

December 8, 2010

The Honourable Marilyn More
Minister for Labour and Workforce Development
5151 Terminal Road, 6th Floor
Halifax, Nova Scotia B3J 2T8

Dear Minister More:

On behalf of tens of thousands of employers in Nova Scotia, we are writing to follow up on our meeting yesterday. Based on your suggestion, please consider this letter our response to your invitation to propose amendments to clarify government's intent with respect to Bill 100 and its impact on the province's businesses, particularly small- and medium-sized businesses.

First, let us state that while we appreciated the opportunity to speak directly with you, we continue to have serious concerns with Bill 100 in its current form. Further, we have no objections if you move forward with the piece of the Bill that the public was consulted on - the move to establish one new Labour and Employment Board - and remove the pieces that did not involve consultation until these additions have been carefully evaluated and thoughtfully debated by employers and employees in Nova Scotia.

We must share our disappointment with the message that government intends to pass Bill 100 in its entirety. Fortunately, we believe our suggested amendments can be easily adopted in that they simply echo the information and intent of the legislation which you shared with our group.

As you know, we are concerned with the ambiguity of the current language on successor rights, fearing it will prevent contracting out, limit government's ability to save money by moving work to the private sector and will limit the number of firms willing to do business with government. Given your assurances that this piece of the bill is not intended to impact procurement or contracting for services and that government is saying that "successor rights would only come into effect if Government stops providing a service, and that operation is sold or transferred outside of Government", we are asking you to amend s. 31 to read:

"(3A) Notwithstanding subsection (1), section 31 applies to Her Majesty in right of the Province and employees of Her Majesty if Her Majesty in right of the Province stops providing a service, and that operation is sold or transferred except, and without restricting the generality of the following, that Section 31 shall not apply to procurement and contracting of government services and with respect to persons to whom the *Teachers Collective Bargaining Act* applies."

As you heard, we are most concerned the Labour Management Review Committee (LMRC) will have no non-unionized representation. This is particularly concerning given that 82 per cent of private businesses are non-unionized. Although you specified that the LMRC will only cover the Trade Union Act and other labour relations statutes, changes to this legislation *would* impact non-unionized workplaces. Without formal representation on the committee for non-unionized workplaces, the scope of the LMRC's mandate must be limited to parts of the Trade Union Act that impact only unionized workplaces. For this reason, we recommend the following amendment:

“(4A) The function of the Committee is to:

(a) Review, report on and make recommendations to the Minister on labour-relations issues arising out of the *Civil Service Collective Bargaining Act*, Schedule A of the *Corrections Act*, the *Highway Workers Collective Bargaining Act* and the *Trade Union Act* on an ongoing basis; and

(b) Where directed the Minister, conduct a review of this Act and the Statutes referred to in clause (a) or any part of them;

however, shall not include any aspect of the acquisition of representational rights under the *Trade Union Act*.

The foregoing is consistent with the Premier's commitment in the House on December 2 that the Government has “absolutely no intention of bringing forward any legislation that will interfere with the secret ballot process”, and that the secret ballot process is central to the acquisition of union representational rights for the non-construction industry.

In addition, it is essential that the Minister conducts broad consultations directly with all Nova Scotians before any changes to the Trade Union Act and other labour relations statutes are enacted. This consultation would be in addition to any consultation done by the LMRC. Therefore, Bill 100 should be amended to include:

(4G) The Minister shall consult the public, including non-unionized employers and employees in relation to labour relations issues that affect all workplaces, including non-unionized employers and employees in the context of the Committee's function.”

Finally, we are concerned with the impact of the proposed preamble to the bill - which clearly outlines the bill's legislative purpose - will have on labour relations decisions in Nova Scotia. As such, Bill 100 must specify that the preamble is not intended to influence the interpretation of the legislation by including the following amendment:

“AND WHEREAS the Government of Nova Scotia, by this preamble, does not provide legislative purpose, legislative values and assumptions, nor shall this preamble be considered by the Labour Board in its interpretation of this Act.”

We want to once again state our opposition to the Labour Board Act in its current form. It is our hope that our suggested amendments will improve the legislation and ensure that it is interpreted as government intended.

Sincerely,

Atlantic Building Supply Dealers Association

Atlantic Recreational Dealers Association

Canadian Council of Grocery Distributors

Canadian Federation of Independent Business

Canadian Restaurant and Foodservices
Association

Canadian Manufacturers and Exporters

Construction Association of Nova Scotia

Halifax Chamber of Commerce

Halifax-Dartmouth Automobile Dealers
Association

Merit Contractors Association of Nova Scotia

Nova Scotia Automobile Dealers Association

Nova Scotia Chambers of Commerce

Nova Scotia Home Builders Association

Nova Scotia Natural Gas Association

Nova Scotia Road Builders Association

Office of Employer Advisor

Offshore/Onshore Technologies Association
of Nova Scotia

Restaurant Association of Nova Scotia

Retail Council of Canada

Cc: Jamie Baillie, Leader of the Progressive Conservative Party
Stephen McNeil, Leader of the Opposition