

# Make it Fair: Restoring Balance, Fairness and Opportunity in B.C.'s Labour Market

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**November 30, 2018**

**Submission Response by Unifor on the  
Recommendations for Amendments to  
the Labour Relations Code**

**B.C. Labour Relations Code Review**

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## About Unifor

Unifor is the largest private sector trade union in Canada. We represent 315,000 private and public sector employees in all regions of Canada, working in over 20 defined sectors of the economy, including resources, manufacturing, hospitality and transportation.

## Unifor Response to Recommendations for Amendments to the Labour Relations Code

We write to respond on behalf of Unifor and its local unions certified in British Columbia to the recent report issued by your panel on August 31, 2018 titled “Recommendations for Amendments to the Labour Relations Code”.

We would like to thank the Panel for its hard work in preparing this report and for seeking further input. There are many areas of the report that we accept as improvements. However there are some glaring omissions that we must comment on in our reply. In making these comments, we ask the Panel to carefully consider how the recommended course of action (or lack of action) will “ensure workplaces support a growing, sustainable economy with fair laws for workers and business”.

As noted in the report, there has been no public consultative review of B.C. Labour Relations or amendments to the Code from 2002 until the appointment of this review panel, a gap of 16 years. The Board’s Annual Reports demonstrate its funding was significantly reduced from \$7,728,000 in 2004 to \$4,175,000 in 2017; a 46% reduction without factoring in inflation. During this period, the Board’s staffing has also been dramatically reduced.

In addition, the Supreme Court of Canada issued a number of decisions expressly recognizing the importance of freedom of association and collective bargaining: *Health Services-Facilities Subsector Bargaining Assn. v. British Columbia*, 2007 SCC 27; *Ontario (Attorney General) v. Fraser*, 2011 SCC 20; *Mounted Police Association of Ontario v. Canada (Attorney General)*, 2015 SCC 1 (“Mounted Police”); *Meredith v. Canada*, 2015 SCC 2.

The economy itself has also changed drastically during this period and has affected labour relations. In short, a growing, sustainable economy of 2018 looks a lot different from 2002 with more precarious work, fragmented bargaining units, franchising, the “gig” economy, an emasculated Labour Board systematically starved of resources, and a completely different and arguably stronger legal environment related to collective bargaining and the right to strike.

It is our position that the report is lacking in certain key areas as it simultaneously accepted these dramatic economic, legal, and administrative changes yet failed to recommend substantive provisions that would really address them. In particular, the panel did not recommend appropriate action in relation to card-check certification, sectoral bargaining, and successorships.

These matters are not something to study in the future. The problems are here and are easily identifiable today. As noted in the panel report “Wage levels in accommodation, food services and contract building services are the lowest of all sectors. In the accommodation and food services sector 40% of all workers are part-time, 15% are temporary, 60% of the workforce is female and 10% are self-employed.” These workers need meaningful access to collective bargaining if they are to have any serious hope of negotiating better conditions, which in turn will be better for the economy as a whole.

## Part 3: Acquisition and Termination of Bargaining Rights

### Access to Collective Bargaining

Unifor strongly disagrees with Recommendation No. 5 to retain the current secret ballot system instead of moving back to a card check certification system. For the reasons outlined below and as specified in the strong dissent by panel member Sandra Bannister, Q.C., we believe that a card check certification system based on a simple majority of the bargaining unit should be instituted immediately.

Access to union representation and collective bargaining is the most effective measure to improve working conditions, to create greater employment stability and to combat inequality. However, over the last two decades the rate of unionization in British Columbia has fallen from 36% in 1998 to 30% today. It is now below the national average. Simply instituting card check can help increase that density. The panel report noted that “the success rate in card check systems is about 9% higher than under secret ballot votes”. This important statement reveals what we believe is the real motivation for employer opposition to this provision. That opposition is not based on some supposed reverence for a (seriously flawed as noted) secret ballot democratic system.

As further noted in the panel’s report:

Between 1990 and 2007, 254 unfair labour practice complaints were filed with the Board, of which 197 were against an employer, 54 against a union and 3 against individuals. Of the 197 complaints filed against employers, 152 were found to have been wholly or partially meritorious. Over 90% of complaints and findings of *Code* breaches involved either unlawful termination or communication during organizing drives or a combination of the two.

One study found that unlawful termination resulted in an estimated 31% reduction in the success of applications for certification and that group coercion resulted in an estimated 19% reduction in success rates. This is consistent with the anecdotal information provided during the consultation process that unlawful employer interference significantly impacts the success of organizing drives and the successful negotiation of first collective agreements.

We ask again how is it that in one-third of cases where workers have signed sufficient cards to secure a vote, something happens during the voting process to result in a failure to gain a majority for certification? The answer is systematic employer interference with the ability of employees to freely express their wishes about unionization.

As MacTavish and Buchanan so clearly illustrate in their 2016 report “*Restoring Fairness and Balance in Labour Relations*,” during those periods with a mandatory vote the annual number of workers organized is less than half the level when compared to period with card-based certification procedures.

The academic literature has demonstrated that management opposition – whether measured by unfair labour practices or by less egregious tactics – is more effective at deterring successful outcomes of certification applications under a mandatory vote procedure than under card-based procedures<sup>1</sup>.

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<sup>1</sup> Chris Riddell, 2005, “Using Social Science Research Methods to Evaluate the Efficacy of Union Certification Procedures”, 12 Canadian Labour and Employment Law Journal 313 at 505, 509

Professor Chris Riddell's study of the impact of unfair labour practices on certification applications in British Columbia lends itself to a number of important findings:

- The presence of an unfair labour practice allegation correlates with a reduced likelihood of a successful certification by 21 per cent.<sup>2</sup>
- The severity of the unfair labour practice has a role to play in the efficacy of the tactic in reducing successful certification applications:
  - Dismissal tactics are effective, and the more employees that are terminated the more effective the tactic is in reducing a success rate of a certification application.<sup>3</sup>
  - Group coercion including distribution of anti-union memos or newsletters, or anti-union meetings is also a tactic that demonstrably deters successful certifications.<sup>4</sup>
- Specific private sector industries (namely manufacturing, construction, primary resource industries and the hotel/restaurant industry) demonstrate more statistical vulnerability to unfair labour practices.<sup>5</sup>
- The smaller the unit, the greater the likelihood that unfair labour practices will deter successful union organizing.<sup>6</sup>
- The earlier the unfair labour practice is committed, the greater its effect in reducing the chance of a successful certification.<sup>7</sup>

These results are alarming, and indicate that despite the outcome of an unfair labour practice application, employer resistance to organization in the form of unfair labour practices has long-lasting damaging effects which may be beyond the power of a Labour Relations Board to remedy.

The notion that employees are coerced or somehow intimidated by a card check system is simply not factual. There is however ample evidence that employees are intimidated or threatened during a secret ballot vote. As noted by Sandra Bannister, Q.C. in the panel's report:

The idea that employees may be coerced into joining a trade union is not supported by unfair labour practice statistics. Nor is there any evidence to support the suggestion that some employees join trade unions due to peer pressure. To suggest employees sign union cards capriciously, or are not making an informed choice when they do so, ignores the fact the decision to join a trade union is often difficult. We heard anecdotal evidence that employees are frequently concerned they will be fired if their employer learns they sign a union card. Further, card check actually requires greater employee support than the ballot system since the threshold, which ranges from a simple majority to a super majority of 65%, is based on all the employees in the unit, rather than simply the majority of those voting.

The panel's report itself seemed to recognize this: "Concerns regarding unlawful interference with employee choice during a secret ballot vote are legitimate. The *Code* must protect the right of employees to access collective bargaining."

In order to significantly diminish the opportunity for unlawful employer interference in union organizing campaigns, and in order to increase access to collective bargaining and the percentage of unionized workers in B.C., a return to card-based certification is required.

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<sup>2</sup> Chris Riddell, 2001, "Union suppression and certification success", Vol 34(2) Canadian Journal of Economics 396 at 405.

<sup>3</sup> *Ibid*, at 405, 406.

<sup>4</sup> *Ibid*.

<sup>5</sup> *Ibid*, at 407.

<sup>6</sup> *Ibid*.

<sup>7</sup> *Ibid*, at 408.

## **Membership Evidence**

Unifor disagrees with Recommendation No. 8 on the recommended extension of time for membership evidence to be valid to six months from 90 days and we favour a longer extension.

Many businesses can be seasonal, particularly in hospitality and tourism. An organizing campaign may take place over the course of an entire year to canvass employees in all parts of the year. As noted, the economy is drastically changing. More jobs are in smaller workplaces, more workers have multiple jobs and a variety of shifts, and more work from home and at remote workplaces. These are all important factors pointing toward at least a fiscal year of a business for membership evidence to be valid.

For the reasons stated above and in the report, we believe extending the period for membership evidence to be valid in an organizing drive to a period of 12 months would be more appropriate and would be in line with both the Ontario and Canadian jurisdictions.

## **Employee Lists**

Recommendation #9 in relation to employee lists is flawed as it does not require that an employer must provide a union with an employee contact list and contact information during an organizing drive. It also does not provide for sufficient detail to ensure that lists provided by employers are automatically subject to audit and investigation such as by conducting a payroll audit. Unifor has seen many situations where we request a payroll audit to verify a list and our request has been rejected without reason.

Given how fiercely many employers resist certification, the Board should not simply take their word for it that their list is accurate. Verification must be provided as a normal course of events and upon request.

The only argument provided by the panel for rejecting disclosure of employee information to unions in the context of an organizing drive is that it would somehow affect privacy rights of employees. There was no accompanying analysis of the labour law in B.C. or Canada relating to this position nor examination of any of the privacy statutes involved. This vague argument regarding “privacy” in relation to disclosure of employee information to certified bargaining agents has been tried and rejected at every labour board across the country, up to and including email addresses in British Columbia where the employer collects such information.

Privacy legislation and consent also revolve around the operation of other statutes and consent does not necessarily need to be gained where other statutes require disclosure in order to function. For instance, an employer discloses information about its employees as necessary to comply with other statutes such as workers’ compensation, Canada Pension Plan, Income Tax, and so on and they do not need signed consent in order to do so. No proprietary or privacy objections outweigh the important public policy reasons for supporting this legislative change. The right to choose to belong to, and participate in a union is a right possessed by workers, not employers.

Given that access to collective bargaining is such an important right of Canadians, and given the panel report’s own findings on the nature of work, it is imperative that disclosure of employee contact information be mandated at a 20% threshold. Unions can be required to include “unsubscribe” features in all communications to those employees and any complaints can be adjudicated by the Board.

How will employees who are mischaracterized as independent contractors or who work non-standard shifts or hours, or who work in locations that are difficult to reach have access to collective bargaining without being contacted by a union? How are all employees working at a physical location supposed to even be aware of who their co-workers are if they never see them?

If this recommendation for contact information in organizing drives is not implemented, how does the Panel plan to address the challenges it identified in the nature of work:

“The gig economy has been accelerated through the use of technology to connect workers with consumers for one-off jobs, performed on-line or in person, by on-demand workers. Services range from grocery delivery and driving (e.g. Uber and Lyft) to accounting, and music production. Many companies use individuals who are characterized as independent contractors rather than employees. An increasing number of virtual employees advertise their skills and perform work through on-line platforms on short-term contracts for companies around the world.”

The report states “unions would often be reluctant to make such a request because doing so would alert the employer of an organizing drive at an early stage” and it seems the panel puts this forward as an excuse for inaction when it is simply noting an operational issue and confounding it with a policy issue. First, we believe that it is only unions that have asked for disclosure of this information and no employers have asked for this. Second, it would be up to each union to decide whether or not to make an application for disclosure of information in the context of any given organizing campaign. Finally, even if the above-noted change is not made, there should be no reason why a union that has met the threshold should not only be provided with the employee names but their contact information also. How can there be an allegation of a privacy breach when their names are regularly turned over before a certification is confirmed but yet somehow the rest of their contact information should then be protected? This is nonsensical and puts a union at a distinct disadvantage to an employer in terms of communication.

Employers have unfettered access to workers at workplaces while union representatives are barred from most workplaces. The exclusion of union representatives has historically been justified on the basis of an employer’s property rights. However, such rationalizations entirely ignore workers’ *Charter* right to freedom of association. This imbalance in communicative access undermines the ability of workers to effectively exercise their rights because absent information, there can be no informed choice.

Unifor submits that Recommendation No. 9 should be changed and Section 140 of the *Code* should be modified to ensure that employee contact information including emails is provided to a bargaining agent at a 20% or greater threshold level of support. In the alternative, we submit that once threshold is reached, all employee contact information including emails should be supplied to the bargaining agent applying for certification. Finally, the requirement to provide lists should be timely and be accompanied by requirements for payroll and other audit instead of just accepting employer information without question.

### **Change in Union Representation (Raids)**

We note that an area not canvassed under the topic of change in union representation relates to internal trusteeship of local unions. This issue has seen members in many local unions in British Columbia and around the country see their elected leaders ousted, property seized, and administration taken over in order to quell dissent. Ontario noted that trusteeship is an unusual situation and requires close monitoring by the Labour Board.

Measures to preclude interference with local unions except for just cause were first enacted in 1993 and affected only local unions in the construction industry. The same measures were extended to all local unions in 2018. Section 89.1 now provides the following:

## **Interference with local trade union**

### **Definitions**

**89.1 (1)** In this section,

*“constitution”* means an organizational document governing the establishment or operation of a trade union and includes a charter and by-laws and rules made under a constitution; (*“acte constitutif”*)

*“local trade union”* means, in relation to a parent trade union, a trade union in Ontario that is affiliated with or subordinate or directly related to the parent trade union and includes a council of trade unions; (*“syndicat local”*)

*“parent trade union”* means a provincial, national or international trade union which has at least one affiliated local trade union in Ontario that is subordinate or directly related to it. (*“syndicat parent”*)  
2018, c. 8, Sched. 14, s. 2.

### **Interference**

(2) A parent trade union or a council of trade unions shall not, without just cause, assume supervision or control of or otherwise interfere with a local trade union directly or indirectly in such a way that the autonomy of the local trade union is affected. 2018, c. 8, Sched. 14, s. 2.

### **Same, officials and members**

(3) A parent trade union or a council of trade unions shall not, without just cause, remove from office, change the duties of an elected or appointed official of a local trade union or impose a penalty on such an official or on a member of a local trade union. 2018, c. 8, Sched. 14, s. 2.

### **Board powers**

(4) On an application relating to this section, when deciding whether there is just cause, the Board shall consider the trade union constitution but is not bound by it and shall consider such other factors as it considers appropriate. 2018, c. 8, Sched. 14, s. 2.

### **Orders when just cause**

(5) If the Board determines that an action described in subsection (2) was taken with just cause, the Board may make such orders and give such directions as it considers appropriate, including orders respecting the continuation of supervision or control of the local trade union. 2018, c. 8, Sched. 14, s. 2.

We believe that explicit protection such as that outlined above should be written in to protect workers in local unions from unjustified trusteeships.

## Sectoral or Multi-Employer Certification

Broader based bargaining is absent only from the private sector economy and in particular its precarious sectors. Business strategies and the failure of public policy have allowed this anomaly to become the norm. An examination of Labour Relations Board certification statistics is revealing in terms of sectors of the economy largely shut-out of access to collective bargaining, not only by a weak certification process, but also reflecting the need for policies to support broader-based bargaining in several sectors of the economy.

The majority of the 1992 Panel proposed sectoral certification for sectors of low union density, within geographic areas where employees perform similar work for similar businesses; for example, employees working in fast food outlets in Burnaby, B.C. That model was not adopted in the 1992 *Code* amendments. Despite ongoing discussions over the years regarding possible innovations in labour legislation, there are few North American examples of mandatory multiemployer certification regimes. The *Ontario Report's* recommendation for sectoral certification and bargaining in the franchise sector was not adopted.

The panel's report stated that it did not receive sufficient information or analysis to make concrete recommendations for sectoral certification. We disagree and believe the problems are obvious.

As we originally noted, among the 1.3 million private sector workers in B.C. without a union, fully one third (or 445,000), are found in just two sectors: retail and hospitality.

Retail is B.C.'s largest source of employment. With 336,000 employees, the retail sector accounts for more than twice the number of jobs as manufacturing (161,000), and is not far from being as large as health care (256,000) and education (150,000) combined. Despite its central role in B.C.'s labour market, just 15% of the retail workforce is unionized, a rate that has remained largely unchanged over two decades despite employment growth of more than a third.

B.C.'s hospitality sector (restaurants, fast food, and hotels), employs 169,000 workers, or 1 of every 12 jobs in the province, and is largely defined by part-time jobs, temporary work and low pay. Despite these conditions, unions have been unable to systematically expand access to collective bargaining in the sector, and today just 6% of workers in hospitality are unionized. Remarkably, the situation has actually worsened. The rate of unionization is half today what it was two decades ago.

The lack of good jobs for the next generation is a widely held concern, and for good reason. Just 10% of private sector workers in B.C. under the age of 25 are unionized.

It is stunning to see that in the hospitality sector over the last five years a total of just five bargaining units were certified by all unions for a combined 269 workers, despite there being 158,000 unorganized workers in the sector. Similarly, LRB statistics show that in the retail sector only five bargaining units were certified over the last five years for a grand total of 158 workers, in a sector that has more than a quarter of a million unorganized workers<sup>8</sup>

That means that just ten bargaining units with a total of 427 workers in retail and hospitality have been certified in the last five years. If this review of the B.C. Labour Code is looking for evidence of system failure, look no further<sup>9</sup>.

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<sup>8</sup> British Columbia Labour Board, *Annual Reports, selected years* <http://www.lrb.bc.ca/reports/>

<sup>9</sup> Ibid.

We believe the panel should recommend not just a single-issue commission without clear direction but a single-issue commission related to the issues of “how” sectoral bargaining should be implemented, not “if” it should be implemented. This is an area crying out for a strong statement that meaningful access to collective bargaining for workers in vulnerable sectors is a priority and policy makers should get on with implementing this access through sectoral bargaining after consultation with stakeholders on the appropriate implementation mechanics of sectoral bargaining per sector.

### **Successor Unions and Collective Agreements**

Unifor disagrees with Recommendation No. 11 dealing with successor unions and collective agreements. The panel is recommending an unduly burdensome process where a union must apply to the Board for permission to reopen an agreement following a successful raid. In practice, this will lead to long and drawn-out hearings as these requests will be almost unanimously opposed by employers. Instead of getting down to bargaining and developing productive labour relations following a successful raid, unions would invariably face the prospect of spending months at a hearing to determine whether or not they could in fact begin bargaining.

Unifor submits that the model in place under the *Canada Labour Code* is sufficient and straight-forward. A successful raiding union should have the choice as to whether or not it wishes to serve notice to commence bargaining. In some cases, that choice will be exercised, in others, it won't. Appending on a hearing process in advance of such decisions will only unduly complicate labour relations and lead to more hearings, not less.

### **Successorship**

We applaud the panel for rejecting the vague warnings from employer organizations about potential destabilizing of investment if successorship provisions are strengthened – the same warnings we hear in relation to minimum wage improvements or many other gains that help working people. As noted, businesses are now bought and sold without discernable negative implications. We also agree that protecting this change on a retroactive basis is critical when new legislation is introduced otherwise workers may suffer as employers seek to avoid strengthened protections.

We do believe that the panel didn't go far enough on the issue of successorship and these provisions should apply to a much broader range of sectors instead of only the specific ones identified.

We recommend an Industrial Inquiry Commission be formed to study the combined issue of expanded successorship and sectoral bargaining together as key issues to deal with in a changing economy.

### **Successorship Issues in the Forestry Sector**

Unifor disagrees with the panel's Recommendation No. 13 in relation to successorship issues in the forestry sector. We agree with the partial dissent of Sandra Bannister, Q.C. and submit that in addition to an industrial inquiry commission, successorship protection should be retroactively applied to the re-tendering of contracts in the logging sector for the same reasons identified for the others sectors such as building maintenance and transportation.

## Part 4: Collective Bargaining Procedures

### Statutory Freeze of Terms and Conditions after Certification

Unifor agrees with the panel's Recommendation No. 14 in part in relation to extending the "freeze" provisions of the Code. Although we are in support of a recommended extension to 12 months, the legislation should be changed to "12 months or until a collective agreement is reached, *whichever comes last.*" If this change is not made, we are concerned that now instead of delaying negotiations for a few months to avoid an agreement, employers will now try to drag the process out for 12 months. If reaching a collective agreement is the goal, then the freeze should stay in place to help incentivize reaching that goal as soon as possible.

Similarly, if employees are certified and then able to vote on decertification before a collective agreement is reached, this provides more incentive to an unscrupulous employer to ensure that an agreement isn't reached in the hopes that the employees will become frustrated with the bargaining process. Employees asked to vote on a decertification campaign prior to reaching a collective agreement have not had the chance to properly assess whether or not being in a union with a collective agreement is a good or bad thing and therefore, decertification should not be permitted at least until a collective agreement is reached and preferably only in the last 3 months of any three-year agreement.

### Facilitating the Evolution of Co-operative Labour Relations

Unifor can support Recommendation No. 16 in relation to appointment of a Board facilitator at the request of either party as long as this appointment does not impact on other forms of action available to either party such as the initiation of job action.

Unifor supports Recommendation No. 17 in relation to negotiation of an adjustment plan under Section 54 however we believe it does not go far enough. There is no mechanism which will lead to a binding outcome, even when a Mediator makes recommendations. An employer can simply frustrate the process by attending meetings, providing information, an ultimately agreeing to nothing without penalty and this must be remedied by giving the mediator power to enforce binding recommendations if the parties are unable to agree.

### Sectoral Collective Bargaining

The report noted significant changes to the economy yet it shied away from making any serious recommendations on sectoral bargaining. The panel report noted that "since the 1990s, bargaining structures in the private sector have fragmented while the public sector was centralized." This very fact alone calls for significant intervention.

It is not enough simply to tolerate unionization, given the practical and beneficial effects on an economy with a high rate of unionization, bargaining and representation should be encouraged and facilitated as much as possible.

The problems posed by the status quo related to a lack of proper mechanisms to encourage sectoral bargaining are serious and need remedy without any further delay.

A perfect example of costs related to failure to act can be seen in the B.C. container trucking industry. A review of recent history involving container truckers will show that action by justifiably aggrieved drayage industry drivers has resulted in unexpected bargaining on a sectoral basis at least 3 times, in 1999, 2005, and 2014. Each time there has been significant disruption associated with that bargaining costing the provincial and national economy hundreds of millions. It is clear that sectoral bargaining will occur regardless of any efforts to ignore the obvious and we believe this bargaining should be normalized, encouraged, and regulated on any industry wide basis with no exceptions.

Unifor submits that an urgent inquiry be formed to specifically look at the issues of sectoral bargaining and successorship in much greater detail with recommendations expected from that inquiry as soon as possible.

## **Part 5: Strikes, Lockouts and Picketing**

### **Secondary Picketing and Replacement Workers**

Unifor does not agree that the current restrictions on secondary picketing contained in Section 65 of the *Code* should remain nor do we agree that changing Section 65 would also see the need to change Section 65 dealing with replacement workers.

Essentially, the panel is saying that a 26-year-old “balance” between secondary picketing restrictions and replacement workers should remain without examining other jurisdictions where there are bans on replacement workers such as in Quebec. Further, the panel also noted the fragmented and non-standard nature of work, locations, and hours yet failed to recognize that job action with an employer like that can be difficult to enact given the current restrictions on secondary picketing.

Unifor submits that the restrictions on secondary picketing should be removed and the Section 68 provisions relating to replacement workers should remain.

## **Part 9: Labour Relations Board**

Unifor agrees with Recommendation No. 27 as it relates to preparing a poster of employee rights as outlined however it should be a mandatory requirement in all workplaces that an employer post this information, including in other languages as may be appropriate. A similar approach was used in British Columbia in relation to employment standards rights in 1990’s and this approach should be used again. It is hardly a burden on an employer to print out a piece of paper and post it where employees can see it. However the beneficial effect of more employees knowing their legal rights will be a benefit far outweighing the minimal inconvenience to employers.

### **Revocation of Bargaining Rights-Partial Decertification of a Bargaining Unit**

We believe that the panel’s hands-off approach to the issue of partial decertification is not appropriate. The current state of the policy leaves employees open to significant negative impacts as identified. In addition, leaving this issue to be decided by policy means the rules can change many times over and this becomes a constantly moving target to deal with while employees face the consequences.

Unifor submits that the current policy on partial certification should be held in abeyance and it should be banned until the Board revisits the policy with input from the labour relations community based upon the provisions of the revised code.

## Gender Wage Gap

We were dismayed to see no attention at all paid to an important recommendation in Unifor's submission – measures to help fix the gender wage gap.

On average, women in B.C. are paid less per hour than the national average for women. Women's average annual employment income is 35% less than men in B.C. (\$34,149 vs. \$52,171). This gap translates into increased stress and a decrease in financial well-being as women have fewer financial resources.

Belonging to a union and setting wages through collective bargaining tends to reduce the gender wage gap, though it doesn't erase it completely. 2017 Statistics Canada data shows the wage gap is significantly reduced for women who are covered by a union.

The average hourly wage gap of non-unionized women compared to non-unionized men is 20%. The average hourly wage gap for unionized women vs. unionized men is 8%. On a weekly basis, non-unionized women earn only 70% of what non-unionized men earn while unionized women earn 80 of what unionized men earn<sup>10</sup>.

In the absence of any existing legislation focused on eliminating the gender wage gap in B.C., Unifor again submits that the *Code* should be amended to include a provision requiring that all collective agreements entered into after January 1, 2019, must contain a process to identify, evaluate and rectify any systemic gender-based wage gaps, including a process for independent arbitration of any differences.

## Conclusion

Our original recommendations were for the most part modest ones that are made in the context of the present limited consultation process. These recommendations are important to remedy some of the ways in which B.C.'s labour relations system has been overtaken by changes in the work and changes in business organizations. We believe that the panel has been engaged with important work and making these changes outlined in our reply submission will drastically improve the working lives of British Columbians.

All of which is respectfully submitted on behalf of Unifor and its local unions.

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<sup>10</sup>Statistics Canada, 2018. *Labour Force Survey CANSIM Table 282-0073*