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Special Report by Patrick Brown

## 'Privatized' BC Ferries goes political

So soon after its conversion to a government-owned private corporation, BC Ferry Services Inc. has shown it cannot resist political tactics as it enters into negotiations with its unionized employees.

On October 21, the Corporation issued a press release which quoted Ferries' CEO David L. Hahn: 'We know what our customers want, and to deliver on those expectations, we need a more reasonable contract.'

The press release cited a recent public opinion poll which asked 700 people across British Columbia about their opinion of BC Ferries service, fares, performance, and the need to rebuild the fleet.

These questions were the usual ones asked in BC Ferries' periodic passenger surveys.

But the press release mentions, as a sort of afterthought: 'In addition, the survey asked several questions about the current union agreement.' Never before has the general public been asked their opinion of the BC Ferries' union agreement.

It is unusual, if not unprecedented, for any organization to ask the public to judge a union agreement about which they know little or nothing. It seems unprofessional and unethical. In fact, it's silly.

The polling organization weighted the numbers by region across British Columbia, leading to results which are said to be the opinions of British Columbians, rather than the opinions of ferry customers.

It looks as if the purpose of the entire survey was to gather ammunition for use in contract negotiations, and that the questions on service levels, etc were merely included to provide a respectable cover for the real point of the exercise.

The design and conduct of the poll, the interpretation of its results, and the resultant press release, are clearly designed to encourage province-wide political support for the company's upcoming bargaining stance.

### **75% Have No Opinion on Contract**

So the 700 respondents must have disappointed the pollsters. Fully 75% of them, when asked, could offer no opinion on the 'general terms and conditions' of the contract. This is not surprising, since the contract—a pocket-size book of substantial thickness—is neither widely read, nor has it been described in

the media. It was sensible of respondents to refuse to answer the question.

Of those who did venture an opinion, 10% said they thought the terms were 'fair and reasonable', 11% said they thought the terms favoured the union, and the remaining 3% said they thought the terms favoured BC Ferries.

Since the present contract is the cumulative result of many collective bargaining sessions over the years, one might reasonably assume that it doesn't actually favour either side, but represents a series of trade-offs.

And since the overall margin of error (which depends on the sample size compared to the total population being sampled) was quoted by the polling company as plus or minus 4%, this meant that between 6 and 14% said 'fair and reasonable,' between 7 and 15% said the contract favoured the union, and between 0 and 7% said the terms favoured BC Ferries. Hardly a conclusive result.

To quote the pollsters' report: 'Most British Columbians do not hold any views on the current contract between BCF and its unionized workers.'

A closely related question asked respondents how the corporation treats its employees. The pollsters: 'Views are largely unformed...' 52% had no opinion. Of the less than half who had views, 65% said 'excellent.'

### **Push-Polling**

Despite the disappointing response to their preliminary questions, the pollsters went on to ask specific questions on particular aspects of the contract. In this, they used a technique known as 'push-polling', widely used in US political polls. This means that the respondent is presented with selected facts, generally without explanation or context, and then asked their opinion. Often, the question suggests the 'right' answer.

These questions were asked of all the respondents, despite the fact that 75% of them had already stated they had no opinion (and probably no knowledge) of the contract.

### **'One Minute of Overtime'**

Probably the most heavily slanted question was Q.12e: 'Currently, one minute of overtime entitles a unionized ferry worker to one hour of regular pay.' Do you consider this to be:

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Too much (74% did); Fair and reasonable (20% did); Not enough (2%); with 3% saying they didn't know.

The question was not explained to respondents. It contains two issues: the first is that most union contracts, and most responsible employers, establish a minimum period of overtime which an employee can be asked to work. In this case it would appear to be half an hour. The second issue is that BC Ferries employees are paid double time for all overtime.

Half an hour at double time equals one hour of regular pay. So the example given is technically correct, obviously extreme, and hardly typical. It would appear to have been expressed this way in order to elicit a negative response.

### Many Causes for Overtime

Mr. Hahn: 'The fact is, our company and our customers cannot afford the current contract with its \$9 million in annual overtime costs and its rigid operating rules. In fact, it is a contract that provides no incentive to be on time.'

Is Mr. Hahn accusing the employees of making the ships late deliberately so they can collect overtime? What evidence does he have? Such a public accusation would not seem to be a positive step towards good labour relations during contract negotiations.

During the mid-nineties, a number of stakeholder groups worked very hard on scheduling and the problem of on-time performance. They discovered that there are many reasons, besides weather, why a ship may be late, often related to loading and unloading (awkward vehicles, extra heavy loads in summer, etc) What rules here is safety, which BC Ferries puts first.

There are also many reasons why overtime may be incurred. While round trip times on many routes fit neatly into the length of the regular time day, some routes do not. Schedules are, of course, designed to get employees back to their home ports in order to finish their shifts on time, but in some cases this is difficult to do. So even the slightest delay can result in the now infamous 'one minute of overtime.'

Most ships in the fleet can't go any faster (and anyway, we can't have the *Queen of Nanaimo* steaming down Long Harbour at full speed), and of course they can't leave port early.

Finally, as a condition of the recent turnover to the 'privatized' operating company, schedules are currently frozen.

### More Questions on Contract Provisions

The question about overtime is asked again (Q.12a). 'All overtime is at double time. Do you consider this: Too high (60%); Fair and reasonable (35%); Too low (1%); Don't know (4%).'

Respondents are also asked specifically about starting wage rates, ranging from \$19-\$21 per hour (Q.12b). 'Do you consider this: Too high (55%); Fair and reasonable (42%); Too low (1%); Don't know (3%).'

The press release interpreted this as 'more than half', but don't forget the plus or minus 4%. (And what do you think the

public would say if they were asked about the wage rates of your boss, you, or Mr. Hahn? )

Q. 12c stated that all on-board employees are unionized, including the Chief Steward and the Chief Engineer (why are these two positions, in particular, mentioned?). 37% of respondents considered this 'appropriate', while 49%, according to the pollsters' report, said that 'some of the office managers should be non-union' (this is confusing; the office managers are not on board, so that would appear to be a different issue) and 13% didn't know.

Q.12d asked: 'Currently, job promotions are based primarily on length of service, not on merit. Do you believe this is: Fair and reasonable (15%); Merit should also be considered (78%); Don't know (7%). Without detailed knowledge of the contract, respondents have no way of judging what is stated (what does 'primarily' mean?).'

### Contract Covers Many Employees and Jobs

All these questions were asked of respondents who probably knew little about the contract, which covers over 3,000 employees, on the ships, at the terminals, and in the office. The ships vary from the superferries to small vessels doing short back-and-forth runs between the Islands, and longer runs on the north coast and to the Queen Charlottes. Much of the work is shift work. All ship crew must qualify for Transport Canada Safety Certificates (so that in case of emergency they can 'tell you exactly what to do') and must often study for years to obtain additional qualifications for promotion.

From the company's point of view, employees must be reliable, because no ship can leave port until it has the Transport Canada mandated number of crew on board. BC Ferries must have a stable labour force of experienced employees.

So like any labour contract covering a large group of employees, there are many interlocking factors, and affecting one will have repercussions for all the others.

### But Let's Change It Somehow

Despite this, the survey asked respondents one final multiple-choice question, also an example of push-polling.

Q.13 asked: which provisions of the contract would the respondent like to have changed?

- Workers are paid one hour of pay for one or more minutes of overtime (27%)
- Hourly rate for entry level jobs (13%)
- Promotions based on length of service not merit (13%)
- Overtime paid at double time (11%)
- All on-board ferry employees unionized (5%)
- All of the above (7%)
- None of the above (14%)
- Don't know (10%)

These add up to 100%, so it would appear that only one choice was permitted. (Even though, the question about the overtime rate was asked earlier.)

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### **And a Couple of Other Questions**

Predictably, 86% of respondents believed it was important to upgrade the fleet. Once again, Mr. Hahn linked this directly to the labour contract: 'On time performance, reasonable fares, and building new ships are all tied to securing a new, more flexible contract that helps us put our financial house in order over the long term.'

And only 76% believed that BC Ferries was safe, much lower

than usual. The pollsters thought that this was related to recent reports that passenger evacuation chutes were unsuitable for older people, the handicapped, babies and young children, and so the numbers of these on board should be limited.

As a final note, there was also an interesting question on the transformation of BC Ferries. Many people seemed to be unaware that it was no longer a Crown Corporation. Maybe they haven't noticed any difference. ✍

