Coalition of Business Associations

Submission to

Section 3 *Labour Relations Code* Review Panel

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British Columbia Chamber of Commerce

Greater Vancouver Board of Trade

Canadian Federation of Independent Business

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INTRODUCTION

The signatory associations represent large, medium-sized and small business enterprises across all sectors and regions of the provincial economy. Together, the associations and their members account for most private sector employers in the province.

We appreciate the opportunity to provide this submission to the Panel appointed by the Minister of Labour pursuant to section 3 of the B.C. *Labour Relations Code* (the "*Code*"). As a group, we are aligned on the importance of having a fair and balanced Labour Code that provides for stable labour relations. Subsection 3(4) of the *Code* expressly requires the Panel to "conduct consultations" when undertaking its review.

In this submission we outline:

- concerns regarding the process;
- perspectives on the role of the Panel and this review;
- the vital need for labour relations stability in the currently dismal economic situation; and
- some matters that we believe the Panel should and is likely to consider.

PROCESS

The timeframe for submissions is short, particularly given the importance of matters the Panel will consider. The compressed timeline is perplexing. The Panel informed the community about its work on February 2, 2024, and indicated submissions would be due just four weeks later March 1, 2024. After the business community (led by the Greater Vancouver Board of Trade) indicated the timeline was problematic, a three-week extension was announced just ahead of the original deadline on February 28. We note that a similarly rushed process and set of events played out during the 2018 *Code* review. Then, it was announced that submissions needed to be submitted within four weeks of the Panel being announced. The community voiced concerns about the short timeline and the timeline was extended. Thus, considering the government knew years in advance this review would occur in 2024, and following the experience of 2018, it is difficult to understand why the timelines are so abbreviated and, in any event, having to be slightly extended at the eleventh hour.

Questions about the sincerity of the process have been heightened by the government making a surprise amendment to the *Code* (Bill 9, *Miscellaneous Statutes Amendment Act*, 2024) without any consultation and while its own legislated s. 3 consultation process is active. The change expands the risk secondary picketing will affect neutral third parties and significantly affect critical sectors and large operations (and is discussed later in this submission). If the government is simply going to adhere to the bidding of the labour movement and make *Code* changes while the Review Panel is active, the authenticity of the review process comes into question.

An even more significant amendment was made between the 2018 *Code* review and this Code review when the government eliminated the secret ballot as part of the union certification process. That change also occurred without undertaking any updated consultation with the business community. Prior to winning a majority in 2020 the government could not implement organized labour's preferred card check system because of its Confidence and Supply Agreement with the Green Party, which steadfastly supports the secret ballot as a fundamental democratic element of the certification process.

We have observed a growing tendency for the government to advance and implement major legislative changes affecting the business community without undertaking meaningful, and sometimes without any, consultation (examples include but are not limited to the Net Zero New Industry Intentions Paper, the Output Based Pricing System Technical Backgrounder, the B.C. Oil and Gas Emission Cap Policy Paper, and amendments to the *Land Act*). We sincerely hope the Government treats this *Code* review with more care, particularly given the express requirements to consult in s. 3 of the *Code*.

Uncertainty about matters the Panel will address

The Panel has not provided any indication in advance of the submission deadline(s) of particular matters it expects to consider, nor has it indicated that it will seek further or responsive submissions from stakeholders on matters considered or raised by others. To date the Panel has advised:[1]

- The Panel's terms of reference refer to the Premier's Dec. 2022 mandate letter to the Minister of Labour that includes a direction to "ensure our labour law is keeping up with modern workplaces…providing stable labour relations and supporting the exercise of collective bargaining rights";
- The Panel is directed to assess the issues canvassed with and by stakeholders with consideration of section 2 of the *Code* and with a view to relevant developments in other Canadian jurisdictions; and
- The Panel is interested in views regarding "any changes to the *Code* [we] believe are necessary in order to properly reflect the needs and interests of workers and employers in the context of our modern economic realities."

We believe the Panel will not meet its section 3 obligations without the opportunity for <u>all</u> stakeholders, including the signatories to this submission, to be consulted on <u>all</u> topics considered in the Review. At this point we can only guess what matters the Panel may consider in submissions and the public hearings and advance other matters we believe it should consider. We anticipate having a further opportunity to address the Panel on any additional matters that arise affecting labour relations stability and employers' interests. Absent that opportunity, any *Code* amendments flowing from the Review process will fall short of the meaningful consultation part of section 3 and be contrary to sound labour policy.

[1] Panel's February 2, 2024 letter to community.

SECTION 3 REVIEW AND THE ROLE OF THE PANEL

Section 3 of the *Code* contemplates a review of "this code and labour management relations" to identify any problems with *Code* provisions and/or need for *Code* amendment, all following mandatory consultation. The Panel must further conduct its review in keeping with the *Code* s. 2 requirement that *Code* powers be exercised in a manner that:

(a) recognizes the rights and obligations of employees, employers and trade unions under this Code,
(b) fosters the employment of workers in economically viable businesses,
(c) encourages the practice and procedures of collective bargaining between employers and trade unions as the freely chosen representatives of employees,
(d) encourages cooperative participation between employers and trade unions in resolving workplace issues, adapting to changes in the economy, developing workforce skills and developing a workforce and a workplace that promotes productivity,
(e) promotes conditions favourable to the orderly, constructive and expeditious settlement of disputes,
(f) minimizes the effects of labour disputes on persons who are not involved in those disputes,
(g) ensures that the public interest is protected during labour disputes, and
(h) encourages the use of mediation as a dispute resolution mechanism.

The Panel is tasked with identifying if any changes to the *Code* are necessary to maintain and further the above *Code* purposes in the public interest not the special interests of unions or employers that Panel members may interact with in their typical work. The review is *not* an opportunity for the government of the day to make amendments to the *Code* that are known to align with an ideological interest.

The current Panel is modelled after the sub-committee of special advisors (Vince Ready, John Baigent and Tom Roper) that was assembled in 1992 by then Minister of Labour Moe Sihota. The 1992 sub-committee's task was to review the *Code* "having regard for the need to create fair laws which will promote harmony and a climate conducive to the encouragement of investment." The sub-committee's work came in the wake of the *Industrial Relations Act* (the "*Act*") being enacted in 1987 with limited consultation and which was perceived to significantly limit the rights of organized labour. Organized labour boycotted the legislation and the Industrial Relations Council which was established under the legislation. The boycott and unrest continued through the fall of 1991 when the sub-committee's work and process for labour law reform commenced.

The sub-committee's recommendations led to the first iteration of the modern *Code* in B.C. The legislation was widely viewed as balanced and established the foundation for a long period of labour relations stability following the tumult of large pendulum-like swings in labour legislation and labour unrest.

Groups and organizations met with the sub-committee to advance their interests, but the sub-committee focused on its broader mandate which included promoting "…harmony and a climate

conducive to the encouragement of investment." The fact that the broad public interest was the paramount consideration is reflected in the fact that Mr. Roper supported aspects of the report considered to be more aligned with labour's interests (e.g., supporting a return to card-based certification if other elements of reform and balance were also put in place) and Mr. Baigent supported aspects of the report more aligned with employer interests (e.g. preserving restrictions on secondary picketing with some caveats including his assumption that the new legislation prohibiting the use of replacement workers during a labour dispute would act as a counterbalance).

We urge the Panel to approach its work with a focus on the public interest aspects of stable labour relations and urge the government to similarly focus on public interest and the need to attract capital investment when contemplating *Code* amendments. Incrementally advancing special interests aligned with the government should not be the basis for changes to the *Code*. Sound labour relations policy that puts public interest at the forefront and incorporates current circumstances should be the primary guides to the Panel's work.

RESTORING AND PRESERVING BALANCE

The first iteration of the *Code*, based on the 1992 sub-committee's recommendations, was widely viewed to have restored a level of balance to the labour relations landscape at the time. The 1992 *Code* has been amended several times.

Business considers the current *Code* retains much of the balance established in 1992. However, existing differences between the current and 1992 versions of the *Code* now tilt the balance towards the interests of organized labour. More amendments in this direction will inappropriately skew labour relations legislation in B.C.

The key amendments since 1992 are summarized in Table 1 on the next page. Provisions that are now different from the *1992 Code* are in bold print.

Table 1: Significant Code Amendments since 1992		
ALIGNED MORE WITH ORGANIZED LABOUR'S INTEREST	**LITTLE IMPACT ON BALANCE**	**ALIGNED MORE WITH BUSINESS' INTEREST**
	1998 – Bill 26	
Added provisions imposing sectoral bargaining for the construction industry		
	2001 – Bill 18	
		Revised certification process to include a secret ballot vote Repealed the sectoral bargaining provisions for the construction industry Added a consideration of threat to the provision of "educational programs" to essential service considerations
	2002 – Bill 42	
	Amended s. 2 - list *Code* "purposes" to *Code* "duties" re exercising powers under the *Code*	Revised "right to communicate" provision to preserve the right to express views on any matter provided no intimidation or coercion
	2019 – Bill 30	
Amended definition of "picketing" earlier nullified by Court decision to expressly exclude consumer leafletting **Created "deemed" successorship upon retendering of contracted services in building cleaning, security, bus transportation, food, and non-clinical health sector service sectors with ability to add other sectors through regulation** **Enhanced circumstances the Board could impose automatic certification as a remedy for unfair labour practices during an organizing campaign (context of preserved secret ballot vote)** **Reduced time for scheduling of representation votes from 10 to 5 days (note that mandatory secret ballot vote maintained)** Amended "right to communicate" provisions to the version in place prior to 2002 changes **Increased the statutory freeze period and prohibition of decertification following certification from 4 to 12 months** Eliminated "education programs" from essential service considerations **Amended s. 80 to create industry councils to address labour relations in certain industry sectors**	Reduced number of open periods for union raids Amended s. 3 to require 5-year reviews and to make consultation mandatory Mandatory case management & amended timelines & process for expedited arbitration	
	2022 – Bill 10	
Returned to card-based certification / removed mandatory requirement for secret ballot vote		

Except for changes to s. 2 (*Code* purposes to *Code* duties), all amendments to the *Code* that represent a change compared to what existed in 1992 have occurred in 2019 and 2022. These amendments have all been very favourable to the interests of organized labour or neutral in their effect upon the interests of organized labour and employers. New provisions to the *Code* in 2019 that are particularly challenging for the employer side of labour relations are:

- severely reduced time for scheduling of certification representation votes from 10 to 5 days which drives certification hearings to be conducted within 5 days (which has been retained despite subsequent return to card-based certification);
- expanded remedial certification provisions (also retained despite return to card-based certification); and
- "deemed" successorship upon retendering of contracted services.

The *Code* moved further toward the interests of organized labour and/or diminished employers' interests when the secret ballot was eliminated outside of the last s. 3 *Code* review process and without any other consultation:

- return to card-based certification in 2022.

In its work we urge the Panel to fully recognize the need for balance and the need to prevent pendulum-like swings in labour legislation and to be mindful of the significant changes that occurred in 2019 and 2022.

Unbalanced labour legislation will invite rapid and substantial amendments to the Code from future governments in the other direction.

CURRENT ECONOMIC CONTEXT

The Panel has asked for participant views on *Code* changes in the "context of our modern economic realities". In addition, *Code* s. 2 considerations include fostering employment in "economically viable businesses."

Maintaining balanced labour legislation is always critical but is perhaps even more so given the current economic realities. B.C. faces a sobering economic outlook. Supercharged population growth, owing to the federal government's immigration policies, is keeping topline economic growth positive. But looking through the veneer of population growth, real income (GDP) per capita is expected to fall 2 per cent in 2024, after declining 2 per cent fall in 2023. The "economic pie" we all share is shrinking. A key reason is the drop in business investment and contraction in key parts of B.C.'s export base. **In 2027, provincial real GDP per capita is projected to be lower than in 2019, according to projections in the 2024 B.C. Budget.** (2024 B.C. Budget, p100)

Businesses and investors with capital to deploy look for competitive and stable jurisdictions in which to locate and operate. They compare the business and public policy environments across multiple provinces/states when deciding where to invest and expand. It is common to consider

the availability of skilled labour, the cost of inputs, market access, and government policies and regulations touching on taxation, environmental standards, and labour and employee relations.

An unavoidable "modern economic reality" the Panel must consider is the unprecedented weakness in private sector job creation. The number of employees in B.C.'s private sector fell 0.3 per cent in 2023. While it is a small setback it is unusual to see the aggregate number of employees in the private sector decline outside of recessionary periods. Much more concerning is the fact that every other province registered strong growth in the number of private sector jobs of between 3.3 per cent and 4.6 per cent in 2023.

The Panel should also recognize B.C.'s weak job growth "reality" extends back several years as it works to fulfill the s.2 requirement that "*Code* powers be exercised in a manner that: (b) fosters the employment of workers in economically viable businesses." Since 2019 the number of employees in B.C.'s private sector has advanced just 1.5 per cent while in the rest of Canada private sector employee counts are up 6.7 per cent over the same period (i.e., more than 4x faster). It is not sustainable for B.C. to rely on expanding public sector employment to keep total job growth positive. The Panel should reflect closely on the role labour legislation and policy, and the risks and costs associated with labour disruptions, might be playing in the unprecedented divergence in B.C.'s private sector job growth with all other provinces.

Code provisions that are imbalanced or fail to consider the concerns of business in the labour relations equation will weigh on investment, hiring activity, and business growth. These considerations must remain front and center for the Panel as they ultimately affect the prosperity and well-being of all British Columbians.

ISSUES FOR THE PANEL TO CONSIDER

Below we outline amendments to the certification process that we believe will provide better balance and stability and help attract capital investment and create jobs, and comment on two other amendments we anticipate organized labour may request that, if implemented, would upset the necessary labour relations balance and stability.

Certification Process and Automatic Certification Rules

The timeline in the *Code* for a certification vote to be held was cut from 10 to 5 days, and the availability of remedial certification entrenched in 2019. Those changes followed (and were in response to) recommendations of the 2018 s. 3 review panel that the mandatory secret ballot vote be preserved. The panel, which 2 to 1 recommended maintaining secret ballots, reasoned:[2]

> The integrity of the secret ballot vote …depends on *Code* provisions that effectively limit and fully remediate unlawful interference. It is contradictory and unreasonable to assert that a secret ballot vote is the most democratic and preferred mechanism for the expression of employee choice while at the same time permitting conduct that undermines the integrity of the secret ballot votes.

[2] Recommendations for Amendments to the Labour Relation Code, Aug. 31, 2018, pg. 12.

> This Panel is acutely aware the secret ballot vote can only be an effective mechanism for employee choice if the Code deters and prevents employers from engaging in unfair labour practices and provides meaningful consequences for such practices.
>
> The exercise of employee choice through certification votes must be protected by shortening the timeframe for votes, ensuring the expeditious and efficient processing of certification applications and unfair labour practice complaints, together with expansion of the Board's remedial authority. If these enhanced measures are not effective, then there will be a compelling argument for a card check system.
>
> Recommendation No. 5
>
> The secret ballot vote be retained providing there are sufficient measures to ensure the exercise of employee choice is fully protected and fully remediated in the event of unlawful interference.

The reduced vote timeline has led to the Labour Relations Board similarly reducing the time it allows employers to produce employee information and participate in certification hearings. Employers are left with little time to respond to certification applications which are often filed late on Friday afternoons significantly impacting the fairness of proceedings for employers.

As outlined above, the government removed mandatory secret ballot votes and returned to card-based certification in 2022 despite the 2018 s. 3 review panel's recommendation against such change and absent any further consultation. The government made the change after it achieved a majority government and no longer needed the support of the Green Party to pass legislation the Greens viewed as undemocratic.

The method by which statutorily imposed union representation occurs is a significant issue for both employees and employers. There are more than three decades of *Charter* decisions since the 1992 *Code* was enacted addressing the right to unionize and engage in collective bargaining as aspects of the fundamental freedom of association. *Charter*-protected rights to free association in Canada also include the freedom *not* to associate, recognizing that each employee has the right to make his/her *own* choice without coercion or intimidation by anyone. The *only* mechanism that ensures this freedom is respected is the secret ballot vote. The vote provides the only forum whereby employees can freely express their wishes anonymously, without fear of retribution or unintentionally influencing others. These principles are fundamental to our democracy. We see no justification for denying employees, who are being asked to determine if they want their workplace to be unionized, this basic right.

In recent years and certainly since 1992 there have been significant advancements in the use of on-line systems for secret-ballot voting that enhance the anonymity of the voting process and reduce concerns about interference from either employers or unions in the voting process. While many union cards are also signed electronically, there is no guarantee that such signatures can occur without the presence of the union organizer or co-worker requesting the signature. The card-check system assumes that employees sign cards free of coercion or misinformation, an assumption that cannot be effectively monitored or evaluated other than through ensuring employees' right to cast a secret ballot to confirm their wishes.

A secret ballot vote for union certification should be reinstated. The freedom to associate and *not* to associate is fundamental to our democracy. The secret ballot offers the best system for

determining employees' wishes by not having the union selection process occur while organizers and others are present, opening the door to potential improper pressure on individual employees.

Even though B.C. has returned to card-based certification, employers continue to be faced with little to no time to respond to certification applications. Employers deserve a reasonable opportunity to receive advice and comment on the scope and appropriateness of the bargaining unit at issue and the Board needs to hear from employers on those matters to fulfill its mandate of certifying "appropriate" bargaining units.

B.C. is now an outlier in this respect. The only other jurisdictions with such tight timeframes for representation votes (and consequently for certification hearings) are Ontario and Newfoundland, both of which have mandatory representation votes (secret ballot) in advance of certification. The other jurisdictions with card-based certification in all sectors (Quebec, New Brunswick, PEI and Federal) have no timeframes for scheduling representation votes.

In the alternative that the Panel does not recommend and/or the government does not enact a return to a secret ballot for employees on certification, the tightened timeframes added in 2019 to address concerns specifically related to the then-preserved secret ballot process must be reversed. The *Code* must be amended to allow at least 10 business days in advance of any representation vote, which will allow the Board to return to more reasonable while still expedited timelines for employer participation in certification proceedings.

Government also retained the provisions entrenching and enhancing access to automatic certification added in 2019 despite the subsequent return to card-based certification in 2022. Those provisions were, as outlined above, deemed necessary only in the context of a preserved secret ballot vote so are misplaced absent returning to having a secret ballot vote.

In the alternative that the Panel does not recommend and/or the government does not enact a secret ballot for employees on certification, the 2019 enhanced automatic certification provisions must be removed from the *Code*.

Sectoral Bargaining

Our coalition anticipates that stakeholders from organized labour will advocate for *Code* amendments that would permit sectoral bargaining in certain sectors. Any such amendments would clearly skew the balance necessary for stable labour relations conducive to attracting investment and would be inappropriate absent full and meaningful consultation that includes studying the ramifications of any sectoral bargaining model.

The last s. 3 review panel received submissions on this subject in 2018 and did not recommend *Code* amendment. It acknowledged that the majority of the 1992 sub-committee supported sectoral certification for sectors of low union density within geographic areas where employees perform similar work for similar businesses (with Mr. Roper dissenting). But it also went on to indicate that no such model was adopted in the *1992 Code*. The 2018 panel concluded:

> Despite ongoing discussions over the years regarding possible innovations in labour legislation there are few North American examples of mandatory multi-employer certification regimes…
>
> While we recognize the problems and need for innovation, we did not receive sufficient information or analysis to make concrete recommendations for sectoral certification. This issue should be examined in more depth, perhaps by a single-issue commission.[3]

From our perspective, it is very telling that despite the majority of the 1992 sub-committee recommendation for a form of sectoral certification, no such legislation has surfaced in B.C. or anywhere in Canada in the intervening three decade plus period.

The 2018 panel further commented that the issue of broader-based bargaining structures would require further examination and analysis through a more in depth and dedicated process and recommended that such structures should be examined "by industry councils under Section 80 and, in appropriate circumstances, by an industrial inquiry commission."[4] No such work or study has occurred in the intervening years. This Panel's abbreviated and generalized process will also be an insufficient basis for introducing multi-employer certification.

Adding the concept of sectoral certification or broad-based bargaining to the *Code* will upset the balance in labour relations that is critical to labour stability and economic growth in B.C. It will also make B.C. an outlier in Canada in this respect. The only other jurisdiction with any form of private sector sectoral certification beyond the construction sector in its labour legislation is the "decree" system in Quebec that predates and stands alongside its mainstream labour legislation. That system allows for the extension of certain agreements to other employers or workers within a sector or geographic area upon application to the Minister of Labour. The scope and application of this decree system has substantially reduced from the time of the work of the 1992 sub-committee and no other jurisdiction has adopted any such system within or alongside its labour legislation.

Our associations oppose sectoral certification for many of the same reasons outlined in Mr. Roper's dissenting opinion in the sub-committee's 1992 report. Mr. Roper wrote that sectoral certification provisions exceeded the mandate of the sub-committee and would "upset the balance in the legislation" and "would swing the pendulum in favor of trade unions."[5] Mr. Roper also expressed concern about the implications of imposing on employers collective agreements considered to be "standard" in a particular sector of the economy, regardless of differences in the workplace and/or an employer's ability to sustain the costs of the agreement.

We concur with Mr. Roper that such an approach would not promote conditions favourable to the orderly, constructive and expeditious settlement of disputes. Rather it would impose collective agreements on employers and that would be "investment-negative" for small- and medium-sized businesses. As Mr. Roper put it, anyone looking to expand businesses will "think

[3] Recommendations for Amendments to the Labour Relations Code, Aug. 31, 2018, pg. 17.
[4] *ibid*, pg. 26.
[5] 1992 Recommendations for Labour Law Reform, Appendix 3-1.

twice" about investing in B.C. if they risk having a sectoral agreement that is at odds with their business plan imposed upon them.

Finally, we are aware that industry-focused bargaining already occurs in important sectors of the economy, including the forest sector, but emphasize these are based on "voluntary" arrangements that have and will continue to vary over time depending upon prevailing economic circumstances.

The Code should not be amended to include sectoral bargaining, doing so would necessarily upset the required balance. Moreover, introducing any form of sectoral certification into the *Code* would be premature, absent very extensive consultation and careful study and consideration.

Picketing Regulation

We also expect organized labour will advocate for eliminating current picketing restrictions within the *Code*. The business community strongly opposes any such amendments.

Picketing laws are designed to balance the economic power exerted by both parties during a strike or lockout. Significant problems arose in the 1980s when employees at some resource-based businesses with integrated operations went on strike and picketed the company's other operations where employees were represented by a different union and working under a binding collective agreement.

The Review Panel should be under no illusions on this point: investment will steer clear of a jurisdiction that permits picketing of an operation that has a settled and binding collective agreement with its union. There is no justification for expanding a labour dispute beyond the location of the strike or lockout.

The 2018 panel considered submissions calling for elimination of secondary picketing restrictions and declined to recommend such amendments based on its desire to preserve the balance that flowed from the 1992 report. The 2018 panel commented:

> The restriction on both secondary picketing and the use of replacement workers during a labour dispute were proposed by the 1992 Report…Those corresponding restrictions were intended to provide balance and enhance industrial stability. We agree that is an appropriate balance.
>
> There has been a significant decline in person days lost due to labour disputes in B.C. since the mid-1990s. Employers maintain the *Code* has been an important factor in this decline. While additional factors play a role, we agree that Sections 65 and 68 have contributed to this decline. The restrictions on secondary picketing and the use of replacement workers were intended be a package. In our view, the countervailing restrictions on secondary picketing and use of replacement works during a labour dispute have worked well and should be maintained.[6]

British Columbia is the only common law jurisdiction in Canada which bans replacement workers. This provision itself can act as a disincentive to invest. There is simply no room to now eliminate

[6] Recommendations for Amendments to the Labour Relations Code, Aug. 31, 2018, pg. 26.

secondary picketing restrictions unless the *Code* will also be amended to eliminate replacement worker prohibitions. The elimination of only one of these elements will certainly and very negatively disrupt the element of balance of labour relations that exists in B.C.

Disrupting balance by removing very long-standing restrictions on secondary picketing will also operate counter to key aspects of s. 2 of the *Code*, particularly the duties to promote conditions favourable to the orderly, constructive and expeditious settlement of disputes (s. 2(e); the duty to minimize the effects of labour disputes on those not involved (s. 2(f)); and the duty to ensure that the public interest is protected during labour disputes (s. 2(g)).

Without any consultation and while the *Code* review was ongoing the government recently passed a *Code* amendment, Bill 9, that will allow for an expansion of secondary picketing and specifically for picketing to affect neutral third parties. The amendment means federal pickets can now effectively shut down provincial employers which will have no recourse to address the impact of the federal picket line. The change was implemented without consideration for balance or the fact that this amendment is inconsistent with the section 2 duty requiring the Board to apply the *Code* in a way that "(f) minimizes the effects of labour disputes on persons who are not involved in those disputes."

Business supports preserving current picketing regulations within the *Code*, which have hitherto contributed to labour relations stability and prosperity in the province. We also believe the Bill 9 amendment that allows for secondary picketing to affect neutral third parties should be withdrawn and abandoned. Provincial employers should not face secondary picketing and the risk of shut down from an unrelated federal labour dispute.

CONCLUSION

The business community is concerned by the limited time and scope for meaningful consultation on the *Code* review. The process mistakes of the 2018 review are being repeated. The signatory associations collectively urge the Panel to consider the need for balance in B.C.'s *Labour Relations Code* and prevention of any further pendulum swings and to be mindful of the significant changes that occurred in 2019 and 2022. Any further swing will invite future governments to implement changes to send the pendulum back in the other direction, risking a return to labour relations instability. Given the dismal state of B.C.'s economy, with almost no private sector job growth in the past four years, private sector investment falling, and real GDP per capita expected to still be lower in 2027 than in 2019, the province can ill-afford further changes to the *Code* that will destabilize the labour relations framework and undermine the business operating environment.

Regarding specific aspects the Panel may be considering:

- In respect of certification:
  - the *Code* should be amended to restore a secret-ballot vote to ensure employees' democratic rights to freely choose whether to be represented by a union; and

  - in the alternative that the secret-ballot vote is not restored, the 2019 changes to certification timelines and automatic certification rules (added only in the context of the then preserved secret ballot process) must be removed.

- Business opposes sectoral certification. Any consideration of introducing sectoral certification into the *Code* would be premature, absent focused and careful study and consultation and would upset the balance within the current *Code*.
- Business supports preserving current picketing regulations within the *Code*, which have contributed to labour relations stability in the province.
- The recent Bill 9 amendment should be withdrawn and abandoned.
- Finally, while strictly beyond the scope of the Panel's Review, we would like to raise the issue of the importance of ensuring labour stability in the province during the upcoming FIFA 2026 World Cup in Vancouver. The province is making a large investment in this event and the world will be watching.

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