

Anti-scab legislation: Balancing bargaining power



Bargaining in good faith is the underlying principle of all labour legislation in this country. This means that in all labour disputes, parties must genuinely try to resolve their differences. The use of replacement workers (otherwise known as strike breakers or scabs) runs completely contrary to this principle. It allows employers to avoid the process and ignore their obligations to try to reach a resolution. When this happens, workers are frustrated. They feel powerless and desperate sometimes leading them to act in ways they would never otherwise consider. Tragedies can and have occurred.

Quebec and British Columbia have legislation that bans the use of strike breakers. Strikes in these provinces have been fewer and shorter than before the legislation was adopted. Their economies have not suffered. Violent events related to strikes have virtually disappeared.

PSAC members at the Old Port of Montreal had first hand experience with the use of strike breakers when their employer locked them out in May 2003.

“We had planned on a 48-hour strike to move along our negotiations with the Old Port of Montreal Corporation”, explains Patrick Leblanc, the Local Vice-President. “Instead, our employer decided to lock us out and use scabs to replace us. We were on the street for seven weeks because our employer, who comes under federal jurisdiction, was free to maintain its operations with the help of scabs.”

In November, 2004, a Bloc Quebecois Member of Parliament introduced Bill C-263, an Act to ban the use of replacement workers. The Bill would only apply to employers under the Canada Labour Code but this affects many northern workers. Unlike most Bills submitted by individual MPs, Bill C-263 was debated and voted on in the House of Commons. It was defeated.

Party Positions:

This is a summary of how MPs by Party voted on C-263 at Second Reading. One Independent MP voted for the legislation, one voted against. Four MPs were paired and 28 were absent for the vote. The Bill was defeated by a mere 12 votes.

Bloc Québécois:

For the legislation: 52
Against the legislation: 0

Conservative Party:

For the legislation: 13
Against the legislation: 70

Liberal Party:

For the legislation: 47
Against the legislation: 72

New Democratic Party:

For the legislation: 18
Against the legislation: 0

Questions for candidates:

How did you vote on Bill C-263?

Will your party introduce legislation to ban strike breakers that will cover workers in the federal sector?

