

The Gazette

Union votes should be secret

Quebec should require certification be subject to a secret ballot

Marcel Boyer - Freelance

Thursday, September 10, 2009

In political votes, the secret ballot is seen as a way of guaranteeing that voters are protected from pressure or intimidation and of ensuring that the vote represents their true opinion.

However, this is not the approach used in labour relations in Quebec and a few other provinces: The outcome of a union certification or a strike vote might be determined by a less rigorous process that involves canvassing workers to get signatures or a show of hands in favour of a strike. This procedure might alter workers' true will and encourage labour relations disputes, putting economic growth and investment at risk.

Under the card majority certification system, adopted by four of the 10 provinces (Quebec, New Brunswick, Manitoba and Prince Edward Island) and applying also under Canadian federal jurisdiction, union certification will succeed if a majority of employees represented by the bargaining unit are signed up. This majority varies among the various jurisdictions: New Brunswick and Manitoba require a super-majority of signed cards (60 per cent plus one and 65 per cent respectively), while a simple majority (50 per cent plus one) is sufficient for automatic certification in Quebec and Prince Edward Island.

According to an opinion poll in August, 71 per cent of Quebecers think the government should change the law and require the secret ballot as a way of getting union certification. Support for this change is even stronger among unionized workers, at 80 per cent. This observation alone should cast serious doubt on the legitimacy of card-check schemes, since Quebec is the jurisdiction where union coverage is the highest in North America, at 39.2 per cent in 2008.

Even if we were to ignore the wishes of workers, the artificial promotion of unionization is not sensible public policy: A study from economists at the National Bureau of Economic Research shows, for example, that successful union certification lowers the stock market value of a business by 10 per cent on average.

Quebec is the only one among the four "big provinces" (the others being Ontario, British Columbia, and Alberta) where a secret ballot vote is not mandatory for union certification. At the international level, the density of trade union membership has been declining since 1980 in

most countries of the Organization for Economic Co-operation and Development. In the United States, 22.3 per cent of employees were trade union members in 1980, compared with 11.6 per cent in 2007. A similar trend occurred in Britain, where trade union membership reached 50.7 per cent of employees in 1980 and declined to 28 per cent in 2007. In addition to these countries, significant reductions in trade union membership also occurred in Australia, Austria, France, Germany, Ireland, Italy, Japan, Korea, the Netherlands, New Zealand, Portugal and Switzerland.

The labour movement is obviously aware of the changes in the socioeconomic environment of individuals and businesses. It is seeking a new path and new means both to survive and to pursue its main stated goal, namely the defence of justice and the dignity of labour. Thus, it has to deal with some serious challenges, in particular those of aligning demands for solidarity and democracy internally, meeting growing demands for flexibility in the workplace, recognizing the greater mobility of capital, and adjusting to the increased challenges to former government monopolies.

Although the labour movement might tend to see a worldwide plot orchestrated by governments and employers' groups behind these challenges, the fact remains that greater competitive pressures resulting from globalization of markets, new technologies (in information, communications and production) and the internationalization of cultures have been a major source of efficiency and also of gains in well-being and declines in poverty in every region that has adhered to these developments by favouring a better balance between flexibility, adaptation and security, accountability, and good governance in private and public institutions.

To avoid economic marginalization, Quebec must update its labour-relations legal framework, first by implementing a mandatory secret ballot vote for union certification, open to all members of the bargaining unit.

Such an overhaul would help respect the wishes of workers and enable Quebec businesses to compete on a level playing field with firms in competing jurisdictions in attracting investment and favouring job creation.

Marcel Boyer is senior economist at the Montreal Economic Institute and emeritus professor of economics at the Université de Montréal.

© The Gazette (Montreal) 2009