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Legal Challenge of the Province’s Monopolistic Labour Model Headed to BC Supreme Court

The legal challenge of the NDP’s so-called “Community Benefits Agreement” model will proceed through the courts and not the BC Labour Relations Board, as initially hoped for by the government and its hand-picked construction craft unions. This a very positive news for the petitioners, which include a broad range of industry stakeholders including the Canada West Construction Union (CWU).

“This is only the first step in the legal challenge but it was an important hurdle to clear”, said Ken Baerg, Director of Labour Relations with CWU. “The government was attempting to re-direct the issue to the BC Labour Board, the body that deals with disputes between employers and unions. This issue is fundamentally about a worker’s freedom to associate with a union of their choosing – something the government stripped away from all employees when it handed billions of dollars of public infrastructure work to their friends in the traditional union movement.” The government’s arrangement with the traditional unions requires all workers to join and pay dues to the select group of unions. “We believe the government violated the Canadian Charter of Rights and Freedoms and that’s why we believe this matter rightly belongs in front of the courts,” says Baerg.

The NDP’s hand-picked unions represent a mere 15% of the construction workforce. Eighty-five percent of construction employees work non-union or under a progressive union model, such as CWU. “The fact is that the vast majority of employees in the construction sector have chosen to work outside of the traditional, old-school model,” says Baerg. “At their core, unions are service organizations and they should be accountable to their members. If they’re unsuccessful in attracting today’s construction worker, they shouldn’t look to the government to legislate them back into relevance. Forced unionization of this sort is an affront to workers and their freedom to choose.”

BC construction workers are also taxpayers. While the petitioners believe that workers’ Charter rights are being compromised, they are also receiving very poor value for their tax dollars. The first piece of work tendered under the Community Benefits Model, a small stretch Highway 1 outside of Kamloops, has come in at an astounding 35% over budget. “When the project is measured in the 10’s of millions of dollars, that’s frustrating enough. But this is just the tip of

the iceberg. If these cost overruns extend to larger projects like the Pattullo Bridge, that translates into schools and hospitals needed in our communities, that don't get built due to the government imposing a labour model that is exclusive and inefficient."

All BC workers deserve better. They deserve choice, they deserve equal access to opportunities funded by their tax dollars, and they deserve a government that is going to deliver great value for every tax dollar spent.

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Ken Baerg is Director of Labour Relations for the Canada West Construction Union (CWU). CWU is a progressive union that provides responsible advocacy for its members while supporting strong relationships between labour and management.

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