

COALITION OF BC BUSINESSES

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LRB decision rolls back employer freedom of speech BC Fed threatened boycott unless decision on call centre overturned

On July 8 the BC Labour Relations Board ruled against a Surrey based call centre for urging employees to inform themselves about the pros and cons of unionization.

The Coalition of BC Businesses says the decision defeats recent changes to the labour code intended to allow employers the right to communicate with employees regarding unionization and certification.

“The LRB has basically thumbed its nose at the legislature and stripped employers of rights clearly intended in amendments made to the labour code in 2002,” said Kevin Evans, Chair of the Coalition of BC Businesses. “But even worse, they did so under the threat of a boycott by the BC Federation of Labour.”

After an aggressive two-year campaign by the BCGEU to organize the employees in RMH Teleservices’s Surrey call centre, the company chose to respond by projecting messages on wall screens in its call centre urging employees to make an informed decision about unionization. They also distributed small gifts or trinkets such as chocolate bars, popcorn buckets and frisbees that carried similar messages.

The LRB originally ruled in the employer’s favour and found the content of the messages to be neither coercive nor intimidating. The case was then appealed by the BCGEU. At its November 2003 convention, the BC Federation of Labour passed a resolution calling for a labour boycott of the LRB if it did not grant the union’s appeal.

In its latest ruling, the board found in favour of the union based on the new and alarming notion of “forced listening.” They ruled that, unlike communication from union organizers, RMH employees were “forced” to listen to their employer’s message, and therefore, regardless of what the employer said, those messages were coercive.

“This LRB ruling is a huge step backward. The 2002 labour code changes provided employers the opportunity to communicate with employees about the consequences of union certification while protecting employees from coercive messages,” said Evans. “Now, the LRB has twisted the intent of the legislation and stripped employers of that opportunity.”

“The whole notion of trying to determine what is “forced listening” represents an unwarranted and unprecedented intrusion into the workplace,” commented Evans. “For the LRB to even consider such a unintelligible and unworkable concept should send a shiver down the spine of every employer across the province.”

The Coalition of BC Businesses rejects the notion that any communication from an employer to an employee is, by its nature, “forced listening.” Communications in the RMH case, whether it was written on a trinket or projected on a wall screen, were simply intended to urge workers to inform themselves.

“The notion that communication from an employer is more coercive to employees than communication from a union organizer shows the LRB is completely out of touch with reality.”

The Coalition of BC Businesses is seeking advice from its legal counsel to determine what steps can be taken to ensure the LRB upholds the balanced approach found in the 2002 labour code changes.

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