



Business Manager/Secretary Treasurer's Update, July 2020

July 24, 2020

Dear Brothers and Sisters,

The recent introduction of Bill 32 in the Legislative Assembly is reason for concern for unions and unionized workers. Bill 32 does not create any real savings or efficiencies for reasonable employers to improve competitiveness or job creation. No balance is restored. Rather the labour relations balance is significantly tipped toward employers at the expense of employee rights and the rights of the trade unions that those employees choose to represent them.

Bill 32- Restoring Balance in Alberta Workplaces Act, 2020

- On July 07, 2020 the Government of Alberta introduced amendments to Alberta's Labour Relations Code. These changes are significant and will reduce the bargaining power and legal protection for workers in Alberta.
- In fact, Bill 32 turns back the hands of time and undoes the just and fair workers' rights won by Alberta's trade unions over the past decade. Also concerning is that several of the amendments may infringe upon our freedom of association and freedom of expression that are protected by our Charter of Rights and Freedoms. Some of these changes are now being debated in the Legislative Assembly.

Why should you be concerned? Because:

Picketing

- Bill 32 restricts trade unions from picketing at premises where the employer has moved the work.
- Obstructing or impeding a person who wishes to cross a picket line is now deemed a wrongful act.

Union Financial Statements

- Bill 32 appears to allow the government to interfere with how a trade union manages disclosure of its financial statements. For example, Bill 32 opens the door to the government and empowers them to force us to disclose financial information to our employers and even to competitors like CLAC.

Union Dues Deduction, OPT in Requirements

Lodge 146 members have a long standing tradition of generously donating to many worthwhile causes such as the Food Bank, School Lunch Programs, Homeless Shelters and Christmas baskets for low income families. Members also support Brothers and Sisters at Christmas time who are on long term and short term disability.

Bill 32 would dictate the stoppage of all of these donations because the Lodge would be unable to determine which members are willing to support which causes. To clarify, this means union members either elect to pay for charitable causes and other activities from their union dues or they elect NOT to pay them.

Closing the Open Period

Bill 32 allows trade unions and employers to negotiate a new collective agreement prior to the open period and close the statutory open period before it occurs. This effectively stops applications for certification from a competing trade union. This amendment is a clear and unfair benefit to organizations like CLAC.

Again Bill 32 is undoing workers' rights that trade unions worked tirelessly for over the past decades.

Ten or so years ago, the Labour Board and the Courts in Alberta decided that the practice of allowing a trade union and employer to close an open period early violated the fundamental right of an employee, (not their employer or their union) to make their own choice to select which trade union would represent them. This is a protected right under the Charter of Rights and Freedom.

Unfair Labour Practices

Bill 32 also negates the Armstrong decision of the Alberta Court of Appeal. A union's right to expel or discipline a member for taking non-union work is now further curtailed than it was before Bill 32. The opportunity for a union with a dispatch system to suspend or expel a member for working non-union has been greatly and further limited.

Construction Provisions

- The definition of construction continues to generally exclude maintenance. However Bill 32 now includes maintenance in the definition of construction in two sections of the Labour Code.
- There are additional certification provisions that allow for an all-employee bargaining unit in construction and maintenance. Trade unions like Lodge 146 are subject to registration, and can only apply for certification of trade specific bargaining units whereas other unions can apply for all employee bargaining units.
- Both bargaining units are now deemed to be appropriate for construction and maintenance. These changes only benefit organizations like CLAC and do not provide any benefits to Lodge 146.
- Further the Building Trades of Alberta (BTA) is the bargaining agent for project agreements. Lodge 146 terminated affiliation with the BTA on Tuesday, January 22, 2019.
- Bill 32 provides provisions that codify the practice of the BTA entering into project agreements to which trade unions can become bound to if they wish. Trade unions are not to be part of any project agreement but once a union agrees to be bound, changes are negotiated by the BTA, not the individual trade union.

There are serious concerns about what having the BTA designated as the “bargaining agent” means, especially when not all the building trades unions who may be party to a project agreement are even members of the BTA. The idea that a union member’s choice for their bargaining agent can be ignored or overturned is very concerning. It will be interesting to see how the BTA, in the future,

exercises its bargaining agent status in terms of representation of the affected employees.

The changes listed above are the most noteworthy for Lodge 146. There are more changes proposed in Bill 32.

I encourage you to call your local MLA and ask them to explain the many provisions of this Bill.

For example:

1. Who do these amendments benefit?
2. Who was consulted on these amendments?
3. Why are these amendments necessary?

Now is the time to act.

Respectfully,

Hugh MacDonald