

Speaking Notes

Canadian Airports Council President and CEO Jim Facette to the House of Commons Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities (HUMA) regarding Bill C-257, An Act to Amend the Canada Labour Code (Replacement Workers)

Ladies and gentlemen. Thank-you for the opportunity to address you this afternoon on a matter of grave concern to Canada's airports – Private Members Bill C-257 An Act to Amend the Canada Labour Code (Replacement Workers). Canada's airports believe that you should be aware of the potentially devastating impact that this legislation could have on the airport community across Canada. If enacted, this bill could result in the shut down of one or more of Canada's airports in the event of a strike.

The Canadian Airports Council is the national association of Canada's airports. Our 45 members include more than 150 airports, handling virtually all of the nation's air cargo and international passenger traffic and 95% of domestic passenger traffic.

Our position today is supported by the Air Transport Association of Canada, representing Canada's air carrier sector – an organization that was not granted a hearing by this committee. Canada's airports are essential components of Canadian infrastructure. To the communities they serve, and indeed to the nation, Canada's airports play a vital economic and social role. They also play an important part in the continued health and security of our nation. The military, Medevac, search and rescue and forest fire bombers– all rely on airports as bases of operation.

For northern and remote communities, airports are particularly important – for some communities air service is the only link to the outside world.

To shut down an airport is to weaken our national

transportation system. The Minister of Transport, the Honourable Lawrence Cannon, is keenly aware of the critical role played by our airports. In October of this year he told the Standing Senate committee on Transport and Communication that "We must ensure that federal policies and legislation continue to strengthen our national transportation system. Getting them right matters for competitiveness." This bill, we submit, does not "get it right." This bill jeopardizes Canada's competitiveness.

Such is our concern about the implications of this bill that we wrote to the Minister of Transport, Infrastructure and Communities to advise the minister that if Bill C-257 becomes law, Canadian airports in the event of a strike by certain occupational groups likely would not be able to live up to regulated responsibilities under the terms of the Canadian Aviation Regulations. We must live up to them; We do not have a choice. But it is our opinion, and the opinion of our legal counsel that airports in Canada will not be able to do so if Bill C-257 is enacted.

Let me give you just a few examples to illustrate the severity of our concerns:

- (1) If aircraft fuellers strike, then aircraft will not fly.
- (2) If aircraft de-icers strike, then aircraft will not fly in the winter months.
- (3) If baggage and cargo handlers strike, then people and products won't be loaded and unloaded. With no passengers, no baggage and no cargo, aircraft will not fly.
- (4) If ground handling personnel strike, aircraft cannot be safely moved on the tarmac and again, aircraft will not fly.
- (5) If airport security personnel strike, facility security may be compromised and airport operations curtailed or ceased.
- (6) If pre-board security screeners strike, then nobody flies.

Some may say that existing essential service protection, called

Maintenance of Activities in s. 87.4 of the Canada Labour Code, will ensure that these critical services continue to be provided Canadian Airports Council – HR Committee Speaking Notes Page 4 of 7 during a strike or lockout. We do not agree. Regrettably, s.87.4 has proven to be woefully inadequate. Canada's aviation sector has not been well served by the current maintenance of activities provisions. For example, aviation sector employers and unions alike have been anxiously awaiting for almost six years a final decision from the Canada Industrial Relations Board concerning air traffic control and related services provided by Nav Canada. If you add to this inadequate essential service protection a ban on the use of replacement workers you will have a recipe for airport chaos in the event of a strike. Given the essential role that Canada's airports play in the functioning of our country we anticipate that emergency back to work legislation will once again be the order of the day.

Prior to the 1999 amendments to the Canada Labour Code, the federal government had to enact emergency back-to-work legislation on 17 occasions. Since the 1999 amendments there hasn't been a single instance where the federal government has had to legislate an end to a strike or a lockout. This is the best evidence of a balanced Labour Code serving the interests of all parties - labour, management, government and most importantly, the people of Canada. We urge you not to upset this delicate balance.

You have been bombarded with conflicting statistics for and against the ban on replacement workers. We wish to add our views to this dimension of the debate.

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First, let me say that we respect the expertise and neutrality of the federal public servants who prepared the report titled "Key Observations Regarding the Effect of Replacement Worker Legislation on Workers." That document makes a number of very important statements which we urge you to consider carefully as you consider this proposal to ban the use of replacement workers:

(1) "There is no evidence that replacement worker legislation

reduces the number of work stoppages" (page 2)

(2) "There is no evidence that replacement workers legislation results in shorter duration of work stoppages." (page 3)

(3) "There is no evidence that replacement worker legislation reduces the number of work days lost." (page 5)

Apparently the policy experts at the Federal Department of Labour do not agree with organized labour's assertions that replacement workers lengthen or increase the number of strikes. If you have not already done so, we urge you to read the Federal Department of Labour report.

We too have some telling statistics to share with the committee and all Parliamentarians. We represent 150 airports, each with at least one collective agreement that is renegotiated about every 3 years. This means that in the last ten years there have been at least 450 collective agreements renegotiated by airports and their unions across Canada.

Put another way, that is at least 450 instances where a strike or lock out could have occurred. I'm happy to report that there have been fewer than five airport labour disruptions in that time. The system is balanced. We urge you not to disrupt this delicate balance by dramatically and unfairly increasing the bargaining power of labour.

Canada does not need Bill C-257. There has been a restriction on the use of replacement workers for almost seven years and the Canada Industrial Relations Board (CIRB) has yet to issue a single decision in circumstances where an employer has actually used replacement workers. Laws should only be changed to fix problems, and there simply is no problem to fix. So in conclusion, Canada's airports are very concerned about Bill C-257 because it could result in the shut-down of one or more of Canada's airports in the event of a strike. Due to the vital role that airports play in our communities and the nation, we hope that this committee will not let that happen.

This bill is not needed. As we articulated earlier, our

position is supported by Canada's air carrier sector. This bill will damage Canada's airports, the communities we serve and the Canadian Airports Council – HR Committee Speaking Notes Page 7 of 7 economy as a whole. Federal law must strengthen, not weaken, Canada's transportation and economic infrastructure. Thank-you, and we would be pleased to answer any questions you may have.

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