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## **POSTAL SERVICES RESUMPTION AND CONTINUATION BILL**

THIRD READING—DEBATE

Speech by:

The Honourable Patricia Bovey

Monday, November 26, 2018

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#### THIRD READING—DEBATE

**Hon. Patricia Bovey:** Honourable senators, I too rise today to speak to Bill C-89. Like many colleagues, I struggled with the situation, conflicted in weighing the core issues. I spent the last days examining and soul searching facts and history. Often seemingly simple answers are truly complex, with layers of conflicting information, realities and histories. Bill C-89 is no exception.

I listened closely during our special Saturday sitting. Every witness added to the substance and complexity of overriding issues. I commend my Senate colleagues for their probing questions and the way they collectively peeled back many layers of the onion. I extend thanks and appreciation to all of my colleagues for participating in our debates and appreciate your diverse opinions and approaches. I have faith in this chamber not to treat these issues lightly.

I approached the conflicting testimony in what we have read and heard, the empirical and the anecdotal using many lenses; those of pay equity, to health and safety, to the needs and desires of all Canadians, to the Charter, to governance and to international conventions, particularly number 98.

There are so many lenses to view this situation through, one can easily miss the forest for the trees. Let me look briefly at a few and my inner conflicts as I attempted to come to what I believe is the right decision, the one which I feel looks to the long term and to which I can stand up with full accountability in the years ahead; not an easy task.

The minister was balanced in her views. Her concern regarding the point reached was well taken. The legislation she put forth reflects these concerns. The preamble in the bill encapsulates the efforts of the government in dealing with this impasse.

The argument is:

. . . the work stoppages are having a significant adverse impact on Canadian workers, consumers and businesses as well as those on Canadians who rely on postal services.

There is regard for the concerns of labour. The minister:

. . . recognizes the importance of collective bargaining practices and the need for stable and industrial relations for employees, unions and employers in the postal services sector.

We heard on Saturday the negative impacts are wide and ranging. The Minister of Public Services and Procurement and Accessibility noted small- and medium-sized businesses rely on Canada Post for their most profitable season, the holidays, as has just been stated again by Senator Deacon.

International shipping to Canada has been suspended. The vulnerable, the elderly, people with disabilities and those in

northern and remote communities are adversely affected. Charities have seen declines in their direct mail donations. This holiday season is their most important season as well. I've worked in that sector so I know that well.

Senators asked for empirical evidence. Canada Post and Minister Qualtrough noted that 391 trailers full of parcels and packets are waiting to be unloaded. Now it seems, according to Senator Harder's information today, there are over 500. That would be 1 million or more parcels waiting for delivery as of last Saturday.

The union stated that was one day's work. I have to wonder, is it? Canada Post asserted 3.6 million parcels were delivered on holiday weekends last year. We must weigh these costs to businesses, to the economy as a whole, to Canadians in remote and rural areas, to the most vulnerable and to the rights of workers.

That the relationship between Canada Post and CUPW is poisoned is an understatement, yet I as a senator must balance the testimony we have heard; that the union has taken measures to ensure rotating strikes, not a full walkout, counts, in my opinion.

Aspects of essential services have been defined and agreed to by management and workers, the delivery of government cheques and live animals — the cheques, chicks and crickets are being delivered. It is clear, workers are meeting their responsibility of providing essential services. If there is a question that our postal delivery ought to be an essential service, I contend that is for another discussion.

What about pay equity? The government has introduced legislation to address this absolutely unfair practice. We heard in this chamber Canada Post's rural and suburban mail carriers are not receiving equal pay for equal work. We have also heard 60 per cent of that workforce is composed of women.

The fact that arbitration was required this fall to establish equal pay for these workers troubles me, for as PSAC has noted:

Thirty years ago, the federal government passed a law making it illegal to discriminate against women in the workplace.

The thought that Canada Post continued to ignore pay equity frankly leaves me more than concerned.

My experience? A year after being hired as an art gallery director in 1980, I was told if I had been male I would have earned \$6,000 more a year. I was then patted on the head and told to keep it up. I know what not being paid the same amount for the same work and same responsibility feels like and means financially, emotionally and psychologically. I have been there and can assure you it's neither fair nor pleasant and should not be the case. I am pleased arbitration has dealt with this. I hope the process that has failed these same workers over many years is now fixed.

The safety aspects of this impasse also trouble me. The business and methods of delivering mail as we have heard have changed

over the past few years. Postal workers' injury incidents are now the highest among federal employees. The national average in 2016 was 1.85 employees per 100 workers. Canada Post workers' average was 7.1 per 100 workers. We heard 15 injuries on average a day. The shift to parcels from letters has been the major reason for this increase. It is not an easy job.

You can appreciate my delight when health and safety legislation was proclaimed at every level of government, federally first in 1986. Bill C-89, when calling for back-to-work legislation, asks the mediator to address those issues as they are still unresolved in Canada Post. I find it very disconcerting this still needs to be addressed at the end of 2018. Why were these issues not already dealt with? Why is this still a question?

The Canadian Press published some very interesting facts this week regarding the past 50 years' history of Canada Post's relationship with its workforce. Between 1965 and 2005, there were no fewer than 19 work stoppages due to strikes, walkouts and lockouts. Workers were legislated back to work in 1987, 1991 and 1995. A four-year truce occurred in 2007. Rotating strikes in 2011 led to a lockout and eventually back-to-work legislation, as we all know.

Today, Canada is at another impasse. Past events over so many years speak of a broken system, a systemic, poisoned relationship between workers and management on a downward trajectory. Both parties acknowledged this situation last Saturday.

Both Canada Post and its workforce talked of a deep mistrust which will be exceedingly difficult to overcome. How is that best overcome?

Through all the disruptions and various back-to-work pieces of legislation over the past several decades, was anything really resolved long-term? Or, has the ability of the two sides within the organization been curtailed from resolving what are clearly systemic, historic crises within Canada Post? I think the latter. Perhaps it's time that as an organization Canada Post be allowed, or indeed directed, to deal with their systemic issues. Perhaps that, in the interests for the long-term health of mail delivery in Canada, is what we should be forcing.

Now what about governance within Canada Post? I spent my life working as a head of an organization governed by a board. The board of any organization governs. It sets policy and budgets and hires and fires the CEO. The CEO is the chief executive officer managing and running the day-to-day operations of the organization and reporting to the board chair and the board. These are two completely different though equally important

functions within an organization. I do not think they can or should be conflated as they have been in Canada Post for the last nine months. In my experience, when these functions are conflated, the organization is usually in peril. How does the same person report to self or to the board they lead in the best interests of a company or organization? How can the same person deal with the day-to-day and the overarching governance, especially when they have held one job for a year and both for nine months? How, with a conflated position, can full and proper discussions take place at the board table especially with such long-standing dire relationships? Again from my experience, I fail to see how an organization will overcome or deal with or repair years of systemic lack of trust with its two senior positions fused into one individual's realm of responsibility. There does need to be a paradigm shift within the corporation.

As one who has led both union and non-union places of work, I herald sincere proper internal discussion in the resolution of the unresolvable. May that discussion happen within Canada Post going forward.

Colleagues, taking history and the Charter into the core of my decision — and I'm not speaking of the Charter because others have eloquently — and using the empirical and anecdotal evidence before me, my questions are: Are we voting today in the best interests of Canadians for this holiday season when postal service has not been stopped in whole but has been compromised on a rotational basis? Or, are we voting for the long-term health of our postal system and the best interests of Canadian for years to come? To me, that is the essential question as we move to vote.

One of the toughest words in contemporary society is the elusive B-word: balance. In this case, we must balance the needs of the workers, employers, the post office and the long-term interests of Canadians. I would much prefer that bargaining continue in good faith, allowing the two parties to sort it out without being forced by the government. I believe it's time for the organization to deal with their problems in the context and needs of all Canadians, all citizens, the economy, rural and remote regions, and customer confidence.

I have to ask: Does this bill, at this time, serve the corporation or the workers, the government or our public?

Colleagues, this is a truly difficult vote. I really value everybody's opinions and perspectives. I assure you, when we come to vote, I will not be taking my vote lightly.

**Some Hon. Senators:** Hear, hear.

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