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Ontario's Bill 167 : Reform of the Status Quo
La réforme de la législation du travail en Ontario (1970)

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Article abstract

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Ontario's Bill 167

Reform of the Status Quo

John Crispo

This paper reviews the amendments made in 1970 to the Ontario Labour Relations Act, explains their consequences and comments on some of the serious omissions of the Bill 167.

Ontario's long-awaited legislation, to up-date its Labour Relations Act, was introduced in the Provincial Legislature on June 22, 1970 and finally proclaimed on February 15, 1971. Although the basic thrust of Bill 167 was hardly revolutionary, it has generated a good deal of controversy, particularly as it applies to the construction industry.

With the latter exception, Bill 167 can perhaps best be described as reform of the status quo. Aside from its possible impact on construction industrial relations, the Bill should do little to alter the present situation. That is was not intended to do so may be attributed in large measure to the central conclusion of a special Department of Labour committee that was charged with drafting the Bill. The committee apparently felt that « while there was need for important improvements, the basic structure of the collective bargaining system was fundamentally sound » [1].

Although this assessment is basically the same as that of many other recent inquiries into the state of industrial relations in Canada (see below), the resulting reforms in the legislation are not as drastic as those called for elsewhere. However, this distinction may be less attributable to the thinking of the aforementioned committee than to excess caution on the part of the Government.

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1 « Bill 167, » *Task,* Toronto, Ontario Departement of Labour, Vol. 6, No. 1, March, 1971, p. 5.

After reviewing the background against which Bill 167 emerged, this paper reviews both the general amendments that were introduced and the particular, and potentially more farreaching, revisions directed towards improvements in industrial relations in the construction industry. Following a brief commentary on some of the serious omissions in the Bill, the article then concludes with some observations concerning the failure of the Bill to go further than it did.

BACKGROUND AND GENERAL PERSPECTIVE

Turbulence on the Canadian industrial relations scene is not a new phenomenon. None the less, it has appeared to intensify over the past decade, and for that reason has received more public scrutiny. Because of hostile public reaction to the level of strikes and settlements, one might even say that industrial relations have been under attack for some time now.

Reflecting this critical environment, a number of inquiries have been held into the state of industrial relations in various parts of Canada. The reports of three of these investigations received careful consideration by those responsible for drafting Bill 167. Aside from Ontario's own Rand Report [2], these were the Woods Report [3], at the federal level, and the Goldenberg-Crispo study [4], commissioned by the Canadian Construction Association as a centennial project.

Except for the Rand Report, the author of which was obviously very much influenced by Australia's industrial relations system, these reports were not radical either in their diagnoses or in their prescriptions. Each is based on the conclusion that Canada's present collective bargaining system is basically sound, if for no other reason than the lack of a viable alternative. In this sense, again with the possible exception of the Rand Report, these treatises did not reflect the degree of public disquiet that has been abroad in the land.

Fortunately or unfortunately, depending on one's point of view, the Government of Ontario was apparently moved even less by this disquiet.

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[2] Ivan C. RAND, *Royal Commission Inquiry into Labour Disputes*, Toronto, Queen's Printer, 1968, 263 pp.

[3] A.W.R. CARROTHERS, John CRISPO, Gérard DION and H.D. WOODS, *Canadian Industrial Relations : The Report of the Task Force on Labour Relations*, Ottawa, Queen's Printer, 1969, 250 pp.

[4] H. Carl GOLDENBERG and John CRISPO (eds). *Construction Labour Relations*, Ottawa, Canadian Construction Association, 1968, 670 pp.

Indeed, the Government seems to have been quite unimpressed by this or any other variable, since it failed to go nearly as far as the three reports in question would have had it go. As already indicated, a possible explanation of the Government's more cautious approach is offered in the conclusion.

Not surprisingly, the perspective that the author brings to bear in this paper reflects his experience as a member of the Prime Minister's Task Force on Labour Relations, hereinafter referred to as the Task Force. Although the author is quite prepared to acknowledge the merits of certain criticisms of some aspects of the Task Force analysis, he still feels that it represents a useful frame of reference against which to assess on-going public policy developments.

It should also be noted that this article is being written prior to many of the new provisions of the Act coming before the Ontario Labour Relations Board for application and interpretation. One's ultimate judgment of the new Bill must obviously await its actual implementation. Although there are certainly technical problems that remain to be worked out as the revised Act is brought into force, this paper is written by a layman who has studiously avoided all such considerations.

GENERAL AMENDMENTS

Most of the amendments introduced by Bill 167 apply to industry in general. These changes can conveniently be analyzed under the following headings : Coverage, Certification and Decertification, Union membership Rights, Enforcement, Emergency Disputes, and Other Recommendations.

Coverage

Although in some ways more symbolic than real, one of the most disappointing features about Bill 167 is its failure to extend bargaining rights to more groups not now covered by the Ontario Labour Relations Act. Although employed professionnal engineers were added to the Act's coverage just before its third reading, the remaining professional exclusions were left intact. The Act will also continue to exclude agricultural workers, as well as, by interpretation at least, most own-account workers or dependent contractors, such as taxi drivers.

Failure to expand the scope of the Act to these and other groups not only ignores one of the basic Task Force recommendations, but also the

spirit, if not the letter, of the new preamble to the legislation, which asserts :

> Whereas it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees . . .

Apparently the traditions of certain groups and the vested interests of others combined to induce the Government of Ontario to preserve certain anachronisms hardly consistent with the philosophy its newly-amended legislation purports to adopt.

Certification and Decertification

Before turning to the most significant changes brought in under this heading, two related amendments are worth noting. The first relates to the right of access by union organizers to workers employed and housed on lands under the control of their employer. Such access may now be secured by application to the Board, which will deal with each case on its merits, including, presumably, the terms and conditions under which such access is to be granted, if at all.

Also noteworthy is a new provision which seemingly bars an employer, without union consent, from altering any terms and conditions of employment after an application for certification has been filed. This is consistent with the view running through the legislation and its administration, which holds that, in deciding whether to choose the collective bargaining route, employees should base their decision on the employer's past performance rather than on any last-minute improvements he may choose to introduce in order to forestall their unionization.

With respect to the degrees of support required for certification purposes, Bill 167 embodies most of the Task Force proposals. Thus it will now take only 35, instead of 45, per cent support to gain a certification vote. At the other end of the spectrum, the Act now requires 65, instead of 55, per cent support to achieve certification without a vote. In the event of such a ballot, a union now need secure 50 per cent support of those voting, rather than of those eligible to vote. All these changes are in keeping with the notion not only that certification ballots should be more readily available, but also that in most cases they represent the most accurate way of determining the actual views of the employees.

The unions are most agitated about raising the requirement for certification without a vote from 55 to 65 per cent. The author has more sympathy with this concern than when he was a Task Force member, largely because he is now more aware of the kinds of pressures unscrupulous employers can bring to bear in relatively small firms, especially where there is a significant ethnic component in the labour force. It should also be remembered that labour relations acts are intended to promote collective bargaining where workers so desire, through trade unions of their choice. This consideration, plus the desire to encourage some stability in industrial relations, doubtless explains why the proportion required to secure a decertification or termination-of-bargaining-rights vote was maintained at 50 per cent, despite its reduction to 35 per cent on the certification side.

Another intriguing change empowers the Board to order one or more votes where more than one union is involved in an attempt to secure the right of exclusive representation for a particular group of workers. This is intended to provide the Board with sufficient discretion to ascertain the true wishes of a group of workers with respect to their future relations with their employer.

Union Membership Rights

Bill 167 adds some new areas to those in which union members are already protected from running afoul of their unions, at least to the extent of preventing a worker's discharge solely because he has been expelled from his union. Although a step in the right direction, these extensions still fall well short of the comprehensive union membership bill of rights recommended by the Task Force. The basic flaw lies in the Bill's failure to come to grips with the challenge of ensuring certain minimal rights of union citizenship as well as employment. None the less, in addition to having the right to belong to another trade union and to engage in activities against an existing union, or on behalf of another one, union members are now to be protected from discharge if they engage in reasonable dissent within a trade union, are discriminated against by a trade union in the application of its membership rules, or refuse to pay unreasonable initiation fees, dues or other assessments.

These changes clearly leave much to the discretion of the Board, and considerable clarification will be required before their full import can be determined. Generously interpreted, they could go a long way towards providing union members with meaningful protection as workers, although not as union members. Because of this very real distinction, the author would still prefer the more direct and open assault on the

problem advocated by the Task Force. One thing Bill 167 does establish, however, is that where unions improperly press employers to discharge workers contrary to the provisions of the Bill, the unions involved, rather than the employers, will be liable for any resulting damages.

A most contentious aspect of the Bill relates to the opportunity it affords those with religious objections to apply to the Board for an exemption from union dues. In the event the Board upholds such a request, an equivalent amount is to be donated to a charity mutually agreed upon by the individual and the union in question, or named by the Board in the event of their failure to agree. Although available only to those already employed in a plant where there is compulsory payment of union dues, this approach has a great deal of appeal as a matter of principle. The problem is that it could readily lend itself to abuse if the Board does not exercise extreme caution in its administration.

As recommended by the Task Force, unions also have a duty under the new legislation to provide fair representation for those in their bargaining units. Here again, much will depend on the Board's interpretation of the meaning of fair representation. Actually the Act itself does not refer to fair representation except in a marginal note, but rather precludes a union's « acting in a manner that is arbitrary, discriminatory, or in bad faith ». Particularly in the latter part of this phraseology, there is a close similarity between the language in the new Act and that in one of the leading U.S. cases [5]. Presumably, therefore, the Board will be able to draw on American jurisprudence for guidance in this area.

Another interesting feature of the new Bill, inspired at least in part by the Task Force, relates to its provisions with respect to ratification and strike votes. Prior to Bill 167, the legislation required that if a union chose to take a strike vote it should be by secret ballot. Under the new legislation, unions that choose to utilize ratification or strike votes must take them not only by secret ballot but in a manner designed to ensure the membership in question « ample opportunity to cast their ballots ». As worthwhile as these changes appear to be, it remains to be seen how they will be enforced and what will happen in the event a union does not act in compliance with the requirements on a particular vote.

An interesting twist on some of the Rand Report thinking is reflected in the amendment providing for the right of strikers, upon unconditional written application for re-instatement on mutually agreeable terms that do not discriminate against the individuals in question, to return to their

[5] *Vaca* v. *Sipes*, 55 *L.C.*, Par. 11, 731.

jobs, up to six months after the commencement of a legal strike, as long as there is work available. Aside from the potential administrative complexities inherent in such an approach, the most intriguing aspect of this measure is that it stands condemned by both union and management spokesmen, albeit for different reasons. Union leaders see it as an enticement to union membership dissension and to strike-breaking, while corporate leaders object to the inhibiting effect it could have on their ability to recruit replacements for striking employees. As a sometime cynic, the author finds himself tending to favour this innovation, if only because both union and management seem so opposed.

Although the Government was undoubtedly motivated in its thinking on this issue largely by a desire to dispel the fear of permanent loss of employment, which adds such an emotional and sometimes violent overtone to picket-line activities in protracted strikes, the eventual impact of this change remains to be seen. If nothing else, it should be of some aid and comfort to individual workers who find themselves caught up in strikes contrary to their better judgment and occasionally against their will.

Enforcement

Bill 167 also strengthens the enforcement provisions in the Act in a number of ways. Perhaps the most important change in this respect is the amendment making it illegal to threaten an unlawful strike or lockout, although once again there is bound to be some confusion about these proscriptions until the Board begins to apply them. Like other forms of prohibited conduct in the legislation, these proscriptions could take on considerable significance, if only because fines under the Act have been raised ten-fold. At their maximum levels, these fines are now $1,000 for individuals and $10,000 for corporations and trade unions.

In terms of more private forms of enforcement, arbitration boards may now be constituted and may award damages against a union or employer that calls or authorizes an illegal strike or lockout before a collective bargaining regime has come into effect. Such a remedy is available, however, only after the Board has declared that a union or employer has called or authorized an illegal strike or lockout. Since the Board has seldom, if ever, issued such a declaration after a strike or lockout has been terminated, this in itself could pose an interesting policy conundrum, unless there is a complete reversal of past policy in this area.

Emergency Disputes

One of the most encouraging aspects of Bill 167 is to be found in the resistance by the Government of Ontario to the politically popular resort

to standing powers of compulsory arbitration prevalent in British Columbia and, until recently, in Saskatchewan. The Government did include a provision for establishing industrial inquiry commissions, but this is of little or no real significance. What is important is that the Government has kept itself in an extremely flexible position, thus leaving labour and management in considerable doubt as to what it may do in the event of a dispute that truly jeopardizes the health, welfare and safety of the community. In keeping with this thus far successful strategy, the Government did not go along with the Task Force idea of a Public Interest Disputes Commission, or with the notion of a specifically spelled-out choice-of-procedures amendment. Any chagrin the author may feel in this regard is more than offset by his relief at the Government's avoidance of anything like the Rand Report proposals in this area, which were overly influenced by a rose-coloured view of Australia's so-called compulsory arbitration system. Unfortunately, however, by failling to rescind existing legislation such as the Hospital Labour Disputes Arbitration Act — which does call for the imposition of automatic compulsory arbitration in the event of an impasse — the Government did not follow through completely on its admirable approach to dispute settlement. Consistent with its over-all philosophy, however, is the introduction of procedures whereby the Province's compulsory one-or-two-step conciliation machinery can be brought into play earlier, thereby making it more likely that the parties will be free to take direct action as of the termination of their existing agreement.

Other Changes

A number of other amendments were passed, only a few of which merit mention. One gives the Board the power to treat two or more firms as one, for certification and other purposes, where piercing of the corporate veil reveals they are really joint ventures or at least under common control and direction. Another change reverses the effect of a Supreme Court ruling that barred arbitrators from modifying disciplinary penalties unless specifically authorized to do so under the collective agreements the terms of which they were adjudicating. As in the past, arbitrators may now vary such penalties, except where the collective agreement in question actually delineates them. A third revision makes it clear that in the event of a successor firm or union, the existing collective agreement survives, unless, on application, the Board decrees otherwise.

CONSTRUCTION AMENDMENTS

As indicated earlier, the most controversial parts of Bill 167 are the amendments that were introduced in an attempt to improve labour-

management relations in the construction industry. Before reviewing these changes, many of which reflect, at-least in part, the author's thinking on this subject, some of the reasoning behind the general concern about construction industrial relations should be highlighted.

For some time now the author has been of the opinion that there is a serious imbalance of power in the construction industry in favour of organized labour. Reflecting this and other equally undesirable circumstances, construction industrial relations could almost be said to have gone from bad to worse over the past decade or so. In the process they have had a deleterious effect on the general state of industrial relations. The author's overview of this situation is summarized in the following extract from a presentation before the Ontario Standing Committee on Labour, when it was holding hearings on Bill 167 :

> To me there is at present no greater challenge to the preservation or our over-all collective bargaining system than its chaotic state in the construction industry. Both procedurally and substantively, the results of the collective bargaining process in that industry are intolerable. Procedurally, there are both protracted legal strikes and/or lockouts, and short but damaging illegal strikes, over everything from recognition to jurisdictional disputes. Substantively, there are wage settlements so far out of line in relation to any reasonable criteria that there is no rhyme or reason to them, save and except for the excessive imbalance of power that plagues the industry.
>
> The costs of the situation are incalculable : it isn't just the lost time or the exorbitant settlements ; it goes far beyond these things. It is contributing to a rise in construction costs that procludes society from meeting so many vital unmet public needs... It is setting impossible wage precedents, and unduly upsetting long-established wage and salary relationships. And finally, in the process of all of this, it is aggravating what are already difficult enough bargaining relationships in all sorts of other industries.

Given this orientation, it should hardly be surprising that the author chastised the Government for not going far enough in its construction amendments. Bill 167 in no way comes to grips with the restrictionist supply policies that many of the building trades unions doubtless pursue through their varying degrees of control over both the hiring and apprenticeship systems in the industry. The Goldenberg-Crispo and Task Force reports both called for substantially more public control over these facets of construction industrial relations. Nor does the Bill compel multi-trade bargaining or empower the Board to order it when in its view the circumstances so warrant.

The Bill does provide for contractor-association accreditation, but not a firm enough basis to rectify the imbalance of power that persists in

the industry. Before elaborating on this point, it should be made clear that contractor-association accreditation is simply the equivalent, on the employer side, of union certification on the employee side. The Bill provides for such accreditation within appropriate geographic areas, industrial sectors, and crafts or trades, provided the applicant association can demonstrate that it is supported by a majority of the unionized contractors involved, and that they in turn account for a majority of the unionized employees in the unit in question. Needless to say, the very implementation of this scheme is going to pose some intriguing problems.

Although the Bill bars individual contractors from making oral or written side, tie-in or « sweetheart » deals with any union once they are covered by an accredited unit, it still will not solve the problem. This is because the Bill does not provide for compulsory membership in accredited associations, nor absolutely proscribe contractors' abandoning their associations and operating during a strike or lockout, which is, of course, a key variable in the unions' traditional « divide and conquer » tactics. Without the power to force the collective taking of a strike or lockout, accredited contractors' associations will be almost as vulnerable as their unaccredited counterparts today to the short-sighted, self-seeking elements within their ranks.

Despite the basic inadequacy of its major construction provision, Bill 167 does include some changes that should help alleviate the industry's problems. One provision, that has incurred the wrath of the building trades unions, calls for the certification of mixed crews under appropriate circumstances, something which is anathema to those with a craft union mentality. Another amendment makes it clear that the Board has the power to resolve jurisdictional disputes, whether or not the contractor or contractors involved have in their employ members of each of the contending union groups. A related amendment facilitates the Board's handling of installation disputes where industrial as well as craft unions are involved.

To conclude this section of the paper, it is only fair to point out that the author is no longer sure that anything less than compulsory province-wide multi-trade bargaining will solve the chaos that is construction labour relations. Perhaps the thought of a global confrontation of this dimension would begin to bring things under control. At least, if it were total, such a confrontation would reduce the unions' ability to rely on so-called strikes — possibly non-strikes would be a better term — in one area while their members from that area work elsewhere for the duration of the conflict. Only one thing is clear : something more drastic than Bill

167's construction amendments will be required before any lasting solution to the problems of labour relations in the construction industry is going to emerge.

BASIC OMISSIONS

Space will permit of only passing reference to a number of significant changes that should have been introduced by Bill 167. Already mentioned has been the failure to extend the scope of the Act to all manner of employed and quasi-employed individuals. Equally, if not more disturbing, was the failure to produce a comprehensive picketing and boycotting code. Despite the constitutional and legal niceties involved, it is time legislatures in Canada decided, as a matter of stated public policy, precisely what the rules of industrial warfare are to be. The Bill also fails to grant the Board more general powers in a number of areas where it would be salutary to do so. As an example, the Board should have wider discretion in the determination and redetermination of bargaining units. As another illustration, its power to issue direction and compliance orders should not be confined to the construction industry. Consistent with its growing quasi-judicial role, the Board should also have been converted into an entirely neutral board by removing the partisan labour and management sidemen, except perhaps as assessors.

CONCLUSION

The author's disappointment with Bill 167 is heightened by the realization that it is only every decade or so that the Government and the Legislature of Ontario appear to engage in a thorough review of public policy in the field of industrial relations. Perhaps past and current failures to rise to this challenge can be attributed to two inter-related considerations.

The first concerns the attitudes of labour and management. Despite their disparate and well publicized complaints about alleged inequities in the present rules of the game, it may well be that they are not that eager to see any basic changes. Such caution could be attributed to their awareness of the politicians' instinctive desire to avoid unduly offending either side in this highly charged area of inter-group conflict. As a result, both labour and management may be of the view that what the politicians grant to, or take away from, one side will be offset by additions to, or extractions from, the other. Assuming this to be the case, the only outcome to be expected is a pot-pourri of political compromises the net result of which no one could hope to predict in advance. The risks being so great and the outcome being so uncertain, nobody could blame either

labour or management, or both, for preferring to deal with the devil they know than with one they don't.

Second, and in large measure responsible for the first consideration, is the feeling one has that politicians are remarkably insensitive to the public interest in the field of industrial relations. Possibly this is because successful politicians are essentially power brokers, and the power dealers in this instance are labour and management, not the public. Thus the public interest in collective bargaining is usually neglected until there is a crisis. At that point, ad hoc panic measures may be brought into play to salvage the situation. Adequate as these may be to the immediate problem, they are no substitute for appropriate changes in the over-all public policy framework for the conduct of industrial relations.

In all too many jurisdictions, one is left with the distinct impression that politics has priority over the public interest. Bill 167 reflects this phenomenon, although not as badly as it might have. For one thing, the Government avoided the type of ad hoc panic measures referred to above. Moreover, although the Bill did not go far enough in a number of respects, it not only made progress in several areas, but also revealed an awareness of some of the major problems in other areas. In this latter sense, especially, the Government's position was far more responsible than that of either of the opposition parties, both of which appeared so eager to cultivate the so-called labour vote that they did not even seem willing to acknowledge the existence of any serious problems, requiring drastic remedies, even in the construction industry.

La réforme de la législation du travail en Ontario (1970)

Les modifications apportées à la Loi des relations ouvrières de l'Ontario promulguées le 15 février 1971 ont suscité pas mal de discussions, mais elles sont loin d'être révolutionnaiers. Il s'agit, au mieux, d'une réforme à l'intérieur d'un *statu quo*. Dans son travail, le législateur s'est assez peu inspiré des recommandations des trois commissions d'enquête qui se sont penchées sur le problème des relations professionnelles au cours des années passées.

En quoi consistent ces changements ? En des modifications d'ordre général et dans une tentative de réaménagement du régime des rapports collectifs de travail dans l'industrie de la construction.

MODIFICATIONS D'ORDRE GÉNÉRAL

Le législateur n'a à peu près pas touché au champ d'application de la loi, si ce n'est de permettre le droit de négocation aux ingénieurs professionnels. En cette matière, il a manqué d'audace.

Pour ce qui est des questions relatives à l'accréditation, la loi est modifiée de façon à prévoir un vote de représentativité automatique si le syndicat compte

dans ses rangs trente-cinq pour cent des travailleurs compris dans un groupe et si le nombre de ses membres ne dépasse pas soixante-cinq pour cent. L'exigence d'une majorité d'au moins soixante-cinq pour cent pour l'émission d'un certificat sans la tenue d'un vote peut entraver le progrès du syndicalisme dans la petite et la moyenne entreprise où l'employeur jouit d'une plus grande influence auprès de ses employés. Par ailleurs, dorénavant, il suffira aux syndicats de détenir la majorité absolue parmi les votants et non plus parmi les personnes habiles à voter. Par ailleurs, dans le cas des votes tenus en matière de révocation d'accréditation, le législateur a maintenu la règle de la majorité.

Le législateur a aussi cherché, par certaines modifications, à protéger les travailleurs contre les abus des syndicats. La loi semble donner une plus grande liberté d'action aux travailleurs, mais il se peut qu'elle manque de sanctions. Tout dépendra de la façon dont la Commission des relations du travail interprétera ces dispositions nouvelles. Le privilège que la loi donne aux travailleurs d'être dispensés d'appartenir à un syndicat pour des motifs d'ordre religieux peut soulever bien des problèmes ; et, au surplus, il s'agit d'une question de principe majeure.

Les changements touchant la tenue des votes de grève s'inspire partiellement du *Rapport Woods* en exigeant le scrutin secret d'une part et, d'autre part, en prévoyant des dispositions qui facilitent le vote des travailleurs, mais ici encore il reste à voir comment elles seront appliquées. Inspirées de la pensée du *Rapport Rand* cette fois, le droit accordé aux grévistes de reprendre leur emploi sans discrimination sur demande écrite dans les six mois qui suivent la déclaration d'une grève légale. Syndicats et employeurs se sont opposés à cette modification pour des motifs différents.

Le gouvernement a résisté aux pressions qui l'incitaient à imposer l'arbitrage obligatoire comme on l'a fait en Colombie Britannique et en Saskatchewan en mettant de côté sur ce point les recommandations du *Rapport Rand,* mais il est regrettable que l'on n'ait pas mis en place une commission chargée de veiller à l'intérêt du public.

L'INDUSTRIE DE LA CONSTRUCTION

Les modifications qui touchent les relations du travail dans l'industrie de la construction ont été les plus âprement discutées. Les changements qu'on a apportées ici, et qui prévoient principalement l'accréditation des associations d'employeurs et l'interdiction de contrats collectifs écrits ou verbaux entre les employeurs et les syndicats non accrédités, ne sont pas suffisants pour atténuer les problèmes propres et très graves de cette industrie où la puissance des syndicats est trop grande et où le public est le grand perdant. Que faut-il pour faire disparaître le chaos dans lequel se débat cette industrie ? La négociation sur une base provinciale peut-être.

OBSERVATIONS D'ENSEMBLE

Le bill 167 pèche par omission. Il a négligé d'étendre à de nombreux groupes d'employés ou d'artisans (quasi-employed) les avantages de la loi. Il n'a pas touché à la commission dont le rôle devient de plus en plus celui d'un organisme quasi judiciaire. Il n'a rien tenté pour établir un code d'éthique en matière de piquetage. D'une façon générale, le législateur a été guidé par la prudence, une prudence qui a tué toute audace. Et il s'ensuit que les politiciens sont insensibles à l'intérêt public dans le champ des relations professionnelles.