

IBEW



Local 230

Established in Victoria in 1902

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March 22, 2010

Ministry of Labour
Room 247
BC Legislative Building
Victoria, BC V8V 1X4

Attention: Honourable Minister, Murray Coell

Dear Minister:

Re: Follow up to meeting on March 4, 2010

Firstly I would like to thank you for taking the time out of your busy schedule to meet with the elected Officers and Executive Board of the BC Federation of Labour, and allow for a open discussion around the issues we believed worthwhile to bring to your attention.

I characterized my issue under your current control as the unacceptable structure and "continuation of victimizing workers who are already victims" under the Employment Standards Act, (ESA). Specifically, the section can be found in Part 10, Section 76, 3(d) which states:

(3) "The director may refuse to accept, review, mediate, investigate or adjudicate a complaint or may stop or postpone reviewing, mediating, investigating, or adjudicating a complaint if

(d) "the employee has not taken the requisite steps specified by the director in order to facilitate resolution or investigation of the complaint."

The director continues to promote the Ministry's "Self-Help Kit" which is intended to help non-union workers mediate their own settlement with the Employer who is literally creating the substandard condition in the first place.

The required use of the Self-Help Kit by workers who are being taken advantage of is a disservice to all workers as new unrecognized and un-written sub-standard conditions permeate in every industry, and all competing workers must therefore conform to the new (sub)-standard or risk unemployment and the ability to financially support themselves, their families and their communities. Communities include government services as when a worker is forced to work five days per week for four days pay, which is occurring in the BC non-union construction industry today, workers are short-changed by 20%, social safety nets intended to protect workers like Employment Insurance, Canadian Pension Plan and WorksafeBC payments are short-changed by 20%, and government revenues are short-changed by 20%.

Page 2

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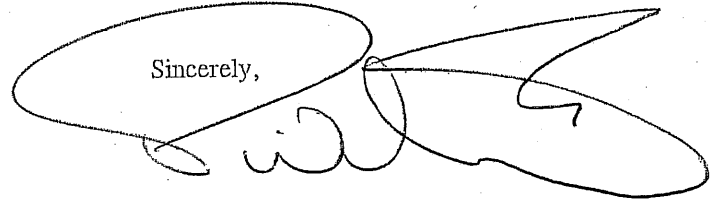
The example also creates an artificial new business bottom or low all other employers playing by the rules (paying 100%) must now compete in order to stay in business.

The Self-Help Kit is not really the problem and we agree with its existence for those workers who believe they can work out their own problems with their employer. It is the mandatory nature in which the Kit is employed is really where the crux of the problem exists. We strongly recommend a policy shift in the mandatory use of the Self-Help Kit to reflect the Kit as an option for workers to resolve a complaint with their employer.

That the aforementioned "*requisite steps*" referred to in Section 76, 3 (d) be recognized simply as evidentiary proof, if a worker can prove they are being treated in a sub-standard fashion as described in the Employment Standards Act, they should have the right to filing a complaint or be represented by an individual who may file on the workers behalf, to do anything less dilutes workers rights and typical natural tenets of law.

Minister Coell, again I thank you for your time and understanding in this matter, and if you have any questions or concerns regarding this correspondence, please do not hesitate to contact me in our Victoria Business Office.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Philip Venoit', is written over the word 'Sincerely,'.

Philip Venoit
Business Manager/
Financial Secretary

cc. Jim Sinclair, President - BC Federation of Labour

PMV/jc
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