

April 6th, 2018

Labour Code Review Panel Hearings

Cranbrook, BC

"Unions are about fairness: workplace fairness; economic fairness; opportunity fairness; political fairness; and democratic fairness. Unions promote fairness, not just for their members, but for all Canadians"

- James Clancy

I am a Local President for BCTF and have the privilege of belonging to a Union where membership is compulsory and the benefits are tremendous. I am here today to support and concur with the BC Federation of Labour, The British Columbia Teacher's Federation and the East Kootenay District Labour Council's submissions concerning suggested changes to Section 3 of the Labour Code. However, I will speak to the Essential Services designation in particular as that pertains to my position as a public-school teacher in British Columbia.

In my roles as a member of the Executive Council for the BC Federation of Labour, a public school teacher and Union President for the BCTF and as an active member of the East Kootenay District Labour Council, I would like to reiterate and support the main points made by these organizations to this very panel for your consideration again:

- remove barriers for workers to exercise their constitutional right to join a union, including a return to signed union card certifications—a process already in place in eight Canadian jurisdictions;
- prevent employers from interfering in union organizing drives;
- end rampant “contract flipping” that enables employers to keep wages low for tens of thousands of workers; and
- ensure that the LRB has the financial resources it needs to do its job and make timely decisions.
- remove education’s designation as an essential service thereby allowing the teachers to have the same right to strike as other unions as the need arises.

Education and Essential Services designation

In particular, in my role as a public-school teacher I would like to specifically address the BCTF’s request that education be removed from the Essential Service legislation. I recently uncovered a brief done by the BC Federation of Labour in July of 2001 which addresses the very concerns I am addressing today. As events unfolded on the labour front in 2001, it became increasingly clear that the BC Liberal government’s agenda was to limit and restrict the rights of unionized workers in many sectors. Education was no exception.

On July 16th, 2001 the BC Federation of Labour presented the brief to then Premier Gordon Campbell and Labour Minister Graham Bruce opposing the inclusion of education as an essential service among other concerns throughout the labour front in British Columbia.

In a letter to the Premier on that same date, the BC Federation of Labour warned about the concerns being brought forward here today - 17 years later. They suggested that the proposed changes to the certification laws would undermine their members’ rights to freedom of association and that including education as an essential service would be equivalent to eliminating the right to strike for the K-12 sector and a denial of fundamental rights to teachers and support workers. Further, they warned that the changes proposed to the other sectors was a “direct attack on the longstanding rights of working people. The changes will take our province backward, not forward and that the changes would lead to confrontation instead of cooperation” which it certainly has.

As you are undoubtedly aware, in 1991 the word “welfare” was added to the Essential Services legislation in the statement “immediate and substantial threat to the economy and welfare of the province and its citizens.” This addition to the Labour Code opened the door for the government to add the education sector as an essential service in 2001 under the guise that the students’ welfare would be at stake if they missed school as a result of job action. When the changes were announced, the speaker stated: “This amendment to the Labour Relations Code ensures that educational programs are protected in the event of a school strike or a lockout. This legislation is a statement of our principles. Education must come first, learning must continue, and students must be able to complete their school year, regardless of their age or grade level.... It is about recognizing that our children's right to an education must take precedence over labour disputes.” This effectively took away the teachers’ right to strike when the bargaining table was unproductive. These changes were actually contrary to international law. Essential Services are restricted under the international law “to those services that protect the life, health, and safety of citizens.” As the BCTF submission states, The Freedom of Association Committee of the International Labour Organization has consistently held that governments cannot undermine the right to strike by characterizing education an “essential service.” While education is obviously a very important service in all countries, the Committee has repeatedly held that it is not an “essential Labour service in the strict sense”— that is, not in the sense that justifies interference with the fundamental right of workers to collectively withdraw services.

The BCTF goes on to state that in this legislation, the union is free to engage in its strike (or the employer its lockout) provided that essential services are maintained. The levels of essential services can significantly undermine the bargaining power of the union and should only be used in “life and limb” situations, as reflected in international law.

I worked as a public-school teacher through the stripping of contracts, the “essential services” designation, the job actions in 2005, 2011 and was President during the 2014 job action which were all very demoralizing events in the lives of British Columbia teachers. For example, when teachers tried to withdraw from such ‘essential services’ as staff meetings and completing report cards, they were docked 10% of their pay. My question to the panel is how essential, are staff meetings and report cards to the life and limb of our students? I would suggest that respecting the

rights of unionized workers to strike for better working conditions is essential – not staff meetings!

Thank you for your attention to this submission. I look forward to being witness to the positive changes for workers in British Columbia as a result of the panel's findings.

DRAFT