British Columbia Liberals introduce omnibus anti-worker legislation

David Adelaide
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Fresh from announcing massive layoffs and "restructuring" in the health-care sector, British Columbia's Liberal government has introduced three bills attacking the conditions of employment of all workers. Bills 42, 48, and 49 amend, respectively, the Labour Relations Code, the Employment Standards Act and the Workers Compensation Act in ways that attack historic gains of the workers' movement, such as the 8-hour workday and the right to bargain collectively. It is expected that the three bills, introduced May 13th, will become law by the end of the spring session of the legislature.

The BC Liberals' labour legislation is modeled on changes made by the Ontario Tory government over the course of the seven-year premiership of Mike Harris. The three bills include the following measures:

* The mandate of the labour relations board is being changed to include a stipulation that it make business "viability" its foremost concern. Henceforth, the board will have to ensure that its determinations—which concern everything from interpreting contract clauses governing work-rules to union certification—promote corporate viability, which is another way of saying profitability, since only companies with high rates of return can attract capital. (Bill 42)

* Employers are to be allowed to present "their side of the story" during union certification drives and de-certification campaigns. Whereas previously employers were not supposed to try to influence workers in their union allegiance, management will now be allowed to appeal directly to workers to try to influence their decision as to whether they want to belong to a union and, if so, which one. (Bill 42)

* Employers will be able to ask workers to "agree" to averaging, for payroll purposes, their weekly hours of work over two- to four-week periods, so as to reduce or eliminate overtime payments. Under such averaging arrangements a worker could work 60 or even 75 hours in a given week and still receive not a cent in overtime. Employers are thus being provided a means to get around restrictions on the length of the workweek, and can be increasingly expected to expose workers to the danger, inconvenience, and boredom of excessively long shifts. (Bill 48)

* The minimum length of a workday (i.e., the minimum shift payment) is being cut from four to two hours. (Bill 48)

* Double-time premiums are to apply only when the workday exceeds 12 hours, instead of the previous bench-mark of 11 hours. (Bill 48)

* The Director of Employment Standards is no longer required to grant an employer permission to employ children under the age of 15. Parental permission will suffice. (Bill 48)

* The benefits awarded injured workers by the Workers Compensation Board are to be curtailed, especially initial benefits to new claimants, and the inflation-protection of benefits is to be capped. The cuts in payments to injured workers are expected to save the government between $100 and $300 million annually. (Bill 49)

Initially, the legislation will have its biggest impact on smaller, likely non-union businesses. However, its effects will also be felt in unionized workplaces, both directly and indirectly.

Directly, in that the legislation removes the protection of general employment standards from workplaces where a collective agreement is in force, meaning each specific standard will apply only if it is explicitly included in the union contract. Existing collective agreements assume general employment standards and only include measures that either exceed, or, as is

increasingly likely in these days of thoroughly coporatized trade unions, under sell the general standards. Undoubtedly, companies will seek to take advantage of the ending of automatic labor standard protection to press for concessions.

Indirectly, the legislation threatens to have an even greater impact, for the general erosion of work standards will provide unionized companies with both a pretext and increasingly an economic compulsion to press for the introduction of similar sweatshop conditions. And, as has been shown by the past quarter century of broken strikes and contracts concessions, the unions will capitulate in the face of such an employer offensive and join with management in the gutting of work standards in a vain effort to preserve their dues base.

That the unions, no less than the Liberals, are committed to "business viability" is underscored by their reaction to the Liberals' legislation. While deploring the legislation as "an employer bill of rights" and a "massive transfer of power and money from workers to employers," the British Columbia Federation of Labour has urged the Liberals to withdraw Bills 42, 48 and 49 on the grounds that the labor strife they will provoke will scare away investment leading to "economic instability."

Needless to say, big business has welcomed the Liberals' changes. According to John Winter, president of the BC Chamber of Commerce, the legislation has "got a balance. It's got protection for employees built in and recognizes how fast the world of work around us has been changing. In fact the classic nine-to-five work environment is perhaps not even the majority any more."

The "protections" Winter is referring to are a sham. The legislation does provide more severe fines, as well as the mandatory application of those fines, to employers who breach the various employment standards. But if in the past it has been extremely rare for employer violations to be prosecuted, how much the less so once the standards themselves have been greatly relaxed. Also, section 76-3-d of the amended Employment Standards Act is expected to place a greater portion of the responsibility for documenting violations on employees.

Labour Minister Graham Bruce has indicated that these measures are only the beginning of the Liberals' offensive against the working conditions and union rights of British Columbia workers. "This is a work in progress," he recently declared. The Liberals have announced they will soon be bringing forward major changes to occupational health and safety standards and have suggested they may make policing workplace standards the responsibility of employer associations.