

SUMMARY OF BILL 28 -- LABOUR CODE AMENDMENT ACT

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The Labour Code Amendment Act, 1984 continues the Social Credit government's policy of taking away rights from both organized labour and workers in general. The amendments are being sold by the government as increasing workplace democracy and insulating so-called "neutral" third parties from the effects of disputes. In fact, the amendments place barriers in the way of workers seeking to join unions; create increased freedom for employers to coerce and intimidate employees, up to and including easier union decertification; create the possibility of so-called "right to work" for construction employees; and insulate employers from the effects of legal strikes or lockouts. This summary is prepared for your convenience. For a detailed explanation of the changes, consult the Labour Code Amendment Act - Bill 28 Analysis prepared by the Federation's Legislative Department.

Organizing

- * Increased opportunity for employer interference in organizing drives.
- * No more certification on the basis of signed membership cards (except in certain construction situations).
- * Certification votes required in all cases, but no time limit on when they are held.
- * No more right to a pre-hearing vote - LRB investigation and hearings must be conducted before vote.
- * Increased potential for employer to "pack" certification votes.
- * Certifications on construction projects to end with project.
- * Lower initiation fees or dues for organizing purposes made illegal.
- * Reduced opportunity for multi-employer certifications.

Deunionization

- * Removal of LRB discretion to refuse decertification votes when induced or influenced by the employer.
- * Increased potential for employer to "pack" decertification votes.
- * Employer given the right to apply for decertification when no bargaining unit employees hired for two years.
- * LRB given power to cancel certifications because of union conduct.

Basic Employee Rights

- * Potential so-called "right to work" for construction workers.
- * Employer given more freedom to coerce and intimidate workers.
- * Protections against intimidation and coercion by fellow workers removed.
- * Right to political protest taken away.
- * Potential LRB interference in autonomy of local unions to establish dues structures.
- * Reduced ability to stop work for health and safety reasons.

Employer's Ability to Resist Strikes Increased

- * Definition of strike narrowed.
- * Primary picketing restricted to place of employment only; rights to picket other operations of the same employer eliminated entirely.
- * LRB required to restrict all picketing on common sites.
- * All effective secondary picketing eliminated.
- * Operation of same employer (or ally) producing same goods and services only other permissible sites to picket, and only with prior LRB permission.
- * Use of HOT declarations effectively eliminated.
- * Retroactive erosion of freely negotiated clauses, i.e., hot cargo, picket line, non-affiliation.

Construction Industry

- * Certification to last for life of project only.
- * "Construction project" defined to undermine Building Trades union security clauses and to restrict ability to organize.
- * Employer ability to request decertification clearly aimed at eroding construction workers' certification rights.
- * Economic development project definition that allows political manipulation of Building Trades union security and health and safety rights.
- * Ability for project-by-project "right to work" created.