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April 15, 2019

VIA Mail and Email:

Premier Dwight Ball, Liberal Party Leader
Ches Crosbie, Progressive Conservative Party Leader
Alison Coffin, New Democratic Party Leader

Unifor's Newfoundland and Labrador Election Questionnaire

Dear Party Leaders,

I am writing on behalf of Unifor members in the Province of Newfoundland and Labrador regarding serious concerns we have with the province's labour and employment legislation. As the largest private sector union in not only Newfoundland and Labrador, but all of Canada, Unifor is seeking commitments from the leaders of each political party to update the Province's legislation and regulations to protect the rights of all working people in this province.

Below you will find a brief outline of our concerns with a number of questions. We hope to have a response over the next few weeks as our intention is to prepare a report that will be shared with Unifor locals, activists and members throughout the province. We would like to hear back from you by May 1, 2019.

In addition, our members will be encouraged to speak with all the candidates running in this election to garner support for these changes to improve workers rights.

Labour Standards Act

While there have been welcome changes to the Labour Standards Act in the recent past, including the provision of paid leave for victims of domestic violence and the introduction of compassionate leave, a systemic review of the Act, with a political commitment to modernize and improve minimum workplace standards is long overdue. While the Act also applies to union members, it is primarily designed to ensure that non-unionized workers have entitlements to decent working conditions and fair treatment through mandatory minimum standards.

Among the most important standard is the wage earned by an employee in exchange for the work they perform. Currently, of the 13 provinces and territories, Newfoundland and Labrador ranks 11th in terms of lowest statutory minimum wage. In fact, Newfoundland and Labrador has approximately 70,000 workers, mostly women, earning under \$15 an hour. In addition, the Regulation under the Labour Standards Act does not make it clear that employers are required to pay overtime at 1.5 times the employee's normal rate of pay and not 1.5 times the province's minimum wage rate.

In terms of other important minimums, the Labour Standards Act does not provide for any paid sick-leave days and the maximum three weeks of vacation under the Act is only available after working 15 years for an employer. Paid vacation minimums in this province are well behind others in Canada, which range between 5 and 8 years to obtain three weeks of paid vacation.

Just as important is the fact that employers are not required to follow any rules when scheduling shifts for workers, which means that precarious part-time/casual work becomes more prevalent. This needs to change. Another thing that needs to change is the passive approach taken to enforcing labour standards. The current system is complaint based, relying on vulnerable workers to make a specific complaint about illegal conduct by their employer, thereby risking their continued employment. What is needed is a robust inspection and enforcement system to identify and rectify violations of the Labour Standards Act.

Labour Relations Act

An employee's right to belong to a union and the right of the employee's union to engage in free and fair collective bargaining with an employer has eroded over time. In reality, laws have failed to keep pace with employer tactics designed to circumvent those rights. These tactics include using serial tendering to subcontractors so workers have to unionize over and over again as new tenders are let and contractors change. Not only do these tactics make it harder for employees to unionize, but employees who worked for the previous subcontractor are often let go or only rehired at lower wage rates. This situation must be addressed without delay.

In addition, Labour Boards have insufficient tools to address situations where unfair labour practices stand in the way of resolving collective bargaining disputes. The recent two-year lockout of workers at D.J. Composites in Gander demonstrated that the current laws are ill equipped to protect the rights of workers when an employer locks-out union members and then replaces them. Such employers are simply engaged in union busting and have no incentive to settle the dispute. As well, the D.J.

Composites dispute demonstrated that employers can frustrate the collective bargaining process with little or no consequences under the Labour Relations Act.

Worker Safety in the Oil and Gas Industry

Finally, with respect to the safety of workers employed in the offshore oil and gas sector in Newfoundland and Labrador, we believe firmly that a more proactive health and safety regime is required. This includes a separate regulator for worker safety and environmental protection, because clearly, oil companies have not altered their culture of putting production or profit ahead of their employees or the public. Two recent examples highlight this factor: the failure of the Sea Rose to follow protocol as an iceberg entered its perimeter and the oil spill this past November that brought to light a number of safety concerns in the oil and gas industry.

Request for position

Unifor represents over 20,000 workers in fisheries, forestry, oil and gas, telecommunications, retail, hospitality and food processing industries in Newfoundland and Labrador. Unifor also advocates on behalf of all working people in the province and, as such, asks the following questions of the political parties and their leaders heading into the 2019 provincial election:

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?
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;
 - d. Where employers lockout employees as part of its collective bargaining strategy, such employers are precluded from using replacement workers.
3. Do you, on behalf of your party, commit to negotiating with the Federal Government in order to establish a well-resourced inter-governmental regulator for the offshore oil and gas industry, which deals solely with health and safety issues, as well as environmental protection matters?

Thanking you in advance for your consideration.

Best regards



Lana Payne

Atlantic Regional Director Unifor

CC: Unifor Newfoundland and Labrador Locals