

## Hourston, Sveah LBR:EX

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**From:** Teresa L. Schoonings <teresa.schoonings@grupobimbo.com>  
**Sent:** November 30, 2018 12:31 PM  
**To:** LRC Review LBR:EX  
**Subject:** #28 - Labour Relations Code Review Report Consultation Feedback

The Honourable Harry Bains and  
Labour Relations Code Review Panel:  
Michael Fleming, Sandra Banister Q.C., Barry Dong

Thank you for the opportunity to provide feedback on the very thorough report of recommendations for amendments to the B.C. Labour Relations Code that was presented to you by the Review Panel.

Bimbo Canada is a 100+ year old, national manufacturer of flour-based products, including breads, buns, tortillas, bagels, English muffins, sweet goods and snacks. We employ 4000+ associates in 18 plants, 17 Distribution centres, 170 depots as well as retail thrift stores across Canada. We are partners with 8 national unions and manage 42 different collective bargaining agreements (CBAs). In May 2014, we were acquired by Grupo Bimbo, the world's largest baking company with operations in now, 32 countries! Currently, we are Canada's largest Direct Store Delivery (DSD) model with the unique ability to serve extensive geographies across Canada to bring our product to market. The foundation of our DSD model is a network comprised of close to 1000 independent operators, many of whom are franchisees. Additionally, we contribute to industry through active engagement in key associations, such as the Baking Association of Canada and Food and Beverage Canada.

### OUR SPECIFIC AREAS OF SUPPORT, CONCERNS AND RECOMMENDATIONS FOR CHANGE:

- i. **Recommendation 5 - Secret Ballot** - We fully support the recommendation of the majority of the Review Panel to maintain the secret ballot system when attempting to certify or decertify a union. The current secret ballot system has been extremely successful in balancing the interests of employers and trade unions, while at the same time respecting all employees' rights to decide if they wish to be represented by a union in their workplace. They can make this very personal decision confidentially at the ballot box, without having to answer to peer pressure on whether to vote yes or no.
- ii. **Recommendation 6 - Certification Votes** – We support the recommendation to move to a five-day time limit between the filing of the initial application and the vote. We feel this provides certainty for all parties.
- iii. **Recommendation 8 - Membership Evidence** – We support the extension of union membership card validity from 90 days to six months as it can result in less stress or pressure of multiple card signing activities for employees to endure.
- iv. **Recommendation 9 - Access to Employee Lists** – As long as the secret ballot system remains in place, Bimbo Canada agrees with the recommendation to require employers to provide employee information once an application has been filed.
- v. **Recommendation 10 – Change in Union Representation** – We fully support the recommended language change as it will reduce the potential for workplace disruption for employers, trade unions and employees.
- vi. **Recommendation 14 – Statutory Freeze** – We feel that the current four-month timeframe for a statutory freeze of terms and conditions after certification ensures that the parties bargain swiftly to reach a collective agreement in a timely manner and as such, this timeframe should not be extended to twelve-months. A longer period of time enables parties to delay bargaining, while tying the hands of employers to make changes

necessary to keep their business healthy and strong and, also creates unrest and uncertainty for employees for a lengthy period of time. It is important for employers and unions to work together in a timely manner to provide certainty for all parties.

- vii. **Recommendation 20 – Picketing/Secondary Picketing/Replacement Workers** - As recognized in the Review Panel’s report, there is much division on the issue of secondary picketing, and there is clearly a need to consider ANY legislative changes regarding picketing (including secondary) in tandem with the issue of replacement workers. We would suggest that the Review Panel pause and conduct thorough consultations with unions, employers and other interested parties **specifically on this issue**. It is time for the complex BC statute to be modernized to more closely mirror that of a province like Ontario, where the objectives of employers and unions, even during a dispute, can be effectively balanced. The Supreme Court of Canada decisions in this area remain good law and in our view, ought not to be further complicated with the additional challenges the BC statute presents.
- viii. **Recommendation 24 – Expedited Arbitration** – We fully support an expedited arbitration process as unnecessary delays in the system run counter to the intent of harmonious labour relations.
- ix. **Appendix “A”, Section 8 Recommended Wording Change** – The current wording in the Labour Relations Code should remain in place. In our view, there is no compelling reason to change it and we believe that the proposed language will only serve to cause greater confusion, especially given the seeming impossibility of how to determine what is, or isn’t “reasonable”.

We are in a time of labour shortage, desperately seeking to employ quality employees through the offering of a fair-market compensation package, benefits, strong culture and internal supports. We feel we are a strong and fair employer in the Province of British Columbia and are pleased to see the Labour Relations Code being updated. We thank you for your consideration of our recommendations and would be pleased to work with your Ministry should you require future consultations to support you through your ongoing efforts and/or to discuss the issue of Sectoral Bargaining directly. We look forward to seeing the results of the consultation.

Regards,  
Teresa

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