



ONTARIO RESTAURANT HOTEL & MOTEL ASSOCIATION

November 10, 2004

Hon. Chris Bentley
Minister of Labour
400 University Ave., 14th Floor
Toronto, ON M7A 1T7

RE: Bill 144, Labour Relations Statute Amendment Act, 2004.

Dear Minister:

On behalf of the Ontario Restaurant Hotel & Motel Association (ORHMA) and our 4,100 members, representing more than 11,000 foodservice and accommodation establishments, I am writing to register our opposition to and express sincere concerns with Bill 144, Labour Relations Statute Amendment Act.

Upon introduction of the legislation, in your statement to the Legislature and in the ministry's supporting documents, you indicated that these proposals are to restore fairness and balance in Ontario's workplaces, yet these amendments have been introduced without consulting employers' groups.

In November 2003, you wrote "I will be consulting with labour, management, business and others in the broader community on important workplace and labour-related issues." As Ms. Jennifer Mossop (MPP Stoney Creek) indicated in a Member's Statement to the Legislature on November 4th, this past summer you had the opportunity to meet with several union leaders to discuss the issues contained in this legislation. Employer groups are still waiting to be consulted. In the interest of fairness and balance, indeed Minister, we welcome and respectfully request that you meet with representatives of the business community before this Bill proceeds in the House.

By restoring remedial certification powers to the Ontario Labour Relations Board as a "last resort" measure removes the democratic right of employees to vote on certification matters. Without clarification, Minister, this also makes the OLRB's role arbitrary. We urge you to bring forward amendments to the Legislation to set out specific processes or procedures which must be followed before the OLRB is in a position to even consider remedial certification.

Further, giving the OLRB the power to certify a union regardless of the wishes of employees is an affront to Ontario's workers and a violation of their fundamental democratic right to vote on such a crucial issue. We support workers' right to vote, and to do so in a fair and unthreatened manner, by secret ballot vote.

As such, the ORHMA, like many other employer groups, also has serious concerns with the provisions in the Act to strip construction workers of their right to an anonymous vote.

Although the amendment currently is specific to the construction industry we believe this is a dangerous and backward-looking step in Ontario's labour laws. We seek your assurance that this measure will not be introduced in the tourism and hospitality sectors.

As a representative of the employer community, but more importantly, as a representative of the hospitality sector, which has yet to overcome the disastrous and long-term effects of SARS and other economic impacts, the ORHMA urges you to bring stability to the sector rather than focusing on measures that are sure to bring further unrest to the labour relations system.

Sincerely,

A handwritten signature in blue ink, appearing to read "Terry Mundell", with a checkmark at the end.

Terry Mundell
President & CEO