



UNITED ASSOCIATION
of Journeymen & Apprentices of the
PLUMBING & PIPEFITTING
Industry of the United States and Canada
Local Union 170 - Affiliated with AFL-CIO-CFL

March 20, 2018

Labour Relations Review Panel
Via Email: LRCReview@gov.bc.ca

In response to the Panel's invitation for submissions for recommendations to changes to the BC Labour Code, we submit the following recommendations and feel they are necessary to properly protect the needs and interests of workers and are in keeping with the mandate of the Review Board to "ensure workplaces support a growing, sustainable economy with fair laws for workers and business".

UA Local 170 represents approximately 4,000 Apprentices and Journeypersons in British Columbia working in the Red Seal trades of Plumber, Steamfitter/Pipefitter, Sprinklerfitter, Gasfitter, Instrumentation & Control Technicians, and Welders. Our members are encouraged with the steps taken to review the Code and submit our recommendations based on issues faced by the members or potential members in our industry. We believe the following changes should be considered to improve fairness for all workers.

1. Eliminate mandatory representation votes in favour of card-based certification (Section 24)

Bill 18 (2001) removed the process of card-based certification in favour of a mandatory vote process. Currently, once the union can establish 45% membership support, a vote is required to ultimately determine certification. There has been much research conducted over the years on the effect of moving to a system of mandatory votes (not only in BC but in other provinces) and the studies all show that the number of workers certified drops substantially, while the incidence of unfair labour practices during certification increases. This is due mainly to employer's coercion tactics and effectively reduces the employee's right to collective bargaining. We recommend restoring the previous system of union certification based on membership cards alone.

2. Limit Employers ability to communicate regarding the certification process (Section 8)

Section 8 has posed problems for many workers as it gives Employers the ability to express their “views” on workers’ wishes to certify. The employer – employee relationship is not an equal one. The Employer is in a position of influence and authority. Any communication to a worker about an employer’s opposition to certification will certainly dissuade a worker from promoting, pursuing or agreeing to certification, as the employer has the ultimate influence over the worker’s current or future employability. Verbal coercion is not necessary in a relationship between an employer and employee, it is inherent in the relationship that an employer has the ultimate ability to determine an employee’s future employment.

3. Reduce wait time for certification vote (Section 24(2))

Where a certification vote is required, we recommend that the current wait time be reduced to no more than 2 days. This will limit the time for any possible employer interference or unfair labour practice with respect to the organizing process.

4. Increase remedial certifications (Section 14)

We recommend that the Board increase the use of remedial certifications, where it has been established that an unfair labour practice has transpired. Currently this section is not enabled sufficiently to detract an employer from interfering with the worker’s right to collective bargaining.

5. Establish a standard provincial agreement

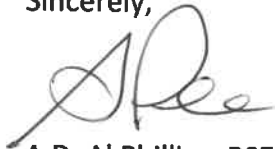
Drawing from Ontario’s system of single-trade, multi-employer, province-wide bargaining where parties to a new bargaining unit become bound to one standard agreement, and whereas all the construction unions are already affiliated with the BC Building Trades Unions, with one standard collective agreement for each trade; we recommend that once certification is established, the parties become bound to the standard provincial agreement in force. Due to the temporary nature of employees in our industry, most of our workers are not on a jobsite long enough to participate in negotiating their first collective agreement. Having one standard agreement, which can be ratified immediately upon certification would enable workers to immediately benefit from their decision to certify.

6. Separate panel review of the construction industry

Notwithstanding point 4 above, the construction industry is unique in that employment is often of a temporary nature. Employees are often hired on a project for a specified amount of time with no expectation of permanent employment. The industry is very cyclical and unpredictable, often driven by projects which are influenced by government, private investors and economic conditions. Because of this, it is very difficult to organize workers in this industry as they are not working on a project long enough to complete an organizing process. The previous legislation had some limited language specifically addressing sectoral certification in the ICI construction industry. Unfortunately these provisions were removed in 2001. We recommend that due to the unique nature of the workers and employers in this industry a separate panel be appointed to review how the issues faced by workers in our industry.

I thank you for the opportunity to make recommendations on behalf our membership and look forward to the Panel's recommendations.

Sincerely,



A.D. Al Phillips, RSE
Business Manager & Financial Secretary

ADP/eds

moveUp