



British Columbia

October 6 2014

Via email

The Honourable Yonah Martin
Senator
The Senate
Ottawa, Ontario
K1A 0A1

Dear Senator Martin,

The Fall session has resumed with renewed debate on Bill C-377, An Act to Amend the Income Tax Act (Requirements for Labour Organizations).

As you are well aware, your Chamber debated and voted to amend the worst elements of this badly drafted legislation in June 2013. However, the proroguing of the House returned it to your hands in its original form to be debated again.

The Public Service Alliance of Canada BC Region stands by our assessment of the original Bill C-377 as creating unnecessary bureaucratic red tape that would be expensive for government to administer and would intrude on individual privacy.

As you prepare to vote on the Second Reading of this Bill, it is the labour movement's imperative to remind our legislators of the flagrant problems with this bill and to reiterate our concerns that this bill will bring little benefit, but will cause excessive problems for unions. And this is, in fact, its sole intent and purpose.

This bill wrongly violates Canada's Constitution and the *Charter of Rights and Freedoms*. The Banking, Trade and Commerce Committee heard from eminent constitutional experts who testified that Bill C-377 falls outside Parliament's jurisdiction. These include not only independent constitutional experts but also the Canadian Bar Association and the Barreau du Québec.

As previously mentioned in debates in your Chamber, most provinces and the federal government already have legislation that require unions to make financial reports available to union members automatically or on request.

Out of a wide range of non-profit and professional organizations that democratically, and, I might add, appropriately, govern their own affairs, from doctors to lawyers to engineers to accountants, Bill C-377 exclusively singles out unions for punitive and costly treatment.

Bill C-377's reporting bureaucracy will be very costly for the federal government to set up and administer, for employee pension and benefit plans and for over 25,000 unions and labour organizations representing over 4 million Canadians. Those costs will all have to be paid by ordinary taxpayers. It will also be very expensive for the federal government, both as

government to administer and as employer, when the pension and health plans for its own unionized workers pass on these new administrative reporting costs to the government.

Bill C-377 would wrongly intrude on the privacy of individuals, businesses, employers and unions.

The violation of the privacy of more than 4 million unionized Canadians, including 18,000 members of the Public Service Alliance in British Columbia, and tens of thousands of businesses created by Bill C-377 clearly invites judicial challenges. Where is the benefit to Canadians in publishing the details of a widow's survivor benefits or an employee's counselling treatments? Also brought into this broad net would be the publishing of the details of commercial contracts small and medium-sized businesses have as suppliers to 25,000 unions and labour organizations.

You can once again put a stop to this mistaken and error ridden legislation. You can do so completely in keeping with your important role in the Canadian Constitution as the house of sober second thought. It is within your mandate to protect Canadians from a political failure by the House of Commons.

We urge you to reflect on the witnesses you heard from when this bill was first studied at the Banking, Trade and Commerce Committee where the overwhelming testimony from those witnesses who are independent of any labour organization or one of the organizations lobbying for the bill, called for the bill to not be passed.

The bill causes Canada's Privacy Commissioner concern, and it offends the intent of federal and provincial privacy laws.

It creates an unfair advantage for non-union construction contractors and an uneven playing field in the labour market. It ignores the basic facts of the democratic structures of trade unions and the legal frameworks within which trade unions already operate.

This bill is flawed and should be defeated. However, should it advance through the Senate, we recommend that it proceed to full committee hearings to allow for concerned intervention and thorough study.

Yours sincerely,



Bob Jackson.
Regional Executive Vice-President, BC
Public Service Alliance of Canada



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Senator
The Senate
Ottawa, Ontario
K1A 0A1

Dear Senator Martin,

The Fall session has resumed with renewed debate on Bill C-525, an An Act To Amend The Canada Labour Code, The Parliamentary Employment And Staff Relations Act And The Public Service Labour Relations Act.

The Public Service Alliance of Canada, BC Region, which represents 17,500 workers in BC, is opposed to any federal legislation which undermines the stability and balance in Canada's labour relations system. Our labour relations system is supported by both unions and employers and is effective in resolving the overwhelming majority of disputes without a work stoppage. The system is the result of a genuine and proven consultative and consensus process among the stakeholders.

The last major review of the *Canada Labour Code* occurred in 1995 and the subsequent report "Canada Labour Code, Part 1, Review: Seeking A Balance" was authored by Andrew Sims. The Sims report concluded that the *Canada Labour Code* served employers, the government, unions and the public well, that stability was key to a desirable labour relations system, and that "pendulum-like" changes to the *Code* did not serve the best interest of the parties or the public.

"To push the pendulum too far or too frequently destroys the predictability and underlying credibility upon which an effective system depends." More importantly, Mr. Sims argued that if labour laws were to be changed, they should be changed because there was a demonstrated need, and that the public interest was no longer served.

Bill C-525 neither makes labour legislation consultatively or consensually through the parties, it seeks to provide a solution that is looking for a problem. Bill C-525 makes changes to the *Canada Labour Code* for which neither unions or employer groups have asked.

The most troubling and abusive part of C-525 is the attack on workers' rights to certify a union. The Bill enables employers to decertify a union. The bill dramatically lowers the threshold for decertification.

Further, the Canada Industrial Relations Board presented a study to the Standing Committee studying this bill that revealed the mandatory voting called for in Bill C-525 will result in a 500% increase in costs.

Bill C-525 will help lead to a destabilization of labour relations in the federal sector. It is bad for our workplaces, our economy and the interests of Canadians. This bill is flawed and should be defeated. However, should it advance through the Senate, we recommend that it proceed to full committee hearings to allow for concerned intervention and thorough study.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Bob Jackson". The signature is fluid and cursive, with a large initial "B" and "J".

Bob Jackson
Regional Executive Vice-President, BC
Public Service Alliance of Canada