



# LEGISLATIVE ASSEMBLY

**Hon. John Horgan**

Premier of British Columbia  
West Annex, Parliament Buildings  
Victoria, British Columbia V8V 1X4

**June 1, 2022**

Dear Premier Horgan,

I am writing to you today to express my deep concern over the conditions under which Bill 10 — and the measures that will follow the passing of this legislation — are being implemented, and how they will impact workers' rights to freely and fairly choose whether to become unionized or not.

Despite the vocal opposition to Bill 10 from workers, business associations and the general public, it is now clear that your government plans to pass it into law before the end of the spring legislative session. If this takes place, unionization votes in workplaces will move from a two-step verification process to the sole reliance on card checks for union certification — where 55% of employees are alleged by a union to have signed cards.

As you know, the secret ballot was a vital safeguard against any potential fraud in the card check system. Workers who feel they may have been misled, tricked, coerced or subject to forged signatures during the card-check process were afforded the right to vote for their true choice during the secret ballot.

With the safeguard of the two-step, secret ballot process being stripped from workers, the importance of a fair and valid card-check system becomes even more pronounced and paramount to ensuring workers' choices are fairly represented at the time a certification application is submitted for consideration. Therefore, the rigour around the valid and ethical signing of cards, and the onus of responsibility for your government and the Labour Relations Board to verify and validate certification applications takes on a whole new level of importance. Sadly, Bill 10 contains no such protections or verification requirements. Your government appears to have ignored the gross inequities and failings that exist within a single-step card check process and has failed to acknowledge and address in any manner the absence of any checks and balances necessary to protect workers' rights and ensure a fair and valid card check process. The failure of your government to address these concerns will only prove to further stack the deck to ensure union leaders will find it easier to reach the 55% threshold in workplaces, regardless of the actual support and choice of workers.

Through the third reading debate with the Minister of Labour, a shocking number of unfair, unjust and undemocratic conditions were identified, that unfairly stack the deck against honouring the choice of workers and their employers seeking a fair and due process when deciding on workplace unionization, as set out below:



## **1. No guidelines for union recruiters/organizers:**

- a. No criteria are established on who can recruit — anyone in B.C., regardless of age, education, registration, training or background can encourage workers to sign a union membership card.
- b. No requirement for a union organizer or individual engaged in recruitment to show any form of identification to confirm their identity, inform workers who they represent or disclose any remuneration associated with their recruitment efforts.
- c. No limitation on inducements, incentives, money, or gifts that a union recruiter/organizer can accept personally as payment in cash or in-kind for recruiting members.
- d. No limitation on money or gifts that a union recruiter/organizer can provide to workers as inducements to encourage them to sign a union membership card.
- e. No identified repercussions for “false representations”, should a union organizer misrepresent who they are representing, in efforts to recruit workers to sign a union membership card.
- f. No requirement for union organizers to register with the Labour Board, to receive any form of training or education regarding the labour code, or to complete any code of ethics or code of conduct training.
- g. No requirement for union organizers to provide even the most basic information regarding workers’ rights, the benefits that may be derived, or the freedoms and rights that workers are relinquishing when encouraging workers to sign a union membership card.

## **2. Minimum limitations on what can qualify as a signed card:**

- a. No requirement for the employee to provide their name, address, phone number, email address, DL#, SIN #, or any personal information. The worker needs only enter the date and sign.
- b. No requirement for the membership card to be in the understood written language of the worker, or for the Labour Board to verify that the worker understood what they were signing.
- c. No requirement for a copy of the membership card to be provided to Workers.
- d. Unions are able to advance workers' names in certification applications without their express knowledge or consent. Unions are afforded the ability to advance workers' names simply by the provision of evidence of payment of union dues within six months of a certification application. (A card at Company A that had to be signed as a condition of employment, as well as dues being paid at company A as a condition of employment are membership evidence that can be used at company B – without the worker ever knowing let alone being asked permission.)
- e. At times, in other jurisdictions that previously had card checks (and currently under the Canada Labour Code), a series of safeguards were in place to ensure valid employee signatures were submitted:
  - i. Employers submitted a list of employee signatures to the Board to be matched up against signatures on the cards submitted by the union.



- ii. Employees were required to make a monetary payment at the time of card signing in order to reinforce the nature of the decision they were making and cause them to reflect or seek information before signing.
- iii. These safeguards are utterly absent from Bill 10

### **3. Minimum opportunity for employees and employers to dispute or negotiate unionization certification**

- a. No requirement for the Labour Board to ensure notification has been received by a signing officer of the company, or by even by company management.
- b. No requirement that the Labour Board receive any form of written confirmation that the notice has been received.
  - i. Simply faxing or emailing is sufficient evidence that “notification” has been provided to the company.
  - ii. Any legal objections to certification must be brought up forward at the certification hearing, which takes place usually three days after the certification is filed.
  - iii. Under the above, the employer has limited time to respond and file objections within the timeframe.
- c. For an employee to revoke their membership, the employee must sign a written statement that clearly says they want to cancel or revoke their membership and send it to both the Labour Board and the Union no later than midnight on the day the union files its application for certification. This must all take place in an inappropriately small window of opportunity for the employee to affect their right of revocation after being notified of the union’s Application of Certification.
- d. As there is no requirement for the union or the Labour Board to notify workers or members when an application has been submitted, workers are effectively stripped of any ability to either question the validity of an application submitted in their name or revoke their membership.

### **4. Disputes relating to the validity of membership cards submitted to the Labour Board**

- a. Neither the union nor the Labour Board is required to notify workers when a membership application or “evidentiary proof of paid union dues” has been submitted in their name. Therefore, a worker who is not supportive of union certification for their current employer cannot challenge the submission of a membership card fraudulently submitted in their name.
- b. Furthermore, the rudimentary membership application card requirement does not contain sufficient information to allow for the successful investigation of fake membership cards.
  - i. Workers are not provided with a copy of a membership card upon signing.
  - ii. A union representative’s name, address, contact information or signature is not required to be collected on the membership card.



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- iii. Detection of a union organizer or representative falsifying membership applications is virtually impossible under the current regulations.
- c. Votes — where 45-54% of workers in a collective bargaining unit are submitted, the Labour Board has the latitude to effect a vote within 1-5 business days of the employer being notified. All workers are due the respect and democratic right to participate in a vote regarding their choice to associate, or not to associate. There is currently no requirement for the Labour Board to provide all workers with the right and ability to participate in a union certification vote.

We all support workers' rights to unionize, but we also respect workers' rights to make that choice with the full knowledge of the decision they are making, free from coercion, inducements, incentives, or intimidation.

We are calling on your government to withdraw Bill 10 until you can implement the appropriate checks and balances that will prevent the conditions listed above from taking place, so we can ensure a fair and democratic process when determining union certification in our workplaces.

Regards,

**Greg Kylo**  
MLA, Shuswap  
Opposition Critic for Labour