than placating their business clientele who came to the public gallery to see Bill 80 passed.

Admittedly, there was excessive theatre at the legislature Thursday -- what committee chair and Sask. Party backbencher Greg Ottenbreit accurately described as a tantrum by the NDP Opposition. That said, when a government's members (including the chair) try to ram through a bill for no good reason other than to curry favour with either supporters or political donors, a theatrical tantrum is perhaps the only vehicle at an opposition's disposal.

Even more legitimately maddening was the remarkable hubris of Advanced Education, Manpower and Labour Minister Rob Norris and his staff, who seemed unwilling or still unable to answer issues raised by the unions at the hearings last summer.

There again, if a government is intent on jamming legislation through anyway, should we be surprised it didn't attempt to answer questions?

Unfortunately this is what happens when governments get a little too eager to do the bidding of their supporters. It tends to lead to trouble.

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