

Let workers decide

The NDP and Bloc mustn't be allowed to make Quebec's draconian labour law the standard for the rest of Canada

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You'd think parties claiming to represent workers would refrain from undercutting their power. But the Bloc Quebecois and New Democrats have been anything but helpful to working Canadians this past year. The two parties, mouthpieces of special interests and only truly concerned about employees who sign a union card, have busily spun misinformation about provincial labour laws in order to foist a restrictive model on the federal scene.

In a parliamentary debate in June on a second reading of Bill C-257 (to amend the Canada Labour Code to ban "replacement workers"), Richard Nadeau, a Bloc Quebecois Member of Parliament, claimed that "Quebec and British Columbia have legislation prohibiting the use of scabs" and argued Ottawa should follow their example.

It was a half-truth. B.C.'s legislation bans employers from hiring outside workers to replace strikers. But striking B.C. employees (if employed before bargaining started) can walk across their union's picket line if they disagree with their union. The B.C. law largely preserves the right of an individual unionized employee to dissent from the union's decisions.

That's a freedom Quebec's draconian law does not provide. Instead, Quebec law strips away an employee's right to work and to dissent, to say nothing of how it allows a labour dispute to cripple a business. That's in sharp contrast to the other 10 labour code jurisdictions in Canada.

But if the NDP and Bloc have their way replicating Quebec's legislation federally, someone with 20 years seniority in a workplace could be designated as a "replacement worker" and banned from making their own decision on whether to support a strike or not.

The misrepresentation of the B.C. law is unfortunate. So, too, is the claim by proponents of C-257 that their bill would lead to fewer strike days and less labour-related violence. Hardly. Quebec bans both outside replacement workers and employees from crossing a picket line. According to Statistics Canada, it also had the largest share (45%) of strikes and lockouts in the country in 2005.



As for violence, it is not an uncontrollable reflexive reaction. To hint otherwise insults the majority of employees, who would never engage in such acts. Instead, they assume responsibility for their own actions and choose the rule of law over the jungle.

Employees should be protected from violence by police, labour boards and courts upholding the rule of law, which unfortunately doesn't always occur. The lack of police adherence to the oath they swear to the Criminal Code is a matter of serious public policy concern.

The labour movement wants a restriction on the right of unionized workers to dissent from union strike orthodoxy because it doesn't want a union divided at a critical juncture: when a decision is made to strike. But just as unions can dissent from the status quo by striking, its own members should not to be forced to comply -- they should comply only when they, too, are convinced the strike is justified.

A good example occurred last year in the Telus dispute in Alberta, British Columbia and points east. After the Telecommunication Workers Union (TWU) refused to show employees any company offer for half a decade, it became clear that Alberta Telus employees were more interested in working than hitting the barricade. Yet union leaders insisted on a strike. By the end of the strike, 57 % of Telus's unionized workforce in Alberta had crossed the picket line -- some 3,000 unionized employees.

Telus workers had every right to go back to work during the strike under current federal legislation. As a result, there was significant pressure on the union precisely because workers could and did cross picket lines. Finally the employees saw a revised deal, which they accepted nationally.

If employees didn't have the right to cross the picket line -- as the Bloc-NDP axis want in Bill C-257 -- dissent with the union would never have been revealed and the TWU, now undergoing civil wars within its ranks, never would have confronted its own problems.

When union leaders can persuade the vast majority of their members that the unions demands are fair and smart, they needn't worry about the unionized employees crossing lines.

Quebec is the only government that prevents employees from freely making their own free decision on whether to cross a picket line. Elsewhere, the provincial governments protect the right of businesses to make a living and for individual employees to dissent from the union. That's an actual level playing field: striking employees can find other work to pay the bills if they so choose; businesses, to avoid bankruptcy, can hire replacements and allow back striking workers.

Bill C-257 would prevent workers from crossing their own picket lines if they think the union has gone too far. Instead, it would copy the worst aspects of a Quebec labour law that robs employees of choices and rights.

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