

labourwatch●com

demystifying the union certification and decertification process

Anyone who has been in the middle of a union certification drive knows that often, the questions outnumber the answers.

A union organizing campaign typically begins with a union official garnering enough support with employees to apply for a certification vote with the Labour Relations Board. In some provinces, like British Columbia, a vote is not even required if enough employees have signed union cards. Once the process is underway however, employees and employers alike often find themselves searching for answers about their rights, the organizer's rights and limitations, and what unionizing a workplace actually means.

Bob Fairbank of Steelhead Aggregates in B.C. recently went through a certification drive. "There is little that an employer can do (to get) information to their employees. You know the organizer is making all sorts of promises, but in some provinces it may be a violation of the Labour Code for you to talk to your own employees," he says. In fact, it's a violation that could result in automatic certification regardless of the level of support for the union.

In the past, restrictive labour laws like those in B.C. which prevented employers from communicating with their workers during a drive, made getting the facts a challenge. But a new website aimed at providing balanced information about the complex

world of unionization hopes to change all that.

Almost two years in development, the www.labourwatch.com site contains comprehensive information about Canadian labour issues, including how the law works for individual provinces and federally regulated workplaces.

Merit Contractors of Alberta, the Independent Contractors and Businesses Association of B.C., among others, provided funding. Other associations and lawyers across Canada also contributed.

"Labour law is a very complex area," explains John Mortimer, president of LabourWatch.com. "Employees are often caught without access to information or to the financial resources available to most unions and large employers for legal advice and representation."

Mortimer is co-founder of the site, run by the non-profit Canadian LabourWatch Association. The idea for the site began a couple of years ago when Mortimer, a human resources professional, was approached by a prominent labour lawyer about putting together an information resource geared to employees who find themselves embroiled in certification drives. Mortimer teamed up with a website developer who had a legal and human resources background, and began rallying support for the innovative site.

While a lack of information about

unionization and decertification is a big problem in the construction industry, it strongly affects other industry sectors as well. "[Just like the construction industry], the vast majority of retail operations in Canada are small businesses employing fewer than ten people, explains Kevin Evans, B.C. vice president of the Retail Council of Canada "They don't have the capacity to have someone on staff who is up to speed on the in's and out's of labour law."

Employees and employers often found themselves relying on one potentially biased source for information. What was needed was easy to access information that provided a balanced overview. "It was the balanced part that was lacking in the past," adds Evans. "With LabourWatch, retailers and their employees can, with the click of a mouse, access information that some unions and provincial boards seem reluctant to share."

Mortimer's original intent was to provide information for employees. But the rules surrounding the certification process can be murky even for those well versed in the process. As a result, the site was expanded to cover the "do's" and "don'ts" for employers during union drives and de-certifications.

A union recently targeted a British Columbia contractor who prefers to remain anonymous. He found he had to be cautious about what he said and

did. "The worst part is being in the dark. You may be a professional at running your business, but once you get involved in this stuff, you soon realize you are an amateur at labour law," he said. He is now forced to carefully weigh the timing of regular management decisions like wage increases and scheduling lest they be seen as an illegal counteraction to a certification drive.

"Union organizers know all the ropes about certifications. It's about time that this information was made available to everyone involved in the process," says Philip Hochstein, vice president of the Independent Contractors and Businesses Association of B.C.

Among the features of the labourwatch site, are a frequently asked questions section and access to current news stories dealing with union-related information. There are also links to provincial and federal labour boards. Dubbed the "Alternative Union Information Source," the site allows for the 24-7 access that busy construction workers require. Various forms (including decertification forms) that previously required a visit to a government office can now be downloaded along with instruction for using them directly from the site.

Though Mortimer is justifiably proud of labourwatch.com, he hopes to eventually work himself out of this part-time role. "It is my sincere hope, that one day our service will no longer be needed because the provincial and federal governments will post this information on their own sites."

One of the strongest messages delivered by LabourWatch is that employers should make worker satisfaction a top priority. By the time the union comes knocking at the door, it could be too late to implement well-intentioned plans to improve working conditions.

Employers are urged to check out the innovative LabourWatch site at www.labourwatch.com and make their employees aware of the site in case the time comes when they find themselves forced to make a difficult decision regarding unionization. OM

Gord Stewart



labourwatch.com FAQ

When visiting the LabourWatch site, you will likely already have some questions in mind that you would like answered. The comprehensive FAQ page contains 20 of the most frequently asked questions about unionization and decertification. Questions run the gamut from "Why is the union interested in me?", to "How do I decertify a union?" The following are examples:

what does signing a union card mean?

The union card shows you are a member of the union. By signing a union card, you are signing a membership contract. You are agreeing that you will obey the union's rules and regulations.

Unlike most membership cards, the union card is also used to prove your support of the union's attempt to unionize your workplace.

Your signature on a union card will be used to prove to a Labour Relations Board that you support the union. If enough union cards have been signed, a vote may be taken about whether the union will be certified. In some provinces, if enough cards have been signed, the union is automatically certified – without a vote.

Before you sign a union card, you should read the union's general literature as well as its constitution and bylaws. You should know what your financial obligations will be, what rules you will be expected to follow and what the union's political and organizational goals are.

what should I consider when being asked to sign a union card?

Deciding whether you want to sign a union card or not may be a little easier after asking yourself these questions:

"Am I content with my working conditions?"

"What would I like to see changed at work?"

"Is it reasonable to think a union will be able to change those things?"

"Are the changes I want at the top of the list of changes others want?"

"Does my employer respond to valid employee concerns?"

"Are the union's claims about improved wages and benefits or job security realistic?"

"Does a union understand my job well enough that I am willing to let one go bargain on my behalf?"

"What improvements would be necessary to pay for the added costs of having a union, including the potential costs of strikes and lockouts?"