

May 29, 2020

Sent by email: webadmin@justice.gc.ca; mcu@justice.gc.ca

Hon. David Lametti
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0A6 Canada

**Re: *Time Limits and Other Periods Act (COVID-19)*
Statutory Deadlines under the Special Import Measures Act
*Negative Effect on Canadian Employees***

We are sending this letter on behalf of the 225,000 Canadian members of the United Steelworkers (“**USW**”) to oppose certain proposals contained in the *Time Limits and Other Periods Act (COVID-19)* (“**Time Limits Act**”).

We understand from our review of the Time Limits Act that it includes a suspension of statutory deadlines that impact the operation of the *Special Import Measures Act* (“**SIMA**”). We write specifically to register our members’ strong opposition to the Department of Justice sanctioning such a proposal if it comes before the Parliament of Canada in its present form. It is especially abhorrent to our members that COVID-19, which has so overwhelmed workers in the steel sector, has been used as the justification for legislation that can only harm their welfare.¹

Let me explain the USW’s position.

Our discussions in recent days with the Canada Border Services Agency (“**CBSA**”), with the Department of Finance (“**Finance**”), with the Canadian Steel Producers’ Association (“**CSPA**”), as well as with the various employers of our members in the steel sector have made it abundantly clear that this legislation has been proposed in reaction to complaints lodged by foreign producers (or their domestic importers) with the CBSA. We understand that these foreign producers (or their agents) have threatened action before the WTO unless certain statutory timelines (established by Canadian law through SIMA and sanctioned by the WTO under the AD Agreements) are extended by the Government of Canada.

¹ The Minister is well aware that steel workers are designated as “essential” in Ontario, B.C., Alberta and Quebec, and, so, are on the “front-line” of the pandemic; managers of the companies and (Government of Canada), by contrast, control the fate of these workers from the safety of their own homes during this pandemic.

Instead of immediately standing up for the rights of Canadian workers (or even their corporate employers) and rejecting such a self-serving proposal outright, the Government of Canada has invited the workers who could lose their jobs because of such a delay to the application of antidumping duties to comment. Those workers say no, they would prefer to stay employed rather than suspend the laws of Canada for countries (and companies) who are currently dumping steel into Canada.

In respect of other front-line workers (in respect of nurses and doctors, for example), Canada has appropriately “moved heaven and earth” to get the supplies needed to fight this current pandemic. Yet, while Canada declares steel an essential industry, it works behind the scenes to suspend the laws that keep those workers employed.

The USW fully understands Canada’s international obligations. It has been on record for many years supporting Canada’s goals regarding greenhouse-gas emissions and international labour standards. Our Union fought very hard in both Canada and the US to have the harmful and illegal US 232 tariffs on steel and aluminum lifted. But Canada cannot insist on international standards if it can’t maintain domestic ones.

Since unions have been “permitted” by the Government to participate in the Canadian Trade Remedies regime (in 2018), the USW has been the most frequent user of SIMA. We have participated in more cases (17) than any single company or any other entity – including the CSPA. The implications of extensions of SIMA timelines on Canada’s domestic steel industry for our 225,000 members is profound.





By our estimation, approximately 10% of the steel workforce – more than 20,000 workers – have been directly affected by layoffs across the sector, and even this number of layoffs would have been much deeper if not mitigated by the federal CEWS program. During these times of disease and distress, Canadian workers rely on the remedial provisions of SIMA more than they ever have. It is Canadian workers that are in the most urgent need of immediate relief from the Government of Canada during this national health crisis, not foreign producers or global investors.

In terms of how the Time Limits Act is administered in relation to SIMA, it is critical that:

1. The initiation of new cases must not be delayed. Workers in industries impacted by unfairly traded imports should not face delays in the initiation of cases designed to investigate and remedy unfair trade; and
2. Provisional duties must not be delayed. The existing legislation already provides for a delay of 90 to 135 days before provisional duties are imposed. Delaying the imposition of provisional duties exposes industries afflicted by unfairly traded imports to the negative impacts of those imports for an even longer period of time and will result in greater job losses for Canadian workers.

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Canada needs to ensure that there is no gap between the termination of provisional duties and the imposition of final duties. Provisional duties must remain in place until replaced by final duties. The proposed delays of up to six months in the initiation of a SIMA trade remedy investigation or the imposition of provisional measures could mean the loss of thousands of Canadian jobs – plain and simple.

On behalf of the USW and all working people in Canada, I thank you for your attention to these important matters. I would be happy to further discuss the USW's point of view or to provide any additional information you might need.

Yours truly,



Ken Neumann

KN/slq

cc. Steve Hunt, USW District 3 Director
Dominic Lemieux, USW District 5 Director
Marty Warren, USW District 6 Director
Scott Lunny, USW Assistant to District 3 Director
Donald Noel, USW Assistant to District 5 Director
Myles Sullivan, USW Assistant to District 6 Director