



Newfoundland and Labrador  
New Democratic Party

P.O. Box 5275, Stn. C  
St. John's, NL A1C 5W1

Lana Payne  
Atlantic Regional Director  
Unifor  
63 Otter Lake Court  
Halifax, NS B3S 1M1

May 1, 2019

Dear Ms. Payne:

Thank you for your questionnaire concerning our Party's position on issues important to Unifor in this election campaign. Our responses are below.

### **Labour Standards Act**

*1. Do you, on behalf of your party, commit to reviewing the Labour Standards Act and regulations and to updating those laws to improve working conditions for all workers, including:*

*a. Amending the Labour Standards Act to raise the minimum wage to \$15 an hour; make it clear in the Regulation under the Act that overtime is paid at 1.5 times a person's regular hourly rate or 1.5 times the minimum wage, whichever is greater; provide for 2 paid sick days, where required, after 1 year of employment with an employer and decrease the number of years necessary to reach three weeks of paid vacation from 15 years to 7 years ;*

*b. Providing restrictions on the ability of employers to schedule employee work hours, so that employees have access to more regularly scheduled shifts and less precarious employment;*

*c. Increasing the number of Labour Standards officers in order to proactively identify and rectify violations of the Labour Standards Act, as opposed to having a complaints driven system?*

The NDP's commitment to labour issues in the House is a long and consistent one. A review and overhaul of the Labour Standards Act is long overdue, and these issues highlighted by UNIFOR are issues we have repeatedly called on government to do.

We are committed to reviewing the Labour Standards Act and updating regulations to improve working conditions for all workers. Specifically, but not limited to:

We are committed to incrementally raising the province's minimum wage to \$15 an hour by 2021.

We will pass clear regulations saying employers must pay overtime at 1.5 times a person's regular hourly rate or 1.5 times the minimum wage, whichever is higher.

We commit to changing legislation to provide for 2 paid sick days, where required, after 1 year of employment with an employer and we will decrease the number of years necessary to reach three weeks of paid vacation from 15 years to 7 years ;

We will ensure restrictions are legislated on the ability of employers to schedule employee work hours. Workers have the right to more regularly scheduled shifts and less precarious employment;

In our constituency work we see workers who find the wait time and the process for filing complaint under the Labour Standards Act as a barrier to ensuring their rights are respected. We agree with increasing the number of Labour Standard officers, but further commit to reviewing and redesigning the process of making a complaint under the Act, to ensure people get heard in a fair and timely fashion.

## **Labour Relations Act**

*2. Do you, on behalf of your party, commit to amending the Labour Relations Act so that:*

*a. Where a company tenders work to a third party and the third party provides services at the company's location, if the company retenders such work then any bargaining rights relating to the contracted work is maintained, even if the third party provider changes, as if there had been a sale of business;*

*b. After 90 days of a strike or lockout, the Labour Board must appoint a special mediator with the power to compel the parties to meet and negotiate in good faith with the assistance of the mediator;*

*c. Either party may apply to the Board for an order requiring the resolution of the a strike or lockout by binding arbitration and providing the Board with specific authority to make such an order, where the Board is satisfied that:*

*i. Based on a review of the bargaining history the parties will not be able to conclude a collective agreement; or*

*ii. One of the parties has committed an egregious unfair labour practice relating to collective bargaining;*

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*d. Where employers lockout employees as part of its collective bargaining strategy, such employers are precluded from using replacement workers.*

The Labour Relations Act is overdue for these amendments. The Vale strike of 2010-2011 and the 2016-2018 DJ Composites lockout make it very clear the Act needs to be amended to level the playing field when workers have a dispute with their employers.

Recommendation 5 of the 2011 Industrial Inquiry Commission into the Vale strike at Voisey's Bay calls for amending the *Labour Relations Act* to impose binding arbitration in cases when a company has bargained in bad faith, collective bargaining has failed or when it is in the public interest to do so. This has yet to be done.

The NDP commits to ensuring this work gets done.

The Labour Relations Act must be amended so that binding arbitration is triggered in situations where a strike or lockout is protracted, or a company is found to be bargaining in bad faith. In the case of DJ Composites, the Labour Relations Board ruled twice that the U.S. owned company was guilty of bargaining in bad faith.

Specifically, we commit to amending the Act to ensure:

- After 90 days of a strike or lockout, the Labour Board must appoint a special mediator with the power to compel the parties to meet and negotiate in good faith with the assistance of the mediator;
- Either party may apply to the Board for an order requiring the resolution of the a strike or lockout by binding arbitration and providing the Board with specific authority to make such an order, when the board is satisfied that:
  - a review of the bargaining history indicates the parties will not be able to conclude a collective agreement;
  - or where one of the parties has committed an egregious unfair labour practice relating to collective bargaining.

Another contentious issue that has plagued strikes in this province is the ability of employers to use replacement workers. This undermines the right of workers to effectively negotiate with employers.

The NDP is committed, and has lobbied governments in the House for many years, to enact anti-replacement worker legislation.

The serial retendering action by employers is a loophole that needs to be closed, so that unionized worker stay protected. The NDP commits to closing this legal loophole and protecting unionized workers.

Note: while UNIFOR did not ask us for a position on offshore worker safety we agree that an independent offshore worker safety and environmental protection authority is needed.

It was the key recommendation into the Offshore Helicopter Safety Inquiry headed by Justice Robert Wells.

The NDP has been demanding that the provincial government work with its federal counterparts to create an offshore safety and environmental protection authority for many years.

Thank you again for your interest in the policies and positions of the Newfoundland and Labrador Party.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Coffin".

Alison Coffin  
Leader, NL NDP