

## **Federation of Labour's attempt to use industrial inquiry as a platform for anti-replacement worker legislation irresponsible**

*--FOR IMMEDIATE RELEASE*

**October 15, 2010, St. John's, NL** – In a recent interview, NL Federation of Labour President Lana Payne commented that the Federation would use the potential industrial inquiry into the Voisey's Bay strike to make a case for anti-replacement labour legislation in this province. The NL Employers' Council (NLEC) believes that this attempt to make the industrial inquiry about a single issue for labour's political gain is irresponsible.

Anti-replacement worker legislation would do more to harm labour relations in this province than it would to solve labour disputes. A fundamental principle of all labour relations legislation is the creation of a statutory balance in bargaining power between both parties to a collective agreement. Without the ability to use temporary replacement workers, the fundamental balance of bargaining power would shift in favour of the union, resulting in an increase in duration and frequency of strikes.

During a strike, workers withdraw their services, by choice, in order to cause economic hardship on the employer during negotiations, pressuring them to agree to the union's position. Balancing this, the employer must be able to continue to achieve some level of output during a strike in order to honour its basic legal and financial obligations, maintain market share and ensure there is a job for the employees to return to when the strike is over. In many cases, this balance cannot be achieved unless temporary replacement workers are utilized. A ban on replacement workers creates a one-sided bargaining system, with the balance of power lying in the hands of the union. There are only two jurisdictions in North America where such legislation exists and independent research indicates both of those jurisdictions have more frequent and longer strikes.

During a labour dispute, workers who have withdrawn their services access non-taxable strike pay and in many cases, look for and gain alternative employment for the period of the strike without having to give up their employment with the original employer. Many striking workers are also eligible to collect EI benefits. "Both parties have the right to survive during a strike," says NLEC Executive Director, Richard Alexander. "The Federation of Labour using the industrial inquiry as a platform for anti-replacement worker legislation would be like employers using the inquiry to try to prevent striking employees from being able to earn other sources of income during a strike."

Government, business and labour engaged in a tripartite review of labour legislation in this province in 1996 and another review is currently ongoing. In both of those reviews, anti-replacement worker legislation was researched and dropped as unfeasible. Almost every jurisdiction in Canada has come to this same conclusion.

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“There are still a number of potential legislative changes that have been shown to improve the labour relations climate in other jurisdictions that are still on the table in this legislative review,” says Alexander. “Because the Federation of Labour did not get what they wanted through this process, they are now using the industrial inquiry to put pressure on a piece of legislation that has been rejected by nearly every jurisdiction in North America.”

The NLEC hopes to see the parties in the current labour dispute come to an agreement before the premier’s deadline. “We’re hopeful that this industrial inquiry will not be necessary,” says Alexander. “But if so, we hope it will not be used as a mechanism to introduce irresponsible legislation.”

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*The NLEC is the lead advocacy organization on matters that affect the employment relationship in Newfoundland & Labrador.*

*For more information visit [www.nlec.nf.ca](http://www.nlec.nf.ca).*

**Interview opportunities available.**

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