



April 11, 2017

Hon. Christina Gray  
Minister of Labour  
107 Legislature Building  
10800 – 97 Avenue  
Edmonton, AB  
Canada T5K 2B6

Minister Gray:

On behalf of 127 community chambers representing thousands of Albertan employers, the Alberta Chambers of Commerce (ACC) has attached our policy resolution to inform the Government's review of Alberta's Labour Relations Code (the Code).

In principle, the ACC is not opposed to this review. Alberta's workplaces have indeed changed in the three decades since the Code was last reviewed in 1988. However, without two-way dialogue in consulting stakeholders, it is the view of Alberta's business community that this and related reviews of labour legislation will not result in a fair, balanced and effective labour relations framework that will continue to support Albertans' long-term prosperity.

Based on our understanding of the recommendations made to Government in the 2013 Alberta Construction Labour Legislation Review final report (2013 Report), we are cautiously optimistic Mr. Andrew Sims', Q.C., appointment as special advisor for the review will instill a measure of principled balance in the Government's approach to labour law consultations that has, to date, been absent. In particular, the analysis regarding the relationship between labour law and Albertans' prosperity and how effective labour law reform in Alberta has been achieved through widespread stakeholder consultation.

As was noted in the 2013 Report, Alberta's historically stable labour environment has been one of two core competitive advantages in attracting investment.<sup>1</sup> The second is its natural resources, including its people, and the combination of these advantages has enabled Albertans for more than a generation to prosper with the highest median income among all provinces.

Supporting the continuation of these net benefits to Albertans should be the desired objective for Government and, as such, preservation of labour peace and stability is the primary outcome the business community wants to see going forward as a result of this review.

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<sup>1</sup> Pg. 77, 2013 Alberta Construction Labour Legislation Review, Final Report. Prepared by Mr. Andrew C.L. Sims, Q.C.

As an area of focus for this review, the Government wishes to consider:

“Examining areas of the Code where, due to the wording of the legislation, or developed practice, Alberta’s labour law processes depart, without benefit, from the Canadian mainstream”.<sup>2</sup>

Given the historical outcomes related to the current labour relations framework, Albertans should be concerned with the ambiguity in these terms of reference for the review. The absence of any metrics for evaluating benefits to Albertans signals an underlying bias, and an assumption that the current Code is not already effective, fair and balanced in providing a competitive environment which benefits Albertans.

The ACC wants to emphasize that there have only been forty-five labour stoppages in the province over the last decade and, again, that Albertan’s economic prosperity by economic measures has long been a national benchmark. The balance and standard of these outcomes should be the fundamental measures of the current Code’s effectiveness and fairness in ensuring a beneficial working environment in Alberta.

Albertans high living standards and the infrequency of labour disputes have not come at the expense of workers’ rights or capabilities to collectively negotiate with management. Over the last decade, the union certifications granted in Alberta have ranged from a low of 43 in 2008 to a high of 632 in 2015. Such variation from year-to-year may have many explanations but, in the context of this review, the range itself suggests there are no impediments to certify a union under the current framework.

Workers’ self-determination for choosing to support workplace union certification is also well protected by the current Code with the use of secret ballot voting. The use of secret ballot voting ensures workers can make a decision to support collective bargaining without fear of intimidation or threat to their economic security. Alberta is clearly in line with the Canadian mainstream’s perception of fairness and balance for certification processes – five other provinces share them. Beyond a specific desire to increase unionization rates, there would be no rationale to change Alberta’s current practices.

The 2013 Report also indicates that stability in the labour environment has prevailed, in large part, within a normative framework of constructive engagement between and among stakeholders. To the great benefit of Albertans, labour law reform in Alberta historically has:

“(mostly) been achieved been accomplished through widespread consultation involving all stakeholders not just partisans on one side or the other.”<sup>3</sup>

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<sup>2</sup> Pg. 2, Alberta Labour Relations Code Review 2016, Alberta Labour Mandate Letter to Mr. Andrew C.L. Sims, Q.C.

<sup>3</sup> Pg. 77, 2013 Alberta Construction Labour Legislation Review, Final Report. Prepared by Mr. Andrew C.L. Sims, Q.C.

Currently, employers have been given six weeks to complete an online survey for informing a review of Employment Standards legislation or to make a written submission to inform a review of the Code. No matter how modest the scope for the review, these methods and timelines for engaging employers does not constitute as widespread consultation. Alberta business is deeply concerned, as all Albertans should be, with the implications this dramatic departure from provincial practices for labour reform will have on prosperity in the province and in setting a poor precedence for good governance going forward.

The imbalance of the stakeholder engagement in Alberta becomes even more pronounced when compared to the approach the Province of Ontario is taking through its Changing Workplaces Review. Since the initiative to review Ontario's employment standards and labour relations legislation launched in 2015, the Ontario Chambers of Commerce has met directly with the Ontario Premier's Office twice and the Minister of Labour and senior staff no less than a dozen times. There have been face-to-face meetings and direct engagement by the Labour Minister with industry in roundtables. Following initial consultations, the Ontario Government even tabled a 300-page interim report to inform stakeholders of potential changes before continuing their consultation processes.

If the Ontario Government would go to these efforts to consult stakeholders, why is the process and approach so radically different in Alberta?

It is clear to Alberta business that the current approach to consultation on these issues does Albertans a disservice. Given this and the review's ambiguous terms of reference, the ACC is, at this point in time, highly skeptical of the Government's intent, to ensure a fair, balanced and effective system for Albertans as a result of this review. We are deeply concerned the outcomes for this and related labour legislative reviews have been predetermined, and are little more than "windshield wiper" legislation where changes in labour legislation become the rewards of regime change.<sup>4</sup>

Changes of this nature undermine stability and, subsequently, Albertan's opportunities for sustained prosperity. As such, we are asking that the Government take a different approach and honour its commitment to ensuring a fair, balanced and effective Labour Relations Code for Albertans by:

- 1) Transparently outlining any metrics being used to evaluate the performance of the current code in providing benefit to Albertans;
- 2) Adopting the Government of Ontario's approach to engaging stakeholders as demonstrated by consultations to inform the Changing Workplaces Review.

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<sup>4</sup> Pg. 77, 2013 Alberta Construction Labour Legislation Review, Final Report. Prepared by Mr. Andrew C.L. Sims, Q.C.

We remain committed to engage in good faith with Government and stakeholders on this and related issues, and would appreciate an opportunity to meet with the Premier, the Minister of Labour and Mr. Sims in the interest of ensuring this review reflects the constructive engagement Albertans deserve.

Respectfully,

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

Ken Kobly,  
President & CEO

Cc:

Hon. Premier Rachel Notley

Hon. Deron Bilous, Minister of Economic Development and Trade

Mr. Andrew Sims, Q.C., Special Advisor to the Government's review of the Alberta Labour Code