

Policy Brief: Enhancing Law Enforcement during Labour Actions

1.0 Introduction

The Coalition of BC Businesses views law enforcement as a critical shield against unlawful labour disruptions that can undermine employee rights and property rights. The experience of last year's blockade at the Port of Vancouver exposed the vulnerability of employees and others who were restricted from working due to illegal job actions. Law enforcement agencies at the time adopted a non-intervention approach.

Another such outbreak at the ports, or at any other primary economic engine, would tarnish BC's international reputation, jeopardize investment opportunities, and damage the provincial economy.

The purpose of this policy brief is to define the issues, build awareness and stakeholder support around a policy consensus that restores the rule of law during unlawful labour actions.

1.1 Policy Objective

The Coalition is calling upon the provincial and municipal governments and law enforcement agencies to reverse their policy of non-intervention and enforce the *Criminal Code*, to include:

- ⇒ Enforcement of any applicable *Criminal Code* provisions that relates to highway obstruction, property damage or physical violence, and
- ⇒ Execution of court injunctions and enforcement orders as soon as reasonably possible.

1.2 Background

- Container truck drivers at the Port of Vancouver took illegal action in the summer of 2005 by blockading road access to the ports and using violence and intimidation to prevent port workers and other third parties from going about their lawful business.
- The Auditor General's policy on 'Policing Civil Disobedience and Violence in Labour Disputes' has contributed to the erosion of the rule of law. The policy states:
 - ⇒ "Criminal Justice Branch Policy manual states: Acts of civil disobedience, including conduct involving public demonstration, may come into conflict with the law and obstruct or interfere with the rights of others. The use of criminal sanction in these situations is generally not appropriate."
 - ⇒ "The Attorney General of British Columbia has since 1993 had a specific policy not to lay criminal charges against environmental groups engaging in civil disobedience, but to leave it to affected parties to seek injunctive relief."

- BC's Law enforcement agencies adopted a passive approach informed by the province's non-interventionist policy:
 - ⇒ The Vancouver Police Department's policy for labour disputes is to maintain "an independent position," and advise the complainant to "seek a remedy by civil process."
 - ⇒ The RCMP considers labour-management disputes a "private matter confined to the parties involved." An officer's role is "to keep the peace and to protect life and property."
- The threat of another unlawful labour disruption spurred the Coalition to convene a meeting of business leaders in April to forge a common policy position on law enforcement.
- The Coalition has developed a communication strategy to build public and stakeholder support for the rule of law in advance of another unlawful labour disruption.
- Members of the Coalition recently met to discuss this issue with Attorney General Wally Oppal, Solicitor General John Les and RCMP Labour Liaison officer Willy Laurie.

1.3 Issues Summary

The coalition respects the right of unionized workers to engage in lawful strikes or legal means of protesting or disseminating information, and also respects the rights of owner-operators (or other small sub-contractors for that matter) to withdraw their services for whatever reason, subject only to contract law. When laws are broken, the Coalition and other British Columbians expect police to protect employee rights and property rights and shield the province from unlawful disturbances.

1. BC's police agencies should be instructed to enforce the law at all times. It's time to put a stop to the bullying and intimidation of blockades during labour disputes.

- ⇒ Blockades during labour disputes are not passive acts of civil disobedience; they are aggressive acts coupled with bullying, intimidation and, at times, violence.
- ⇒ Unruly conduct on picket lines has escalated over the years as a direct result of police inaction and refusal to uphold the law.
- ⇒ This made-in-BC policy is out of step with section 423 of the *Criminal Code of Canada* that makes it an indictable offence for anyone to intimidate others by blocking or obstructing a highway.

2. Illegal blockages and labour disputes have had a punitive impact on employees, businesses and the economy.

- ⇒ Illegal blockades prevent non-involved workers and other employees who do not support illegal job actions from working and supporting their families.
- ⇒ Illegal job action is a deterrent to investment and job creation and tarnishes BC's international reputation.
- ⇒ Unlawful labour disputes affect everyone. Last summer's 47-day shutdown at the ports was estimated to have cost the economy an estimated \$500 million.

3. The Coalition is calling on law enforcement agencies to reverse their policy of non-intervention and enforce the Criminal Code.

- ⇒ There should not be one law for labour disruptions and another for the rest of the time.
- ⇒ Adopting a so-called 'neutral' position and refusing to enforce laws that are already on the books is inherently non-neutral as it is a decision that favours the law breakers.
- ⇒ The refusal of police to enforce Canada's Criminal Code can only lead to an erosion of the rule of law and undermine public confidence in law enforcement.

2.0 About the Coalition

The Coalition of BC Businesses was formed in 1992 to represent the voice of small and medium-sized businesses in the development of British Columbia's labour and employment policies.

The Coalition is made up of organizations that collectively represent over 50,000 small and medium-sized businesses active in all sectors of BC's diverse economy in communities throughout the province.

The Coalition's sole focus is the development of labour policies that will help foster a positive relationship between employers and employees and a climate for economic growth, opportunities and jobs.