

The Impacts of Employer Resistance to Union Certification in Canada

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Employer resistance to union certification was found to be widespread in Canada, with over 94 percent of employers actively opposing union certification applications. Employer responses to unionization were varied but fully 88 percent engaged in actions to frustrate union access to employees, 68 percent used direct communications with employees to oppose certification, 29 percent tightened work rules or monitored employees, and 12 percent admitted to other unfair labour practices during the organizing drive. Analysis demonstrated that, depending on its form, employer opposition to union certification can impact upon both initial certification outcomes and on the probability the parties will establish and sustain a collective bargaining relationship. These results are based on 420 responses to a new national survey of employers for whom a union certification application was resolved by the appropriate labour relations board between 1991 and 1993, inclusive.

Results of this study demonstrate that the effects of employers' responses to union certification applications extend well beyond the original certification contest. Union certification campaigns that encounter employer resistance, most especially in the form of trained managers, are less likely to meet with success. Even if the union does manage to maintain employee support in the face of employer opposition, if the employer is charged with an unfair labour practice during the organizing drive, the union's chances of obtaining a first collective agreement are lower. If, during the organizing drive, the employer: 1) dismisses employees, threatens employees, or promises them increased pay and benefits; or 2) engages a lawyer or a consultant, the union is more likely to require third-party assistance to conclude the collective agreement. Finally, employer resistance during the organizing drive may threaten the long-term viability of the collective bargaining relationship. Certification campaign tactics such as threats, promises, or dismissal of employees undermine and erode employee support for the union and dramatically increase the probability the union will be decertified during the first two open periods.

Summary of the Impacts of Employers' Responses to Union Certification Applications on Certification Outcomes

Description of Variable	Effect on Probability of Certification	Effect on Probability of Concluding First Contract	Effect on Probability of Requiring Third Party Assistance	Effect on Probability of Early Decertification
Interfering with Union Access to Employees	-3%			
Direct Communication with Employees				
Tightened Supervision/Monitored	+ 8%			- 13%
Actions with constitute unfair labour practices			+ 30%	+ 46%
Employer Charged with Unfair Labour Practice		-22%		
Employer Intervention in Certification Hearing				
Objection to Bargaining Unit Granted				- 8%
Objection to Bargaining Unit Denied/Partially Denied	+ 13%			
Trained Managers to Deal with Organizing Drive	-15%			
Engaged a Lawyer			+ 19%	
Engaged a Consultant			+ 37%	- 7%

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