

Unionization Made Simpler In BC



Today the BC government announced changes to the BC *Labour Relations Code* that will make the unionization process much simpler for unions in the province.

Employees are currently entitled to a secret ballot vote if a union is able to show that 45% of the proposed bargaining unit employees signed membership cards with the union. Certification is granted to the union only if 50% + 1 of the voting employees then vote in favour of unionization by way of secret ballot.

The proposed changes will do away with secret ballot voting. The union will automatically become the certified bargaining agent for employees if they can demonstrate that 55% of the proposed bargaining unit signed membership cards with the union.

What does this mean for employers?

1. Employers are often unaware of a union drive in their workplace until an application for certification is made by the union to the BC Labour Relations Board. This application is made after the union has the requisite number of membership cards, being 45%. Once the application is made, the employer is notified and has the opportunity to speak with its employees about the pros and cons of certification before a vote takes place. With the proposed changes, certification will be automatic on proof of 55% membership. The employer will therefore not have an opportunity to exercise its “freedom to communicate to an employee a statement of fact or opinion reasonably held with respect to the employer’s business” (s. 8 of the *Labour Relations Code*), which currently happens before a vote and arms employees with a different perspective on the merits of unionization before voting.
2. An employee who felt coerced by the union or fellow employees to sign a membership card will not have an opportunity to voice their true wishes through a secret ballot. Employers are limited in their ability to challenge certification as they will likely not be privy to any coercive tactics, which largely happen through social media and off-site meetings.
3. BC will now be the only province in Canada that has both automatic certification without a secret ballot vote, and a ban on replacement workers in the event of a strike or lockout. This may very well impact businesses’ decision-making on where to do business in Canada.

Now more than ever, employers must be attune to the mood of their workplaces and ensure that employees’ concerns and ideas are considered.

Source: [Clark Wilson LLP](#)

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