

If it ain't broke, then why meddle?

BY MURRAY MANDRYK, THE LEADER-POST JUNE 16, 2009

As a government that prides itself on its practical, if-it-ain't-broke-don't-fix-it approach to governance, the Saskatchewan Party administration's eagerness to potentially disrupt the construction industry with new legislation is a bit of a puzzler.

By virtue of its own news releases -- which laud a record \$2 billion in building permits in 2008 and a record 37,000 construction jobs last year -- there doesn't appear to be any problem that needs fixing, from the economic or employer standpoint. Also, with 8,130 apprentices working in 50 trades last year, the construction industry in Saskatchewan appears to have a strong future.

And the fact we've had no province-wide strike or lockout disruption on the labour construction front for 17 years under the current law (in which province-wide collective agreements are bargained between employers and employees) suggests things are working rather well.

So what, then, would be the pressing need for the introduction this spring of Bill 80, The Construction Industry Labour Relations Amendment Act 2009, which will be the subject of legislative committee public hearings beginning tomorrow?

Consider the Sask. Party government's other labour laws -- like the amendments to Trade Union Act and the Essential Service legislation. The former was largely philosophically driven -- an appeasement to the Sask. Party's political contributors in the farm implement manufacturing sector, who vehemently opposed certifications when a union privately got 50-per-cent-plus-one of the workers in a workplace to sign union cards.

The latter, however, was more of an exercise in political deceit. As little as a month before the 2007 election, Sask. Party MLAs said essential service legislation was not necessary. As we now see in health-care contract negotiations, not only did the Sask. Party government mislead the public and labour on its intention to implement essential services legislation, but the essential services law it passed went much, much further than anyone imagined it would.

The fear among trade unions is that Bill 80 is the worst of both previous labour laws -- one that's not only driven by pure ideology, but also far more intrusive than it appears to be on the surface.

On the surface, what's being sold publicly is a relatively innocuous piece of legislation that makes it easier for out-of-province companies to work here while giving employees more of a choice. The changes have the support of the Communication, Energy and Paperworkers (CEP) Union of Canada and the Christian Labour Association of Canada, which both want to make inroads in the province.

However, labour sees the Christian Labour Association as a "company" union that negotiates sub-par agreements. As for the government's "greater choice" argument, existing laws already allow

construction trades the choice of working either for a non-unionized employers or unionized shops, which often hire out of the Saskatchewan Provincial Building and Construction Trades Council's union hall.

One of the quirks of the new law now under review in the legislative hearings is that the employer can "voluntarily recognize" a particular union if the shop hasn't been certified already. (Yes, essentially, an employer could pick a union to deal with.)

But perhaps the most bizarre aspect of the new law is what's described as the "abandonment" of unions deemed to be inactive in a work place. Again, on the surface it would seem to make sense, but one of the reasons why unions are inactive is because a company is also inactive. This raises the spectre among labour that the new law will permit companies to reactivate old subsidiaries (perhaps even those old "double-breasted" spin-off subsidiaries created in the 1980s to avoid union certifications) as non-union shops -- or shops with more friendly unions. Unions also wonder if the legislation has been carefully crafted to let companies get around hiring through the union halls.

At worst, the new labour law may be far more nefarious than the Sask. Party government now claims. But at best, it still seems really unnecessary.

(Mandryk is the political columnist for the Leader-Post.)

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