



March 3, 2014

File: 10107-04

To: Members of the CLC Canadian Council

**Re: Update on Bill C-525**

Greetings:

Bill C-525 – An Act to Amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act (PESRA) and the Public Service Labour Relations Act (PSLRA) has been sent back to the House for Report Stage and Third Reading. The bill also known as the Employee Voting Rights Act is currently scheduled to be debated in the House at Third Reading on April 7, 2014. This date could change should the Conservatives move it up in the order of business.

The Human Resources, Skills and Social Development Committee heard the testimony last month. A number of presenters including the CLC, PSAC, and respected labour relations practitioners questioned the validity, undemocratic nature, intent and the effects of the bill on the labour relations in the federal public service and federal sector. In response, the government members of the committee produced amendments to the bill taking out some of its worst aspects on certification and decertification. These amendments were adopted.

For all three statutes, the government's amendments lower the proposed 45% threshold for a certification application to 40%, and change the representation vote test from a majority of the bargaining unit giving a say in the outcome to those who don't vote to a majority of votes cast.

For all three statutes, the government's amendments lower the threshold for a decertification application from 45% to 40%, and change the representation vote test from a majority of the bargaining unit to majority of votes cast in order to win the decertification.

The government amendments also add a six month coming-into-force timeline following Royal Assent.

For all three statutes, the NDP's proposed amendments to determine certification votes by a majority of votes cast, rather than majority of employees in the bargaining unit, were achieved via the government's amendments.

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The NDP's other proposed amendments were all defeated. They included two separate attempts to retain automatic certification (one with a 55% threshold, the other with a 60% threshold), the proposal for a seven-day window for the Board to order a vote, the proposal to require a vote location not affiliated with the bargaining unit or employer, and a 48-hour window for the Board to determine interference/coercion/intimidation unfair labour practice complaints.

In summary, the amended C-525 eliminates automatic certification in all three statutes, and replaces it with mandatory representation votes. In the certification process, the amended C-525 will raise the Canada Labour Code trigger for a mandatory representation vote from 35% to 40%, and will introduce a new trigger of 40% in the PSLRA and PESRA for a mandatory vote. The vote will be decided on a majority of votes cast.

For decertification applications, the amended C-525 changes all three statutes by introducing a 40% threshold for an application for decertification and a mandatory decertification vote. The decertification vote will be decided on a majority of votes cast.

At committee, the bill's sponsor Blaine Calkins admitted he had no consultations with labour relations practitioners or stakeholders before introducing his bill. The Federal Employers group FETCO testified it had told MP Calkins it was important to employers in the federal jurisdiction to have pre-legislative consultations.

A copy of the amended bill can be found by clicking the link below:

[http://www.parl.gc.ca/content/hoc/Bills/412/Private/C-525/C-525\\_2/C-525\\_2.PDF](http://www.parl.gc.ca/content/hoc/Bills/412/Private/C-525/C-525_2/C-525_2.PDF)

I am attaching a list of Conservative MPs who we feel could be persuaded to vote against the bill. It would be of great assistance if you could send this list out to your local unions in those areas asking those Conservative MPs to defeat the bill. Prior to second reading, our primary message was to focus on the undemocratic nature of Bill C-525, people who didn't vote in certification and decertification were counted in opposition to the union. That part is gone. The message we should focus on is that the **Canada Labour Code enjoys a great deal of respect among federal employers and federal unions as a result of the tripartite consultation process that has been followed for decades for amending the Canada Labour Code. It makes no sense for a backbench MP, with no experience in labour relations or the operation of the Canada Labour Code to make significant changes to the process without any consultation with stakeholders.**

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**It is completely inappropriate to politicize the amendment process and ignore a consultation that has worked so well and affects the stability of industries in the federal sector which are key drivers of Canada's economy.**

In Solidarity,



Ken Georgetti  
President

Attachment

cc: CLC Officers and Assistants  
CLC National and Regional Directors

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