

October 4, 2011

TO: ALL AFFILIATED LOCAL UNIONS, LABOUR COUNCILS AND UNION REPRESENTATIVES

Dear Brothers and Sisters:

Re: *Union response to Labour Code Review (Urgent)*

As many of you are aware, Employment Minister Thomas Lukaszuk quietly ordered a review of the Labour Code while most union leaders, activists and staffers were away on summer vacation.

By the Minister's own admission, the review is being conducted at the behest of a group of anti-union construction contractors, calling themselves the Construction Competiveness Coalition (CCC), who want sweeping changes to the Code aimed largely at making it easier for their favoured bargaining agent, the Christian Labour Association of Canada (CLAC), to win and defend certificates in the industrial construction sector.

The AFL's Executive Council is deeply troubled by the review, not only because of the clear threat it poses to unions in the construction sector, but also because it is considering changes that, if implemented, would have profound implications for all unions in the province.

In particular, in addition to considering changes that would promote and protect employer-dominated unions, the review is also considering new rules that would prohibit unions from engaging in lobbying, advocacy or political action work on behalf of their members. The review is also considering changes that would reduce the neutrality and independence of the Labour Relations Board.

Given the gravity of the situation, the AFL Executive Council is asking all AFL affiliates and locals to immediately write a letter or brief to Minister Lukaszuk expressing concerns about the review process and opposition to the specific proposals put forward by the employer coalition.

We are also asking affiliates to write to Premier-designate Alison Redford asking that she scrap the review process or, at the very least, go back to the drawing board to develop a process that is fair, balanced and transparent.

Because the review is not being conducted in a public forum, we ask that you make four copies of your submission or letter: one for the Minister (Room 418 Legislature Building, 10800 – 97 Avenue, Edmonton, AB T5K 2B6); one for Premier Alison Redford (Room 307 Legislature Building, 10800 – 97 Avenue, Edmonton, AB T5K 2B6); one for the two-man commission appointed by the Minister to conduct the review (Attn: Dwayne Chomyn, Lawyer, Neuman Thompson, 200 – 12220 Stony Plain Road NW, Edmonton, AB T5N 3Y4); and one for the AFL, so we can demonstrate the breadth and scope of opposition to the proposed changes.

Obviously, your letter or brief will be your own, but we suggest that it contain at least a few comments on the following issues:

Process: The review process is biased, unfair and perhaps even unconstitutional. Despite the fact that the changes under consideration will affect all unions, only a handful of unions were asked by government to participate in the review process. Unions were given no opportunity to participate in the framing of the review questions (the review is entirely based on the CCC's proposals) or in the selection of the commissioners conducting the review. Neither of the two commissioners appointed by the Minister has the confidence of the labour movement and one of them has a long-standing and well-known anti-union bias. Furthermore, the review is being held in secret, with no opportunity for the public to see what arguments and evidence are being presented to government and with no opportunities for cross-examination or rebuttal.

Despite not being asked to participate in the process, the AFL and its affiliates have decided to write submissions because we feel we cannot be silent on issues of such profound importance to our organizations and our members. Our submissions should in no way be construed as evidence that we think the process is fair or legitimate: it is neither.

Employer Proposals: The AFL is in the process of preparing a detailed brief responding to each of the CCC's proposals in turn. It will be available on the AFL website on the Labour Laws campaign page by Thursday, October 6th (<http://www.afl.org/index.php/Labour-Laws/issue-overview.html>). We ask that you read our brief, consult with your own leaders and/or lawyers and then make your own arguments on the employer proposals you find particularly objectionable (which might be all of them!) We think it's particularly important that the Minister hear a strong message from AFL affiliates about the proposal to muzzle unions by prohibiting spending on advocacy work and about the proposal to further undermine the independence of the Labour Relations Board.

Competitiveness: The employer coalition that the Minister has allowed to frame the Code review process makes the argument that Code changes to weaken unions would reduce costs (especially in the oil sands) and enhance Alberta's "competitiveness" by providing more "stability" in the provincial labour market. In the AFL's submission, we point out that it's not unions that have driven costs up in the oil sands: the fault for that rests on the shoulders of government for allowing too many projects to proceed at one time. The explosion of approved projects, and the resulting competition among energy and construction firms for resources and manpower, has led to rapid price increases for building materials like steel and concrete and has also led to costly delays in engineering and project management. Union contracts actually provide exactly the kind of "cost certainty" that big developers are looking for.

In your briefs, we encourage to make the argument that unions should not be blamed for problems they did not cause and that high costs in the oil sands should not be used as a pretext for attacking unions and undermining the right of workers to free collective bargaining. We also encourage you to ask the question: how would attacks on freedom of speech for unions and independence of the LRB actually improve "competitiveness" in Alberta? Finally, we urge you to point out that attacks on unions will not produce the kind of "stability" that the CCC predicts. In fact, we need to make the argument that anti-union changes to the Code are likely to spark unrest and resistance – the very opposite of the kind of "stability" the government says is necessary to keep the wheels turning in the oil sands and the broader Alberta economy.

Progressive Reform: To round out your letter or brief, we suggest that you make a few suggestions for real, worker-friendly reforms that should be made to the Code. The AFL brief contains many such suggestions, but you might want to add a few of your own.

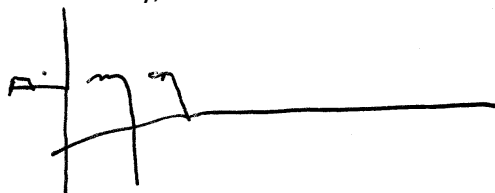
As far as deadlines go, we don't really have one because the Minister hasn't been forthcoming with information. However, it's safe to say that the government wants to wrap up this review sooner rather than later. We've asked the Minister to continue accepting submissions until October 31st, but we cannot guarantee that he will agree to that date. With that in mind, we ask you to have your submissions in by October 14th (please remember to make **four** copies: one for the Minister, one for the new Premier, one for the Minister's appointed commissioner, and one for the AFL).

In addition to writing a brief or a letter, we encourage you to talk to your leaders, activists and staff about the Code review process and the threat it represents to working people in Alberta. We also ask you to remain on alert to respond to developments.

Over the next few days, you will be contacted by me, our Secretary Treasurer, Nancy Furlong, or one of our staff members to talk further about the Code review and the possibility of you writing a letter or brief. As stated previously, the AFL is preparing its own brief which we will email to affiliates as soon as it's done and posted on the AFL website. In addition to the brief, the following documents are also available at <http://www.afl.org/index.php/Labour-Laws/issue-overview.html>: July 4th letter from the Minister ordering the review; a follow-up letter dated August 31st from Dwayne Chomyn, the employer-side lawyer appointed by Lukaszuk to run the review; the CCC brief in which the employer coalition lays out their proposals; and the Joint Statement on the review passed by the AFL's Executive Council last week.

Thanks for taking the time to think about this important issue. I look forward to working with you to help stop this latest attack on union rights in Alberta.

In Solidarity,

A handwritten signature in black ink, appearing to read 'Gil McGowan', written over a horizontal line.

Gil McGowan
President
Alberta Federation of Labour