

THE FACTS

Bill C-525: Undermining unions in federal sectors

Bill C-525 is a Private Member's Bill introduced on June 5, 2013, by Blaine Calkins, Conservative Member of Parliament for Wetaskiwin, Alberta. It has been dubiously entitled the *Employees' Voting Rights Act*.

Bill C-525 amends the Canada Labour Code, the Parliamentary Employee & Staff Relations Act and the Public Service Labour Relations Act.

The Bill would eliminate automatic "card check" certification, making the union certification process much more difficult. The Bill as amended, replaces card check with a two-stage process adding a voting process in addition to card signing.

The Bill is not only about certification, it also changes decertification of a union. Under the Bill, the current majority process would be changed to where a minority (only 40%) could initiate a decertification vote.

No More Card Check

Bill C-525 is not only about moving away from card check; it is also about establishing a minority-driven decertification process.

Minority-driven decertification process

Bill C-525 would change the rules for initializing the forming and dissolving a union local from a majority process to a minority-driven process.

Currently, in federally regulated industries all that is needed to form or dissolve a union is for a majority (50% + 1) of workers at a workplace

to sign union membership cards. This process to certify/decertify a union through a single step of signing a majority of cards is known as *card check*.

Under the card check model, signing a card is counted as the vote in favour of the union and it takes a majority (50% + 1) of members to support the union formation.

Bill C-525 would eliminate card check for federally regulated sectors. The Bill replaces card check with a two-stage process. First: card signing process. Second: a secret ballot vote.

The Bill would change the threshold of initiating union certification or decertification to require only 40% of the members of the bargaining unit. After that, a secret ballot vote would be called by the Canada Labour Board.

Card check needed at federal level

Automatic card check is the only fair process in federally regulated sectors.

In federal workplaces, government supervised votes on unionization are akin to having the employer supervise the vote on unionization in a private company.

When the employer is the government, the government cannot be seen as a neutral party the same way that they are considered in a non-federally regulated private sector workplace. This is why the federal sector unionization uses a card check process.

Adding a secret ballot vote process drags out the certification and decertification process. Instead

of a simple and relatively quick card signing process, the onerous two-stage card signing plus ballot vote process allows for more opportunities for employer intimidation of workers and creates a hostile work environment.

Under C-535

Certification: If 40% of workers signed union cards, a Labour Board coordinated vote will be triggered in which 50%+1 of voting workers will have to vote in favour of unionization or the certification will fail.

Decertification: If 40% of union members signing an anti-union petition, a vote will be called. For the vote, 50%+1 of voting workers covered by the collective agreement would have to vote in favour of keeping the union or the union is decertified as the bargaining agent.

C-525 is an attack on workers' right to have a union

Bill C-525 is not only about moving away from card check; it is primarily about establishing a minority-driven initiation of a decertification process.

There is no doubt that the elimination of card check greatly reduces the ability of unions to organize new workplaces or bargaining units. This has been shown in many studies examining Canadian and US labour unionization rates under different legislative conditions over the previous two decades.

The effects of eliminating card check are well known by conservatives. Bill C-525 can be linked directly to the Conservative Party's recent attack on undermining workers' rights and labour unions.

Bill C-525 would lead to increased opportunity for intimidation from the employer, which in this case is either the government or the corporation in a federally regulated sector.

The amendments outlined in Bill C-525 would make any certification and/or decertification activity a drawn out, two-stage process opening it up to interference from the employer and other outside actors.

Federally regulated sector employees who are trying to unionize reasonably fear retribution from the employer/government and that is why card check is the fairest option. If more than 50% of workers in a workplace sign a card (and pay \$5 to do so), it is like casting a vote. The addition of a redundant vote overseen by the government is simply an unnecessary road block in the way of the workers' right to unionize.

Who is covered by Bill C-525?

All federally regulated sectors would be affected by changes proposed in Bill C-525 including:

- Oil and gas pipeline sector
- Energy sector
- Airline sector (pilots, flight attendants, maintenance)
- Inter-Provincial transportation (federal roads, trucking)
- Railway sector
- Postal services
- Telecommunications
- Workers employed by Aboriginal Band Councils