



# LABOUR CODE RECOMMENDATIONS

A submission from  
the Federation of Post-Secondary Educators of BC

**NOVEMBER 2018**



**FPSE**

Federation of  
Post-Secondary Educators  
of BC

## INTRODUCTION

The Federation of Post-Secondary Educators of BC (FPSE) is the voice of 10,000 faculty and staff at BC's teaching universities, colleges, institutes and private sector institutions. Our membership has been negatively impacted by changes to the administration of labour issues in BC since the last Labour Code Review in 2003. In response to the Labour Code Review Committee's recommendations, FPSE submits the following recommendations to Minister Bains. These recommendations are further to FPSE's submissions to the review committee in March 2018.

FPSE supports the majority of the panel's recommendations, however FPSE concurs with the response issued by the BC Federation of Labour calling for further action regarding the following recommendations:

### RECOMMENDATION NO. 1

Section 2(b) should be eliminated.

### RECOMMENDATION NO. 5

FPSE supports the recommendation of the BCFED: to accept the minority opinion of Sandra Bannister on card check certification on the basis that a second union vote may limit workers' rights to unionize.

### RECOMMENDATION NO. 6

FPSE supports the recommendation of the BCFED to strike sections 24 and 25 of the *Labour Relations Code* to be replaced with card check language, and that if certification votes are maintained that the voting period be significantly shortened.

### RECOMMENDATION NO. 9

FPSE supports the recommendation of the BCFED to provide employee lists to unions once it has reached a 20% threshold of signed cards.

### RECOMMENDATION NO. 10

FPSE supports the recommendation of the BCFED in calling for a full review of the construction industry to inform the alteration of the definition of construction.

### RECOMMENDATION NO. 12

FPSE supports the endorsement of the BCFED of this recommendation. FPSE also supports the BCFED's call for strong successorship language in all workplaces to ensure job security, entitlements, and right to representation.

### RECOMMENDATION NO. 13

FPSE supports the recommendation of the BCFED in support of Sandra Bannister's partial dissent. Successorship provisions should be extended to the forestry sector to protect workers when logging contracts are re-tendered.

### RECOMMENDATION NO. 14

FPSE supports the recommendation of the BCFED: that a 12 month freeze period is arbitrary, and should be in effect until a new agreement is bargained.

### RECOMMENDATION NO. 19

FPSE supports the recommendation of the BCFED that sectoral bargaining is a necessary step forward to address the growing precarious workforce in our province.



## RECOMMENDATION NO. 29

FPSE joins the BCFED in strongly supporting this recommendation – adequate resources for the board are crucial to the implementation of the *Labour Relations Code*.

## OTHER ISSUES

### Construction Review

As indicated in Recommendation No. 10, FPSE joins the BCFED in calling for a comprehensive review of the construction industry.

### Employer-influenced organizations

FPSE supports the findings of the BCFED that there are trade unions recognized by the board that violate the definition of unions in the code (where unions must be free from employer domination and influence), and call for this to be remedied.

### Women and equity-seeking groups

Finally, we join with the BCFED in identifying the lack of diversity at the Labour Relations Board and current arbitrators as an issue of serious concern. We recommend the ministry and board:

- Identify systemic barriers that impair the ability of women and members of equity seeking groups to take on leadership roles in its administration; and
- Identify ways to provide opportunity, mentorship, experience, and training so that the administration of labour relations in BC reflects the composition of our province.



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