

**PROVINCE OF BRITISH COLUMBIA**

**Ministry of Labour**

**NOTICE OF APPOINTMENT OF AN INDUSTRIAL INQUIRY COMMISSION**

***In a Matter Respecting Section 35 (0.1) (f) and 159 (2) (f) of the Labour Relations Code (“Forest Industry Successorship”)***

WHEREAS Section 79 of the *Labour Relations Code* (the “Code”) provides that the Minister of Labour may cause to be made such inquiries as the Minister considers advisable respecting labour relations matters and may do the things the Minister considers necessary to maintain or secure labour relations stability and promote conditions favourable to the settlement of disputes;

AND WHEREAS the Code Review Panel established by the Minister of Labour in 2018 issued a report in which they identified a concern from some stakeholders in the forest industry about successorship and common employer leading them to recommend the establishment of an Industrial Inquiry Commission to engage in “further consultation, study and analysis” of the issues;

AND WHEREAS in Bill 30-2019, government extended successor rights and obligations where contracts for certain services in certain sectors are retendered and left open the ability to add more services by regulation in the future;

AND WHEREAS on June 1, 2021, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development issued an intentions paper with a new vision for BC’s forests which included a commitment to protecting good jobs and supporting workers by considering labour in tenure transfers, continuing to ensure the sustainability of contractors and advancing the need for an Industrial Inquiry Commission;

NOW THEREFORE, pursuant to Section 79 of the Code and in the public interest, I hereby appoint Vince Ready and Amanda Rogers as an Industrial Inquiry Commission:

1. On or before February 10, 2022, the Industrial Inquiry Commission (“IIC”) will prepare a non-binding report for the Minister of Labour that provides options for the province with respect to the issues related to tenure transfers in the BC’s forest industry. Starting from the context identified in the Code Review Panel report of 2018 (pages 21 and 22), the IIC is to inquire into the issues identified and assess the options as they relate to labour relations. The assessment of contract tendering is to be made in the context of Section 35 (“Successor rights and obligations”) of the Code, including identifying which scenarios (or services) could be covered by a regulatory change under Section 35 (0.1) (f). Further, the IIC should identify any scenarios regarding contract tendering/retendering and the transfer of cutting/timber harvesting rights are not currently captured by

Section 35 and what mechanisms may exist, including via legislative change, to address the protection of collective bargaining rights in those scenarios. The scenarios involving tenure transfers are:

- a. Tenure taking to establish a park;
  - b. The taking of park/protected area tenure for the protection of eco-systems;
  - c. Taking back harvesting volume for reconciliation;
  - d. Taking back harvesting volume for the purpose of treaty settlement;
  - e. Taking back harvesting volume for the purpose of providing volume for BC Timber Sales;
  - f. Taking back tenure for the purposes of redistribution and diversification; and
  - g. Business led tenure transfer or change of control; and
  - h. Any other scenario identified by stakeholders or the IIC during the term of the inquiry.
2. The IIC should engage with all interested stakeholders in the forest industry with an interest, role, or perspective on contract tendering in the industry, including but not limited to companies, contractors, associations, trade unions, federations, communities, and First Nations. The consultation process should not last more than 45 days.
  3. The IIC must issue an interim report to the Minister within 45 to 60 days of appointment.
  4. The IIC shall determine its own procedure as it deems necessary and advisable for the proper and efficient carrying out of its mandate subject to the powers and protection provided in Sections 145.1 to 145.4 of the Code.

GIVEN UNDER MY HAND at Surrey, British Columbia, this 9<sup>th</sup> day of November, 2021.



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Harry Bains  
Minister of Labour