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Labour relations code review

Thank you for the opportunity to submit this.

I am retired and no specialist in labour relations, however 50 years of participation in the building trades unions has given me some insight to the labour relations code. I will comment on issues pertaining to building trades unions and comment on the staffing of the board itself.

Periodically during my 50 years involved with building trades, changes was made to the Code, never to the benefit of the worker, even though it was sometimes perceived to be. The makeup of the board itself has changed from when I first got involved when there was an equal number of lawyers and Trade unionists as vice chairs, we now see that almost all of these positions are filled by lawyers .Of course most lawyers are capable of conducting hearings etc. they do however tend to make decisions based on jurisprudence and are less likely to think outside the box unlike the person who is not a lawyer. I respectfully point out that the members, all lawyers, of this panel supports my observation.

A building trades union is significantly different from an industrial union were workers often has some job security. The construction worker moves from employer to employer some times being employed a week or two at the time, this obviously makes it more difficult for them to organize.

There is a need for an extended specific construction section as was present earlier but diluted some 15 years ago, the act ought not to make it as easy as now for contractors double breasting and contracting out. Presently an employer under agreement with the union often contract work out to individuals or another contractor who may indeed contract out again.

The issue of successorship also needs to be re-designed, earlier on building trades unions were able to in most cases protect the members from losing the rights i.e. the certification should always apply to the new owners of the same company

During the certification process originally lawyers were allowed to while organizing was taken place to speak to their employees as long as they did not threaten the employee or use false information. The code now allows the employer in several ways threaten and intimidate the employee it has become next to impossible to win an unfair labour practice argument before the board. The addition of the vote for certification even after majority of cards are signed may have been well intended but it has however greatly diminished the likelihood of success by the union and the workers. Many contractors using different tactics to stall the vote and thereby dragging out the process long enough for him to manipulate his crew to assure that the vote is lost. It should be noted that even without manipulation in the workplace were workers are being terminated at will without cause and without notice, any delay in the certification process will greatly hamper workers effort to organize

Section 8 needs to be rewritten to deal with the question of unfair labour practices and to delete the confirmation vote. The earlier practice of the employer having to submit copy of his payroll, was a fair and accurate way of determining who is actually employed by the company, and should be reinstalled.

CLAC there are many examples that indicate that CL AC does not fit the description as a trade union within the labour code. The present code enables CLAC to get certification sometime voluntary by the Company other times by questionable methods. The fact that many large corporations have signed contract with CLAC while only a handful of trusted long-term workers referred to by other workers as "Steady Eddie" are on the job, only to see that shortly after such a company would employ hundreds of workers.

Raiding Time frame for the raiding is established during the time of the year where the union have the least chance to be successful, likely on purpose, at the time of the year when if working at all, contractors have very small crews, often the aforementioned Steady Eddie's. This timeframe is particularly detrimental in the North country and in other areas with distinct high and low construction season's.

Recommendations

- 1 consider changes relating to board makeup
- 2 no vote to be required when signed membership cards shows a clear majority
- 3 introduce a " vote of confidence" for workers where a company has signed the agreement with a handful of workers and now employs many.
- 4 change of time slot for raiding in construction June/July ..august /september
- 5 conclude whether or not CLAC is a union

respectfully submitted John Jensen