

Simms missed the boat

Randy Simms ("New labour law has a dark side" — Dec. 14) is right when he says "many of the benefits we enjoy as workers today came from the struggles of the labour movement." But he missed the boat in opposing certification of trade unions by card check.

It is particularly ironic that he bought the argument of the Newfoundland and Labrador Employers' Council that card-based certification (certifying a bargaining unit in which at least 65 per cent of the members sign a union card) can lead to intimidation.

In fact the reverse is true — it is intimidation by employers that gave rise to demands for re-establishing the card-based certification that was part of labour relations law in this province until the mid 1990s.

Employers argue that a secret ballot vote is "democratic." But consider the following. Votes to determine whether a bargaining agent is certified are usually held on the employer's premises.

A senior member of management — often the same one who has been threatening dire consequences if the union is certified — is present when each individual votes.

Even more problematic — in many cases, where the exact makeup of the bargaining unit has not been determined, the individual employee's vote is placed in a blank envelope, which is then placed in an envelope with the employee's name on it.

It is difficult, if not impossible, to convince a worker that the boss won't find out how he or she voted. The vote is taken on the company premises. A manager is present at the time. The worker's name is placed on the envelope.

Every application for certification, whether it meets the 65 per cent threshold or not, is investigated by the Labour Relations Board.

Any union using intimidation or other inappropriate means of persuading workers to sign cards risks having their application for certification thrown out by the board.

Employers, on the other hand, can use the carrot, the stick, or both. They can and do offer inducements to employees to reject unionization, and they often threaten reprisals in the event the union is certified.

The weekend, the 40-hour week,

overtime pay, statutory holidays, vacations — these are benefits working Canadians take for granted. All came, as Mr. Simms put it, "from the struggles of the labour movement."

Of course employer groups oppose this.

They don't like unions and the fact that unions allow economic wealth to be more fairly shared.

If 65 per cent or more of the employees in a bargaining unit sign a union card, and the signing of these cards stands up to the close scrutiny of a Labour Relations Board investigating officer, the union should be certified without the employer getting the opportunity to apply pressure tactics to its employees. Now, that's democratic.

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