

Work Place Democracy: The Importance of the Fundamental Democratic Right to a Secret Ballot

Introduction:

For most Canadians, the idea of having to vote in an election without secret ballots would be unthinkable, as it would be in any Western democracy. When Canadians vote, whether it is in federal, provincial or municipal elections, they vote with a secret ballot. This is an important right, and it is guarded jealously by Canadians, including with legal protections and prohibitions.

Canadians are rightly shocked when potential violations occur that might infringe upon their right to a secret ballot when they vote.

Yet strangely, when it comes to where Canadians work, the right to secret ballot elections is far too often lost entirely. In several provinces, and in federal jurisdiction, votes can be skipped entirely on important matters like union certification, replaced by the card check system, where workers are required to publicly sign a card and publicly state their position, with no secret ballot procedure in place to ensure the fairness of the voting process.

Canadians wouldn't allow votes for Members of Parliament or Mayors or even for School Trustees to proceed without a secret ballot. Why then is it ok for union certification votes to be conducted this way?

The Importance of the Secret Ballot:

The secret ballot is a fundamental component of how democratic elections are conducted, both in Canada and in all Western democracies.

Prior to the introduction of the secret ballot, Canadian elections were filled with abuses, as rival groups tried to ensure the victory of their chosen candidates through intimidation, coercion, bribery, or violence, to ensure voters voted the way they were told. As Elections Canada outlines, the rules in these early elections “opened the door to a host of fraudulent schemes”.¹ In particular, “(o)ral voting made it easier for votes to be bought; it also opened the door to intimidation and blackmail, since bribers could easily tell whether the voters whose votes they had bought voted as instructed.”²

In 1855, New Brunswick became the first province in Canada to move to secret ballot voting.³ After the 1874 election, the same measure was adopted federally, as a way to curb abuses that

¹ Elections Canada, “A History of the Vote in Canada”, Chapter 1, <http://www.elections.ca/content.aspx?section=res&dir=his&document=chap1&lang=e>

² Elections Canada, “A History of the Vote in Canada”, Chapter 1, <http://www.elections.ca/content.aspx?section=res&dir=his&document=chap1&lang=e>

³ Elections Canada, “A History of the Vote in Canada”, Chapter 1, <http://www.elections.ca/content.aspx?section=res&dir=his&document=chap2&lang=e>

had become rampant during elections.⁴ Even today, the Liberal Party of Canada includes the federal adoption of the secret ballot as one of their achievements in their party's long history of governance.⁵

As Elections Canada itself maintains, the secret ballot “safeguards the right of all citizens to vote freely and in private, without fear of intimidation.”⁶ Canadians agree.

Former MP Patrick Boyer listed the “right to a secret ballot” as one of Canada’s “fundamental political rights and freedoms”.⁷ Columnist Matt Gurney argued that, “(t)he notion of secret ballot elections is central to Canadian democracy. Keeping one’s vote secret — whether from cameras, government monitors or partisan goons — is meant to ensure that no voter faces harassment, or worse, if they vote against someone else’s (typically the ruling party’s) preferred candidate. In many parts of the world, this is not a trivial consideration.”⁸ As columnist/activist Rafe Mair argued, “I wager you would say that the most important right you have is to be able to vote without pressure or hindrance.”⁹

Canadians’ right to a secret ballot in elections is jealously guarded. For example, concerns were raised in the recent New Brunswick election when vote tabulating machines actually provided an alert for spoiled ballots, leading to Election New Brunswick workers to question voters about their voting intentions.¹⁰ In Nova Scotia, the Chief Electoral Officer has called for the strengthening of the protection of the secrecy of the ballot, arguing that the secret ballot is a fundamental principle of free elections.¹¹ Elections Nova Scotia’s spokesperson argued that providing proof of how people voted “leads to potential of coercion and bribery”.¹² There are

⁴ Elections Canada, “A History of the Vote in Canada”, Chapter 2, <http://www.elections.ca/content.aspx?section=res&dir=his&document=chap2&lang=e>

⁵ <http://bc.liberal.ca/liberal-achievements-2/>

⁶ Elections Canada, “A History of the Vote in Canada”, Preface, <http://www.elections.ca/content.aspx?section=res&dir=his&document=pref&lang=e>

⁷ J. Patrick Boyer, *Direct Democracy in Canada: The History and Future of Referendums*, p. 12

⁸ Matt Gurney, “A secret ballot shouldn’t be an obligation,” <http://fullcomment.nationalpost.com/2013/10/07/matt-gurney-a-secret-ballot-shouldnt-be-an-obligation/>, October 7, 2013

⁹ Rafe Mair, “Free the Trained Seals”, <http://theyee.ca/Views/2006/04/03/FreeTrainedSeals/>, April 3, 2006

¹⁰ Robert Jones, “Parties demand end to asking voters about rejected ballots”, <http://www.cbc.ca/news/canada/new-brunswick/parties-demand-end-to-asking-voters-about-rejected-ballots-1.2794290>, October 10, 2014

¹¹ Michael Tutton and Keith Doucette, “Nova Scotia’s chief electoral officer says ballot secrecy needs strengthening,” Canadian Press, <http://metronews.ca/news/halifax/1189342/nova-scotias-chief-electoral-officer-says-ballot-secrecy-needs-strengthening/>, October 21, 2014

¹² Michael Tutton and Keith Doucette, “Nova Scotia’s chief electoral officer says ballot secrecy needs strengthening,” Canadian Press, <http://metronews.ca/news/halifax/1189342/nova-scotias-chief-electoral-officer-says-ballot-secrecy-needs-strengthening/>, October 21, 2014.

many reasons why, in many jurisdictions in Canada, the protection of the secret ballot, including a prohibition on recording devices or cameras, is entrenched in law.¹³

The secret ballot was introduced as a way to prevent the pressuring and intimidation of voters. When voters were free to vote in secret, they were free to express their actual opinions, and those who had previously sought to pressure or intimidate voters could no longer be certain of how anyone voted, and therefore their previous tactics to abuse and manipulate the election were no longer useable. Elections in Canada became freer and fairer, thanks to the introduction of the secret ballot.

Unfortunately, far too many Canadian workers don't get the same level of democracy in their workplaces.

In several provinces, workers do not have the right to a secret ballot. Instead, decisions of fundamentally important matters, such as whether a workplace should be unionized or whether to go on strike, are handled by methods that Canadians rejected for the democratic process over a century ago.

As Justice Richards wrote in the Court of Appeal's ruling in the case of the Province of Saskatchewan v. the Saskatchewan Federation of Labour, "The secret ballot, after all, is a hallmark of a modern democracy."¹⁴

Secret ballots are not just an important mechanism to protect Canadians rights and to ensure the practice of elections is free of intimidation, bribery or coercion. The value of the use of secret ballots has also been linked to the importance of privacy rights.

"Privacy is an important democratic value, and the justification for protecting a right to privacy is not reducible to the way legal protections for privacy might promote political participation. This is the central claim about privacy in Corey Brettschneider's *Democratic Rights: The Substance of Self- Government*. According to Brettschneider, privacy is intrinsically valuable if we care about democracy, and that value is connected to the importance that a democratic society will attach to people's abilities to develop and exercise their capacities for personal reflection, judgement and action."¹⁵

The implementation of the secret ballot was an important revolution in Canadian elections, helping to ensure that elections were conducting with fewer abuses and protecting Canadians

¹³ Michael Bolen, "People Are Tweeting Their Ballots and Elections Ontario is Freaking Out," http://www.huffingtonpost.ca/2014/06/12/ontario-election-tweeting-ballots-2014_n_5489883.html, June 12, 2014.

¹⁴ R v Saskatchewan Federation of Labour, 2013 SKCA 43, <http://www.canlii.org/en/sk/skca/doc/2013/2013skca43/2013skca43.html>

¹⁵ Annabelle Lever, *Privacy and Democracy: What the Secret Ballot Reveals*, July 2012, http://www.academia.edu/2441310/Privacy_and_Democracy_What_the_Secret_Ballot_Reveals

from threats, coercion and intimidation. It seems strange that such a fundamental part of our democracy would be denied to Canadians when they go to work.

As Justice Richards noted: “Surely, in and of itself, a secret ballot regime does no more than ensure that employees are able to make the choices they see as being best for themselves.”¹⁶

Card Check:

Prior to 1977, all provinces relied on the card majority certification – or ‘card check’ – system. Under this system, union certification succeeds if a certain percentage of employees represented by the bargaining unit are signed up. Since 1977, most provinces have moved toward the use of secret ballots, though with some provinces moving back and forth between the two systems¹⁷.

The card check system is currently in place in provinces like Quebec, Manitoba, New Brunswick and Prince Edward Island. Each province has its own threshold - New Brunswick and Manitoba require a super-majority of signed cards (60 per cent plus one in New Brunswick and 65 per cent in Manitoba), while a simple majority (50 per cent plus one) is sufficient for automatic certification in Quebec and Prince Edward Island. Similar rules apply in federal jurisdiction.¹⁸

Under federal rules, in making a determination concerning the application for certification of a trade union, the Canada Industrial Relations Board considers employee support: if the union has obtained over 50% of employee signatures, the Board can certify the union with no vote. The *Code* requires that the Board order an actual vote if a union has obtained between 35 and 50% of employee support.¹⁹

The fact that the card check system allows a union to completely avoid a certification vote seems fundamentally undemocratic. It would be inconceivable and outrageous if Canadians saw local MPs or MLAs chosen without a vote, merely because the local New Democrat, Liberal or Conservative riding association had gotten enough people to sign membership cards for their chosen party. No one would accept that in a democracy.

It is interesting to examine jurisdictions where the signing of sufficient number of union cards by employees triggers a secret ballot vote at certain thresholds. If, as union bosses and their

¹⁶ R v Saskatchewan Federation of Labour, 2013 SKCA 43,
<http://www.canlii.org/en/sk/skca/doc/2013/2013skca43/2013skca43.html>

¹⁷ Peter Shawn Taylor, “If you want a union, vote for it; Certifying unions by signing cards instead of holding ballots is undemocratic-and fleeces taxpayers”, Canadian Business, April 29, 2013,
<http://www.canadianbusiness.com/blogs-and-comment/if-you-want-a-union-vote-for-it/>

¹⁸ Marcel Boyer, “Union votes should be secret”, *Montreal Gazette*, September 10, 2009,
<http://www.iedm.org/fr/node/3047>

¹⁹ <http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/00105.html>

supporters believe, the card check system simplifies matters and allows a far more efficient process to allow employees to unionize, then it stands to reason that in systems where a secret ballot vote is required, the support in the card check process should indicate strong levels of support for unionization that would be born out in the actual secret ballot vote. However, this does not seem to be the case. For example, according to the Alberta Labour Relations Board, in the period 1995-1997, there were 160 certification applications in construction and construction-related bargaining units. However, only in 52 of those cases, less than a third, was the unionization vote successful.²⁰ In Newfoundland and Labrador, there was a significant drop seen from signed cards to actual secret ballot votes, as much as a 47 percent drop.²¹ Even those workers who were convinced to sign cards, for whatever reason, clearly voted differently when given the chance to do so. As a poll, signed cards do not seem to be a good indicator of how workers would actually vote in a free and fair election.

Union leaders and organizers seem to recognize this. For example, during the recent unionization drive at a Volkswagen's Chattanooga, Tennessee plant, a United Auto Worker organizer conceded that if a secret ballot vote was held, they would "probably lose"²², hence their preference to avoid an actual vote and use the card check system instead.

In many cases, even those workers who signed cards, for whatever reason, clearly didn't vote that way when they had a chance at a secret ballot vote. This suggests that the card check system is not a reliable measure of what workers actually want, and it is not surprising that union organizers are so adamant to avoid having to have workers' opinions tested in a secret ballot vote.

It is not surprising that union organizers and union bosses favour the card check system, rife though it is with undemocratic abuses. Unfortunately, while the card check system may make life easier for union bosses and organizers, such a process does not guard the interests of the workers themselves.

Unions Themselves Use Secret Ballots:

²⁰ Merit Alberta, Why Unions Lose Certification Votes, <https://www.meritalberta.com/dnn1/LinkClick.aspx?fileticket=IgtJdCjdjFA%3D&tabid=109>

²¹ The Newfoundland and Labrador Employers' Council executive director Richard Alexander, quoted in The St. John's Telegram, December 11, 2013.

²² Sean Higgins, "Volkswagen collaborating with UAW to force union on Chattanooga plant," Washington Examiner, November 11, 2013, <http://www.washingtonexaminer.com/volkswagen-collaborating-with-uaw-to-force-union-on-chattanooga-plant/article/2538904>

While unions bosses are viciously opposed to the very idea of moving to a secret ballot for union certification, paradoxically, many unions use secret ballots for their own internal votes, for electing union officials for example²³.

It seems strange that union bosses think secret ballots are unacceptable for average workers in certification votes, yet use secret ballots themselves in their internal elections. Canadians have to wonder - if secret ballot votes are required for internal union matters, why deny them to workers in the first place?

Lack of Secret Ballot Leads to Abuses:

The lack of a secret ballot opens up the voting process to abuses. It was abuses, from intimidation, bribery and coercion to outright violence, which led to the adoption of the secret ballot in the first place for Canadian elections.

Reports of abuses include allegations of professional union organizers pressuring employees in their homes, refusing to leave without a signed card and employees being provided with misinformation, just to get a signature. There are even reports of union organizers who will fraudulently sign cards on behalf of employees, without the employee's knowledge or consent.²⁴

As pointed out by Roy Heenan, a well-known authority in labour law, advocates for card majority certification, "often ignore(s) the very real existence of either peer intimidation or substantial peer pressure."²⁵

Unfortunately, these abuses can also go beyond harassing phone calls or visits by union organizers. Threats are also made – from threats of loss of future work opportunities, to the increasingly serious, such as vandalism and even overt threats of violence.

Even union officials have acknowledged that such threats do indeed happen. At an April 1999 conference of the International Brotherhood of Electrical Workers, a speaker discussed organizing and the impact of such tactics: "I suspect most of us would never forget someone - or an organization - that personally threatened our lives or our family. Unfortunately, while in the past, these things happened. I've heard about this many times."²⁶

²³ For example:

http://www.cusw.ca/constitution/-/asset_publisher/OIG9k2c8kwqJ/content/article-08-union-elections or http://prairies.psaac.com/sites/prairies.psaac.com/files/user-uploads/regina_area_council_bylaws_2013_0.pdf

²⁴ John Mortimer, "Union leaders – give your people what they want",

<http://www.calgarysun.com/2013/10/28/canadians-want-more-labour-union-transparency>, October 29, 2013.

²⁵ Roy Heenan, *Card Majority Certification*, presentation before The National Finance Industry Employment Law Committee (Philadelphia),

June 2007, pp. 1-2, http://www.labourwatch.com/docs/research/MEI_september09_en.pdf

²⁶ Merit Alberta, Why Unions Lose Certification Votes,

<https://www.meritalberta.com/dnn1/LinkClick.aspx?fileticket=IgtJdCjdjA%3D&tabid=109>

Furthermore, under the card check recognition system, workers are exposed only to the union's point of view,²⁷ with no alternative view offered. This could lead to employees being misled and pressured into signing authorization cards without having access to all relevant information. In other cases, workers who might oppose the unionization of their work place aren't even informed of the unionization drive, to keep them in the dark and prevent them from voicing their opposition.²⁸

It would make no sense to hold an election where only one party is allowed to speak and advertise, while the other parties aren't just muzzled – they not even know an election is on – yet this is how the card check system currently operates. Only one side is allowed to provide their point of view and gets to self-select their potential audience. This hardly seems like a democratic way to conduct a vote, especially on such an important matter.

Also, it is important to remember that there is no limit to the pressure that union organizers can exert on their colleagues, in contrast to employers. Indeed, legal rules against unfair labour practices quite rightly protect employees from employers' abusing their position. In contrast, there are no measures to limit the persistence of union organizers. "There is neither any restriction as to the number of times that the union may visit nor as to what can be told to the employee."²⁹ Union organizers have as much opportunity as they desire to pressure workers or make promises, with the other side of the debate prevented from being involved or being given the chance to make their case.

The card check process means that the unions are very aware of who has supported their cause and who hasn't. In contrast, a secret-ballot vote shields workers from intimidation by union strong-arms or employers before a vote and protects them from retribution afterwards. Regardless of how a worker votes with a secret ballot, neither the union, nor their employer can truly know how they voted, thus protecting the individual worker from pressure or retribution from either side. Card check has no such protections.³⁰

As Tom Knight, a professor of industrial relations at the University of B.C., has argued, both unions and businesses pressure workers. "The policy toward [secret ballots] is probably the correct one in terms of ensuring individual employees have the right to express their preference".³¹

²⁷ Gerald Mayer, *Labor Union Recognition Procedures: Use of Secret Ballots and Card Checks*, Congressional Research Service

April 2007, p. 18, footnote 1, http://www.labourwatch.com/docs/research/MEI_september09_en.pdf

²⁸ Susan Martinuk, "Obama's labour law will bring harassment", *Calgary Herald*, March 6, 2009

²⁹ Danny Kaufer and Michael Grodinsky, *The Employee Free Choice Act (EFCA): Lessons to Be Learned from the Canadian Experience*,

presentation before the American Employment Law Council, October 2008, p. 19,

http://www.labourwatch.com/docs/research/MEI_september09_en.pdf

³⁰ Susan Martinuk, "Obama's labour law will bring harassment", *Calgary Herald*, March 6, 2009

³¹ *Vancouver Sun*, August 13, 2001

Unfortunately, the potential abuses in the card check system are not just theoretical. They are far too real, as many workers have learned.

In Lively, Ontario, seven female employees at a bank branch, who represented the entire non-management staff, decided to challenge union practices after they were forcibly unionized by card check. They launched complaints to the federal labour board, citing intimidation, coercion, misinformation and invasion of privacy--all in the name of the card check process. In one case, a woman alone in a remote home received a surprise nighttime visit from union organizers, who refused to leave until she signed a union card - even after her repeated requests they do so.³² As the woman described: "Two union organizers came to my home [and] informed me that ... I needed to sign a card and give them \$5. I repeated to them that I did not wish to be part of that organization and they continued to pressure me into signing... They would not leave my home, even after I told them I had to attend to my daughter. They finally left after 45 minutes."³³

In other cases, workers who opposed a unionization drive find themselves targeted. Mike Proulx, a worker at the Echo Bay Lupin Mine in the Northwest Territories, explained the campaign by the United Steelworkers' organizers against him:

"The majority of workers don't want the union but the organizers are still there, dragging on and on and causing stress," he said. "One organizer came to my supper table and said our petition would not help at all. He said 'we call the shots here. We feel we're being forced out and we wanted to put it to a vote and get it over with, but can't. What happens when employees initiate petitions? We have to chip in money to pay for a lawyer and the union threatened to drag me through the system. They threatened to break me financially and that's not right."³⁴

During the United Food and Commercial Workers (UFCW) unionization drive at HighLine Produce, employees alleged that UFCW organizers harassed employees, included unwelcome house calls to employees' homes and a lack of translation of the issues to immigrants who couldn't speak English. They also claimed that UFCW organizers misled employees, claiming that by signing the card, it would only lead to a later vote, instead of to automatic card check certification.³⁵

The recent unionization drive at the Volkswagen plant in Chattanooga, Tennessee highlighted the all too real nature of many of these potential abuses under the card check system. Several workers alleged that United Auto Workers officials used "misrepresentations, coercion,

³² Susan Martinuk, "Obama's labour law will bring harassment", Calgary Herald, March 6, 2009

³³ National Post, May 18, 2006

³⁴ Financial Post, August 10, 1995

³⁵ Susanne Craig, "HighLine workers, union wage war of words", Windsor Star, February 23, 1995

threats, and promises"³⁶ in an attempt to organize the plant. In charges filed with the National Labor Relations Board in the U.S., eight workers alleged that union officials lied to them, claiming that signing union cards did not count as a vote to join the union, when, in fact, the cards were presented by the union to the company as proof the workers wanted to unionize. The workers further alleged that the UAW resisted giving the cards back after they learned of their true purpose, insisting that the workers had to appear in-person at the union's office if they wanted them returned. Other workers confirmed the UAW sponsored a trip for them and their families to a local amusement park as part of the unionization campaign.³⁷

One of the most expensive recent examples of the potential abuses that can occur under the card check system happened in December 2012, when two employees of the Region of Waterloo signed on to the United Brotherhood of Carpenters and Joiners while working on a Saturday, building a shed. Since there were only the two of them working, they easily fulfilled the provincial Labour Relations Act's construction trade certification application requirement (more than 55 per cent of the employees must be union members the date the application was filed).³⁸ In fact, it was a single vote by a regional employee that led to certification at the Region of Waterloo by the United Brotherhood of Carpenters and Joiners of America Local 785. The final vote tally ended up being one vote in favour of the Carpenters and one vote was spoiled.³⁹ In fact, the workers were already members of a union (Canadian Union of Public Employees), which also contested this move⁴⁰. None of their fellow workers ever got a vote. Worse, this certification also led to the Region of Waterloo being considered a construction employer under Ontario's labour laws, meaning that restrictions are now in place over who can even bid on infrastructure projects in the region, limiting competition and driving up costs⁴¹ - all because one person decided to sign a union card on a Saturday, with no one else getting a say.

³⁶ Sean Higgins, "Fraud alleged in auto plant 'card check' union organizing bid", Washington Examiner, September 26, 2013, <http://www.washingtonexaminer.com/fraud-alleged-in-auto-plant-card-check-union-organizing-bid/article/2536448#>

³⁷ Sean Higgins, "Fraud alleged in auto plant 'card check' union organizing bid", Washington Examiner, September 26, 2013, <http://www.washingtonexaminer.com/fraud-alleged-in-auto-plant-card-check-union-organizing-bid/article/2536448#>

³⁸ <http://www.dcnonl.com/article/id56939/--kitchener-waterloo-mdash-bill-73rsquos-ground-zero>, September 12, 2013

³⁹ Waterloo Region Record, July 16, 2014

⁴⁰ Waterloo Region Record, <http://www.therecord.com/news-story/4489028-carpenters-union-wins-ruling-against-waterloo-region/>, April 29, 2014

⁴¹ Waterloo Region Record, <http://www.therecord.com/news-story/4489028-carpenters-union-wins-ruling-against-waterloo-region/>, April 29, 2014

While union bosses claim that the card check system is democratic, the Waterloo case demonstrates just how fundamentally undemocratic it can be. One single worker ended up deciding with no input from his colleagues or anyone else. Similarly, the Royal Shirt Co. Ltd. was certified by the labour board, even though only one out of 50 staff had ever signed a union card.⁴² In another case, Rempel Concrete Pumping of Breslau, Ontario, the owner and individual workers disputed how many of the seven employees had actually signed union cards and called for an actual vote, but the union refused even to reveal how many workers had actually signed cards.⁴³

Even without the potential for abuses of the card check system, clearly it is fundamentally undemocratic for a single worker, on a Saturday, to be able to decide on his own to change unions for all of his co-workers and to see the entire regional municipality suddenly unable to openly tender infrastructure projects, with no vote or input. Shouldn't his fellow workers have been given the chance to have their say on such an important matter?

It would be inconceivable for any election or referendum to be conducted this way in Canada, or any other democracy, yet when it comes to their workplaces, far too many Canadians don't have any of their basic democratic rights or protections.

Canadians Want Change:

Support for the use of secret ballots in union certification votes is extremely high among Canadians, and highest among those who are, or were, union members themselves.

According to an opinion poll commissioned by the Conseil du patronat du Québec in October 2006, 79% 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 83%.⁴⁴

Support for secret ballot votes has always been highest amongst currently unionized Canadians ranging from 86% to 92%, over four surveys done for LabourWatch in the last decade.⁴⁵ The

⁴² Howard Levitt, "Without trust, union relations will be perpetual warfare", New Brunswick Telegraph-Journal, May 17, 2008

⁴³ Michael Hammond, "Owners, unions butt heads; Bids to unionize two construction firms are being met with stiff opposition", Waterloo Region Record, April 12, 2008

⁴⁴ Pascale Gauthier, *Les grands dossiers en relations de travail*, Conseil du patronat du Québec, November 2007, p. 1, http://www.labourwatch.com/docs/research/MEI_september09_en.pdf

⁴⁵ John Mortimer, "Union leaders – give your people what they want", <http://www.calgarysun.com/2013/10/28/canadians-want-more-labour-union-transparency>, October 29, 2013.

most recent such survey, in 2013, showed high levels of support for the use of secret ballot in union certification votes, especially among unionized, or formerly unionized, Canadians.⁴⁶

It is instructive that those who know unions best, Canadians who work in a unionized environment, believe so strongly in the need for a secret ballot when it comes to union certification votes.

Conclusion:

Secret ballot elections are a fundamental part of Canadian democracy. Canadians believe very strongly in the importance of their privacy rights, especially when it comes to the exercise of their democratic rights. It is beyond strange that such important and central freedoms are abandoned in the work place, with union certification drives being allowed to be run under 19th century political rules – open to all the abuses, threats, bribes, coercion and intimidation that characterized those early elections.

Unfortunately, those abuses are not a thing of the past. Far too many Canadian workers have seen, first hand, the abuses that were weeded out of Canadian elections a century ago, brought back into the Canadian workplace as part of the card check system. It is shocking and unacceptable that threats, bribes, coercion, intimidation and worse are allowed to exist in a modern Canadian election of any time, especially one so fundamentally important as the decision on whether a workplace should be unionized or not.

Canadians would never accept the lack of protection of democratic and privacy rights in any other vote that are endemic to the card check system. Polls have consistently shown strong support, especially among unionized workers, for the use of secret ballot votes to replace the antiquated card check system.

Simply put, Canadians in the 21st century should not lose their most basic democratic rights and freedoms that they enjoy in all other aspects of their lives when they go to work.

⁴⁶ Leger, “The State of the Unions”, October 2013,
http://www.labourwatch.com/docs/research/Leger_State_of_the_Unions_October_2013_Report.pdf

Bibliography:

Mary Baxter, “Kitchener-Waterloo – Bill 73’s ground zero”, Daily Commercial News, September 12, 2013,
<http://www.dailycommercialnews.com/Labour/News/2013/9/Kitchener-Waterloo--Bill-73s-ground-zero-DCN056939W/>

Michael Bolen, “People Are Tweeting Their Ballots and Elections Ontario is Freaking Out,”
http://www.huffingtonpost.ca/2014/06/12/ontario-election-tweeting-ballots-2014_n_5489883.html, June 12, 2014.

Marcel Boyer, “Union votes should be secret”, Montreal Gazette, September 10, 2009,
<http://www.iedm.org/fr/node/3047>

Marcel Boyer, Union Certification: Developing a Level Playing Field for Labour Relations in Quebec, September 2009, http://www.labourwatch.com/docs/research/MEI_september09_en.pdf

J. Patrick Boyer, Direct Democracy in Canada: The History and Future of Referendums

Canada Industrial Relations Board, <http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/00105.html>

Canadian Union of Skilled Workers, Constitution,
http://www.cusw.ca/constitution/-/asset_publisher/OIG9k2c8kwqJ/content/article-08-union-elections

Jason Clemens and Keith Godin, “Unions’ democracy talk is hot air”, National Post, November 29, 2007

The Court of Appeal for Saskatchewan, R v Saskatchewan Federation of Labour, 2013 SKCA 43, <http://www.canlii.org/en/sk/skca/doc/2013/2013skca43/2013skca43.html>

Susanne Craig, “HighLine workers, union wage war of words”, Windsor Star, February 23, 1995

Elections Canada, “A History of the Vote in Canada”,
<http://www.elections.ca/content.aspx?section=res&dir=his&document=chap2&lang=e>

Diane Francis, “Labor laws favor unions over workers unwilling to unionize”, Financial Post, August 10, 1995

Matt Gurney, “A secret ballot shouldn’t be an obligation,”
<http://fullcomment.nationalpost.com/2013/10/07/matt-gurney-a-secret-ballot-shouldnt-be-an-obligation/>, October 7, 2013

Michael Hammond, “Owners, unions butt heads; Bids to unionize two construction firms are being met with stiff opposition”, Waterloo Region Record, April 12, 2008

Sean Higgins, “Fraud alleged in auto plant 'card check' union organizing bid”, Washington Examiner, September 26, 2013,
<http://www.washingtonexaminer.com/fraud-alleged-in-auto-plant-card-check-union-organizing-bid/article/2536448#>

Sean Higgins, “Volkswagen collaborating with UAW to force union on Chattanooga plant,” Washington Examiner, November 11, 2013,
<http://www.washingtonexaminer.com/volkswagen-collaborating-with-uaw-to-force-union-on-chattanooga-plant/article/2538904>

Robert Jones, “Parties demand end to asking voters about rejected ballots”,
<http://www.cbc.ca/news/canada/new-brunswick/parties-demand-end-to-asking-voters-about-rejected-ballots-1.2794290>, October 10, 2014

Leger, “The State of the Unions”, October 2013,
http://www.labourwatch.com/docs/research/Leger_State_of_the_Unions_October_2013_Report.pdf

Annabelle Lever, *Privacy and Democracy: What the Secret Ballot Reveals*, July 2012,
http://www.academia.edu/2441310/Privacy_and_Democracy_What_the_Secret_Ballot_Reveals

Howard Levitt, “Without trust, union relations will be perpetual warfare”, New Brunswick Telegraph-Journal, May 17, 2008

Liberal Party of Canada (BC), Achievements, <http://bc.liberal.ca/liberal-achievements-2/>

Rafe Mair, “Free the Trained Seals”, <http://theyee.ca/Views/2006/04/03/FreeTrainedSeals/>, April 3, 2006

Susan Martinuk, “Obama’s labour law will bring harassment”, Calgary Herald, March 6, 2009

James McLeod, “Employers cry foul over one-sided changes to labour law,” The St. John’s Telegram, December 11, 2013.

Merit Alberta, Why Unions Lose Certification Votes,
<http://www.meritalberta.com/dnn1/LinkClick.aspx?fileticket=IgtJdCjdjFA%3D&tabid=109>

John Mortimer, “Union leaders – give your people what they want”,
<http://www.calgarysun.com/2013/10/28/canadians-want-more-labour-union-transparency>, October 29, 2013.

John Mortimer, “Protect all workers: As Australia's John Howard has shown, employees who don't want to join a union deserve as much protection as those who do”, National Post, May 18, 2006

Public Service Alliance of Canada, PSAC Regina Area Council By-Laws,
http://prairies.psic.com/sites/prairies.psic.com/files/user-uploads/regina_area_council_bylaws_2013_0.pdf

Peter Shawn Taylor, “If you want a union, vote for it; Certifying unions by signing cards instead of holding ballots is undemocratic-and fleeces taxpayers”, Canadian Business, April 29, 2013,
<http://www.canadianbusiness.com/blogs-and-comment/if-you-want-a-union-vote-for-it/>

Michael Tutton and Keith Doucette, “Nova Scotia’s chief electoral officer says ballot secrecy needs strengthening,” Canadian Press,
<http://metronews.ca/news/halifax/1189342/nova-scotias-chief-electoral-officer-says-ballot-secrecy-needs-strengthening/>, October 21, 2014.

Waterloo Region Record,
<http://www.therecord.com/news-story/4489028-carpenters-union-wins-ruling-against-waterloo-region/>, April 29, 2014

Waterloo Region Record, July 16, 2014

Vancouver Sun, “Certification vote plan upsets unions: Secret ballot best to reflect employees' wishes, backers say”, August 13, 2001