

ESSENTIAL RIGHTS

PROTECTING THE RIGHT TO STRIKE TO ENSURE
FAIR, SAFE AND STABLE MARINE TRANSPORTATION



ESSENTIAL RIGHTS

PROTECTING THE RIGHT TO STRIKE TO ENSURE
FAIR, SAFE AND STABLE MARINE TRANSPORTATION

INTRODUCTION

Thank you for the opportunity to comment on the committee's examination of labour disruptions in federally regulated transport and marine sectors

The BC Ferry and Marine Workers' Union represents more than 4,500 skilled workers who connect coastal communities, support regional economies and keep key transportation infrastructure running safely and reliably.

PROTECT CONSTITUTIONAL RIGHTS

The right to strike is constitutional. It's the only real leverage workers have when bargaining breaks down. When that leverage is weakened, employers drag their feet, wages fall behind, recruitment and retention suffer and service reliability erodes.

Protecting the right to strike protects public services. When workers have meaningful leverage, safety issues get fixed, staffing and training gaps are addressed and problems don't fester into crises. We believe, and the Supreme Court has said, that the right to strike is essential for workers to bargain fairly and effectively.

ESSENTIAL SERVICE

Essential service should mean only the daily services needed to protect life, health and public safety. During COVID, BC Ferries claimed essential service status then illegally laid off about 1,400 workers. That shows how easily the label can be misused. Reliable service comes from fair bargaining, not from restricting workers' voices. Industry claims about rising work stoppages also don't match the facts. Canada has seen a long, steady decline, and ferry workers maintain strong cooperation at the table.

Despite industry warnings about work stoppage chaos, the long-term trend is more cooperation between workers and management. What's causing instability isn't workers: it's understaffing, fatigue and delayed fixes. Things that only get attention when workers have leverage.

www.bcfmwu.com

SECTION 107

When government misuses Section 107, it doesn't just hurt workers. It undermines Charter rights and erodes trust in public institutions. Employers have already assumed government will intervene if they hold out long enough, as we saw during the Air Canada dispute. Bargaining toward intervention instead of agreement undermines the code and public confidence. Section 107 is meant for emergencies. It shouldn't become a bargaining tool.

COLLECTIVE AGREEMENTS vs CHARTER RIGHTS

Constitutional rights shouldn't be bargained or legislated away. For more than 20 years since binding arbitration was introduced at BC Ferries, wages have failed to keep up and workplace problems have become harder to resolve. Replacing strike rights with forced arbitration leaves safety issues unfixed and frustrations building.

Ferry workers move people and goods through short sea shipping and support the safe transportation of Canadians and visitors. They want reliable service, fair bargaining and their constitutional rights respected. That's how strong public services are built and maintained safely.



ESSENTIAL RIGHTS

PROTECTING THE RIGHT TO STRIKE TO ENSURE
FAIR, SAFE AND STABLE MARINE TRANSPORTATION

RECOMMENDATIONS

We urge the committee to:

- keep 107 as a last resort, but modernize the criteria for imposing it and make sure unions have a real voice in that process.
- limit essential service orders to genuine health and safety needs
- prevent contract language or arbitration awards from restricting Charter rights
- reaffirm that governments shouldn't intervene just because bargaining is difficult or there may be a strike or lockout

Respectfully submitted
Eric McNeely
President, BCFWU
November 2025

