

# Increasing Productivity

Changes to labour standards could boost productivity in construction.

BY JASON A KEENAN



**W**e have a lot to brag about in the construction industry. We keep thousands of British Columbians employed. We build some of the world's leading edge projects. We are helping build our province and our country.

But we have a dirty little secret — some of the worst productivity in the developed world. We lag when compared to other industries. And Canada lags when compared to almost every other developed country.

We can do better. Our industry lives by the words “give us the tools and we’ll finish the job.” The time has come for the federal and provincial governments to give us the tools we need to boost productivity — and our economy.

Luckily, minor changes can have a major impact on productivity. Such changes would improve the efficiency of B.C.’s economy, introduce much needed flexibility for employers and employees, and modernize our workplace rules.

No job site or office operates like it did 20 or 30 years ago. Why should our labour laws?

Statutory holidays are a great example. Dates are written in stone. Pay rates for people working those days are prescribed in law. And if you

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happen to have different beliefs, you’re out of luck. Celebrating Good Friday is legislated. Yom Kippur is a personal choice.

A simple change could go a long way. Allowing employers and individual employees to mutually agree to swap a statutory holiday to a different day — without having to pay overtime for the original stat — would help solve this.

Matching stat holiday rules with those in our competing jurisdictions could also boost productivity. This would mean moving to a longer 90-day qualifying period and making stat holiday eligibility dependent on an employee working the last scheduled day prior to the holiday and the first scheduled day after the holiday (with exceptions for reasons such as illness, vacation, or other authorized leaves of absence.)

Flexibility is also a key tool in hiring and retaining the best and brightest in the job market. Current labour standards just don’t help. They treat all employees as if they were interchangeable cogs in a machine.

Construction companies know that senior employees — people with technical and professional jobs — are compensated differently, approach work with different expectations, work different hours. Even if they want flexibility in their employee-employer relationship, they cannot have it. Companies and senior employees would reap the benefits if we were freed from the prescriptive shackles of current labour standards and allowed to freely negotiate and agree in writing with their employers on the terms and condition of employment.

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One way to boost productivity... would be to improve the current overtime averaging system.

Our labour standards are stuck in the world of a 9-to-5 clock. We could boost our productivity if we moved beyond this to something that better reflects the modern workplace. One way to boost productivity — especially in construction — would be to improve the current overtime averaging system. It was brought in to help construction companies deal with the project nature of the work — but the system is so complex that is almost unworkable.

A new system that protected employees' rights, while allowing employers and employees who agree to average hours of work over a multi-week period to determine overtime premiums, would introduce much needed flexibility.

Finally, one major change would probably bring the biggest benefit to employers and the economy, save the government millions of dollars, and inject efficiencies and cost-savings into the system. But it will take courage.

A Unified Workplace Tribunal would get rid of the duplication of services that now exists between the B.C. Labour Relations Board, the Employment Standards Branch, and the B.C. Human Rights Tribunal when it comes to workplace-related disputes. The current system encourages participants to "shop their case" to the agency expected to award the most favourable outcome. That's unfair and a waste of resources.

Also a challenge is the nature of the Human Rights Tribunal. It's legalistic, driven by people who see themselves as advocates rather than adjudicators, and it has little to no workplace experience. All of this makes it an expensive, time consuming place for an employer to end up — taking time and money out of growing the business and hiring more people.

A single workplace tribunal would end this. The Human Rights Tribunal would exist — but workplace issues would go to Unified Workplace Tribunal. This would foster real, meaningful, and quick dispute resolution. Workers, employers, and the government would reap the rewards.

Our province has a chance to boost productivity in construction and across our economy with these simple changes. Workers, employers, and our economy would grow and thrive if we have the courage to create 21st Century labour laws for a 21st Century economy. **CB**

Jason Keenan is communications director, Independent Contractors and Businesses Association of B.C.

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