



## **Will the Proposed Ban on Replacement Workers Become a Reality?**

### *A Parliamentary Standing Committee Continues to Study Bill C-257*

Bill C-257, the replacement worker legislation introduced by the Bloc Québécois last year, continues to be studied by the House of Commons' Standing Committee on Human Resources, Social Development, and the Status of Persons with Disabilities (HUMA) this week.

Bill C-257 proposes sweeping changes to the *Canada Labour Code* that will have the effect of preventing federally-regulated employers from operating during a strike or lockout.

If Bill C-257 is enacted, employers will be:

- prohibited from hiring new replacement employees or contract workers to do the bargaining unit work of striking or locked out employees;
- prohibited from redeploying non-bargaining unit employees, possibly including managers, to do bargaining unit work of striking or locked out employees; and
- prohibited from allowing striking bargaining unit employees to cross the picket line and return to do any work

Not surprisingly, Bill C-257 has received vocal support from the labour movement. If passed, Bill C-257 will substantially alter the delicate balance of power in collective bargaining and will not, in our view, achieve the policy objectives espoused by its supporters.

Although Bill C-257's reform measures will only *directly* affect unionized federally-regulated operations, this legislation should be of grave concern to *all* employers across Canada. The inability of a federally-regulated business to maintain operations during a labour dispute will affect its entire supply chain, which may include provincially-regulated and non-unionized businesses. Moreover, if a ban on temporary replacement workers becomes law federally, the trade union movement will gain momentum in lobbying for such changes under provincial law as well.

For these reasons, we urge *all* employers, whether federally or provincially regulated, unionized or non-unionized, to contact their local MP or one of the members of HUMA to express their opposition to Bill C-257. Given the probable positions of the

Conservative (opposed), Bloc Québécois (in favour) and NDP (in favour) members of HUMA, we recommend contacting the Liberal HUMA members, whose votes may well determine the outcome of the Standing Committee's deliberations. The Liberal members of HUMA are:

- Ruby Dhalla                      Dhalla.R@parl.gc.ca                      (613) 995-4843
- Gary Merasty                      Merasty.G@parl.gc.ca                      (613) 995-8321
- Mario Silva                      Silva.M@parl.gc.ca                      (613) 992-2576
- Michael Savage                      Savage.M@parl.gc.ca                      (613) 995-9378

It is important that employers voice their concerns regarding Bill C-257 as soon as possible, as HUMA's hearings are scheduled to conclude shortly. **If possible, please contact the Liberal HUMA members listed above before the end of business on Monday, February 12, 2007.** This will ensure that your views are heard prior to the Standing Committee's technical and clause-by-clause consideration of the Bill.

If you would like further information regarding Bill C-257, or would like to receive a copy of HRSDC's recent report on the effect of replacement worker bans on the duration and frequency of labour disruptions, please do not hesitate to contact any of the Toronto office's team of labour and employment law specialists. In particular, the lawyers listed below specialize in federal labour relations and would be pleased to receive your call or email:

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