

July 16, 2020

## Alberta government is attacking worker's rights

Last week, the United Conservative Party government of Jason Kenney introduced Bill 32, the Restoring Balance in Alberta's Workplaces Act. It's a massive omnibus bill that amends six different labour and employment relations acts. Don't be fooled by the title of the Bill, it is, without a doubt, an attack on workers and unions to the benefit of corporations and the rich.

And while members that work at Canada Post fall under federal jurisdiction, other CUPW members from private sector bargaining units may be targeted by this bill. At any rate, an attack on one group of workers almost inevitably has repercussions on other workers. This bill must be halted!

Bill 32 is inspired by an American approach to labour and employment relations. A shift to a low-road economic strategy that will promote low wages, poor working conditions, weak environmental standards and impatience with democratic dissent.

Numerous organizations in civil society and experts have analyzed in detail the proposed bill and have concluded it threatens workers' bargaining power and workers' political activities in their fight for better working conditions.

As mentioned, Bill 32 contains numerous changes. To better understand the scope of these, Jason Foster, a labour relations professor at Athabasca University has summarized the amendments in three categories.

### **Punish Unions amendments.**

These sections aggressively target unions and union activities. The bill requires unions to receive each individual member's consent to collect the portion of dues not related to core representational activities. This runs counter to Lavigne (1991) and is a punishment for the labour movement's active campaign during and after the 2019 election. The bill also severely restricts picketing by prohibiting picketers from

"obstructing or impeding" anyone attempting to cross a picket line and requiring unions to seek permission from the labour relations board before conducting any secondary picketing. These amendments, again, run counter to recent jurisprudence promoting picketing as a fundamental component of freedom of expression under the Charter, and will weaken the bargaining power of workers.

### **Insidious Damage amendments.**

These sections target technical and legalistic aspects of the labour relations system and are designed to quietly provide an advantage to employers, in particular employers seeking to avoid unionization. The bill eliminates timelines for certification votes. The bill also removes automatic certification as a potential penalty for an unfair labour practice. Other sections restrict the scope of decision-making for arbitrators and make it easier for the labour board to overturn arbitration decisions. Some of these amendments undo changes made by the NDP while others chart new territory, but all take labour relations in the direction of benefiting the employer and making it harder to organize a union and defend a collective agreement.

### **Take Advantage of Vulnerable Workers amendments.**

There are a number of changes to the Employment Standards Code (ESC) that make it easier for employers to side-step core employment standards. As an example, the bill enhances employer flexibility through "averaging agreements", which permit the averaging of working hours for overtime pay purposes. Most significantly it removes the requirement that an employee consent to an averaging agreement, and allows the employer to unilaterally impose one.

Bill 32 also makes it easier to lay-off workers by reducing notification requirements, increases the time period



where no severance pay is required, and excludes seasonal and contract workers from notification requirements. These particular changes may seem minor, but when the law makes it easier for employers to lay off workers, the lay-off “threat” is enhanced, thus further shifting power to employers.

CUPW agrees with Professor Foster’s conclusion: If passed, Bill 32 will have material impacts on hundreds of thousands of workers. Unionized workers will see their union advantage erode, workers wishing to be unionized will find the road more difficult, and the most vulnerable workers will be increasingly at the mercy of their employer.

Gil McGowan, President of the Alberta Federation of Labour, called the bill unconstitutional and said “we will fight on the political stage, we will fight in the courts, and if necessary, we will fight in the streets.”

McGowan added that a new definition of union activities means that any lobbying for things like health and safety or paid sick leave would be labelled as political and would therefore, according to the bill, severely limit unions’ capacity to advocate for their members.

The government estimates that the bill will save businesses more than \$100 Million per year, allowing employers to expand the types of jobs that 13- and 14- year old children are allowed to do, without a permit or oversight.

The balance of Alberta’s workplaces remains heavily tilted in favour of employers and this bill hamstring unions with red tape and unconstitutional limits on their right to advocate for their members.

### **What can we do to oppose Bill 32?**

The Alberta Federation of Labour has launched a campaign to let your elected representatives know workers oppose this legislation.

I invite all CUPW members to join the fight for all worker’s rights. All of us will be affected by this anti-worker bill.

Please visit <https://www.afl.org/defend-worker-rights>

In a few clicks, you will be able to send a clear message to your politician.

An injury to one is an injury all!

In solidarity,

Lana Smidt  
National Director, Prairie Region

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