BC Maritime
Employers Association

Written Submission to the Senate Standing Committee on Transport and Communications' study

About the BCMEA

The British Columbia Maritime Employers Association (BCMEA) is a voluntary association of 48 of B.C.'s leading private maritime employers, terminal operators, carriers and shipping agents who are responsible for directly employing approximately 9,400 workers at B.C.'s ports.

Every day, Canada's West Coast ports safely and efficiently handle the movement of $800 million worth of cargo, including — including critical minerals, potash, fresh food, processed goods, automotive vehicles and more. Contributing $2.7 billion to the national GDP, West Coast ports and handle 25% of Canada's total traded goods annually. Running 24 hours a day, 7 days a week, our members' operations have a broad economic impact, supporting 96,000 jobs in B.C. and tens of thousands more nationally. Together with our members, we make sure that B.C. ports are globally competitive.

Our Perspective

With ongoing tariffs levied by the Trump administration, Canada must urgently diversify trade for our nation's prosperity, with the core of our supply chain — ports and rail — becoming even more critical to the country's economic and security interests.

The Government's ambitious goal to double non-U.S. exports in the next decade is critical to strengthening Canada's economic global presence. With significant, nation-building investments in major infrastructure projects to support trade growth on the horizon, Canada's West Coast ports need stability to achieve this goal. Labour stability is at the heart of a strong national supply chain and Government must act decisively to ensure Canada is well positioned to deliver our exports to global markets.

It is the BCMEA's view that the recent *Industrial Inquiry Commission on West Coast Ports* (IIC) — prepared for the Government of Canada by seasoned labour experts — includes comprehensive recommendations that address the conditions required to ensure labour stability at West Coast ports. Taken in totality, the suite of recommendations contends with the very issues being studied by this Committee and are foundational to the success of the Government's bold economic agenda. To date, the Government has not moved forward with the implementation of the IIC Report. We urge committee members to recommend that the Government swiftly act on all of the recommendations with a clearly communicated timeline so that the parties may prepare accordingly for the next collective bargaining round, now 12 months away.

Recent Instability at Canada's West Coast Ports

Within a 16-month span throughout 2023 and 2024, labour disputes shut down the majority of waterfront operations at Canada's West Coast ports for 24 days, resulting in an estimated $19.2 billion worth of cargo disrupted.

These repeated disruptions had ripple effects far beyond the ports, halting the associated rail and trucking moving through West Coast ports and shaking confidence among Canada's trading partners and supply chain stakeholders alike. The impact of the labour shutdown continued well beyond the disruption period. The backlogs created and the missed shipments, diversions, and disruption to the supply chain took months to recuperate. For example, at B.C.'s ports from July to September 2024, there were 20 port swaps, 12 diversions, and 48 blank sailings impacting just container vessels alone.[1]

These direct and residual effects are why a number of stakeholders and customers – including many who have testified before this committee – have expressed concerns about a "growing perception" among trading partners that Canada's supply chains "lack predictability, reliability, consistency and efficiency." Public sentiment agrees; according to Nanos Research public opinion research conducted in fall of 2024, Canadians are over three

[1] Port swaps are when a vessel changes their schedule, to call at another port first, before it's scheduled call in B.C. (e.g. a vessel changes its regular schedule to call in Seattle-Tacoma, then called at Vancouver). Diversions are when a vessel is scheduled at a BC port and diverts to another port. A blank sailing is when a vessel is scheduled to call at a BC port, and the scheduled loop is cancelled all together. Container vessels operate on a schedule like a transit bus, so a blank sailing is similar to when a bus is taken off the road.

times more likely to support, rather than oppose, federal action to ensure the reliability of the country's transportation supply chain.

Recognizing the urgency of these concerns, the Government moved to better understand the root causes of recurring labour disruptions. Following the 13-day longshore strike in 2023, the Government established an Industrial Inquiry Commission (IIC) to examine the underlying issues in longshore labour disputes at Canada's West Coast ports. In announcing the Commission, then-Labour Minister Seamus O'Regan said, "the goal of this review is stability" going on to comment on the strike period and supply chain shut down, "We can't let it happen again."

Case Study: Nutrien

In 2023, Nutrien was required to curtail potash production at its Cory potash mine due to work stoppages at the Port of Vancouver. This forced Nutrien to revise its guidance to investors lower as a result. In Nutrien's 2024 MD&A, it identified labour disruptions as a key enterprise risk and said "we assess capital investments and project decisions against political, country and other related risk factors and avoid or reduce our exposure to jurisdictions with unacceptable risk levels."

On November 19, 2025, Nutrien announced that it would build a new potash export terminal in Longview, Washington as a cost of up to $1B. The facility is expected to export 5 to 6 million tonnes of potash annually. As they were making their choice, Nutrien CEO Ken Seitz was quoted saying "I just want to make sure the downstream infrastructure and the associated regulatory environment continues to be one conducive to us." After announcing its intentions to build its export facility only 350 kilometres south of Vancouver, Nutrien CFO Chris Reynolds said "logistics is a really important component of ensuring that Canadian potash can be competitive on the global stage."

The IIC's broad terms of reference included reviewing the structure and processes of collective bargaining to make recommendations on possible mechanisms to resolve outstanding collective bargaining issues. The Commission was composed of universally respected labour relations neutrals Vince Ready and Amanda Rogers. In developing their recommendations, they undertook extensive national and international consultations to ensure that a broad range of viewpoints and legal perspectives informed their work. Their inquiry built upon three previous major studies into labour disputes at West Coast ports, including another Industrial Inquiry Commission report from 1995 that came to similar conclusions.

Recommendations of the Industrial Inquiry Commission on West Coast Ports

Submitted to the Government on May 8, 2025, the Commission's report found that the longshore bargaining system is "broken but not beyond repair," and sets out recommendations directed at the Government that "offer a roadmap for achieving lasting stability and prosperity at West Coast ports." The report, having considered and rejected various approaches (including an essential service designation model), lays out seven recommendations, all which respect the constitutionally protected right to strike.

Four of the seven recommendations address establishing a more stable **geographic certification** bargaining structure for Canada's West Coast ports, so that bargaining is predictable, while still protecting labour rights.

The Commission also recommends a **special mediator provision in the Canada Labour Code** as a tool to proactively assist the parties in facilitating meaningful collective bargaining and resolving bargaining disputes, before strikes or lockouts. The recommendations from the IIIC Report are balanced, incorporating suggestions from the BCMEA and the International Longshore and Warehouse Union (ILWU).

The IIC Report finds the need for reliability at our ports has been further intensified by U.S. tariffs on Canadian products that are dramatically altering our trading relationships. It further acknowledges that disruptions at our ports damage our trading reputation and drive cargo to U.S. ports, with no guarantee that business will return.

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We are aware that in the lead up and during ILWU Canada's strike actions, U.S. marine terminals entered long-term contracts with shippers to reroute cargo away from Canada's West Coast ports. The impacts of that cargo diversion are still present today.

Geographic Certification

The first term of reference for the IIC was to assess "the unique application of geographic certification on the West Coast." Geographic certification is provided for under section 34 of the Canada Labour Code (the Code) which permits a union to be certified to represent employees in a port or ports. West Coast ports are unique in not already being certified geographically, like the other major ports in Canada.

The Commission expressed that the uncertainty created by the parties' existing voluntary bargaining structure is inconsistent with the need for reliability in Canada's national supply chain. A geographic certification would allow for a Charter-compliant accreditation of an employer's organization and establish a single bargaining unit for longshoring work on the West Coast — with the Commission recommending an ILWU council of trade unions acting as representative for employees.

This same conclusion was made in 1995 in a prior Industrial Inquiry Commission report into West Coast ports — the Jamieson-Greyell Commission report — where the commission recommended the Government consider province-wide geographic certification and the accreditation of an employers' organization and a council of unions.

It is important to note that the IIC's recommended amendments to the Code would not unilaterally impose a bargaining structure on the parties. The proposed legislative changes would only allow an application to be brought to the CIRB to consider whether geographic certification is an appropriate bargaining structure. Legislative amendments which allow the CIRB to consider a geographic certification application are Charter-compliant. In considering a geographic certification application, the CIRB will make its own determination in accordance with the existing requirements of section 34. As part of its extensive deliberations, the CIRB can consider any Charter values arguments raised by the parties.

Within the IIC Report, the Commission acknowledged the challenges the existing bargaining structure that includes separate collective agreements for longshore and forepersons, stating that the two groups "constitute a single pool of labour as a consequence of their mobility rights."

Yet, the ILWU made it clear to the IIC of their desire to negotiate on an enterprise, or company-by-company basis in the next round of bargaining, suggesting this was a viable alternative to the existing industry-wide structure. The IIC rejected this assertion, finding it would create the conditions for rolling labour disruptions and long-term instability.

Special Mediator

The second recommendation of the IIC focuses on a new, special mediation process to encourage meaningful collective bargaining between the parties with the objective of reaching an agreement before a labour disruption occurs.

The special mediator would have enhanced powers of conciliation commissioners and could be appointed under broad terms of reference to help achieve a negotiated agreement between the parties. If an agreement is not reachable, the special mediator would prepare a report for the Minister with their perspective on reasonable terms and recommend a mechanism to conclude the agreement. During the period in which the special mediator is active, and for ten days following issuance of their report, both parties would be prohibited from issuing strike or lockout notice.

Currently, there is no transparent or standardized approach to labour dispute intervention, compelling the Government to intervene with imperfect information. The special mediator process would ensure that if intervention were still necessary, the Government would be empowered to act with full understanding of the nuances in the negotiations to date and be guided by a labour relations expert directly involved in negotiations. The recommendation to introduce special mediator provisions under the Code would be a beneficial resource to support free collective bargaining. We were pleased that during testimony at this committee that ILWU Canada acknowledged their support for the special mediator recommendation. These provisions would be a helpful tool in other disputes that affect the national interest, such as rail and air — who have all experienced disruptions and required late-stage federal intervention in recent years.

Conclusion

For the stability of the nation's supply chain and for the benefit of all— Canadian workers, businesses and the public — the chronic, structural issues Canada's West Coast ports have faced in successive rounds of collective bargaining must finally and conclusively be addressed.

We respectfully urge the committee to recommend that the Government implement all of the IIC recommendations. These recommendations, in their entirety, have been well canvassed by stakeholders and offer a balanced, evidence-based solution that is Charter-compliant. Without urgent action by the Government, the West Coast ports could be quickly heading back to the instability that led to the IIC — with the next round of bargaining just 12 months away, setting to begin in November 2026 — but worse with the prospect of multiple sets of bargaining with each employer operating in the West Coast ports.

With disproportionate economic harm threatening Canadians, we cannot build a resilient and 'Canada Strong' economy with looming instability at Canada's largest trading gateways. As Canada urgently pivots to building internal capacity and diversifying trading relationships, resilient and competitive supply chains are a crucial foundation that must be established before Canada can achieve its ambitious economic agenda and build a unified economy.