

BC LABOUR RELATIONS CODE REVIEW RESPONSE

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INTRODUCTION

We hereby submit our comments with respect to the review panel's proposals to amend the Labour Relations Code

We adopt the summary of the panel's proposal made by the Minister of Labour:

I am impressed with the thoroughness of their research, and the fair and balanced perspectives the three members brought to the table.

We expect that most readers of the review might have preferences with respect to certain elements of the proposals; however, it is our position that any departures from the recommendations of the panel be avoided completely in order to maintain its balanced nature.

Our suggestions pertain to the administrative and transitional implementation of the proposed Code revisions.

OUR RECOMMENDATIONS

Common Construction Open Season - Timing

The Panel accepted submissions with respect to a common raid period for the construction period. We have no objection to a common raid period, but the optimal period is actually the fall season. Generally, increases in summer employment in the construction industry are due to an influx of short-term or casual positions. Where seasonal considerations have a bearing on employment statistics, the fall represents the peak period for regular, full time skilled tradespeople. In such cases, the fall season

would present the truest measure of the regular composition of a bargaining unit. Presumably, it is the distinctions between full time skilled tradespeople from other industrial work forces that lends support to a common raid period proposal.

In addition, avoiding the summer months has the practical advantage that it will not compromise Labour Relations Board administrative capacity during the vacation period.

OUR RECOMMENDATIONS

Common Construction Open Season - Transition Year

The Review Panel has not addressed the transition period for change of the raid period in construction. It is clear that the Panel's sentiment was to promote industrial stability by limiting raid periods to every three years, rather than once annually.

It follows that since very few construction agreements in BC now have a July/August raid period, this might lead to unions facing two raid periods in the same twelve-month period. We suggest that in the year of implementation, there be at least 10 months between open seasons so as not introduce more instability into the workplace.

OUR RECOMMENDATIONS

Common Construction Open Season - No Split Open Season

Finally, a transitional requirement is required to deal with collective agreements that expire between July 1 and August 31 (or such other period as is ultimately determined to be the raid window), in order to avoid a split open season. We propose that the raid period extend to August 31 (or the last day of the raid window) even where

the collective agreement has expired. The simplest transitional provision would be to extend any such collective agreement to the last day of the raid window. This would eliminate the issue of a strike or lockout establishing a bar to a raid application or reduction of the raid window upon renewal of the agreement within the raid window.