

My name is Andy Healey. I am a business agent on the staff of CUPE Local 1004 in Vancouver. I'd like to speak about my experiences with organizing workers and some of the difficulties that these workers are facing due to a few problems with the current iteration of the BC Labour Relations Code.

My experiences with organizing workers began when I was a worker at a unionized, non-profit social services and housing provider. There were certain work groups within this organization that were not part of the bargaining unit; home support workers, maintenance workers, IT support and pest control workers to name a few. At a time when the future of this employer was heading in a questionable direction, these workers reached out looking for help to get themselves some kind of job security. With the assistance and guidance of our local and the national rep assigned to the local, myself and another shop steward were able to bring these workers into the union by the relatively simple act of having them sign union cards. At the time, I now know, I was naive and ignorant. I thought that organizing non-union workers was simple: sign a card, take it to the Labour Board and the worker can find support and protection with everything that the collective agreement has to offer. What I didn't know was that since 1984, things haven't been this easy in British Columbia. Since that time, workers attempting to unionize have had to go through a two-stage process which includes a vote after card signing has been completed.

As my union involvement increased, I got trained by CUPE as a member organizer. It was then that I began to see the difficulties and roadblocks set

up in the process of union certification. Let me first state the obvious: workers don't attempt to organize themselves when their employer is fair, reasonable, law abiding and looking out for the workers' best interest. Workers are afraid to approach unions for assistance when there's a real threat of retaliation from their bosses. But they do it. Workers find the strength and courage to stand up to these unscrupulous employers but then they are often derailed between signing cards and taking part in the subsequent vote. In the time between the card signing and the vote, employers intimidate and infiltrate workers and scare them away from what is a legal and constitutional right in this province and country, the right to join and be represented by a trade union. When we have rights, those rights are meaningless if they can't be accessed. We need to bring back the simple process of card check certification.

In my role as business agent at CUPE 1004, I am currently in negotiations for two separate first collective agreements. In this context, I have come up against still more barriers. The statutory freeze period, where the terms and conditions of employment must not change until an agreement is ratified, needs to be extended up to the time when a first collective agreement is reached. We're dealing with employers who have consistently maintained unfair practices and disregarded even the basic tenets of the Employment Standards Act. They have no problem stalling bargaining to get past the freeze period. The workers are intimidated by these actions and again their fundamental and legal right to unionize is put in jeopardy. We need to give these workers the same rights as all other unionized workers, and in the

same way that our expired contracts are in effect until we negotiate a new agreement, these workers terms and conditions need to stay in tact until their first agreement is reached. If this were the case, we'd be looking at a situation that fosters stability and appropriate labour relations instead of giving the upper hand to employers, who most likely have a history of creating difficult and hostile working environments to begin with.

Another situation that I am currently concerned about is successor rights if a contract is flipped or work is contracted out. A tactic that we see is the employer threatening to give up the contract or in effect sell the company while the process of certification is ongoing. Workers rights need to be kept intact regardless of who runs the company or who controls the contract. If this were to be part of the Code, it would mean one less form of intimidation that could be used against workers who, by the very nature of their current situation, have already been pushed far enough.

There needs to be an easier way for workers who are in the transitory position of negotiating a first collective agreement to address and resolve disputes with the employer. The current recourse is the Employment Standards Act Tribunal, a lengthy and daunting process that again favours employers and hinders workers looking for their basic rights. I'm currently involved with a group of workers who are constantly having rules enforced on them that are contrary to the Act, like so called averaging agreements that are nothing more than a vehicle for the employer to force unpaid overtime almost up to the point of indentured servitude or being told they

need to repay time taken on holidays by working even more unpaid overtime hours. There must be a better way to resolve these issues while collective bargaining for their first agreement is ongoing. It's just another part of a system that heavily favours employers and obstructs the rights of vulnerable workers.

I'll finish by saying something that we should all be aware of. Unionized workers lead better lives than non-unionized workers. In areas with higher union density, economic and social conditions are better. Society as a whole benefits from unionization. From health and safety regulations to maternity leave, and child labour laws to the 5 day work week, the effect of unions on society as a whole is progressive and positive. We need to create a place where we can grow and foster this positivity even further, and reforming the Labour Relations Code is a step in that direction.