

The British Columbia and Yukon Territory Building and Construction Trades Council

Please see below a proposed Opinion-Editorial article
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Ian Mulgrew Is Wrong On The Canada Line Workers Human Rights Case

By Wayne Peppard, Executive Director
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In writing about a human rights case, Vancouver Sun columnist Ian Mulgrew gets a few things wrong. [Human rights tribunal shoots itself in the foot again, Dec. 9, 2008]

First, Mulgrew writes that the BC Labour Relations Board found that the Latin American and Canadian workers received comparable wages. Yet it was only able to arrive at this wage calculation by including the airfares paid to fly the workers from Latin America and the costs of housing and feeding them once here. The Employment Standards Act, stipulates that salary must be paid in currency, workers can't be paid in food, accommodation and clothing (ESA, Sec. 20). Further, the Board declined to take any account of the fact that the Canadians were predominantly labourers working above ground, while the Latin American workers had highly specialized skills and experience in tunneling and worked underground. The LRB expressly declined to consider the Europeans as that issue was already before the Human Rights Tribunal.

The Europeans were not added to the complaint after the LRB's ruling on discrimination, as Mulgrew says. The Europeans were included in the Human Rights complaint six months before the LRB decision.

It was the employers, SELI and SNC Lavalin, who over the objections of the union insisted that the Canadian workers be excluded from the human

rights case. The employers also swore an affidavit that the Latin American workers were hired for the project because they had highly specialized skills and experience in tunnel boring essential to the project, which the Canadian workers did not have. The Europeans were hired for the same reasons as the Latin Americans, to do the same specialized work.

Perhaps most offensive is Mulgrew's contention that union used the Human Rights Tribunal to "harass International Capital." Mulgrew completely ignored witness testimony that found that it was in fact the workers who faced employer threats, coercion and intimidation, leading to an interim "cease and desist" order from the Tribunal.

The Tribunal heard testimony under oath that on the same day hearings began the Latin American workers were asked to sign a petition written by a company manager asking the Tribunal to drop the complaint.

Managers threatened that workers who refused to sign the petition would be ending their future career with the company. If it hadn't been for six courageous Latin Americans who refused to be intimidated by two huge companies, the complaint would never have been heard.

Anyone interested should actually read the BC Human Rights Tribunal report - it is 176-pages long because of repeated efforts by the employers to stall, delay and derail a legitimate complaint. Mulgrew's disdainful column does the workers who stood up for justice a serious disservice.