



November 12, 2013

Right Honourable Stephen Harper
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister Harper,

I am writing to you today to express the absolute opposition of the Canadian Union of Public Employees (CUPE) to Bill C-4.

First, Bill C-4, introduced as a budget implementation bill, denies the essential democratic process of specific debate on the sweeping changes your government is proposing to the rights of Canadian workers. It is an abuse of executive power undermining the principles of parliamentary democracy.

Secondly, the changes to *Public Service Labour Relations Act* contemplated in this bill and the broader changes to occupational health and safety laws are completely unacceptable. Bill C-4 includes within it changes that will so weaken occupational health and safety standards that will apply to all workers who are governed by the Canada Labour Code that it makes a mockery of the Code. It is an unprecedented move that puts workers lives at risk. C-4's changes to essential services agreements and arbitration rules for direct federal government workers also cause us great concern: the right to strike is an essential component of democratic society. No government should lightly play with such rights; no government should invoke the storm of public unrest that such moves will provoke.

CUPE represents over 20,000 members under the Canada Labour Code. C-4's health and safety changes will put our members who work in the airline and ground transportation sectors in danger. Bill C-4 proposes to dramatically roll back the definition of what constitutes a "danger" currently found under subsection 122(1) of the Code. The most critical change is to the right to refuse unsafe work. Workers in Canada currently have a right to refuse dangerous work as their last line of personal protection when faced with the choice between doing an activity that will injure or kill them and being disciplined (or maybe even losing their job).

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By altering the definition of danger, C-4 will require that in order to invoke the right to refuse, workers will have to be facing an "imminent" or a "severe" danger. This confuses the issue and introduces the idea that workers do not deserve protection from activities or conditions that could cause them illness in the future or from anything less than severe danger.

The change in this definition removes the explicit prevention of exposure to a hazardous substance that is likely to result in a chronic illness and in disease or damage to the reproductive system as a result of the hazard. These are reckless changes that have the potential to injure, hurt or even cause the death of workers.

There are practical implications for how this could affect CUPE members. For instance, at Air Canada alone, there have been at least nine work refusals concerning aircraft cabin air contamination and fume events, caused primarily by engine and lubricating oils leaking into the aircraft ventilation system as a result of mechanical faults and failures. Exposure to these fumes can lead to illness while on board, and potential future health problems down the road. The questions that our members will now face are: "Is this an immediate hazard, and is the potential illness considered 'serious'?" This is not acceptable. The standard of danger should remain as it is currently defined under the Code. Your government bases these changes to legislation on an unverified claim that 80% of all work refusals result in a finding of "no danger". That is, 80% of the refusals were not justified after an investigation by a Health and Safety Officer (HSO). You have refused to release details of this claim; and we are aware of examples in which a HSO has found no danger, and yet written non-compliance orders for employers. We also continue to dispute many of the rulings of the HSOs as to what constitutes danger in the first instance.

Finally, Bill C-4 as it is currently written gives all power to the employer to define essential services without negotiation with the union. Employers, effectively the government, will be able to deem all workers essential and remove all ability to engage in effective strike action. And the provision in Bill C-4 that units that are made up of 80% or more of the workers deemed essential will be forced automatically into arbitration only adds credibility to this scenario. Your government is upsetting a balance achieved over generations of collective bargaining in Canada. The relationship between labour and capital in Canada has been in formation since the 1872 passing of the *Trade Union Act*. In the last eight years, your government has broken faith with workers without any consideration of the impact this has on the social fabric of our country. We find it an appallingly cynical and chilling move.

In short, as Canada's largest union, we are calling on your government to withdraw these changes that impact workers' right to strike and the changes to occupational health and safety that will endanger workers and the public. Bill C-4 continues this government's pattern of attacking workers' rights and the rights of the labour movement. Such moves do not, in the end, benefit Canada.

All Canadian workers, including those who work for the federal government, have the right to bargain collectively and they cannot do that effectively if they are denied the right to strike. And all Canadian workers, whether they are covered by the Canada Labour Code or provincial codes, must maintain the right to refuse unsafe work.

I look forward to your response.

Yours truly,

A handwritten signature in black ink, appearing to read "Paul Moist". The signature is stylized with a large initial "P" and a long horizontal stroke.

PAUL MOIST
National President

cc: C. Fleury; P. Beattie; M. Butler; D. Ivanochko; A. Rampure; J. Flaherty; K. Leitch; T. Mulcair; P. Nash;
A. Boulerice

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