

# COALITION OF BC BUSINESSES

## BACKGROUND

### Report of the BC Labour Relations Code Review Committee

#### Coalition of BC Businesses' Key Issues of Concern

##### Partial Decertification

*"...the ultimate issue is whether employees have the right to determine, in appropriate circumstances, whether to continue to be represented by a trade union."* Report, page 37

Workers at franchise or multi-location operations have great difficulty in exercising their right to decertify, and are often forced to remain unionized when they no longer want to union representation. Union organizing (certification) drives are conducted on a location-by-location basis. But decertification (choosing to leave a union) must be done on a company wide basis, unless employees meet complicated requirements.

The Coalition of BC Businesses believes that a group of employees must have the right to decertify if they no longer want union representation, and that they should not be confronted with difficult rules or unnecessary roadblocks in doing so.

##### Unfair Labour Practices

*"Our research indicates that the code itself may foster employers' perception of a difference between how unfair labour practices are treated in a certification compared to a decertification matter."* Page 24

Unions argue that rights and restrictions should differ depending on whether the union is being certified or decertified because being a member of a union is a fundamental right. Employers believe that the right not to belong to a union is equally fundamental.

The Coalition of BC Businesses believes that the rights and restrictions on employees, employers and unions should be the same during certification and decertification drives.

The Committee's Report acknowledges that the rights and restrictions on employees, employers and unions during certification and decertification drives should be the same, and that the current structure of the Code creates at least a perception that it favours unions and certifications over decertification.

## Successorship Rights and Obligations – Bankruptcy

*“It is clearly in the best interest of British Columbia that every opportunity be created to find a way to allow businesses in difficulty to continue, rather than being broken up with the assets being sold, possibly outside British Columbia.”* Page 46

Currently, if an entrepreneur tries to buy and resurrect a bankrupt business, the new business is covered by the certification and collective agreements of the old, bankrupt business. Employees of the new business are not given the choice of whether they want union representation or which union represents them. This is in spite of the fact that the pre-existing collective agreement may have been a contributing factor to the bankruptcy in the first place, and may be inconsistent with the successful operation of the new business.

The Coalition of BC Businesses believes that it is in the public interest to promote re-entry into the marketplace of business principals who are willing to take entrepreneurial risks and that employees should have the choice about whether to be represented by a union and which union that should be. Successorship rights after bankruptcy act as a deterrent to re-entry and frustrate employee free choice.

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