

SUBMISSION ON THE BC LABOUR RELATIONS CODE REVIEW

By:

BC Chamber of Commerce

BC Hotels Association

Canadian Federation of Independent Businesses

Canadian Franchise Association

Canadian Home Builders Association

Canadian Manufacturers & Exporters

Greater Vancouver Board of Trade

Independent Contractors and Businesses Association

New Car Dealers Association of BC

Restaurants Canada

Retail Council of Canada

Tourism Industries Association of BC

Urban Development Institute

March 20, 2018



Val Litwin
President & CEO
BC Chamber of Commerce



Iain Black
President & CEO
Greater Vancouver Board of Trade



James Chase
President & CEO
BC Hotels Association



Chris Gardner
President
Independent Contractors
and Businesses Association



Richard Truscott
Vice President, BC & AB
Canadian Federation
of Independent Businesses



Blair Qualey
President & CEO
New Car Dealers Association



Lorraine McLaughlin
President & CEO
Canadian Franchise Association



Mark von Schellwitz
Vice President Western Canada
Restaurants Canada



Neil Moody
CEO
Canadian Home
Builders Association



Greg Wilson
Director, Government Relations, BC
Retail Council of Canada



Andrew Wynn Williams
Divisional VP, BC
Canadian Manufacturers & Exporters



Jim Humphrey
Chair
Tourism Industries Association of BC



Anne McMullin
President & CEO
Urban Development Institute

SUBMISSION ON THE LABOUR RELATIONS CODE REVIEW

BACKGROUND AND CONTEXT

We are pleased to make this joint-submission to the Labour Relations Code Review Panel (the “Panel”).

Together, the organizations signing this submission account for a substantial proportion of the private sector economy in British Columbia. We have a shared interest in growing the BC economy for the benefit of our employees, their families and the communities in which we do business. The opportunities, investment and jobs that flow from our members’ companies are the foundation for the prosperity and quality of life we all enjoy in British Columbia.

At the outset of our submission, we believe it is important that the Panel be mindful that the Code Review is not merely an academic exercise happening in isolation of the broader investment and job creation environment. Major changes to the Code will have an enormous impact on BC’s reputation as a place where businesses can invest capital, create opportunities and develop talent. Further, changes in the Code will have an out-sized impact on small and medium-sized businesses in our province. These businesses are the real drivers of our economic activity and changes that inhibit their growth or make it more difficult for them to succeed will hurt our long-term prosperity.

Though BC’s economy has of late performed well, there are “head-winds” forming. In 2017, BC experienced strong real GDP growth of about 3.4 percent, the government’s recent budget forecast expects this to drop back considerably in 2018 to an estimated 2.3 percent. At the same time, the new provincial government has put in place a wide array of new tax increases which – taken together with substantial tax reductions in the United States and general uncertainty over NAFTA negotiation outcomes – gives credence to the view that tougher times are ahead for BC’s small, open, trade-exposed economy. Against this backdrop, the Panel’s operating assumption regarding the level of economic activity going forward should not be the *status quo*.

The Panel should also take note of the myriad of policy and program reviews the provincial government is currently undertaking and the implications this uncertainty has for business investment and growth. We caution against approaching the Code review in isolation from the many others government has underway.

In the next section, we note that BC has enjoyed a long period of labour relations stability with very few noteworthy work stoppages, an enviable record engineered in no small way through past consultative Code reviews in 1992-93 and 2002. Overall, as we state in our submission, the Code is working – and working well. We urge the Panel to maintain the general balance and fairness that underpins the current Code, especially against the backdrop of internal and external factors which point to more challenging times ahead.

THE REVIEW MANDATE

The Review Panel’s mandate, as expressed in the terms of reference, is directly relevant to the work of the signatories to this submission and their members in British Columbia. The core of the Panel’s mandate is to ensure the workplaces of British Columbia support a “growing, sustainable economy with fair laws for workers and businesses.” The mandate is placed within the context of

the changing economy, workplaces, and workforce in British Columbia over the last several decades, a context which is uniquely instructive and relevant to the present review.

That context, going back over several decades of labour relations in British Columbia, starts with the failed attempt at labour relations reform in 1987 with Bill 19. Bill 19 produced the *Industrial Relations Act*, Industrial Relations Board, and labour's boycott of both. That attempt at reform failed because of its lack of consultation and of its one-sided nature (in that case, in favour of management). Interestingly, an attempt at labour law reform from the opposite side of the political spectrum a decade later in 1997 through Bill 44 failed for the very same reasons: lack of consultation and the reforms being one-sided in nature (in that case, in favour of labour).

Those attempts at reform stand in marked contrast to the consultative process in 1992 which led to the 1993 reforms of the Code. The nature of the 1992 review process and the terms of its mandate were notably similar to your own mandate. The 1992 review mandate was "to create fair laws which will promote harmony and a climate conducive to the encouragement of investment" in the province. The goal was to "ensure that the Province maintains and enhances its competitive position in the world market place." The Report¹ that followed also noted the changing nature of the economy and its businesses and workplaces at that time. The Report summarized the context by noting "the economy of the Province has experienced the upswing of the 1970's, the downturn of the 1980's and the struggle to pull out of the global recession in the 1990's." The globalization of economic competition was noted, as well as the evolving structure of the economy and the demographics of its workforces.

In response, the Report, and the subsequent legislative reforms, introduced new concepts for our approach to labour relations. They included, for instance, a specific direction that the Board encourage the "resolving of workplace issues, adapting to changes in the economy, developing workforce skills and promoting workplace productivity" (section 2(1)(b)). These are very real-world concerns consideration of which is required to address the very real-world problems which were facing workplaces and workforces in the province.

Unfortunately, in the decade that followed, neither the Board nor the province itself came to grips with these problems or the Report's recommendations to address them. The result was that BC became a have-not province within Confederation. That was a significant fall from BC's earlier economic status. To be sure, labour relations and the Code was only one factor contributing to this situation, but it was a factor and thus part of the context which this Review Panel is now tasked to consider.

The response in 2002 produced something quite unique in British Columbia labour relations and politics. The legislative reform of the Code in 2002 supported and buttressed the 1992-3 reforms. To reinforce the importance of addressing the problems being faced in the province, the Code was amended to direct the Board to exercise its powers in a manner that "fosters the employment of workers in economically viable businesses" (section 2(b)). This was made an express duty of the Board in all matters before it.

It is remarkable that in the usually fractured, polarized world of BC labour relations and politics, essential, fundamental reform had, in effect, been agreed upon between the left (the NDP in 1992-3) and the right (the Liberals in 2002). There remain disagreements over voting and speech rights, but the agreement on the need for reform overall in the Code was truly exceptional, positive, and encouraging.

¹ John Baigent, Vince Ready, Tom Roper, *Recommendations for Labour Law Reform*, September 1992.

In response, the Board took up the challenge of interpreting and applying the fundamental reforms to the Code which had been incorporated in 1992-3 and further buttressed by the 2002 amendments. That substantively-oriented exercise was completed in the several years following 2002 through policy decisions of the Board. Noteworthy for the current review process is that these policy decisions were rendered by three-person reconsideration panels which had a labour-management balance, most often including the Chair of this current Review Panel as a co-author and signatory to those decisions.

Following this substantive work, the Board focussed on bringing in procedural reform through the timelines regulation. Under that regulation, matters at the Board are to be resolved or decided within 180 days of the application or complaint. That reform, too, was the result of an extensive consultation process.

This is the unique context in which your review is to be undertaken. Over the past decades there has been fundamental substantive and procedural reform of the Code, which was the product of consultative processes and unprecedented support from both the left and right of British Columbia politics and labour relations.

In light of that exceptional context, we submit you should be respectful of those developments, the consultation which led to them, and the broadly-supported approaches within them.

In this context, BC has regained its proper place with a leading economy; British Columbians have jobs and opportunity, and our society has the means to support the health, education, and social and government services that we all need and want.

There is also a broad demographic component to this. Young workers are seeking more choice and flexibility about how and where they work. Is anyone speaking with them and asking them what they want? Policy changes must not be directed by views which may be out of sync with the realities of workplaces that are changing rapidly because of new technologies and young people who have decidedly different views of work. Any changes to the Code must look to the future, not the past; in consultation with those who will be most affected by those changes and what they really want; and mindful that whatever changes are made will signal to international and domestic investors whether British Columbia is open to capital investment, entrepreneurial effort, and the development of new talent.

The current Code has for the most part worked. British Columbia has a high wage economy with jobs and opportunity. We have not had a major private sector work stoppage in over two decades. In that time, major labour relations conflicts have generally been between government and public sector unions. The Code and the Board have operated outside of that environment. Aside from government-public sector labour disputes, British Columbia has experienced relative labour peace, with a decline in adversarial labour relations, which is consistent with the positive public policy reforms enacted in the 1992-93 and 2002.

THE CODE

Against this backdrop, we recommend that the vast majority of the provisions in the Code should be sustained. We offer the following comments on specific provisions of the Code.

Sections 1 and 139(a) – determining who is the employer – Defining who is the employer has proved problematic, particularly in respect to project labour agreements. BC Hydro and the BC government have both attempted to contractually designate who is the employer of the employees

on large projects in order to dictate the union choice of these employees. This is quite contrary to the Code, as later Board decisions have noted. An employee's choice to be represented, or not, by a union, or by which union, is the employee's right – not an owner's or the general contractor's right, and certainly not the government's right. Former Labour Board Chair Paul Weiler explained that employee choice is the “fundamental premise” of the Code. Indeed, this is strengthened by recent freedom of association cases under the Charter of Rights and Freedoms (the “Charter”). If an owner, general contractor, or government wishes to achieve certain socially-desirable hiring goals on a project – for instance, enhancing the representation of women, members of Indigenous communities, or apprentices in the workforce –that can be accomplished legitimately through the commercial contracts for the project. It cannot be achieved by violating the employees' right of choice under the Code. The Review Panel should clarify this and put an end to governments dictating employee choice on large construction projects through project labour agreements. If this approach is used again, the result will likely be protracted litigation before the Board and the courts over the fundamental right of choice of an employee under both the Code and the Charter. That would be destabilizing and would bring the Code and the administration of the Code into disrepute.

The employees' right of freedom of association under section 2(d) of the Charter strongly supports this view. The Supreme Court of Canada has held that the Charter protections in 2(d) must be consistent with Canada's international obligations,² in particular the International Labour Organization (ILO) Convention (No. 87)³ to which Canada is a party (ratified March 23, 1972). The ILO's Committee on Freedom of Association (CFA) interprets Convention No. 87 as requiring that in labour relations systems which give a representational organization exclusive bargaining rights, the union must “be chosen by a majority vote of the employees in the unit concerned.”⁴ This requirement to objectively verify the employees' wishes through an election is described by the CFA as “an essential safeguard” in the process of certifying a union as the exclusive bargaining agent of the employees.⁵ Thus, freedom of association under the Charter includes the right of employees to express their wishes on exclusive representation by a bargaining agent through a vote. The use of project labour agreements to effectively remove employees' right to choose their exclusive bargaining agent is not only clearly contrary to the Charter but also to the fundamental premise of employee choice in the Code.

Another manner in which the rights of autonomy and self-determination can be undermined is through legislated sectoral bargaining schemes. These schemes violate the Code principle that employees and the parties be given a direct voice in the terms and conditions which will govern employment. Only in this way will they be able to ensure their employment relations and collective agreements reflect the needs and circumstances of their individual businesses. This is currently reflected in the 1992-3 (“cooperative participation”) and 2002 (fostering “the employment of workers in economically viable businesses”) reforms in the Code. These directions should not be undermined.

² *Health Services and Support-Facilities Subsector Bargaining Association v. British Columbia*, 2007 SCC 27, paras. 71 & 76; and *Saskatchewan Federation of Labour v. Saskatchewan*, 2015 SCC 4, para. 67.

³ International Labour Organization's (ILO's) Convention (No. 87) Concerning Freedom of Association and Protection of the Right to Organize, (1948) 68 U.N.T.S. 17.

⁴ *Freedom of Association: Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO* (5th rev. ed. 2006) (the “Digest”) para. 969. This requirement was applied by the CFA in the Delta Airlines decision of the CFA: ILO Committee on Freedom of Association, Complaint against the United States, Case No 2683, Report No. 357, June 2010.

⁵ *Ibid.*, para 969.

This is particularly imperative for small and medium-sized businesses. They are the engine of economic growth and job creation in our economy. It is imperative that they should not be over regulated. Their success is needed to provide opportunities for people to support their families and build their communities.

Legislated sectoral bargaining removes the ability of employees and their employers to directly address the individual needs and circumstances of their businesses. It thereby inhibits their ability to succeed. It does so by ignoring and negating the key insights in the 1992-93 and 2002 reforms. Legislated sectoral bargaining would be a step back in time, not forward. It is noteworthy that the previous attempt at forced sectoral bargaining in Part 4.1 of the Code was a failure and the sectoralism which remains in the CLR-Building Trades situation is still replete with difficulties and declining market share despite multiple efforts to rescue it.

The parties themselves are the best monitors of their relations. If they feel their best chance for success is some form of sectoral arrangement, they can voluntarily agree to and arrange that. The reality is that, particularly in the private sector, they do not.

Further, if it is felt that certain publicly-funded services have problematic labour relations, the answer is not a one-size-fits-all amendment to the Code affecting all parties, including the critically-important private sector. Instead, the proper response would be for government to identify those specific problematic situations and address them through the mandate and funding of the applicable commercial contracts. That would surgically, as well as transparently, address the issues without causing harm beyond the specific circumstances.

Accordingly, improper attempts to dictate employee choice or the parties' labour relations through either project labour agreements or legislated sectoral bargaining should be rejected.

It is important to note that labour relations has evolved in important ways – workers want more flexibility and more choice and employers are structuring their businesses to be more flexible and to be able to respond more rapidly to changes in technology that are driving changes in customer needs and desires.

Sections 6, 8, and 9 – speech rights – The Legislature has twice directed the Board that there are to be meaningful speech rights in the Code, including for employers. The first time was in the 1993 provisions of the Code, based on the statutory language recommended in the 1992 Report. When the Board did not give effect to this statutory language in its *Cardinal/Klassen*⁶ decision, the Legislature responded in 2002 by amending the statutory language to make it clearer. Thus, the Legislature has made this direction to the Board from both sides of the political spectrum, and as a result the Board gave effect to the Legislature's direction in its *Convergys*⁷ decision.

But even so, speech rights in both the Code and Board's decisions have always been subject to the restriction that the speech not be intimidating or coercive. The Board has properly given effect to this, too (*RMH*⁸).

Speech rights are not just a Code right; they are a Charter right and freedom of expression is one of the most significant among Charter rights. The right also includes, as noted by the Board in

⁶ *Cardinal Transportation BC Inc.*, BCLRB No B344/96 (Reconsideration of BCLRB Nos. B463/94 and B232/95).

⁷ *Convergys Customer Management Canada Inc.*, BCLRB No. B62/2003 (Leave for Reconsideration No. BCLRB B111/2003).

⁸ *RMH Teleservices International Inc.*, BCLRB No. B188/2005 (Leave for Reconsideration of BCLRB No. B345/2003).

*SimpeQ*⁹, the right of a listener to hear the message; not forced listening, but the right to hear the speech in order to make an informed decision.

The statutory language and the Board's decisions under it are consistent with the Charter, its values, and fundamental precepts in our democratic society. Those precepts include the right of expression, the right to hear expression and the freedom from forced listening, intimidation or coercion. The Code's provisions and the Board's interpretation of them are consistent with this and the Code's provisions should not be altered.

Section 14(4)(f) – remedial certification – Though you will undoubtedly hear from some stakeholders that they are unhappy with the Code's and the Board's approach to remedial certification, it must be remembered that such unhappiness is longstanding and goes back decades. The Code's and the Board's approach to remedial certification is equally longstanding. This is because remedial certification is an extreme measure and it has properly been reserved for extreme circumstances in both the legislation and the Board's decisions. It would not be appropriate to amend this longstanding approach that has been accepted by so many leading labour relations practitioners.

Section 24(1) - the right to a certification vote – As noted above, the right of employee choice is the fundamental premise of the Code and is guaranteed by the right of freedom of association in the Charter. It is also consistent with the fundamental belief in our society in secret ballot votes. That is how we govern ourselves in such important matters as whom we elect to government and whether we wish to be represented by a union or not. Any recommendation to remove the right to a certification vote would be contrary to this fundamental principle in the Code and the constitutional guarantees in the Charter.

Secret ballot votes are also helpful, and often necessary, from a practical labour relations perspective. As experienced leaders and representatives on all sides of the labour relations community will acknowledge, a secret ballot vote in a certification application often clears the air as to whether the employees truly want to be represented by the union or not. This process serves to legitimize the results for all parties and fosters confidence in the labour relations system. If the employees choose in favour of the union in a Board or government-supervised secret ballot vote, that process can remove the employer's doubts about the employees' true wishes and eliminate any suspicion that the employees were coerced or pressured into that choice. It also, importantly, allows all parties (employer, employees, and union) to accept the results. This is especially important in a small business context where there is a close relationship between the employer and the employees.

Once the air is cleared with a supervised secret ballot vote, labour relations can then properly move on to the next step, which is the negotiation of a collective agreement. Without this degree of transparency, that crucial next step can remain clouded and even spoiled by suspicions and mistrust.

Employee Lists – The overriding interest at issue in considering employee lists is the employees' privacy rights. The longstanding approach of the Board respects the employees' privacy rights by ordering an employee list be disclosed only when absolutely necessary for the determination of an issue under the Code, typically when determining the threshold in a certification application. We submit that this is the appropriate approach and it should not be altered.

⁹ *SimpeQ Care Inc.*, BCLRB 161/2007 (Leave for Reconsideration BCLRB No. B171/2006).

The Board has stated that a “critical concern” when considering the rights and obligations of the parties in the Code “is respect for the employees.”¹⁰ That respect is reflected in the section 2(a) amendment to the Code which specifically requires the Board to recognize “the rights and obligations of employees,” as well as those of unions and employers. This led to common-sense determinations protecting the rights of the employees in both *RMH*¹¹ and *SimpeQ*. In *SimpeQ* the Board explained that any analysis in this area should start by considering the impact on the employees and their rights.¹² We say this should apply to the question of employee lists as well. The privacy rights of the employees should continue to be respected.

We add that placing the institutional interests of unions over the privacy rights of employees would be inconsistent with the current values and concerns in our society. As a society, we have a growing concern over infringement upon individual privacy and have taken extensive steps to protect that privacy. Ordering broader access to employee lists would be directly contrary to that societal goal. To do so would blatantly and improperly favour the institutional interests of one group under the Code, the unions, over the individual privacy rights of another group under the Code, the employees.

Sections 24(2) and 33(2) – ten days for a vote – An essential part of the employee’s right of choice, including in the context of a vote, is to have the proper time to “make inquiries and assess the views” being put forward.¹³ Any contemplated abridgment of the 10-day provision in the Code must take into account all the parties’ (including the employer’s) right of speech, the employees’ right to hear, and, concomitantly, the employees’ right to have the proper time and opportunity to “make inquiries and assess the views” being put forward.

An individual’s choice as to whether or not to be represented by a union is an important one. It affects many matters, including whether the individual can represent themselves, make decisions and speak on their own behalf in employment matters affecting them. Most employees have busy lives, typically with family responsibilities in addition to work obligations. On both counts, they should be afforded the proper time and opportunity to review, research, consider, and discuss with others what is before them. In our view, the 10-day period in the Code is the shortest period of time which should be allotted for this purpose.

Sections 35, 38 and 139(a) – successorship, common employer and true employer – For the reasons we have expressed above in relation to legislating a sectoral bargaining scheme, we also submit that any attempt to force sectoralism through the distortion of the successorship, common employer and true employer doctrines should be resisted by this Review Panel.

Section 55 – mediation/arbitration of first collective agreements – This provision and its application by the Board has been viewed as a model approach by other jurisdictions. This first collective agreement provision is part of the fairness and balance which emerged from the 1992-93 process. Any suggestion that the provision and its interpretation should be adjusted to the advantage of unions would undermine the fairness and balance in this provision and the acceptability of it. In our view, that should be resolutely resisted by this Panel. Consistent with our belief that employers and employees should have the right to determine their own employment terms, we submit that any changes contemplated to this section should only be in the direction of the autonomy of the parties.

¹⁰ *SimpeQ Care Inc.*, *supra*, para. 86.

¹¹ *RMH*, *supra*, paras. 87-88.

¹² *SimpeQ Care Inc.*, *supra*, para. 89.

¹³ *SimpeQ Care Inc.*, *supra*, para 85.

Section 68 – replacement workers – Like others in the employer community and many neutral observers, we believe the Code’s replacement worker provision is not appropriate. As Chair Weiler explained long ago, the union’s right to strike is not balanced by the employer’s right to lockout; rather it is balanced by the employer’s right to continue to operate during a labour dispute. Section 68 of the Code wrongly impinges on the right to continue operations in the face of a strike.

Having said that, the restriction on replacement workers in section 68 does provide a fair counter-balance to the restrictions on picketing in Part V of the Code. In that regard, you may hear from the union community that they feel the picketing provisions of the Code are too restrictive. They are restrictive, but the restrictions were brought about piece-by-piece as a result of hard-earned experience in which the workplaces and workforces of BC were unduly harmed under previous picketing provisions. The classic example of this is from the forest industry. Previous picketing provisions allowed a striking union to picket the entire operations of the employer. For the integrated forest companies, which dominated both the industry and the economy of the province at the time, this meant that striking sawmill workers could also picket the non-struck pulp mills, and striking pulp workers could picket the non-struck sawmills. This proved harmful not just to the employers but also to the non-striking workers and the economy of the province itself. Restricting picketing to sites where the striking employees actually worked was necessary.

The current picketing provisions in the Code are the very sort of legislated scheme expressly allowed by the Supreme Court of Canada in *Pepsi*.¹⁴ Further, in the BC Code they are uniquely balanced by the most restrictive replacement worker provision in Canada, if not in all Wagner Act labour codes. To be fair and balanced, any amendment of the Code’s current picketing provisions would also require the removal of the replacement worker provision.

Section 72 – essential services – The essential services provisions in the Code were originally co-designed, interpreted, and applied by Chair Weiler. They are fair and balanced and would meet any Charter challenge in that regard.

Chair Weiler has been cited with approval by the Supreme Court of Canada many times in labour relations and constitutional matters. There is a needed balance in section 72 of the Code between union strike and picketing rights and the public interest in the right of healthcare patients, certain students, and others needing essential services in respect to their health, safety, or welfare.

The recent Supreme Court of Canada decision in the *Saskatchewan Federation of Labour* case is clearly distinguishable. It is difficult to see how the government in Saskatchewan would have thought that the essential services legislation they devised was fair and balanced or would meet Charter scrutiny. That is not the case with section 72 of the Code. As a result, in our view section 72 of the Code should remain as it is.

Part 8 - arbitration - Strong arguments could be made for reform of the arbitration provisions in the Code. Such reform could include: specific timelines instead of the process in section 91; removing the endless and costly jurisdictional difficulties regarding sections 99 and 100 of the Code; and making section 104 a truly expedited process in practice.

Section 115 – appointments to the board – It is important that the appointments to the Board be balanced. Currently there are four adjudicators at the Board from the union community and two from the employer community. That is inappropriate and needs to be remedied.

¹⁴ *R.W.D.S.U., Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*, 2002 SCC 8, paras. 16,85-86 and 107.

As well, the appointments must be individuals who are knowledgeable, experienced, and have the confidence of the community. The Board has recently lost two experienced adjudicators. The employer community needs to be confident that the Vice-Chairs appointed to replace these individuals are knowledgeable and experienced in Code matters and will be fair and balanced when adjudicating.

Section 115 also provides for the appointment of Members. We are not in support of the appointment of Members. The Board has successfully reformed its procedures and decision-making to comply with the timelines regulation requiring that matters before the Board be resolved or decided with 180 days. Adding the calendars of two more individuals as Members to this tight timeframe would be impractical.

Further, if Members are to be reintroduced into the Labour Board's proceedings, then they should represent not just two of the constituencies in the Code, but all three. Section 2(a) recognizes that the Code deals with the rights and obligations of *employees*, as well as employers and unions. This was a necessary and welcome revision to the Code in 2002 as the practice of labour relations had become too closed and captive to solely the interests of unions and employers. It is important to recognize that labour relations is not just about unions and their relations with employers; in fact, as we have seen, the fundamental premise of the Code is *employee* choice.

If panels at the Board are to include Members they must include Members representing employee interests as well as Members representing unions and employers. However, this would produce a four-person panel and that is simply not workable.

It is telling that only rarely do parties in labour relations arbitrations choose to use "wingers" at arbitration. It is too expensive and cumbersome, with arbitration already being too costly and full of delay, contrary to its roots and original thrust to be less formal, quicker, and more practical than formal litigation. On this basis too, therefore, Members should not be added to the functioning, timely labour relations system at the Board.

CONCLUSION

In conclusion, we respectfully submit that the Code as it is currently written has for the most part served the province well. British Columbia has enjoyed relative labour peace and economic prosperity for the past two decades as a result.

Workplaces have evolved and continue to change rapidly as technology and new generations of workers demand flexibility, choice and innovative workplaces. Any changes to the Code need to be cognizant of this change and ensure that opportunities for BC's economy to attract investment, talent and jobs are not compromised in the process.

The current Code is the result of a uniquely consultative process in 1992/93 which was supported and further advanced by the 2002 amendments.

All of this calls for circumspection and restraint on the part of the Panel.

APPENDIX

ABOUT THE SIGNATORIES

BC Chamber of Commerce

The BC Chamber is the province's largest and most broadly-based business organization driving insights to its partners, government and Chamber network. With 36,000 members hailing from every nook and cranny of the province, the BC Chamber knows what's on BC's mind.

BC Hotels Association

The British Columbia Hotel Association is the advocate and spokesperson for the interests of the Hotel Industry throughout British Columbia.

The BCHA has over 600 hotel members and 200 associate members, representing an industry with revenue in excess of \$3.2 billion, 80,000 rooms and more than 60,000 employees. We are a significant component of BC's \$13.8 billion tourism trade and have members in almost every community throughout BC.

Canadian Federation of Independent Businesses

CFIB is Canada's largest association of small- and medium-sized businesses with 109,000 members across every sector and region, including 10,000 in B.C.

Canadian Franchise Association

The Canadian Franchise Association (CFA) helps everyday Canadians realize the dream of building their own business through the power of franchising. CFA advocates on issues that impact this dream on behalf of more than 700 corporate members and over 40,000 franchisees from many of Canada's best-known and emerging franchise brands. Beyond its role as the voice of the franchise industry, CFA strengthens and develops franchising by delivering best-practice education and creating rewarding connections between Canadians and the opportunities in franchising. Founded in 1967, CFA consistently advances and supports the franchise community, and is the essential resource for information, insight, and expertise through its award-winning education, events, services, and websites: www.cfa.ca and FranchiseCanada.online.

Canadian Home Builders Association

CHBA BC is the provincial voice of the residential construction industry in British Columbia representing more than 2,000 member companies through an affiliated network of nine local home building associations located throughout the province. The industry contributes over \$23.1 billion in investment value to British Columbia's economy creating 158,000 jobs in new home construction, renovation, and repair - one of the largest employers in British Columbia.

Canadian Manufacturers & Exporters

Canadian Manufacturers & Exporters (CME) is the country's leading trade and industry association serving as the voice of 2,500 manufacturers directly and thousands more through our expanded network of the Canadian Manufacturing Coalition. Since 1871, we have been focused on growing Canada's manufacturers and exporters and we are member-driven and supported. CME has offices, representation and members from coast to coast.

Greater Vancouver Board of Trade

Since its inception in 1887, the Greater Vancouver Board of Trade has been recognized as Pacific Canada's leading business association, engaging members to impact public policy at all levels of government and to succeed and prosper in the global economy. With a Membership whose employees comprise one-third of B.C.'s workforce, we are the largest business association between Victoria and Toronto. We leverage this collective strength, facilitating networking opportunities, and providing professional development through four unique Signature Programs. In addition, we operate one of the largest events programs in the country, providing a platform for national and international thought leaders to enlighten B.C.'s business leaders.

The Independent Contractors and Businesses Association

The ICBA has been a leading voice in the construction industry for over 42 years, representing more than 2,000 members and clients who collectively employ over 50,000 workers. Since its inception, ICBA has been a strong advocate for balanced public policy for British Columbia workplaces, responsible resource development, and a growing and vibrant economy for the benefit of all British Columbians. ICBA believes strongly in building a skilled workforce and is a leading sponsor of apprentices in BC with more than 1,200 sponsored apprentices currently in 24 trades.

New Car Dealers Association

The NCDA, formerly known as the British Columbia Automobile Dealers Association, was established in 1995 as the industry association representing new car and truck dealers in BC. The NCDA's primary purpose is to advocate on behalf of the new car and truck dealers with respect to legal, environmental, consumer and government issues associated with new and used vehicle sales, parts and service in BC. The NCDA owns and operates the Vancouver International Auto Show, the most attended consumer show in Western Canada. The NCDA has 389 member dealerships doing business in 55 communities throughout BC, representing approximately 97 percent of the new car dealers in the province. BC's New Car Dealers support 30,000 family supporting jobs and generate over \$16 Billion in retail sales, almost 20 percent of all retail sales in BC.

Restaurants Canada

Restaurants Canada is a national, not-for-profit association representing Canada's diverse and dynamic restaurant and foodservice industry. With more than one million employees; 80,000 locations; and 18 million customers a day, the restaurant industry is the number one source of first jobs for young people. We help build neighbourhoods, drive tourism, and fuel Canada's agri-food production.

Restaurants Canada members comprise 30,000 businesses in every segment of the industry, including restaurants, bars, caterers, institutions and their suppliers.

Retail Council of Canada

Retail is both Canada's and British Columbia's largest employer with over 360,000 British Columbians (May 2017) working in the retail and wholesale trade alone. The sector generated payroll over \$10 billion (2016) and \$84 billion in sales (2017) in British Columbia. Retail Council of Canada (RCC) members represent more than two-thirds of retail sales in the country. RCC is a not-for-profit industry-funded association and represents small, medium and large retail business in every community across the country. As the Voice of Retail in Canada, we proudly represent more than 45,000 storefronts in all retail formats, including department, grocery, specialty, discount, independent retailers and on-line merchants.

Tourism Industries Association of BC

The Tourism Industry Association of BC (TIABC) advocates for the interests of British Columbia's \$17 billion visitor economy. As a not-for-profit tourism industry association, TIABC works collaboratively with its members – private sector tourism businesses, industry associations and destination marketing organizations – to ensure the best working environment for a competitive tourism industry. TIABC's vision is for the tourism industry to be recognized as one of British Columbia's leading and sustainable industries.

Urban Development Institute

The Urban Development Institute (UDI) Pacific Region is a non-profit association of the development industry and its related professions. With over 750 corporate members, UDI Pacific represents an industry that annually contributes almost \$23 billion in direct GDP and 233,000 jobs to the B.C. economy. Our members build residential, industrial, office, retail, institutional and resort projects throughout the Province. Since 1972, the Pacific Region has been dedicated to fostering effective communication between the industry, government, and the public; and aims to improve both housing and job opportunities for all British Columbians. UDI Pacific also serves as the public voice of the real estate development industry, communicating with local governments, the media, and community groups. UDI concentrates its activities in three primary areas: government and community relations, research, and professional development and education.