

Bill 16

The Labour Relations Amendment Act

February 6, 2020



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The Manitoba Federation of Labour (MFL) is Manitoba's central labour body, representing the interests of more than 100,000 unionized workers. The MFL has a long history of working collaboratively with business through the Labour Management Review Committee, a body of labour and business representatives which has been asked by governments of all political stripes over many decades for advice on the best way forward with respect to labour relations and employment standards laws and rules that clearly impact both workers and employers, and our economy as a whole.

The timely, effective and efficient provision of high quality conciliation and mediation services by the Government of Manitoba has been a vital ingredient to Manitoba's proud track record of relative labour-employer peace. Government's delivery of conciliation and mediation services has strongly supported the public interest by helping to resolve areas of labour-employer dispute, helping to maintain dialogue and positive working relationships between labour and employers, and by reducing the risk of serious unresolved disagreements that result in labour disruptions. The current public service delivery model for conciliation and mediation has served workers, employers, and the provincial economy well for decades.

So, it is inexplicable, given their long track record of trust and results with resolving disputes, that this government is eliminating the public provision of conciliation and mediation services. This move is being made by this government, despite receiving unanimous advice from business and labour to keep these vital services intact.

When the Pallister Government asked if they should keep this trusted service, the LMRC advocated to do so. We are disappointed, though not surprised, that the Pallister Government has once again made the decision to go it alone, without listening to anyone but themselves. It is a pattern of this government to say one thing – that they are

consulting – and do the opposite of the advice they receive, when it isn't the answer they wanted.

These services are used most often in private sector settings, and especially in workplaces with a large number of employees. In talking to labour representatives when LMRC was being “consulted” on the Pallister government’s proposal to eliminate these vital services, we learned that conciliation and mediation experts are often brought in to deal with a large volume of workplace related issues, allowing for efficiency in resolving disputes and preventing longer and costlier arbitration processes later on. To put it another way, these services are often employed upstream in the labour dispute process, and can eliminate the need for expensive legal costs down the road.

Business and labour trust these services because they know the people who provide them and have experience in working with them. They are known, and they are trusted by both sides, which goes a long way in situations where there is a disagreement between labour and employers. At the end of the day, the current public service model ensures the confidence of both stakeholders that a fair, neutral, respected mediator will help them build a solution to their conflict. It is a shame that this government places so little value on the important work they do.

The current model is particularly helpful when a party has limited experience in collective bargaining, because in this situation a trusted, credible neutral party provided by government can help the parties understand the rules of engagement and get bargaining back on track. Unions and employers with more limited means will be particularly disadvantaged if they have to try to find and pay for private conciliation and mediation support.

In re-introducing this bill, this government is making the short-sighted decision to shut down a well-known and trusted service of mediation experts that have provided decades of advice to unions and employers when labour negotiations faced challenges. What this

bill will do is force two parties that aren't able to build an agreement to agree on who to hire to help them solve disagreements. It is clear how this type of system could give rise to issues in resolving conflicts compared to what we have now.

We fear that the shutdown of this service could lead to more labour disruptions, including strikes and lockouts, which no one wants. This decision is truly penny-wise, pound-foolish.

I do want to note that the LMRC has been in discussion with government about how to proceed with conciliation and mediation given the fact that this bill is moving ahead, and these public services will be eliminated. From labour's perspective, we believe that that changes be made to establish three mandatory days for conciliation (up from the current requirement of one day) and that one mandatory day for grievance mediation be established. We think that funding should be provided by government for the costs of mandatory meetings, and any fee structures should be set through the Manitoba Labour Board, in consultation with LMRC. The Labour Board is well placed to serve this role, and is a trusted authority by both labour and the business community.

This government did not listen to business and labour when it asked us about keeping the established conciliation and mediation services branch intact, but I do hope you will listen to us about how to move forward now that these public services are being cut.

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