

**EMPLOYMENT EQUITY  
AND  
AN END TO GENDER DISCRIMINATION ON THE BC WATERFRONT**

**A Briefing Paper by the BCMEA**

**Overview:**

The British Columbia Maritime Employers Association (BCMEA) is committed to employment equity and ending gender discrimination on the BC waterfront. Over the history of the waterfront workplace there have been a small number of women who work in and around ports. Today, women still have a hard time securing employment at the waterfront and the few women that do work there face significant discrimination.

The BCMEA is working to create a more accepting and welcoming workplace for women and has tabled solutions to hire more women. It is the BCMEA's strong view that we need to get to the root causes of discrimination and fix antiquated hiring practices.

**Summary of proposed actions the BCMEA is proposing to work with the ILWU on as guiding principles to address employment equity:**

- Affirmative and transparent hiring practices for women;
- Equitable, transparent and auditable access to work;
- Equitable, transparent and auditable access to training;
- Transparency in access to union membership;
- Additional anti-discrimination and anti-harassment training;
- An expedited process to address discrimination and harassment and confirmation that engaging in harassment, discrimination or retaliation warrants discipline.

On February 4, 2010 the BCMEA submitted a complaint to the Canadian Human Rights Commission (CHRC) against the International Longshore and Warehouse Union (ILWU). The BCMEA has taken this unprecedented step because of the urgent need to provide an inclusive workplace at the waterfront in British Columbia. We have been committed to address equity issues for many years but due to the refusal of the ILWU to participate in timely and meaningful action to move toward equality in the workplace, we have no other choice but to file this complaint.

**Summary of BCMEA Human Rights Complaint against the ILWU:**

1. The BC Maritime Employers Association (“BCMEA”) membership consists of 64 ship owners, stevedores and container, bulk and break bulk terminal operators on Canada’s west coast. The BCMEA is an industry advocacy organization that represents and provides services to its members in collective bargaining, related labour relations matters, health and safety, human rights, training, recruitment and industry advocacy. All of the BCMEA’s members’ waterfront terminal and stevedore operations are unionized by the International Longshore Workers Union.
  
2. The ILWU Canada is a British Columbia based union that represents over 4,700 workers. It is made up of 12 locals that represent workers employed in longshore and warehousing operations, as well as associated clerical and maintenance positions. The ILWU Canada locals that have collective bargaining relationships with BCMEA employers include:
  - (a) ILWU, Local 500, in Vancouver, Port Moody, North Vancouver and Squamish;
  - (b) ILWU, Local 502, in New Westminster, Delta and Surrey;
  - (c) ILWU, Local 505, in Prince Rupert;
  - (d) ILWU, Local 508, on Vancouver Island, including Chemainus, Port Alberni and Victoria; and
  - (e) ILWU, Local 519, Stewart, Port Simpson, Nisga’a, Massett and Bella Coola.

These ports constitute the Asia Pacific Gateway, the vital link between Canada’s industrial, commercial and resource economies and its global trading partners

3. The collective agreement between the BCMEA and the ILWU Canada sets the terms and conditions of employment of the ILWU longshore employees. Many of the policies and practices that govern hiring, access to work and access to training while not expressly set out in the collective agreement, are mandated by it.
  
4. The BCMEA alleges that the ILWU Canada and its various local Unions are engaging in discriminatory practices contrary to s. 10 of the *Canadian Human Rights Act* (“CHRA”). Specifically, the BCMEA alleges that the ILWU Canada and the Longshore Unions are systemically discriminating in their hiring policies and practices and in their policies and practices governing access to work and access to training on the ground of sex against:
  - (a) the class of potential female longshore workers; and
  - (b) the class of current female longshore workers.

5. The BCMEA, as an employer organization, must comply with the provisions of the CHRA, including s. 10. The policies and practices that the BCMEA alleges to discriminate systemically on the ground of sex are either contained in or mandated by the current collective agreement between the BCMEA and ILWU Canada”.
6. The *Canada Labour Code*, prohibits the BCMEA from unilaterally changing the terms and conditions of employment of longshore workers that are contained in or mandated by the collective agreement without the consent of the ILWU Canada. This includes current policies and practices on hiring, access to work and access to training.
7. Longshoring includes both skilled crafts and trades workers and semi-skilled manual workers. Longshore workers may be either union members or casual workers.
8. Union members have more seniority than casual workers. They are dispatched to work and selected for training opportunities in priority to casual workers. They participate fully in the affairs of the union. Casual workers are subject to the terms and conditions of the collective agreement, but do not have representation within the union or participate in its affairs. The union may invite casual workers to become union members once they have enough hours and seniority. Essentially, casual workers fill demands for labour that exceed the capacity of union workers that are available for work.
9. It is has long been accepted that women are significantly underrepresented in the longshoring workforce in British Columbia. Studies commissioned over the last 20 years have identified barriers to hiring and progression of women. All of these reports have agreed that women are underrepresented at all levels of longshoring, that they have less seniority, less training and earn less than their male counterparts, and that the workplace environment is hostile to women. The recommended measures to address this problem include increased recruitment of women. This, and other recommended measures, cannot be implemented without the agreement of the Longshore Unions.
10. As of 2009, women represent only 6.4% of the BC longshoring workforce, a figure that falls significantly short of their availability in the relevant labour pools[1]. Women make up 5% of skilled trades workers across BC, but only 3.6% of skilled trades on the waterfront. They represent 18.3% of semi-skilled and manual workers in BC, but only 9% of those workers in longshoring.
11. The BCMEA and the Longshore Unions have conducted affirmative recruitments for women in some recruitment rounds in the past, but not since 2003. In recruitment drives that have no affirmative targets the representation of women in

---

[1] Note: Labour pool data in this paragraph and elsewhere is taken from HRDC 2006 census data.

both the applicant pool and in those registered is lower than their availability in the labour market generally.

12. There is also evidence that the physical component of the assessment process (the lashing test) poses a greater barrier to women than to men. The lashing test is not required for many of the types of work performed by longshore workers. Lashing is the setting and dismantling of the long metal bars that hold containers on the deck of a container vessel .Lashing bars are long (up to 18ft) and heavy (up to 50 pounds).
13. The current recruitment and hiring processes operate unfairly and, in particular, constitute a barrier to women who are seeking to work on the waterfront.
14. An individual who successfully completes the assessment process and is registered as a casual worker has no entitlement to be assigned to any work or receive any remuneration. A worker must physically attend at the local dispatch hall to register their availability for work every time that they want to work a shift.
15. A number of indicators that have persisted over time strongly suggest that the effect of the current system is that women have less access to work than men. Women work a smaller percentage of the total hours worked in each port in a year than would be predicted based on their representation in that workforce. They also earn less than their male counterparts and are overrepresented in the casual workforce as compared to men. Further, women hold fewer ratings generally, and fewer senior ratings, than men. This limits their access to work and to the greater premium paid for senior ratings.
16. THE BCMEA believes that in this heavily and traditionally male-dominated industry, female longshore workers face discriminatory barriers in employment.
17. In the summer and early fall of 2009, the ILWU Canada and Longshore Unions publicly expressed their concern about the situation of women in longshoring and their desire to act to remedy barriers to entry and progression in the workforce. Despite this, the BCMEA has met with no success in its repeated efforts to work with the ILWU Canada and the Longshore Unions to address systemic sex discrimination in longshoring. Most recently, at a meeting between the BCMEA, ILWU Canada and the Longshore Unions on January 26, 2010, it became clear that the Respondents were unwilling to address the issue of sex discrimination on the waterfront in any concrete or timely manner.
18. The BCMEA understands the position of the ILWU Canada and the Longshore Unions to be as follows:
  - (a) the proposition that there are discriminatory barriers to the hiring and registration of women as longshore workers is questionable and if they exist, they have been exaggerated;

- (b) there should be no affirmative targets for recruiting or hiring women until all names on the Longshore Unions' current lists have been exhausted, even though this means that no affirmative targets will be set for an lengthy period; for example, approximately 15 years in local 500.
  - (c) they will not consider or make any changes to the current dispatch systems governing access to work and denies that they pose any barriers to women;
  - (d) they will not consider or make any changes to its current practices governing access to training;
  - (e) there is no discrimination in access to union membership for women and that women have effective representation within the union; and
  - (f) there is no need to change the collective agreement to include a dedicated process for resolving matters of discrimination, harassment or retaliation.
19. For these reasons, the BCMEA submits that the Commission should accept this complaint and assist the parties to remedy the discriminatory practices and policies that impede women who seek to enter and to progress in longshoring in the Asia Pacific Gateway.