

Allevato Quail & Roy
BARRISTERS AND SOLICITORS

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The Honorable Harry Bains, Minister of Labour
PO Box 9064, Stn Provincial Government
Victoria BC V8W 9E2

By email: LBR.Minister@gov.bc.ca

Dear Minister Bains,

Re: Union certification during COVID-19 pandemic

I am writing on behalf of my law firm, Allevato Quail & Roy. We are a union-side labour law firm with, among us, several decades of experience advocating for workers' rights in sectors across the province.

We are writing to ask you to implement card-check certification for the duration of the COVID-19 pandemic.

During the pandemic, workers need meaningful access to union representation more than ever before – and they face unprecedented obstacles to accessing it.

Workers are more vulnerable than ever. Virtually all jobs have become precarious, with massive layoffs and skyrocketing rates of unemployment. Many workers have turned to gig-economy work, where they are commonly mischaracterized as independent contractors and thus lose protection of even the *Employment Standards Act*. Workers face new safety hazards and new stresses in the workplace. Workers are afraid to stand up and lose their jobs during this very difficult time.

At the same time, organizing campaigns are more challenging than ever. Like all of us, union organizers and prospective members must stand 2 meters apart from each other. Workers interested in forming a union cannot meet in groups at their homes, at coffee shops, or anywhere else. Forming a union is intimidating for workers at the best of times, as it is always risky to be among the first to stick your neck out and join the union. Successful organizing is about building trust, respecting confidentiality, and promoting a feeling of solidarity. Face-to-

face meetings foster these necessary elements in a way that online and phone communications simply cannot replicate.

During COVID-19, workers are faced with greater than ever vulnerability but also less access than ever to organizing campaigns. The solution is card check.

The Labour Relations Review Panel considered whether card check was necessary to promote unionization in the province. The panel's report, issued in August 2018, concluded that card check was not necessary at that time, because of new, enhanced measures that facilitated access to unionization: shortening the time-frame for votes, processing certification applications and unfair labour practice complaints more quickly, and expanding the Board's remedial authority.

The panel also concluded, however, that if those measures weren't enough to facilitate access to certification, then card check might prove necessary. They said:

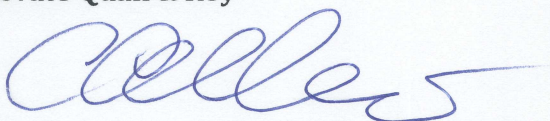
The exercise of employee choice through certification votes must be protected by shortening the time-frame for votes, ensuring the expeditious and efficient processing of certification applications and unfair labour practice complaints, together with expansion of the Board's remedial authority. **If these enhanced measures are not effective, then there will be a compelling argument for a card check system.**
(emphasis added)

During COVID-19, those measures are not enough. The problems described above are exacerbated by the fact that no in-person votes are happening; all certification votes are now conducted by mail, which is necessarily a slower and more cumbersome process. As the panel observed, there is now a compelling argument for a card check system.

We ask that the provincial government immediately move to a card check system, eliminating certification votes. This is the only way that the extreme imbalance between the power of employers and the vulnerability of workers – in the face of mass layoffs, economic uncertainty, and new and frightening workplace safety hazards – can begin to be rectified. Workers in British Columbia need unions now more than ever, and they need card check to make unionization possible right now.

Thank you for your attention to this urgent matter.

Yours truly,
Allevato Quail & Roy



Per:
Carmela Allevato