



Proposed Regulations Respecting Exemptions: Hours of Work Provisions in Part III of the Canada Labour Code

SUBMISSION

by

Grain and General Services Union (ILWU • Canada) (“GSU”)
to Employment and Social Development Canada – Labour Program

Grain and General Services Union (GSU) represents working people employed in agricultural input sales and distribution, grain handling, feed milling, oat milling, fish farming, livestock handling, metal fabricating and newspaper publishing.

As an organization of wage and salary earners, GSU’s primary concern is about the socio-economic well-being of all working people; unionized or not.

The majority of GSU members fall under the Canada Labour Code and work in areas deemed to be essential components of Canada’s supply chain and food production sector.

As front line participants in Canada’s food production and export supply chain, GSU members have a wealth of experience with the logistical challenges and vagaries of the

road and rail system in western Canada. The starts, stops and on again/off again realities of receiving, storing, processing and shipping of field crops all fall on the shoulders of the workers in Canada's grain elevators and grain milling operations.

GСУ's long history of representing workers in the Grain Sector stems from the struggle for decent labour standards and working conditions. It is not very many years ago that the eight-hour day became standard in prairie grain elevators after great opposition from employers and their lobby groups.

Employers then, as now, argued that modern labour standards would inflict undue hardship on the industry. These claims were as unfounded at the beginning of this century as they are now.

Given our history and experience, GSU is fundamentally opposed to any modification of or exemption from section 173.1 of Part III of the Canada Labour Code with respect to the Grain Sector. When section 173.1 of the Code came into effect it marked another historic turn towards a better balance in the workplace for employees in the Grain Sector.

Requiring employers to give employees at least twenty-four (24) hours' notice of shift change is an important further step towards modernity and a step away from working conditions and employer thinking stubbornly rooted in the mid-part of the 20th century.

Representing more than six hundred (600) workers who would be directly and negatively affected by the proposed exemption, GSU respectfully submits it would be profoundly unjust to grant the proposed exemption.

In the 17 months since section 173.1 of Part III of the Canada Labour Code came into force, GSU members and their employers have not experienced any operational problems that have not been able to be resolved while respecting the right of workers to balance in the workplace.

GSU is not aware of any fact-based evidence that supports the employers' pitch for an exemption from section 173.1 of the Code. GSU has asked to see the submissions of employers that purportedly support their bid for exemption. Thus far no evidence has been provided.

It is our respectful submission that before any exemption is even considered, Grain Sector employers should be required to bring forward empirical evidence to support their claims. Furthermore, if any evidence is brought forward it should be subject to rigorous cross examination. It is GSU's respectful submission that anything less would be a denial of natural justice.

Grain handling, grain milling and feed milling are sophisticated, highly efficient and technologically advanced sectors. Despite the vagaries of customer demands, railway service and/or trucking service, the system in each of these sectors has been able to function efficiently and effectively under section 173.1 as it is without any hardship on the grain handling, grain milling or feed milling companies.

It is GSU's direct experience that in the 17 months since section 173.1 came into force, rail cars and trucks have continued to be loaded and dispatched without any delay attributable to a lack of available labour.

Workers who already contribute to running a highly integrated system deserve to be able to plan their lives without being at the beck and call of their employers. As stated above, there is no empirical or other reliable evidence to suggest that a highly sophisticated supply chain can't accommodate a reasonable balance for workers.

In GSU's experience, accommodations have been worked out in the multitude of workplace transactions that have occurred since section 173.1 came into force. The balance of interests reflected in section 173.1 of the Code works to foster a better and more respectful workplace. GSU opposes any exemption or modification for the grain handling, grain milling or feed milling sectors.

We thank ESD Canada – Labour Program for the extensive work they have done to engage business and labour in the consultation process focused on changes to Part III of the Canada Labour Code and for receiving this submission.

Submitted on behalf of the members of
Grain and General Services Union (ILWU • Canada)



Hugh J. Wagner
General Secretary

February 4, 2021