

Proposed Draft Terms of Reference for *Labour Relations Code* Review Panel.

Whereas the *Labour Relations Code* (the Code) provides for employee access to representation by a trade union, collective bargaining, dispute resolution, and many other aspects of the relationship between employers, their employees, and trade unions;

And whereas the last comprehensive reviews of the Code took place in 1992 and in 2003 by a Committee of Special Advisors appointed by the Minister of Labour under Section 3 of the Code;

And whereas the last amendments to the Code took place in 2001 and 2002;

And whereas there have been significant changes in the workplaces, economy and workforce of British Columbia over the past several decades.

And whereas some other jurisdictions (Canada, Alberta, and Ontario) have undertaken a review of their labour relations legislation in the past 2 years;

And whereas the Premier's July 2017 mandate letter to the Minister of Labour includes the following direction:

Ensure British Columbians have the same rights and protections enjoyed by other Canadians by reviewing the Labour [Relations] Code to ensure workplaces support a growing, sustainable economy with fair laws for workers and business.

And whereas the Confidence and Supply Agreement from May 2017 contains the following commitment at Section 2 (d):

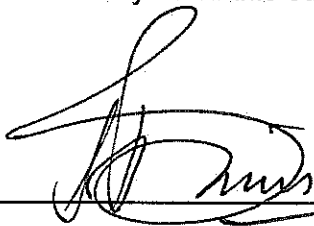
Improve fairness for workers, ensure balance in workplaces, and improve measures to protect the safety of workers at work so that everyone goes home safely and that workers and families are protected in cases of death or injury.

Now, therefore, the Minister directs that a review of the Code be undertaken by a Code Review Panel (the "Panel") as follows:

1. The Panel will consist of a Chair, one representative of employer interests, and one representative of the interests of trade unions. The three panel members will be appointed by the Minister of Labour as a Committee of Special Advisors under Section 3 of the Code. The Panel will approach the review in an independent, impartial, and balanced manner.

2. The budget for the Panel will come from the Ministry of Labour. Payment for the Chair and its members will be in accordance with government policy. The Ministry will provide administrative support for the Panel, including research and website support.
3. The Panel will determine its own procedures, including the format for reporting to the Minister and communications. It is expected that the Panel will engage in consultations with and receive submissions from interested stakeholders, including the BCLRB, from all regions of the province.
4. The Panel will provide a written report to the Minister on or about August 1, 2018 outlining its processes, observations, and any recommendations for amendments or updates to the Code. In the review and analysis of each issue, the Panel should consider relevant developments in other Canadian jurisdictions.
5. The Panel must assess each issue canvassed from the perspective of how to “ensure workplaces support a growing, sustainable economy with fair laws for workers and business” and promote certainty as well as harmonious and stable labour/management relations.
6. The Minister of Labour will make the Panel report public after a reasonable period of time to review and consider it. The Minister will also provide the report to Cabinet.

Given under my hand this 5th day of February, 2018.

A handwritten signature in black ink, appearing to read 'H. Bains', is written over a horizontal line.

Honourable Harry Bains, Minister of Labour

Proposed Names for *Labour Relations Code* Review Panel.

Chair:

- Mike Fleming, mediator/arbitrator, former Associate Chair of BCLRB.

Representative of Unions:

- Sandra Banister, labour and employment lawyer.

Representative of Employers:

- Barry Dong, labour and employment lawyer.