

LEGISLATIVE BRIEFING

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BC LABOUR RELATIONS CODE – UNION CERTIFICATION AMENDMENTS INTRODUCED

On April 6, 2022 the BC Government introduced [Bill 10 – 2022: Labour Relations Code Amendment Act, 2022](#) (Bill 10) to amend the *Labour Relations Code* to “ensure that every worker has the right to join a union and bargain for fair working conditions” as outlined in the Minister of Labour’s [February 25, 2022 mandate letter](#).

These proposed changes also stem from the recommendations that were made by the Labour Relations Code review panel in 2018, a three-member panel appointed by the Minister of Labour. The report, Recommendations for Amendments to the Labour Relations Code, made 29 recommendations, covering a wide range of topics, including a recommendation of a single-step certification. Please refer to this [October 25, 2018 BC government news release](#) for additional background.

PROPOSED KEY AMENDMENTS

Union Certification

The current system under the *Labour Relations Code* is a two-step process for a union to be certified. First, a minimum of 45% of employees at a job site must sign union membership cards, and once that threshold is reached, workers must then restate their preference for a union through an additional vote. Irrespective of what percentage of employees sign union membership cards, a secret ballot vote is still required for certification. The intent of the proposed amendments is to address what the Minister of Labour believes occurs at this stage, which is that interference can often occur between the certification application and the vote.

Bill 10 proposes the following:

- The proposed amendments would allow for a single-step certification process when a clear majority of employees indicate they want to join a union. This form of certification process is already in place in jurisdictions such as Quebec, New Brunswick, Prince Edward Island, and federally regulated workplaces.
- Under the proposed amendments, if 55% or more of employees in a workplace indicate their intent to unionize by signing union membership cards, the requirement for a secret ballot vote has been eliminated and the Labour Relations Board is required to certify the union as the bargaining agent in the bargaining unit.
- If between 45% and 55% of employees sign union membership cards, a second step consisting of a secret ballot vote is required for certification.



Union Raids in Construction Industry

- Current legislation allows for raids to occur in the construction sector every three years. The amendments will amend the period of raids as follows:
 - Allow construction workers annual opportunities to switch unions if they are unhappy with their current representation. This change recognizes that individual construction projects may only be one or two years in duration, preventing some workers from ever being able to change unions under the current system.
 - A trade union may apply to the board to be certified for the unit in July and August of each year of the collective agreement or any continuation.

Member in Good Standing:

- The legislation clarifies the power of the Labour Relations Board to decide the question of whether a person is a member in good standing of a trade union without regard to the constitution and bylaws of the trade union.

Bill 10 is currently in First Reading. The Act, if passed, will come into force on the date of Royal Assent.

Additional information can be found in the [BC Government news release](#).

QUESTIONS?

If you have any comments or questions about this update, please e-mail RES360@metrovancover.org or call 604-451-6558.

SOURCES

“Bill 10 – 2022 Labour Relations Code Amendment Act, 2022”, April 6, 2022

[Bill 10 – 2022: Labour Relations Code Amendment Act, 2022 \(leg.bc.ca\)](#)

BC Minister of Labour – Mandate Letter, February 25, 2022

[lbr-bains-mandate_2022_-_secured.pdf \(gov.bc.ca\)](#)

BC Gov News – Labour code recommendations aims to restore balance, fairness”, October 25, 2018

[Labour code recommendations aim to restore balance, fairness | BC Gov News](#)

BC Gov News – “Single-step certification will protect right to join a union”, April 6, 2022

[Single-step certification will protect right to join a union | BC Gov News](#)