

New union rules irk business owners, Chamber members



By Brock Weir

New union rules stemming from the Province's sweeping changes to workplace standards are catching flack from local business owners.

Aurora entrepreneurs raised concerns Wednesday morning at a breakfast session hosted by the Aurora Chamber of Commerce. There, employment lawyer Laura Williams said changes coming out of Ontario's Bill 148, the Fair Workplaces Better Jobs Act, have been largely drowned out by the furore over the rising minimum wage, but cautioned employers can't take an 'ostrich' approach to other modifications that could have a significant impact on how they do business.

'In my 25-ish years of practice as a labour lawyer, and also doing [human resource] consulting, this is the most radical and broad-sweeping set of changes that I have seen,' Ms. Williams told Chamber members.

Having asked whether the employers in the room were aware of the changes but had yet to take the first steps in doing something about it, she said she expected that question to garner the majority of hands in the air.

'Because of the broad and sweeping changes, and how numerous they are, what I have been observing is a lot of employers are tending to take the ostrich approach, head in the sand, hoping it will blow over,' she said. 'But obviously it isn't going anywhere. The legislation passed November 27 and it is here to stay, but there is a lot to do.'

'The impact of Bill 148 on business is significant. There was a study done by the Canadian Centre for Economic Analysis on the expected impact on the [bill] and their findings are not insignificant. 185,000 jobs are expected to be impacted, or at risk, in two years. There is a \$23 billion impact. That is supposed to be [off set] by an \$11 billion stimulus initiative from the government, but that still leaves about a \$12 billion impact and there is expected to be 50 per cent inflation as a result of the legislation. There is so much more to this Bill, but the increase in minimum wage has virtually eclipsed all other amendments that are going to have significant impact.'

Virtually eclipsing all other amendments at Wednesday's session, however, were changes to employer-union relations.

Before new legislation was brought in, employers were not required to provide union leaders with lists of their employees, along with contact details. Now, under the new guidelines, unions are able to apply to the Ontario Labour Relations Board to get full access to employee lists when the union in question has at least 20 per cent of employees as members. This provision only applies to workplaces where no union has been certified.

Employers, if so directed by the Board, will now have to provide employee names, phone numbers and email addresses, and myriad other details, but the union may only use the information for the purposes of establishing bargaining rights.

'Typically, what has been the case, is the union really has to work to determine which employees would fall within the bargaining,' said Ms. Williams. 'This information was not information the employer ever had to disclose and that is why savvy operators, Japanese automakers who have resisted unionization for years and have shifted numbers, etc., with respect to who would fall within the bargaining unit, that they have been able to successfully resist unionization.'

Dubbing these changes 'mind-boggling,' Ms. Williams told employers that having spent time with union organizers, it has always

been the school of thought that getting 20 per cent is 'easy-peasy' and the 40 per cent threshold is the hard part.

'It sounds ridiculous,' said business owner Mike Smith.

This was, in part, a view shared by Ms. Williams.

'I got the motivation [and] I will tell you personally, me on a soapbox, the changes to the Labour Relations Act I don't really get,' she said. 'I think they have gone way beyond what is fair to employers.'