

CUPEFACTS

Bill C-525

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.

Contrary to Conservative talking points, the Bill is not only about certification.

The Bill would make the union certification process much more difficult through the elimination of automatic "card check" certification.

The Bill's amendments replace card check with a two-stage process adding an absolute majority voting process to card signing.

The Bill focuses mostly on changing decertification of a union from the current majority process to where a minority (only 45%) could dissolve the union.

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

Minority-Driven Decertification Process

Bill C-525 would change the rules for 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 for certifying/decertifying a union only through a majority of signed cards is known as card check.

In the card check model, the signing of the card is essentially counted as a vote in favour of the union and it takes a majority (50% + one) 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 card signing process plus a secret ballot.

The Bill would change union certification or decertification to require only 45% of the members of the bargaining unit to sign cards to initiate the process. After that, a secret ballot vote would be called by the Canada Labour Board.

Under C-525

In a non-unionized workplace

With 45% of workers signing union cards, a Labour Board coordinated vote will be triggered in which 50%+1 of all workers in the defined bargaining unit will have to vote in favour of unionization or the certification will fail.

In a unionized workplace

With 45% of union members signing an anti-union petition, a vote will be called. For the vote, 50%+1 of all 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.

Non-Vote Counted as a Vote Against the Union

The amendments proposed to the Canada Labour Code in Bill C-525 show that a vote of the majority of all workers covered by the collective agreement is needed to keep the union. This means that non-voting members are counted as voting "No" to the union when ballots are counted. This is not the standard process across the country.

For example, in Ontario, a secret ballot vote is needed after a card signing campaign has concluded. However, the vote would be decided only by a majority of those who voted, not a majority of all members in the bargaining unit.

Card Check at the Federal Level

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

In federally regulated sectors, for the government to supervise a vote on unionization would be akin to having the employer supervise the vote on unionization.

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.

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, open season 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 attack on unions and undermining workers' rights.

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. Another vote overseen by the government, just to make sure, 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, airports, etc.)
- Inter-Provincial transportation (federal roads, trucking)
- Railway sector
- Postal services
- Telecommunications
- Workers employed by Aboriginal Band Councils

CUPE Research

wl/cope 491