

COALITION OF BC BUSINESSES

Advancing Labour Policies that Work

LRC Review Submission
From the Coalition of BC Businesses
19 March 7, 2018

To the Labour Relations Code Review Panel,

Thank you for the opportunity to make this submission on the Labour Relations Code Review.

As you may know, the Coalition of BC Businesses is an alliance of business and trade associations that collectively represent over 100,000 small and medium-sized businesses in BC. Over the past 25 years, we have worked collaboratively with our provincial government partners on a variety of labour issues to support British Columbia's small and medium-sized businesses as we embrace the changing world of work.

We are deeply concerned with several recent government labour policies that have dramatically increased costs for BC's small and medium-sized businesses. Between a sudden increase in minimum wage and a surprise new Employers' Health Tax without any consultation with BC's business community, small and medium-size businesses are facing serious financial challenges that will impact their ability to remain in business and to continue to employ British Columbians. Put simply, now is not the time to add further pressure on the businesses which are the economic drivers and primary employers in the province.

Rather, it is important to maintain and promote labour laws that allow BC businesses and their employees to respond with flexibility and creativity to the changing goods and services and labour markets, and to the increasing pace of technological change. "One size fits all" structures or the imposition of additional costs or rigidity will further impede the ability to BC's small and medium sized business to compete within Canada and on the global stage.

Turning to some of the issues we understand that the Review panel may be considering, the Coalition's submissions are as follows.

Certification:

The Coalition is concerned that the issue of union certification and the debate between secret ballot voting versus the "card system" is re-emerging. To remove the right of employees to vote on union certification would be undemocratic and vigorously opposed by BC's business community. In the Coalition's respectful submission, the primary goal of BC's labour laws should be neither to promote nor to discourage unionization per se, but rather to ensure that the true wishes of a majority of employees of a particular business enterprise, in terms of how they wish

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to structure their relationship with their employer, are fully respected under the Labour Relations Code. The Coalition submits that the best way to do this is to maintain the secret ballot vote for all certification and decertification applications.

This view is shared by the majority of British Columbians. Recently, the Coalition commissioned a telephone survey conducted by Innovative Research to determine the views of British Columbians on a number of labour issues, including certification processes. The survey of 600 randomly selected British Columbians was weighted for age, gender and region using Statistics Canada's Census data.

The results of the survey showed that even among households in which at least one adult was currently represented by a union in their workplace, a substantial majority favoured keeping the secret ballot vote. 66% of households in which at least one adult worked within a public-sector union, and 72% of households in which at least one adult worked within a private sector union supported keeping the secret ballot for certification applications. Furthermore, 67% of non-union related households supported maintaining the secret ballot method, showing that the democratic value of a secret ballot vote is widely and diversely supported.

Decertification:

Whatever the method used for certification of a trade union for a particular business, the same method must be used to decertify. In a previous Coalition survey, it was found that "66% would support making rules for decertification the same as the rules for certification." Having a differential system for certification and decertification is both confusing to employees and undemocratic. Employees should have the ability to reconsider decisions they have made with respect to the structure of the relationship with their employer on the same basis that those decisions were initially made.

Timing of Certification applications

We understand that some have suggested that the time frame for the Labour Relations Board to process certification applications should be reduced, potentially by reducing the current time frame from 10 days to 5 days. The Coalition disagrees with this proposal, as the current time frame already raises difficulties for the proper processing of certification applications, especially in more remote areas of the province, and a shorter time frame would only exacerbate these difficulties.

It is also vital to ensure, whatever time frame is adopted, that employees have access to full, accurate and objective information about the processes and implications of certification and/or decertification in order to properly formulate their decisions about unionization and collective bargaining. The Coalition submits that it cannot and should not be assumed that one source of

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such information has more or less validity than another source or that employees are incapable of assessing the source of information.

Thus, the time for processing certification applications should ensure that there is time for employees to seek out and obtain from a variety of sources information about unionization and the collective bargaining process. It is of little value to employees to only obtain this information after a certification has been granted and the collective bargaining process is underway.

Collective bargaining:

It is vital that collective bargaining, and the resulting collective agreements, remain responsive to the needs and circumstances of individual employers and their businesses and employees. Any legislative provisions which undermine the ability for employers to negotiate terms and conditions which work for their specific businesses must be avoided.

Thank you again for the opportunity to offer our preliminary thoughts on these issues. We look forward to participating further in the Review Panel's processes and having an opportunity to respond to any questions you may have and/or to the submissions of other stakeholders.



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