



Democracy is Diminished When the Secret Ballot is Lost



Chris Gardner
ICBA President

In a democracy, we don't choose our governments by a show of hands.

Instead we give every citizen the right to express their choice clearly and freely in the security and privacy of the voting booth.

It's disturbing that the B.C. government now proposes stripping away the fundamental right to a secret ballot for workers in the important context of union certification.

The NDP Government has introduced amendments which represent major up-

We don't choose our governments by a show of hands.

heaval to the careful and constructive balance that has prevailed in B.C. labour relations for decades now. Rather than requiring unions to demonstrate support through a supervised vote, it will allow for certification on the dubious basis of the presentation of union cards signed by at least 55 per cent of members of a proposed bargaining unit.

No opportunity for employer free speech; no opportunity for each employee to reflect and to clearly and privately state their preference; and no consideration for the sort of persuasion and pressure that may have been brought to bear in securing signatures.

If this measure becomes law it will fly in face of both the majority recommendation of the NDP's own Labour Relations Code Review Panel, and of what should be bedrock democratic principles and non-negotiable worker rights. It won't be the first time this government has blatantly rewarded its friends in big labour, at the expense of workers and often shockingly bad public policy, but it just might be the most offensive.

Freer, Fairer and Informed Certification Decisions by Workers

Beyond being the foundational tool of any democratic system, the secret ballot has a number of compelling benefits when used to decide on union certification.

Hearing from Both Sides

Votes are held within a matter of days, but unions and employers can express their views and employees can consider both

Balance and Safeguards

Strict guidelines ensure no coercion or undue pressure is brought to bear by employers or union organizers

Free Expression

Each employee gets to register his or her choice in the privacy of a ballot box in a supervised vote

Confidence in Outcomes

Everyone can have confidence the outcome reflects a true majority opinion, and move on from there

Stacking the Deck: Card Check Certification in Action

The Essential Difference



Secret Ballot

If a set percentage of employees sign a union card (generally <50%), the Labour Board supervises a secret ballot vote.



Card Check

Unions get automatically certified if 55 per cent of employees merely sign a union card.

Card Check - A Flawed Model Eroding Worker Choice

Unfettered Tactics

Union organizers are **unrestricted in where, when and how** often they approach workers to get signatures on cards. It can happen in social settings, at homes and in the presence of co-workers.

Employers in the Dark

An employer whose workforce is targeted for unionization may **not even know about it** prior to certification - there is **no formal process** or period of time in which the employer can share its views.

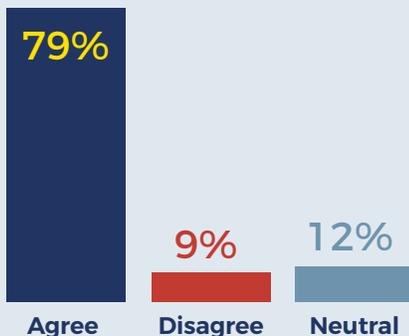
The Card Counts for All

Certification comes down to the number of signatures. It may not have been made clear to everyone that a signature means support for certification. Worker rights eroded.

British Columbians Overwhelmingly Support Secret Ballots

It's a rare public policy issue on which British Columbians demonstrate as much unity as they do on the value of the secret ballot.

Should a secret ballot vote be required when forming or removing a union from a workplace?



These results differ only moderately among union and non-union households or by party preference.

78% of NDP voters agree a secret ballot SHOULD BE REQUIRED.

“The **SECRET BALLOT VOTE** is the most consistent with our democratic norms, protects the fundamental right of freedom of association and choice, and is preferred.”

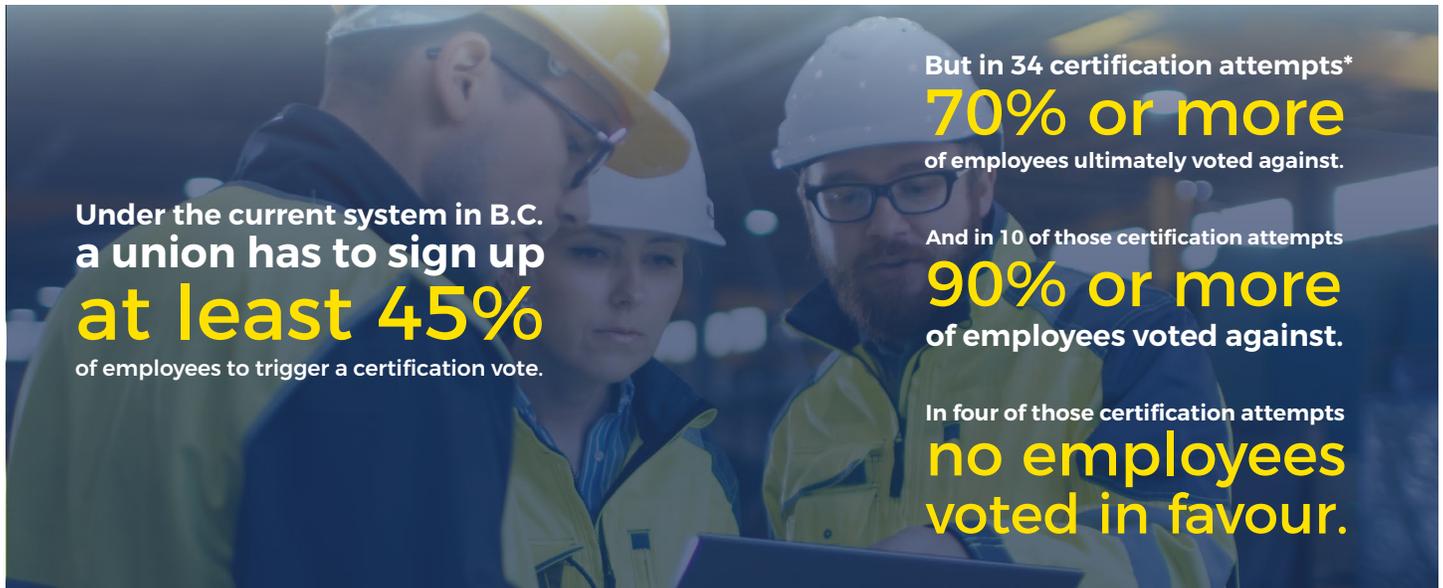
- Conclusion of B.C.'s NDP-appointed Labour Relations Code Review Panel, August 2018

BUYER'S REMORSE

Signatures on Cards Often Don't = Support for a Union

Research demonstrates that the number of employees who ultimately vote for union certification is often much less than the number who originally signed union cards. Given strict safeguards against employer pressure, this demonstrates that workers are taking the opportunity for informed reflection and that they deserve the opportunity to express a clear and private view on certification through a secret ballot.

Comparison of Card Signatures vs. Votes for Certification



Source: *Manning Centre, based on an analysis of >1,000 certification votes in five provinces in 2009-2015. Numbers cited above relate to B.C. sample only.

Secret Ballots for Certification in Canada Today

Secret ballot certification is the norm across Western Canada. Practices vary elsewhere, but only three provinces use a pure card check system.

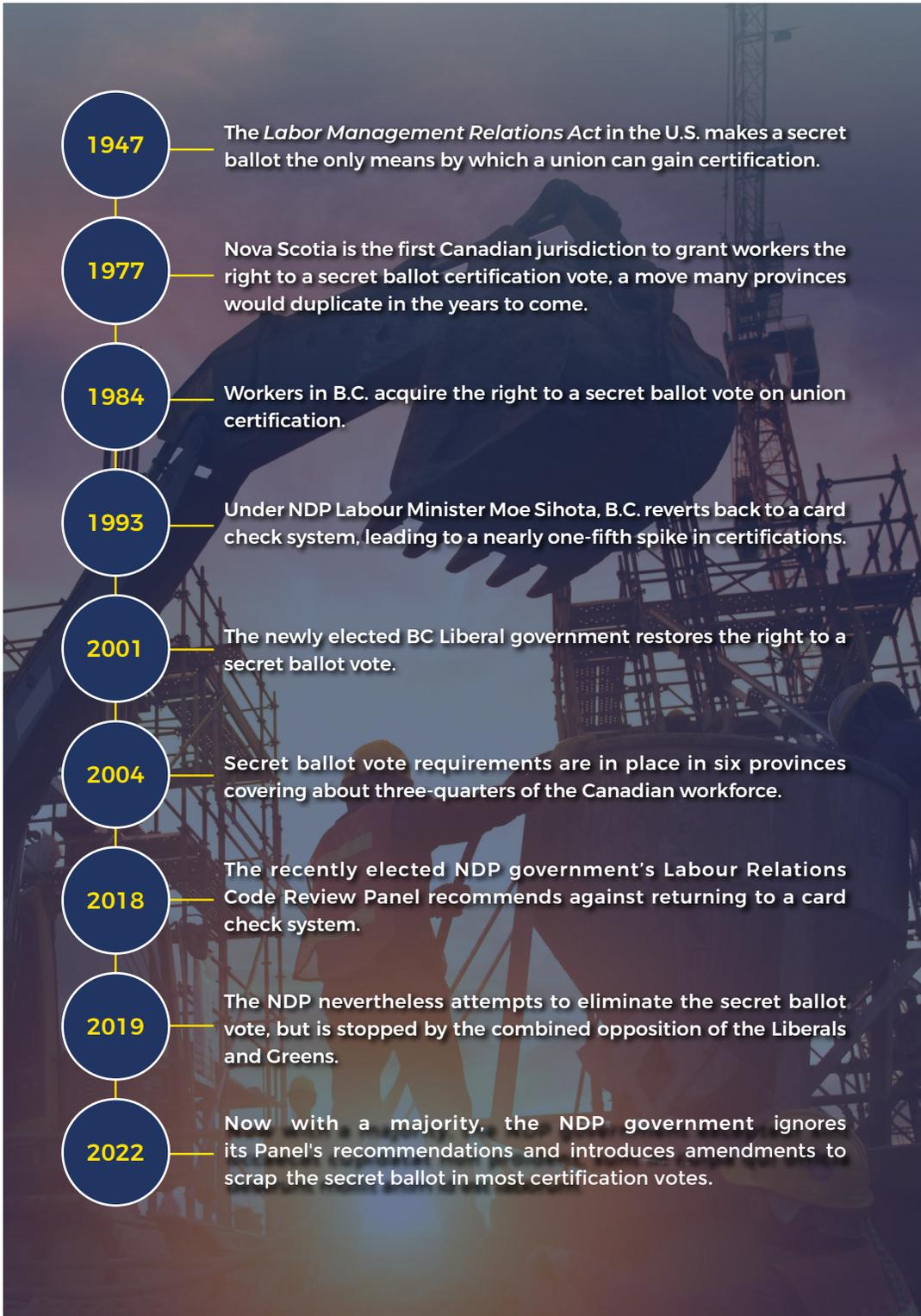


THIS HISTORY OF THE SECRET BALLOT

Workplace Democracy and Worker Choice

Workers have had the right to a secret ballot for 30 of the past 38 years. This is the norm in B.C.

The BC CONSTRUCTION MONITOR is an ICBA publication providing ahead-of-the-curve information and statistics on the B.C. construction industry and issues relevant to it.



- 1947** — The *Labor Management Relations Act* in the U.S. makes a secret ballot the only means by which a union can gain certification.
- 1977** — Nova Scotia is the first Canadian jurisdiction to grant workers the right to a secret ballot certification vote, a move many provinces would duplicate in the years to come.
- 1984** — Workers in B.C. acquire the right to a secret ballot vote on union certification.
- 1993** — Under NDP Labour Minister Moe Sihota, B.C. reverts back to a card check system, leading to a nearly one-fifth spike in certifications.
- 2001** — The newly elected BC Liberal government restores the right to a secret ballot vote.
- 2004** — Secret ballot vote requirements are in place in six provinces covering about three-quarters of the Canadian workforce.
- 2018** — The recently elected NDP government's Labour Relations Code Review Panel recommends against returning to a card check system.
- 2019** — The NDP nevertheless attempts to eliminate the secret ballot vote, but is stopped by the combined opposition of the Liberals and Greens.
- 2022** — Now with a majority, the NDP government ignores its Panel's recommendations and introduces amendments to scrap the secret ballot in most certification votes.



ICBA
BUILDERS' CIRCLE

ICBA is proudly supported by our Builders' Circle Partners:

