



## Presentation to Labour Code Review Panel – April 6, 2018

### **WHO WE ARE**

USW Local 1-405 is an amalgamated local union covering the East and West Kootenays. West to Castlegar; South to the Canada/U.S. border; East to the B.C./Alberta border and North to the Columbia Valley region to Golden, BC. First chartered in 1944 as an I.W.A Local Union, we have been in the past primarily a forestry worker union. In the early 1970's our Local began branching out by organizing Credit Unions and has since further branched out via organizing and mergers to represent workers in Insurance, Hotels, Ski Hills and Municipalities at the City of Kimberley.

Since 2012 I have occupied my current position of Local Union Financial Secretary and Business Agent to 12 of our 20 certified operations to USW Local 1-405. Of the 12, 11 of the certifications I service are classified as “non-traditional” or outside the forest industry.

Of our 1300 members at USW Local 1-405, fully 40% of our membership is now non-traditional or not based in the forest industry. Our number one goal within our Local Union is to maintain and service our membership but also to grow that membership by organizing the unorganized.

### **RESTORING BALANCE TO THE LABOUR CODE**

For the past 17 years, since the unilateral changes made by the former BC Liberal government - without consultation of the public or labour movement - the addition of mandatory representation votes has had a serious impact on our ability to successfully organize.

Since then our ability to organize has been severely impacted. It's become extremely difficult due to the added hurdle of a representative vote that was added to the code in 2001. This extra step of adding the representative vote after our union organizers had reached a threshold of signed cards by the workforce gave the employer an added layer of security from a union organizing their workplace: time.

Part 3; Division 1 – Section 24 of the B.C. Labour Code dictates that a representative vote must be held within 10 days of the application by the Union representing 45% of the employees; or if a mail-in ballot is ordered, within a longer period the board orders.

It is within that section that I will focus our Local Union's experience and issues with organizing over the past 17 years. Specifically, the past six years in my current position with the Local Union.

### **ORGANIZING**

**2014 Example** - A drive in 2014 to organize a restaurant adjacent to our certified operations at a Ski Resort and a Hotel that had 45 employees, 90% of which were women, and 32 had signed membership cards, over 71% of the employees. Following the application made by the Union, the employer – an employer that was the

owner of the adjacent properties represented by USW Local 1-405 – contested the application claiming our Union wasn't an appropriate bargaining agent. Secondly, the employer objected to an in-person vote and took the position that a mail-in ballot was appropriate.

The subsequent delay between application and, finally, an in-person vote some ten days later following application, the vote was a tie, 18-18. Following that vote the Union filed Unfair Labour Practices complaints shortly after it was discovered the employer was threatening to close down the restaurant (it is still open to this day); firing a worker that was a vocal supporter of the union organizing the restaurant and announced a unilateral wage increase of \$3 across the board for all restaurant employees.

All these instances occurred during the period of time the Union signed over 71% of the employees to a membership card and the first vote. Subsequently, because of the Unfair Labour Practices complaints filed, the BCLRB ordered a re-vote; a ½ hour paid meeting of the staff with the Union and a confidential settlement offer to the employee that was fired. The subsequent re-vote, held a month later, saw the vote fail by 3 votes, 18-15.

Clearly in this instance card-based certification was the first vote by the employees to join our union. Only after coercion; fear tactics and out and out threats – enabled by the time between the application with 71% of the employees signing membership cards submitted January 29, 2014; the unfair labour practices of the employer through the first ten days to February 6 and the ordered re-vote March 6, 2014, that fear, intimidation and threats were enough to sway the vote.

**2016 Example** – A drive began March 31, 2016 at a Pole Yard in Brisco, BC. By April 16, 16 cards had been signed by the 20 employees, 80% of the employees. Following application for certification by the Union that week, the employer then contested the voting rights of three members on the voting list and objected on the grounds that a mail-in ballot would be appropriate. Following an in-person hearing at the BCLRB May 3, it was determined that the voting list was set and that a mail-in ballot was ordered. It would be counted May 27, 2016, a full 41 days after application had been made by the Union with 80% of the employees signed to membership cards. During this time the owner actually fired the manager that was causing some problems and then met with each and every employee asking not to vote for the union now that the manager was gone. The employees still had issues with their wages – which were far below standard in the industry – job posting language; seniority; pension contributions, among others. The owner, in making his rounds to sway employees during this time, even accosted two employees who were supportive of the Union. Yelling, screaming and swearing at them.

All during the time frame of card-based certification and a mail-in ballot.

Fortunately for the workers, the vote went in favour of joining the Union by a 12-8 margin. A secondary application, as the three voters noted above were deemed part of a different business of the owner's, adjacent to the pole plant containing five workers, resulted in a tie, 2-2. That part of the application was not successful. Prior to the mail-in ballot, three of the five workers at that location were in favour of the union and had signed cards.

**2017 Example -** A drive is currently underway and continues for a Sawmill Operation north of Creston, BC. The drive has been ongoing for some time, but the current owner also ran three other Sawmill Divisions in the region, closing one in late 2015. Six months later that company announced the purchase of this non-union mill and subsequently doubled the workforce, going from approximately 60 workers to 120. The Union was only able to achieve 33% of the employees signing cards. And while this isn't example of representative votes held after a period of time the union applied for certification, it is an example of fear tactics used by employers to scare employees away from signing membership cards.

A young woman, in her late 20's, single mother of two children was an active supporter of the Union and a member of the inside committee. She was asked to appear before you to tell her story of being part of a union drive and talking to fellow co-workers about joining our union. She was terminated during this time for, what the Union believes, but unfortunately cannot prove, was trumped up cause. She has since found new work but was now so disillusioned with the process and fearful of reprisal that she decided against appearing before this panel due to fear of her new employer finding out she was part of an inside-committee of a unionization drive.

### **CONCLUSION**

These examples are but a few of the many, many examples that workers face while trying to organize their workplace. Fear; Intimidation; Threats – all traits that in the workplace Union abhors and fight hard to eliminate. Unionization in the workplace does many things for workers but ultimately it provides balance. It provides fairness. It provides a voice. Besides improved wages, benefits and pensions, it provides a sense of empowerment. By restoring card-based certification as the only requirement to meet the test of unionized representation in the workplace, it will give thousands of workers in my region and across B.C., a greater chance at balance and fairness in the workplace.

It is stated by those against card-based certification that without a representative vote it is an affront to democracy. When we go to the polls as citizens to elect our representatives in government there is no one there threatening our livelihoods if we don't vote a certain way. That is what is currently happening in workplaces looking for representation by a union and it is that, that is the actual affront to democracy.

Workers have a right to choose and that right must be unfettered by employer interference and coercion. Eliminating a representative vote following card-based certification will go a long way to accomplishing that.

Respectfully submitted,

*Jeff Bromley*

Financial Secretary/Business Agent

USW Local 1-405 - Kootenays