



August 12, 2020

Directed to: Chivers Carpenter Lawyers - Natalia Makuch, United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 1-207 - Pablo Guerra, McLennan Ross LLP - Damon S. Bailey, Q.C. / Daniel Weber, Carpenter Enterprises Inc. - Robert Carpenter

RE: An application for certification as bargaining agent brought by United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers), Local 1-207 affecting Carpenter Enterprises Inc. - Board File No. CR-05696

OUR VISION...

The fair and equitable application of Alberta's collective bargaining laws.

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To administer, interpret and enforce Alberta's collective bargaining laws in an impartial, knowledgeable, efficient, timely and consistent way.

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With respect to the Employer's objection to the Board Officer's recommendation for a mail-in vote, I have considered the oral and written submissions of the parties and am satisfied there is no compelling basis in this case to depart from the Board's current default policy of conducting representation votes by mail-in ballot.

The Employer's submissions for why an in-person vote is the only appropriate approach for the representation vote are, in my view, predominantly speculative, in that mail-in ballots may be lost or delayed; employees may not be residing at residences currently on file; employees may not pick up or read their mail; and employees may not properly complete and return the mail-in ballot. Most of these perceived problems can be addressed in the timing of the vote, the cross-checking of employee addresses, the issuance of notices regarding the mail-in vote; and the provision of clear instructions on how to mark and return the ballot. The Board has a solid track record in conducting successful mail-in ballot votes and there is no compelling information before me to suggest that would not be the case here.

The speculative concerns about the mail-in vote do not, on balance, outweigh the very real and present public health and safety concerns that exist in relation to the coronavirus and the ongoing pandemic.

The Employer's concern that its workforce is culturally diverse and there may be language limitations that could negatively impact voter comprehension in a mail-in ballot process can be addressed by the Board, working with the parties, to ensure the instructions accompanying the mail-in ballot are clear and understandable and, if necessary, translated into other languages. The Board has experience in assisting parties in this regard and I have confidence that concern can be addressed.

I do not accept the Employer's assertion voter response via an in-person vote will be assuredly higher than via a mail-in vote. The current circumstances, in particular as relating to a pandemic, do not guarantee such an outcome. Compelling reasons exist from both sides for why voter response will be superior and I find this an unpersuasive factor.

The fact that the provincial government has taken steps to open up society somewhat does not mandate that the Board should follow by taking on the unnecessary public health and safety risk of an in-person vote. Public health messaging still asks that the public avoid or minimize risk. A reliable representation vote can be conducted via mail-in ballot at a far lower risk to public health.

As a result, the Board declines the Employer's request for an in-person vote. The current circumstances justify the vote proceeding by mail-in ballot and I so direct. The Board Officer will work with the parties to finalize the details of the mail-in vote.

With the employer's objections dismissed, given there are no other objections filed to the Board Officer's report, that report is adopted for the purposes of the mail-in ballot vote.

Ian J. Smith, Vice-Chair