Comments on the Section 3 Panel's Recommendations for Amendments to the *Labour Relations Code*

Submission By:

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We welcome the opportunity to comment on the special advisors' Recommendations for Amendments to the *Labour Relations Code* (the *Code*).

On behalf of our over 92,000 members in municipalities, schools, colleges, universities, libraries, health, emergency medical services, social services, and transportation, we submit the following comments on the recommendations:

Recommendation No. 2

> *Section 3 should be amended to provide that the Minister of Labour must appoint a committee of special advisors to conduct a transparent and public consultation process to review the Code periodically and, in any event, not less than every five years.*

As we referenced in our original submission, the review of the *BC Labour Relations Code* was long overdue. Change is needed to restore balance and meet the needs of modern workplaces and it's important that regular, transparent, public consultative reviews of the Code continue, therefore we fully support this recommendation. For too long, the labour relations community has been disconnected from legislative and policy developments in our area. Regular, collaborative *Code* reviews are critical to ensure the Labour Relations Board and the legislation remain relevant, responsive and useful to the labour relations community.

Recommendation No. 3

1. *Amend Section 8 as follows:*

   "Nothing in this Code deprives a person of the freedom to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer's business"

2. *Amend Section 6 (1) by deleting "Except as otherwise provided in Section 8".*

3. *Rule 24 of the Board Rules be amended so that when the Board provides notice of an application for certification, it attaches its contact information and particulars regarding rights and obligations under the Code, with a direction it be posted.*

We support these changes as they would return the language of Section 8 to that which existed prior to 2002. The Board's approach to s.8 under this previous language struck the appropriate balance between workers and employers and was consistent with the *Charter* right to freedom of expression, as it has been held to be a demonstrably justified limit under s.1.

We vehemently oppose the concept that employers should have an opportunity to attempt to persuade employees *not* to join a union prior to any vote. A worker's decision to exercise his or her right to form a union should in no way take into consideration the wishes of his or her employer.

The grave power imbalance at the time when an employee is considering whether to unionize, and the potential impact on the employee's career, livelihood and personal autonomy, strongly support eliminating the heavy hand of the employer during this period.

Recommendation No. 4

> *Amend Section 14 (4)(f) to read as follows:*
>
> > *(f) despite section 25(3), if the employees affected by the order are seeking trade union representation the board may certify the trade union if it determines an act prohibited by section 5, 6, 7 or 9 has occurred and that remedial certification is appropriate and equitable to ensure the likely consequences of the unlawful interference on employee choice are fully remedied.*

We support this recommendation as employer interference in organizing campaigns often happens very early in the process before the union has been able to sign enough cards to apply for a certification vote. For employers, the consequences of engaging in such activity are insignificant compared to the benefit of achieving their goal of worker intimidation and union avoidance. There are cases in which the only effective remedy is to certify the union because the true wishes of the employees cannot be revealed through a vote, and the unfair labour practices have made it impossible for the union to get enough membership evidence to apply for certification.

Under the present legislative and policy regime, there is little disincentive for employers to engage in anti-union behaviours which violate the *Code*, given such actions will not result in any significant consequence even if a complaint is founded. As such, we fully support such a change that would entrench remedial certification as a real outcome in response to unfair labour practice violations.

Recommendation No. 5

> *The secret ballot vote be retained providing there are sufficient measures to ensure the exercise of employee choice is fully protected and fully remediated in the event of unlawful interference.*

We strongly oppose this recommendation. Union organizing, and certification are cornerstones of our model for labour relations. Workers have a constitutionally-protected right to join unions, and our labour laws should facilitate rather than hinder this process. Both the 1992 Baigent Section 3 Panel and 1998 Ready Section 3 Panel Reports recognized the fundamental role card-based certification plays in creating balanced labour relations.

Two-stage certification processes such as the one presently in place in BC, whereby a union must first obtain threshold for a vote to be ordered and then succeed with 50%+1 in a secret ballot up to (and usually at) ten days after the certification application is filed, are rife with employer interference.

The 1992 Baigent Section 3 Panel Report rejected arguments in favour of maintaining a secret ballot certification vote as follows in their Report (at p.26):

> "The surface attraction of a secret ballot vote does not stand up to examination. Since the introduction of secret ballot votes in 1984 the rate of employer unfair labour practices in representation campaigns in British Columbia has increased by more than 100%. When certification hinges on a campaign in which the employer participates the lesson of experience is that unfair labour practices designed to thwart the organizing drive will inevitably follow. The statistical profile in British Columbia since introduction of the vote was confirmed by the repeated anecdotes our Committee heard in its tours across the Province. It is also borne out in decisions of the Board and Council. Unions would sign

> up a clear majority of employees as members and a vote would be ordered. Then key union supporters would be fired or laid-off while threats of closure dominated the campaign and the vote itself was viewed as a vote on whether or not to continue with employment rather than as a vote on redefining the employment relationship. It is not acceptable that an employee's basic right to join a trade union be visited with such consequences and illegal interference. Nor is there any reasonable likelihood of introducing effective deterrents to illegal employer conduct during a representational campaign. A shorter time framework for voting will not deter an employer intent on "getting the message" to his employees. Neither is the imposition of fines and/or the expeditious reinstatement of terminated employees likely to introduce attitudinal or behavioural changes in employers intent on ensuring that their employees do not join unions. The simple reality is that secret ballot votes and their concomitant representational campaigns invite an unacceptable level of unlawful employer interference in the certification process."

The 1998 Ready Section 3 Panel Report also expressed the Panel's support for maintaining card-based certification as follows:

> "We affirm our proposal in the Discussion Paper to not recommend a mandatory certification vote. We affirm the individual right, recognized provincially, nationally and internationally, to join or form trade unions. Experience demonstrates that employers do seek to affect employees' right to choose. In our view, extending the certification process by introducing a mandatory certification vote would only further invite such illegal activity."

These observations are still highly relevant today. There is no evidence that membership cards do not adequately reflect employee wishes. Furthermore, employer and union campaigns that take place between the filing of the certification application and the ultimate vote on whether to join the union are frequently hotly contested and may poison workplaces.

Employers regularly use intimidation tactics to dissuade employees from joining a union, including threatening workers with discipline or discharge, or threatening job loss if employees unionize. The ease and frequency at which employers engage in these kinds of tactics is amplified in mandatory certification vote systems, such as the system presently in place in BC.

Parties expend significant resources responding to unfair labour practice complaints. Adversarial interactions between workers and their employers cause mistrust and damaged relationships, which negatively impacts the ability to reach a first collective agreement once a union is certified.

Card-based certification is one of the most significant amendments that could be made to the *Code* to balance labour relations and achieve the purposes enshrined in s.2 of the *Code*. Card-based certification provides the greatest opportunity for workers to exercise their constitutional right to join a union and limits undue influence by employers in exercising this right. Card-based certification protects vulnerable workers from hostile employers, and effectively levels the playing field in matters of union certification.

Jurisdictions that utilize card-based certification have higher rates of success in unionization campaigns. As Sara Slinn notes in her comprehensive survey of the literature on union certification regimes, when mandatory vote systems are introduced the number of certification

applications and votes declines.[1] Clearly the system by which union certification is granted has a significant and material effect on certification outcomes. It is not the case that the use of a mandatory vote system diminishes the desire of workers to join a union. Instead we can see that mandatory vote systems act as a barrier to unionization.

There are those who might argue that mandatory votes are more democratic. That line of argument, however, fails to recognize that when workers sign a union card in a certification drive, they are in fact voting for the union. When more than 50% of employees sign cards, the majority should rule, and the union should be certified automatically. A mandatory vote, on the other hand, is regularly tainted by employer intimidation tactics. It might seem counter-intuitive, but the mandatory vote system is actually less democratic because the vote takes place under regular threats of potential reprisals, and in the context of significant power imbalance between workers and their employers. Without access to a free and fair election, the process is slanted in favour of the only group that has the power to discipline and intimidate the workers, and as such mandatory vote systems are tilted towards employers and against workers.

We would also remind the Minister that it is noteworthy that no employee groups have come forward in support of a secret ballot through this consultation. In fact, it is Employers who are attempting to maintain the secret ballot system because it is a tested and true method for blocking unionization in workplaces.

Therefore, we strongly recommend against this recommendation and agree with Sandra Banister's dissenting opinion. There is no other change that can sufficiently address employer interference and poisoned workplaces which result from the campaign period, even if it is shorter. As such, we strongly recommend adopting card-based certification.

Recommendation No. 6

> *A certification vote under Section 24 (2) and a revocation vote under Section 33(2) of the Code must occur within five days, excluding week-ends and statutory holidays following an application for certification.*

While we support reducing the amount of time for certification votes to be completed, we believe that excluding week-ends and statutory holidays could result in no significant change from the current timelines. A reduction to five calendar days, or alternatively three business days, would ensure that votes take place in an expedited manner which is necessary to avoid negative consequences of a prolonged campaign period.

As such we recommend the following wording:

> 24 (2) A representation vote under subsection (1) must be conducted within 5 calendar days from the date the board receives the application for certification or, if the vote is to be conducted by mail per s.24(2.1), within a longer period the board orders, but the Board must ensure the mail ballot voting is completed expeditiously.

[1] Sara Slinn, "Collective Bargaining", *Changing Workplaces Review Research Projects*, 2015, https://cirhr.library.utoronto.ca/sites/cirhr.library.utoronto.ca/files/research-projects/Slinn-9-Access%20to%20Collective%20Bargaining.pdf

Recommendation No. 7

1. *Amend Section 24 so that mail ballots only occur with the agreement of both parties or where the Board is satisfied there are exceptional circumstances and there are no other viable alternatives. In those circumstances, the Board must ensure mail ballot voting is completed expeditiously.*

2. *Amend Section 140 and Regulations 7 and 8(2)(a) to make it clear the Board determines the date, time, place, and manner of voting under Part 3 and to require the returning officer be an employee of the Board.*

We strongly support this recommendation. This will remedy the existing circumstance where the voting period for mail ballots is significantly protracted, often in the range of three weeks or so in our experience. Delay caused by mail in ballots leads to increased pressure on workers, further unfair labour practices by employers and overall increases workplace hostility. Mail in ballots should only be used in appropriate circumstances where all parties consent.

Recommendation No. 8

Regulation 3 be amended to provide that membership evidence be valid for a period of six months.

We support this recommendation. The current period is unduly short, and not consistent with much lengthier card validity periods in other Canadian jurisdictions.

Recommendation No. 9

Amend section 140 of the Code to enable the Board, upon receipt of an application for certification, to require the employer to provide a list of employees in the proposed bargaining unit within such time as the Board determines.

We support this recommendation but suggest the change go further and adopt the recent amendment to the Ontario legislation whereby the Employer must provide an employee list to the Union once the Union reaches 20% threshold of cards signed for employees in the proposed unit. The features of the modern workplace make it difficult for unions to communicate with employees and there is no reasonable basis for denying such employee lists to unions.

Some have argued employee privacy concerns, however union organizing does not entail a group of third-party union representatives coming in and taking over a workplace. Instead, union organizing entails employees at the worksite banding together and either forming or joining an existing trade union so they can access the rights and responsibilities that flow from union certification under the *Labour Relations Code*. This is not an external process, imposed on the workplace. This is an internal process involving workers at a worksite acting to achieve their right to associate.

Therefore, we recommend provision of employee lists once the union has 20% threshold as this strikes an appropriate balance of facilitating union organizing in the modern workplace while avoiding unwarranted dissemination of personal information.

Recommendation No. 10

A. *Repeal Section 19 and substitute the following:*

19(1) Except in construction

(a) if a collective agreement is in force for a term of 3 years or less, a trade union claiming to have as members in good standing a majority of employees in a unit appropriate for collective bargaining may apply to the board to be certified for the unit during the seventh and eighth months of the last year of the collective agreement,

(b) if a collective agreement is in force for a term of 3 years or more, a trade union claiming to have as members in good standing a majority of employees in a unit appropriate for collective bargaining may apply to the board to be certified for the unit during the seventh and eight months of the third year of the agreement and thereafter in the seventh and eighth months in each year of the collective agreement or any continuation.

(2) In construction

(a) if a collective agreement is in force for a term of 3 years or less, a trade union claiming to have as members in good standing a majority of employees in a unit appropriate for collective bargaining may apply to the board to be certified for the unit in July and August of the last year of the collective agreement,

(b) if a collective agreement is in force for a term of 3 years or more, a trade union claiming to have as members in good standing a majority of employees in a unit appropriate for collective bargaining may apply to the board to be certified for the unit in July and August of the third year of the collective agreement and thereafter in July and August of each year of the collective agreement or any continuation.

(3) Despite subsections (1) and (2), an application for certification may not be made within 22 months of a previous application under those subsections if the previous application resulted in a decision by the board on the merits of the application.

(4) Unless the board consents, a trade union is not permitted to make an application under this section during a strike or lockout.

B. *Amend Section 1 by adding: "construction" means construction, alteration, decoration, restoration or demolition of buildings, structures, roads, sewers, water or gas mains, pipelines, dams, tunnels, bridges, railways, canals or other works, but does not include*

(a) supplying, shipping or otherwise transporting supplies and materials or other products to or delivery at a construction project, or

(b) services directly or indirectly related to servicing and maintenance of the premises;

We support the BC Building Trades call for a comprehensive review of construction to properly address the unique nature of the industry in the Code. We support their opposition to the proposed definition of construction in the panel recommendations. No definition should be contemplated without a full review of the construction industry.

Recommendation No. 12

1. *Section 35 of the Code be amended by adding the following subsections: (1.1) This section applies if a contract for services for*
   (a) building cleaning, security or bus transportation, or
   (b) the health sector, including food, housekeeping, security, care aides, long-term or seniors' care
   is re-tendered and substantially similar services continue to be performed, in whole or in part, under the direction of another employer.
   (1.2) Subsection (1.1) is effective August 31, 2018.
   (1.3) Subsection (1.1) may be amended by order of the Lieutenant Governor in Council to provide for the addition of other sectors.

2. *It follows that we recommend that those provisions in the Health and Social Services Delivery Improvement Act Section 6(5) and the Health Sector Partnerships Agreement Act Sections 4(4) and 5(5) which are inconsistent with this recommendation be repealed.*

We strongly support these changes. Successor rights are a necessary protection for workers and their unions. The practices of contracting out, contract tendering and contract flipping were used by employers to undermine the democratic rights of workers to join and remain in unions, and to undermine collective bargaining. Successorship rights will help protect vulnerable workers.

We applaud the government's legislation that has repealed provisions in the *Health and Social Services Delivery Improvement Act Section 6(5)* and the *Health Sector Partnerships Agreement Act Sections 4(4) and 5(5)* which were inconsistent with this recommendation.

However, to ensure the full protections of successorship are enjoyed by all workers, we suggest amending the language to include all workers rather than define a select group to which these provisions apply. As such, we recommend that Section 35 be amended to include the following subsection:

1.1 This section applies if a contract for services is re-tendered and substantially similar services continue to be performed, in whole or in part, under the direction of another employer.

Recommendation No. 14

1. *Amend Section 45 (1)(b)(i) as follows:*
   "12 months after the board certifies the trade union as the bargaining agent for the unit, or until an application under Section 55, made within the 12 months, has concluded, whichever occurs last, or"

2. *For consistency, amend Section 33 (3)(a) and (b) by striking out "10 months" and substituting "12 months".*

We agree that extending the freeze period is a good idea, however there is no rational basis for time-limiting the freeze period at all. Employers can readily delay bargaining by engaging in tactics that extend negotiations beyond whatever time period is established. There is an incentive to do so, as employers then have free reign to change terms and conditions of employment with little consequence or remedy for the affected workers, who are particularly vulnerable.

Where parties are bargaining successive collective agreements, the "expired" agreement is extended until a new agreement is reached, or until strike or lockout occurs (pursuant to s.45(2)). This promotes stable labour relations and maintains appropriate balance between employers and workers as they negotiate their working conditions in a collaborative, minimally disruptive manner, in line with the purposes of the *Code*.

This change would not prevent an employer from making bona fide changes to working conditions or wages but would require application to the Board under s.45(3). This would balance an employer's legitimate operational while protecting workers when they are most vulnerable, restoring balance in labour relations in a manner that is consistent with the purposes of the *Code*.

As such, we recommend that an extension of collective bargaining rights and collective agreements in cases in which work is contracted out, contract flipping occurs; work or workers are transferred, and in all sale of business cases regardless of the form taken.

We also recommend removing the reference to a time-duration for a statutory freeze post-certification. This would simply require deleting s.45(1)(b)(i) and adding language similar to that in s.45(2)(a). We propose that an amended s.45(1)(b) that would read:

> 45 (1) When the board certifies a trade union as the bargaining agent for employees in a unit and a collective agreement is not in force,
>
> (b) the employer must not increase or decrease the rate of pay of an employee in the unit or alter another term or condition of employment until
>
> (i) a strike or lockout has commenced, or
>
> (ii) a collective agreement is executed.

Recommendation No. 15

> *Amend Section 51 to add the following:*
>
> *(2) This requirement includes any substantive ancillary agreements amending rates of pay, hours of work or benefits and any continuation to the collective agreement or to the substantive ancillary agreements.*
> *(3) If a copy of the collective agreement, including any substantive ancillary agreements, and any continuation, has not been filed with the board, the board may decline to consider it in any proceedings under this Code.*

We support this recommendation.

Recommendation No. 16

> *Amend Section 53 (5) to allow the appointment of a Board facilitator at the request of either party.*

We support this recommendation, as it would provide further support for the expeditious, cost-effective resolution of disputes by better access to Board mediation services. In order for this recommendation to be effective, however, further resources must be invested in the Board's mediation services. The Board is in dire need of senior, experienced, respected neutrals from the labour relations community to who can mentor newer, less experienced Board employees and who can resolve complex disputes between parties. Board staff also need further training in conflict resolution and mediation techniques so that they can keep up with the demands of the labour relations community.

Recommendation No. 17

Amend Section 54 by adding:

(2.1) If, after meeting in accordance with subsection (1), the parties have not agreed to an adjustment plan, either party may refer any outstanding issues to the associate chair of the Mediation Division for the appointment of a mediator to assist the parties to conclude an adjustment plan.

(2.2) If, after mediation, the parties have not agreed to an adjustment plan, the mediator may make recommendations for the terms of an adjustment plan.

(2.3) The parties must provide the information the mediator requests concerning the change, its impacts and the parties' efforts to develop an adjustment plan.

We support this recommendation. The current language and interpretation of Section 54 requires only that the employer give notice to the union and engage in good faith discussions where a workplace change will negatively impact a significant number of employees. The current Section 54 process tends to be superficial rather than a means for actually considering and implementing viable alternatives. By including a process in the provision for mediation and recommendations utilizing a third party in these circumstances is more likely to foster meaningful, productive and collaborative discussions.

Recommendation No. 18

1. *Delete Section 55 (1)(b) which requires the majority of employees to have voted in favour of a strike in order to access the Board's mediation assistance.*

2. *Delete Sections 55 (7) and (8) and substitute the following:*

   (7) If a remedial certification was granted, the mediator may consider the parties' conduct, prior to and following certification, when determining the recommended process under subsection 6(b).

   (8) If the parties do not accept the mediator's recommended terms of settlement or if a first collective agreement is not concluded within 20 days of the report under subsection (6), the associate chair may direct a method set out in subsection (6) (b) for resolving the dispute and, if a remedial certification was granted, when making that direction may consider the parties' conduct, prior to and following certification.

   (9) If the associate chair directs a method set out in subsection (6) (b) (i) or (ii), the parties must refrain from or cease any strike or lockout activity, and the terms of the collective agreement recommended or concluded under that subsection are binding on the parties.

We support these recommendations.

Recommendation No. 19

Sectoral multi-employer collective bargaining should be examined by industry councils under Section 80 and, in appropriate circumstances, by an industrial inquiry commission.

We support this recommendation but encourage the Labour Minister to start such a commission immediately to examine the possible models under which sectoral bargaining could be adopted in the various sectors. This would give access to collective bargaining to workers to those sectors/workplaces that are currently difficult to unionize, particularly where union density is currently relatively low due because the Wagner model does not provide sufficient bargaining strength to unions to give meaningful access to good collective agreements.

Recommendation No. 20

> *Amend Section 1 of the Code to add the following definition of picketing:*
> *"picket" or "picketing" means attending at or near a person's place of business, operations or employment for the purpose of persuading or attempting to persuade anyone not to*
>
> *(a) enter that place of business, operations or employment,*
>
> *(b) deal in or handle that person's products, or*
>
> *(c) do business with that person,*
>
> *and a similar act at such a place that has an equivalent purpose, but does not include lawful consumer leafleting that does not unduly impede access or egress or prevent employees working at or from the site.*

We support this recommendation.

Recommendation No. 21

> *Delete Sections 72 (1)(a)(ii), 72 (2.1) and all references to 72 (2.1) in Subsections (3), (5)(a), (6) and (7).*

We strongly support this recommendation. "The provision of educational programs" is not truly essential as a standalone public service, and any real and significant threat to students' education posed by a protracted labour dispute is more appropriately dealt with under "health, safety and welfare" provisions of s.72(1) and (2), which was the precise avenue for dealing with such threats prior to the enactment of ss.72(1)(a)(ii) and 72(2.1). This provision has caused undue litigation and uncertainty, and unjustifiably infringes on workers' constitutionally-protected right to strike, per *Saskatchewan Federation of Labour v. Saskatchewan*, 2015 SCC 4.

Recommendation No. 22

> *Repeal Section 80 and substitute the following:*
>
> *The Minister may, on application by an employer or trade union, on motion of the board, or on his or her own motion, direct the board to assist the parties to establish industry councils which may*
>
> *(a) recommend measures to achieve more efficient collective bargaining and procedures for settling disputes,*
>
> *(b) identify industry or sector issues, skills and training needs, health and safety related issues, competitive and productivity challenges,*

(c) develop labour market information and marketing initiatives, and

(d) make any recommendations necessary to advance the industry or sector.

We support this recommendation.

Recommendation No. 23

1. *Amend Section 87 to delete the requirement the request for a settlement officer be made "within 45 days of the completion of the steps of the grievance procedure preceding a reference to arbitration".*

2. *Amend Section 89 by adding the following:*
   (2) The arbitration board must within 30 days of appointment conduct a case management conference to schedule the timely exchange of particulars and reliance documents, schedule hearings date(s) and encourage early mediation.

We support this recommendation.

Recommendation No. 24

A. *Amend Section 104 to provide that applications must be made within 15 days of completion of the grievance procedure. Within 7 days of the appointment of the arbitrator, the arbitrator shall conduct a case management conference to schedule the timely exchange of particulars and reliance documents, schedule hearing dates and explore the viability of early mediation. The hearing must be completed within 90 days of the date of a referral to arbitration. The arbitrator must render a brief decision, not to exceed 7 pages, within 30 days of the date of the completion of the hearing.*

B. *To enable the arbitrator to expedite the hearing and conclude it within the 90 day time limit, provide the arbitrator additional powers to order:*
   i) the hearing date;
   ii) a brief written summary of each party's position be exchanged in advance;
   iii) an agreed statement of facts be prepared and/or limited viva voce evidence;
   iv) a fixed time period for the presentation of any evidence and argument;
   v) limited reference to legal or other authorities; and,
   vi) any other step or procedure designed to facilitate an expedited decision in the proceeding.

C. Section 104 should also be amended to provide either party may apply to the Director of CAAB for the appointment of a settlement officer to assist the parties to settle the dispute.

We support these recommendations. Expedited arbitrations under s.104 have become lengthy and protracted, and the current prescribed timeline of commencing a hearing within 30 days has become only a formality. Expedited arbitrations under s.104 currently do not meet the needs of the labour relations community, nor the purposes of the Code. The proposed changes would lead to truly expedited processes and quick decisions, which are greatly needed.

Recommendation No. 25

Amend Section 100 as follows:

On application by a party affected by a decision or award of an arbitration board, the Court of Appeal may review the decision or award if the basis of the decision or award is a matter or issue of the general law unrelated to the collective agreement, the labour relations context, or related factual determinations and not included in Section 99 (1).

We support this recommendation.

Recommendation No. 26

To be consistent with all other Canadian jurisdictions, consideration should be given to amending the ATA to delete the patently unreasonable standard of judicial review.

We support this recommendation, as it would bring the law in British Columbia in line with other Canadian jurisdictions, including current jurisprudence out of the *Supreme Court of Canada*.

Recommendation No. 27

Amend the Code by adding the following:

Section 123(1) The Board prepare a poster, available on-line, containing the following information relating to

a) the rights of employees
(i) to join a union and participate in its lawful activities including discussing and engaging in organizing during non-working time,
(ii) to apply for certification, to sign applications for membership in a union, to vote freely in a certification vote, to participate in collective bargaining, and
(iii) to engage in lawful actions under the Code,

b) the obligations of employers or persons acting on their behalf
(i) to recognize a certified union as the exclusive bargaining agent for all employees in the bargaining unit,
(ii) not to interfere with the formation, selection or administration of the union,
(iii) not to refuse to employ or continue to employ an employee or discriminate against an employee because that employee is a member of a union or is participating in organizing activities,
(iv) not to threaten to or impose any penalty or reward on an employee to compel or induce them from participating in organizing,
(v) not to fire, demote or transfer employees or take any adverse action because they have joined a union or taken part in organizing activities,
(vi) not to threaten to close a business or otherwise retaliate against employees for engaging in organizing activities, and
(vii) to bargain in good faith with the Union following certification.

c) the obligations of a union or persons acting on behalf of a union not to threaten, intimidate or coerce employees or compel or induce employees to become or refrain from becoming a union member.

d) contact information for the Board including its website and telephone number.

(2) The Board may require an employer to post the poster in a conspicuous location or locations in the workplace.

We support these recommendations.

Recommendation No. 28

Amend Section 158 to authorize the Board to impose a fine of up to $5,000.00 for individuals and $50,000.00 for companies and unions for failure to comply with a Board order.

We support this recommendation, but the range of fines should go farther to ensure that there is a true deterrent and real penalty for unfair labour practices and employer interference.

Recommendation No. 29

The Board's funding must be increased to enable it to meet its duties under the Code.

We strongly support this recommendation. Without sufficient funding, any real changes to the Code will not attain their desired effect as the Board will be unable to properly implement them.