



Seventeen years after the first tumultuous national convention, open shop organizations from across Canada gathered to create a national organization.

Joining the Links

BY JOEL THOMPSON

On November 12, 2008, representatives from open shop organizations across Canada met in Banff for the founding meeting of Merit Canada. The meeting laid the foundation for a national organization to represent the interests of open shop contractors.

At the outset, Merit Alberta president Stephen Kushner said: “It is very appropriate that the first meeting of Merit Canada is being held in the Banff Springs Hotel. It was here, in 1991, that the first National Open Shop Conference was held, and we were met by a huge crowd of building trade union members, conducting a noisy demonstration in the hopes of disrupting the conference.

The construction industry has changed drastically since that time, and open shop is now a well-established and accepted part of the industry.”

The 1991 scene of placard-waving union demonstrators, who were bused in to try and disrupt the country’s first convention of open shop contractors, was in stark contrast to the boardroom meeting of 50 construction executives that was held to formalize a national open shop entity.

The formation of Merit Canada is the most recent development in the evolution of the open shop movement in the Canadian construction industry. At one time, most construction in Canada operated on a building trade union model of labour supply. In the past 30 years, the industry has undergone a transformation that has seen the non-union sector make

huge gains in market share and come to dominate most parts of the industry across the country.

The establishment of formal organizations to represent the interests

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of the emerging non-union sector began when the Independent Contractors and Businesses Association (ICBA) – the first open shop contractors group in Canada – came into being in Trail, B.C., in 1975. Its inception was in response to an attempt to bar access to work for non-union contractors. Merit Alberta, formed in

1986, was the next provincial open shop association.

Fast forward to 2009, and there are now thriving open shop organizations in every province except Quebec and P.E.I. All of the organizations have different histories and different triggering events that caused contractors to come together to form associations to represent their interests. Often, the issues that instigated the founding of a new open shop organization concerned regulatory or legislative developments or concerns over restricting access to work opportunities. While the individual histories may vary and the key issues may still be quite different in each province, all of the organizations share common goals and interests in promoting open shop construction and delivering services to the employees of member companies.



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The founding of a Canada-wide open shop organization was driven by the need to address certain issues on a national level and to seize opportunities to deliver some services co-operatively. Most issues facing construction contractors are local or provincial.

There are, however, a number of concerns that are national or under the jurisdiction of the federal government. These include items such as taxation, immigration and certain areas of labour legislation. While the Canadian Construction Association (CCA) has represented the industry in Ottawa very capably since 1918, there have always been certain issues where the CCA, which must act on behalf of both union and non-union contractors, was unable to speak strongly due to opposing interests between the union and non-

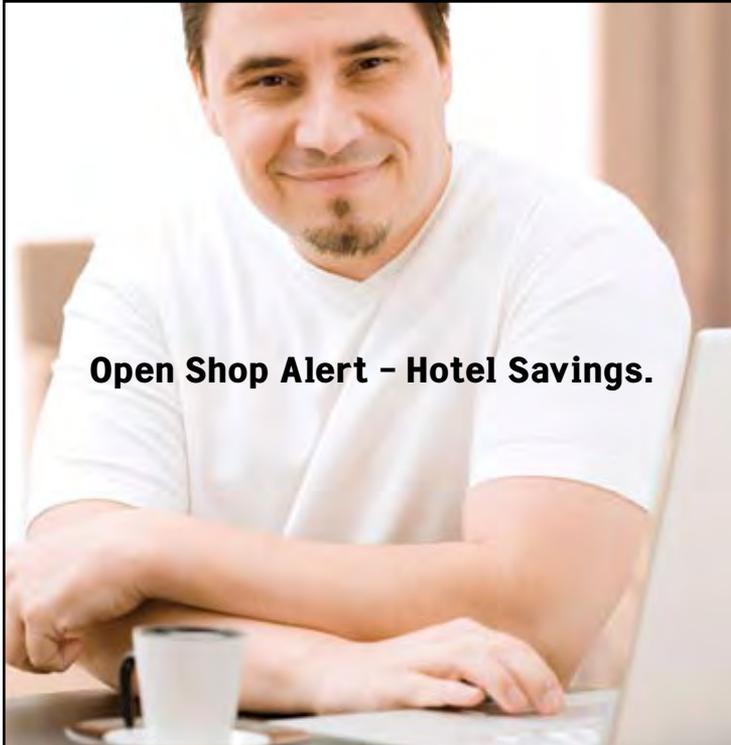
union sectors. Examples include labour legislation, competition policy, federal regulation of construction wages, EI regulations, training funding and labour mobility.

Although there is no immediate plan to establish an office in Ottawa, member groups have discussed the future possibility of funding a presence there.

While having a voice in Ottawa was an important factor behind the formation of a national open shop association, most of the member organizations view as more important the opportunity to expand the services they are able to offer to their member companies and their employees. The organizations already share in a number of services headed by the employee benefit plan, which has grown to be one of the largest multi-employer benefit plans in the country.

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Stephen Kushner,
Merit Alberta President



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Group participation in delivering other services was a natural outgrowth and was already underway to varying degrees for other programs such as a group RRSP, an online recruiting service, training programs and legislative advocacy.

Perhaps the biggest potential for co-operative action is in the area of training.

While most legislative and regulatory concerns for contractors are local or provincial, training can be effectively exported nationwide. Helping eight provincial associations share training initiatives was a logical, core function for the new national body.

That natural fit has led to the creation

of the Merit College of Construction, which will serve as a vehicle to share training resources and education programs among member associations. With most training needs common to the entire membership, regardless of home province, the college will allow successful training initiatives developed by any association to be delivered across the country. The first education programs to be offered on national basis will be an intensive project management course, scheduled for spring 2009. Combining courses already offered by the various provincial bodies provides the College of Construction with a substantial training catalogue from the start.

Delegates at the Merit Canada founding meeting formally adopted a number of public policy principles and resolutions, which lay out the organization's commitment to promote and protect the interests of the non-union sector across the country.

These include statements on free and unfettered operation of labour markets; open competition in all areas of construction; the elimination of barriers to the movement of labour; and fair and consistent federal regulation and funding initiatives that do not discriminate against open shop workers or employers.

Members of the Merit Canada executive include founding chairman Roger Dootson of Edmonton, Vancouver-based Jim Laurence, who will act as vice-chair and secretary/treasurer Heather Cruickshanks of Nova Scotia.

The near-term activities of Merit Canada will be centred on delivering training through the Merit College of Construction and continuing to enhance and expand the roster of services for employees that the organizations already share. As provincial regulatory, legislative or labour market issues arise, there will be more communication and mutual support among member associations. When issues under federal jurisdiction arise, Merit Canada will enable a far greater rapid and co-ordinated response to issues that may affect open shop contractors across the country. ☐

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