



LABOUR CODE REVIEW RECOMMENDATIONS

A submission from
the Federation of Post-Secondary Educators of BC

MARCH 2018



Federation of
Post-Secondary Educators
of BC

INTRODUCTION

The Federation of Post-Secondary Educators of BC (FPSE) is the voice of 10,000 faculty and staff at BC's teaching universities, colleges, institutes and private sector institutions. Our membership has been negatively impacted by changes to the administration of labour issues in BC since the last labour code review in 2003, and submits the following recommendations to the panel towards the shared goal of harmonious and stable labour/management relations.

BC FEDERATION OF LABOUR

We support of the recommendations of the BC Federation of Labour's submission on this topic, including:

- **Improve funding to the Labour Relations Board (LRB) to ensure expeditious and timely decisions;**
- **Restore the card check process;**
- **Amend the Labour Relations Code (LRC) so that when a membership vote is necessary an in-person vote is held within 5 days;**
- **Repeal changes introduced in 2002 to Sections 6 and 8 of the labour code regarding employer to employee communications (during and outside of unionization drives); and**
- **Restore the *Employment Standards Act* as a statutory minimum floor of rights.**

LABOUR RELATIONS BOARD

Our experience with the Labour Relations Board has made it clear that the board is not able to meet its functions at its current funding level. Workers in BC deserve a Labour Relations Board

that is adequately funded, such that it is able to fulfill its role in facilitating labour relations operations in BC.

Our recommendations pertaining to the Labour Relations Board are:

- **Increase funding to the mediator system;**
- **The Labour Relations Board is the only system requiring faxed submissions. Funds must be allocated to update use of modern technology in Labour Board operations;**
- **The Labour Board serves an important educative purpose; as such, the board should have their educative powers expanded to train others to take their place as part of an overall succession plan.**

The most pronounced examples of Labour Board underfunding have been through the private sector member locals of our federation, mainly through the difficulty in signing a first collective agreement. Faculty at the Pacific Gateway International College (now Spratt Shaw Language College) experienced continual delays and stays by the board that allowed the employer to bargain in bad faith. This extended process resulted in a strike requiring support from our federation to prevent an end to the unionization drive. Stays and delays were also experienced by workers at the Vancouver English Centre (now bankrupt), and Hanson International Academy.

LABOUR RELATIONS CODE

In 2002, Sections 6 and 8 of the Labour Code were amended to expand employers' rights to communicate to employees beyond the scope of employer's business, and provide an exception to employer communication during the unionization process. It is our position that these changes are unnecessary



and provide an opportunity for employers to unduly influence worker choice regarding unionization, while stopping short of overt intimidation or coercion. We recommend that these legislative amendments be repealed, and that the language of both Section 6 and Section 8 revert to its original wording.

EMPLOYMENT STANDARDS ACT

Educators across BC bargain effectively for fair compensation, as a mix of pay, benefits, and types of professional and vacation leave. Under the changes to the *Employment Standards Act*, many of these bargained rights and benefits were retroactively undermined – a complete government over-reach interfering with workers' rights and compensation.

Current *Employment Standards Act* language is overly subjective, permitting employers to legally offer less than what workers agreed to at the bargaining table including annual vacation, seniority retention, and recall rights.

The *Employment Standards Act* needs to be changed immediately to become (in its entirety) a statutory floor of rights, with all provisions that allow less than what was bargained in a collective agreement to be updated to mandate benefits be offered at the level of the act or collective agreement, whichever is greater.

CONCLUSION

The Labour Relations Code, Labour Relations Board, and *Employment Standards Act* are all crucial pieces in ensuring a free and fair bargaining process that respects and enforces the collective agreements workers achieve. The underfunding of the Labour Relations Board, and the loosening of the *Employment Standards Act*, undermine workers' rights and faith in labour protections and enforcement in BC. This harm can be reversed by implementing the recommendations of the BC Federation of Labour and affiliates, including our federation. We are happy to elaborate on any of these points in an oral presentation.



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