

Interim Reinstatement

The Bill, as drafted, would grant the Labour Relations Board the power to reinstate workers dismissed during an organizing campaign. The Coalition is concerned this may result in unions filing unsubstantiated claims of dismissals in order to have members reinstated, regardless of the reasons for their being dismissed or the merits of the case. Moreover, this provision does not provide balance as there is no remedy should the union make frivolous claims.

Therefore, the Coalition recommends that this section be withdrawn.

Card Based Certification

The Bill, as drafted, permits a trade union in the construction industry that has filed an Application for Certification and has membership cards from more than 55% of employees to be certified without a vote.

Under the current Act, employees who sign cards, and those who do not, still have the right to vote for or against the union by secret ballot vote. Under the proposed legislation, employees would lose this very important fundamental right.

The Coalition opposes card-based certification in any sector and as such, calls upon the government to remove this provision from the legislation.

Definition of Non-construction Employer

The Coalition is also recommending amendments to the definition of non-construction employer. There are currently a number of employers in the province who are bound to collective agreements with construction trade unions when it is clear that they are not truly "construction employers".

The Act currently contemplates these employers being able to make an application and be released from these costly obligations. Unfortunately, the Act's current wording is cumbersome and ineffective.

The Coalition recommends that the definition of non-construction employer be amended to provide significant clarity to the issue, and to allow employers who clearly do not operate a construction company to no longer be bound to construction collective agreements.

We have attached for your consideration a copy of the legislative amendments that the Coalition has submitted to the Minister and his staff. We urge you to support the adoption of these amendments in order to protect the democratic rights of employees and employers, and to ensure continued economic investment and growth in the province.

If you have any questions or comments regarding the Coalition's amendments, please contact Doug DeRabbie at (416) 922-6678 ext. 246.