

## Construction File: BCCA's Position on the BC NDP's Community Benefits Agreement

On July 16, 2018 the BC government announced a new framework called the Community Benefits Agreement (CBA) to "help deliver good paying jobs, better training and apprenticeships and more trades opportunities for Indigenous peoples, women and youth around the province. Under government's new CBA, it announced a newly created Crown corporation, the BC Infrastructure Benefits Inc. (BCIB) will hire the project's construction workers and will work with unions and contractors to dispatch labour, as well as manage payroll and benefits. Signatories to the Community Benefits Agreement are BCIB and the Allied Infrastructure and Related Construction Council (AIRCC). The initial news release can be found here: <https://news.gov.bc.ca/releases/2018PREM0057-001406>. There are 19 members of the Allied Infrastructure and Related Construction Council and they can be found on BCIB's website: <https://www.bcib.ca/faqs/>

While the BC Construction Association (BCCA) agrees with the intent of CBAs, there are serious concerns with the agreement announced by the current BC Government and its partner signatories. This is the most significant policy change affecting BC's industrial, commercial, and institutional construction sector in decades.

In Fall 2018 BCCA met with regional members to share opinions on the potential impacts of this framework and there was consensus the CBA as it stands now undermines the role of all employers in our industry and amounts to conscription of the construction workforce to a designated union which contravenes the rights of construction workers to freedom of assembly.

Below are some key points outlining the BCCA's current position:

- BCCA does not support this CBA. It contravenes many of our [Industry Policy Statements](#).
- While Community Benefit Agreements can have positive impacts when done properly and in partnership with industry, in this instance the name "CBA" is being co-opted to disguise a union labour agreement.
- We believe this CBA amounts to conscription of BC's construction workforce into a designated union.
- This policy contravenes the obligation of government for fair, open and transparent procurement practices.
- If a set amount of money (e.g. \$0.32 per hour) is paid as a result of the labour of a worker, then that worker is earning that money. If payment of those funds is made directly to a third party instead of the worker, the worker is still earning the funds - they are just not receiving them.
- BC's construction industry is facing a [skilled worker shortage](#): restricting and creating barriers to employment and project opportunities will make this problem worse.
- It is incorrect in today's marketplace that union employers pay better, train more, offer better benefits packages, or prioritize safety more than open-shop employers.
- The CBA potentially violates the Canadian Charter of Rights and Freedoms, which guarantees our rights to freedom of expression, freedom of assembly, and the right to be treated equally.

- This CBA tips the balance of power away from union employers to the unions themselves, subsequently undermining the role of all employers in the construction industry, whether union or open-shop.
- By prescribing an annual wage and benefits increase of 2% per year, ever year until 2024, the Agreement sets industry wages for all construction employees.
- The CBA will result in greater expense to taxpayers.

BCCA has been diligently working with industry partners to act as an intervenors in this agreement. One of the main dispute mechanisms was a petition filed to the BC Supreme Court alleging the CBA cannot impose the requirement that workers join the Building Trades Unions, or more properly put, unions affiliated with AIRCC. Just over a year later, July 24, 2019, the BC Supreme Court ruled the petition from industry specifically objecting to construction workers having to be members of unions affiliated with AIRCC deserved to be heard further by the BC Supreme Court. The BCCA believes the Supreme Court of BC will make a final judgement this is a constitutional violation, and following any final ruling by the BC Supreme Court, the BCCA will look forward to working collaboratively with government on legal, productive, and sustainable ways to attract and retain more British Columbians into BC's construction industry.