



Integrity in Building Excellence



October 14, 2016

Changing Workplaces Review, ELCPB
400 University Ave.,
12th Floor,
Toronto, ON M7A 1T7

Via email: CRW.SpecialAdvisors@ontario.ca

Re: Interim Report – Changes to ESA & LRA

To whom it may concern:

We have read your Interim Report and we wish to provide our submissions with respect to your Report. We have concerns that several of the potential amendments are not in keeping with our founding principles, which are:

- Companies have the right to direct business activities according to the policies, strategies and goals of the organization
- Employees have the right to voluntarily choose whether or not they wish to belong to a labour organization and be paid and promoted based on skills, initiative, behaviours and accomplishments rather than seniority.

We are particularly concerned with the following potential changes:

- Related and Joint Employers
- Unions given access to Employee Lists
- Electronically "signed" membership cards

Related and Joint Employers

We feel that the proposed changes regarding the presumption that an entity directly benefiting from a worker's labour is the employer for the purpose of the LRA is unfair to employers in the construction industry.

In construction, work is often subcontracted out to one subcontractor, who then subcontracts all or part of the work to another subcontractor. It is common practice to have a series of subcontracts involving multiple employers especially for companies who do not self-perform the work. We have no knowledge or control over the employees of our subcontractors or their subcontractors who under the proposed changes would be considered to be our employees.

Unions often file applications for certification of general contractors relying on membership cards signed by a subcontractors' workers. As stated above we are not familiar with the subcontractors' employees, nor are the employees familiar with us. We would not be able to provide enough information to respond to the certification application.

Union Access to Employee Lists

We have a number of concerns with providing employee lists to Unions

- It would put the privacy of employees at risk. As an employer we are bound to protect the privacy of our employees.
- There have been many instances in the past of unions intimidating or coercing employees even to the point of union organizers appearing uninvited at the homes of employees. We feel this proposal would create opportunities that would promote this type of unacceptable behavior.
- The Interim Report states that one of the reasons for providing unions with access to employee lists is that it is often difficult for unions to determine the number of employees in a bargaining unit, and proposes that unions be provided with a list of employees once it achieved a certain threshold of support, for example 20%. Our concern here is how would the union be able to confirm they had reached the threshold if they didn't know how many employees were in the bargaining unit? We agree that these changes would effectively mean we would be helping the employees to organize, which we have no desire to do. We are in support of maintaining the status quo.

Electronically Signed Membership Cards

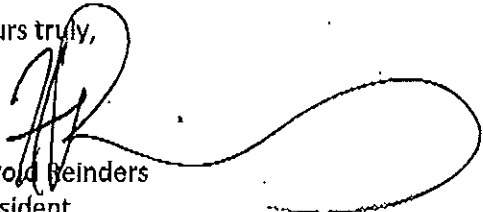
Having hard copies of signed membership card is an important protection against fraud and we are in total support of maintaining the current system requiring actual signatures. Allegations of fraudulently obtained membership signatures have been common during organizational drives. While we recognize more and more transactions are being done online, mechanisms are not in place to ensure the legitimacy of voting, and are opposed to electronic voting.

Conclusion

Most of the potential changes in the Interim Report are directed at improvements for union organization with little support for employees who do not wish to be organized.

If the proposed changes were implemented, it will likely make union organization easier. Our position is that these changes are inappropriate especially with the lack of any concrete evidence that the current certification process poses any undue barriers to organization.

Yours truly,


Harold Reinders
President