

Backgrounder

Government changes to the Labour Relations Code haven't gone far enough

Free Speech changes applauded

The BC government made important changes today that will ensure that the recently reinstated secret ballot vote achieves its purpose of allowing employees to express their true wishes with respect to union representation. Changes made today will allow employees to ask questions about the impact of union representation on their workplace and employment relationship, in a safe and secure environment. The Coalition had sought amendments that make it clear that an employer's freedom of expression is protected except where it is coercive or intimidating. The free speech rights of both trade union representatives and employers must be equally respected. This is the only way to correct the double standard that is currently being applied by the Labour Relations Board.

Additional changes needed

The BC Liberal government has made significant strides towards bringing balance back to British Columbia's Labour Relations Code, but some key changes are still required:

Successorship After Bankruptcy

The Coalition supports the elimination of successorship after the bankruptcy of a business. To require entrepreneurs who endeavour to renew or revive failed businesses to carry with them the collective bargaining obligations of the failed business imposes an unwarranted and often unbearable burden on the new business. The elimination of successorship after bankruptcy would not impose any hardship on employees. If the new employees wish to have trade union representation and negotiate a collective agreement with the new owners, they are free to do so.

Two-year Decertification

If a company has not employed any persons in the bargaining unit for over two years, the collective bargaining relationship should be terminated. The purpose of the Code is to protect the right of workers to have trade union representation if they want it. It is not to confer perpetual collective bargaining rights on unions. Therefore, if an operation has been shut down for two years, and the laid off employees no longer have any recall rights, a union's certification should end. In the event that the operation begins hiring employees after two years, it should be up to the employees who are hired to decide whether they want trade union representation.

Definition of Manager

The definition of a "manager", for the purposes of identifying persons who are excluded from bargaining units should be expanded to include members of the "management team". This expanded definition is important because this more realistically reflects the way businesses are actually organized and the distribution of decision-making authority within them. It will also better reflect the perceptions of both management and employees, as to who is a "manager".

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