



## **AMALGAMATED TRANSIT UNION**

### **LOCAL 1722**

Mailing Address: P.O. BOX 2224 KRC, KELOWNA B.C. V1X 4K6  
President Scott Lovell (250) 870-2796 Vice President AJ Peressini (250) 878-3468  
UNION HALL LOCATION: #3 – 1925 Kirschner Road, Kelowna, BC

### **Labour Relations Code Review**

**Section 19 (1) change to read in the first year of a new contract only**

- **Allowing an open raid period in every year creates an upheaval for individual Unions and with the recent happenings at the Canadian Labour Congress this will allow for more raids on Locals**

**Section 35 (1 & 2) See attached document**

- **As these two sections apply to transferring of a business or operation how do they apply when a Request for Proposals for Operations are put out?**

**Section 38 - This Section needs to have a better definition for what constitutes a Common Employer**

**Question to the Board: Does a Provincial Crown Corporation have the right to Exempt themselves from any part of The Code?**

**Section 49 – There needs to be some sort of recourse or penalties if either party does not follow the Terms of a Collective Agreement. The reason for this is that many of the Employers today are Multi-National Corporations that do not familiarize themselves with current Labour laws and are use to different terms in the areas or countries they operate in.**

**Gordon Irish**

**ATU 1722**



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## BC Transit - Succession Rights

### The fight for equality and fairness:

BC Transit contracts out the entire public transit systems in the province except for a few locations.

Most of the locations which are contracted out are run by for-profit companies. The companies usually are massive for profit overseas operating companies. There are a few transit properties that are run by the municipalities which makes better sense. Decisions are made locally for local needs.

BC Transit owns all of the equipment (Buses etc.) and typically pays these for-profit companies a management fee to operate the systems.

Bidding to run the individual transit systems are done by way of RFP. (Request for proposal) The RFP is an ever-evolving document in most cases hundreds of pages long. These RFPs detail exactly what is going to happen in the transit system. The routes, the timing, transit staffing policies and expectations, training programs, maintenance programs.... Anything that can possibly detail how exactly to operate a transit system. That is all prepared and controlled by BC Transit.

BC Transit staff do everything except physically run the systems. They offload the staffing to these private for-profit companies. There is no duty to the workers in the system by BC Transit, there is no responsibility of the workers conduct in the systems by BC Transit, and there is no obligation to the workforce by BC Transit.

In recent years BC Transit has informed the companies that they should not make money off of the labour force. Meaning the companies cannot make profit off of the backs of labour. Apparently, the companies can't bill BC Transit for labour and not transfer the labour funding to the employee group - to the actual employees for the work done.

Many years ago, built into these RFPs was a caveat referred to as succession rights. What that means is workers that are in the system now that have committed to this career would have a guaranteed job, a guarantee of wage, a guarantee of yearly holiday entitlements, should in fact the operation of transit systems change to a different employer. When the Campbell government came in this was removed from all RFPs.



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BC Transit has been reluctant to put the caveat of successorship rights into the RFPs. The questions have been asked if a change in employer status occurs how does this employee group have any job? The response has been that BC Transit “can’t see it happening.” It recently has happened in northern BC. The Kitimat contract went from a very long time employer (First Transit) to a new one (PWT) and the new company severely underbid the incumbent employer and subsequently did not rehire the old workforce in whole. The workers that were re-hired were hired at a substantially lower rate of pay.

Successorship rights placed back into RFPs and designated as a policy within BC Transit by the BC Transit Board will prevent the “Race to the bottom” as is the example above. If BC Transit wants a well operated system, then the professional overseas operating organizations would strictly win the RFP bids based on their expertise and operational efficiencies, not off the backs of the workers. This would also allow the incumbent to have a fair playing field when the system they operate goes up for tender. The incumbent has to bid its present labour / workforce wages and entitlements whereas an outside bidder does not as there is no duty to the workforce to maintain any of those costs, hence the underbidding by PWT over First Transit in the north and the loss of jobs to those former employees.

We respectfully request the Minister of Labour and the Minister of Transportation and Infrastructure help us address this inequality and ensure the security of jobs and livelihood of the public transit operations workers in the province of British Columbia, by reinstating the successorship rights of workers in BC Transits RFPs.

The much-preferred option is to have public transit in the Province of British Columbia, which is funded fully by British Columbian taxpayers, whose assets are owned fully by British Columbian Taxpayers thereby fully operated by the Province of British Columbia through BC Transit.

I am available any time to try to help expand this discussion.

Sincerely Yours,

Scott Lovell

President / Business Agent  
Amalgamated Transit Union Local 1722