



November 30, 2018

Honourable Harry Bains
Minister of Labour
Room 342 Parliament Buildings
Victoria, BC, V8V 1X4
via Email
LRCReview@gov.bc.ca

Re: Labour Code Review

Dear Minister Bains,

I am writing in response to the recommendations that have been put forward in the recent independent review of BC's Labour Relations Code, entitled *Recommendations for Amendments to the Labour Relations Code*. As the leading industry association for B.C.'s continuing care sector BCCPA welcomes the opportunity to provide feedback on the outlined recommendations.

The report includes recommendations to strengthen successorship rights in health care for both health authorities and non-government care providers under Section 35 of the *Code*. Recently the provincial government also introduced legislation (Bill 47) to strengthen successorship rights by repealing both the 2002 Health and Social Services Delivery Improvement Act (Bill 29) and 2003 Health Sector Partnerships Agreement Act (Bill 94).

As BCCPA has publicly noted, the Association supports the general intent of Bill 47 to improve working conditions and to enhance job stability in B.C.'s health care sector, as we support any effort which may help address the province-wide staffing crisis in the seniors' care sector. However, BCCPA does note that this decision will have significant cost implications for care providers, which could impact the long-term sustainability of the sector. Therefore, BCCPA is recommending that there be a) an independent assessment to fully understand the financial impacts on the sector, and b) a commitment from the B.C. government to fully fund any additional costs to all providers which may result.



BCCPA would also like to provide feedback on several other areas of the recommendations report. Specifically, to express concerns regarding the recommendation to limit the rights of employers to communicate with employees during organizing drives. Organizing drives are inherently a time of uncertainty. BCCPA is concerned that by limiting transparent, open communication, this recommendation may unintentionally reduce trust between employers and employees and hence have a negative effect on team cohesion and staff morale, thus impacting quality of care for residents. BCCPA also notes that this recommendation is unilateral in its approach, as it does not hold unions to the same standard of “statements of fact or opinions reasonably held.” Any regulations or legislation limiting freedom of speech during organizing campaigns should apply equally to employers and unions.

BCCPA also has concerns about the recommended changes to Section 54 of the *Code*, which would allow one party to unilaterally refer an adjustment plan issue to a Labour Relations Board mediator. While BCCPA appreciates the intent of this recommendation, which is to facilitate the evolution of co-operative labour relations, unilateral decisions may undermine confidence in the impartiality of the process and reduce the likelihood that parties will come to a mutually agreeable decision. BCCPA believes that referral to a Board mediator should occur as a result of a joint decision between an employer and union.

BCCPA also takes issue with the recommendation to grant easier remedial certifications in the case of unfair labour practices, where the Board deems it “appropriate and equitable.” BCCPA urges that a more objective standard be maintained, such as that which is under the current *Code*.

Finally, BCCPA would like to express its support for the committee’s recommendation to maintain secret ballot votes for union certification. As noted by the Panel, secret ballot votes are in keeping with our democratic ideals and create confidence that workers have made an informed decision to certify, free from misinformation, peer pressure or coercion.

BCCPA appreciates the opportunity to provide further feedback on the recommendations that have been outlined in the review. We would be pleased to meet further with your office to discuss this matter and to provide insight on how the continuing care sector can provide job security for workers, while also preserving sustainability and promoting quality of care for seniors.



Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Fontaine".

Daniel Fontaine
CEO, BCCPA
cc. Honourable Adrian Dix

About Us: [BC Care Providers Association](http://www.bccare.ca) is the leading industry association for BC's continuing care sector. We have been serving non-government care providers for 40 years. Our growing membership includes over 350 long term care, assisted living, home support and commercial members across British Columbia. Over 23,000 vulnerable adults—primarily seniors—receive their care from our members each day.