



TRADE UNION AMENDMENT ACT 1998

TRADE UNION & LABOUR RELATIONS (CONSOLIDATION) ACT 2021

WHAT ARE THE KEY DIFFERENCES?

AGENCY SHOP

From 1998 – May 31 2021

Agency Shop **was not mandatory** in a workplace with a collective bargaining unit.

Once a Union gained certification in a workplace, a **second ballot** was held for agency shop. 51% of the workers in the bargaining unit (union members and non-union members) had to vote in favor of an agency shop.

As of June 1, 2021

Agency shop **is now mandatory** in a workplace with a collective bargaining unit.

No second ballot will need to be held in the workplace once a Union receives certification.

CONTRIBUTION

Non-union members in a bargaining unit where no ballot was held for agency shop had no contributions deducted from their wages.

Where agency shop existed, non-union members contributed the equal amount of union dues to a charity. However, they still received all the benefits negotiated at the bargaining table (i.e. wage increases) and they have been receiving those benefits since the 1960s, and continue to receive them.

SERVICE FEE

Non-union members in a bargaining unit are automatically apart of an agency shop.

Effective June 1, 2021, employees give \$7.25 to a Charity and \$7.25 to the Union.

The \$7.25 paid to the Union is a **service fee** for the work that is done on their behalf at the negotiating table and the benefits they receive as a result.

THE BIU'S POSITION

THE MINISTER OF LABOUR HAS IMPLIED THAT AMENDMENTS TO THE TRADE UNION & LABOUR RELATIONS (CONSOLIDATION) ACT 2021 THAT BENEFITS THE UNIONS IS A SOLE ACCOMPLISHMENT OF THE GOVERNMENT, STATING "THE ACT HAS BEEN THE MOST PRO-UNION LEGISLATION OF ANY ADMINISTRATION IN BERMUDA." HOWEVER, THE MAJORITY OF THE CHANGES THAT PROVIDE IMPROVEMENTS TO LABOUR CAME FROM UNION RECOMMENDATIONS.

THE UNION OPERATES NO DIFFERENTLY THAN ANY OTHER ORGANIZATION WITH A MEMBERSHIP. MEMBERSHIP PRIVILEGES VARY DEPENDING ON YOUR MEMBERSHIP STATUS. A WORKER IN A BARGAINING UNIT THAT IS PAYING A SERVICE FEE OF \$7.25 PER WEEK CANNOT BE COMPARED TO A UNION MEMBER THAT IS PAYING FULL DUES OF \$14.50 PER WEEK.

THE WORKER IN THE AGENCY SHOP DOES NOT CONSIDER THEM SELF A UNION MEMBER. THEREFORE, THEY SHOULD NOT BE GIVEN THE OPPORTUNITY TO DECERTIFY THE UNION. THEY SHOULD NOT BE ENTITLED TO THE SAME RIGHTS OF A FULL PAYING UNION MEMBER. THIS PRACTICE DOES NOT EXIST IN ANY OTHER ORGANIZATION WITH A MEMBERHSIP STRUCTURE.

OUR VIEW IN 1998:

BIU never agreed that workers who pay 100% to charity should vote in a ballot for decertification.

A second ballot for agency shop gave workers the choice to vote "in favor" of agency shop. If this ballot was successful, this meant that a majority (51%) of the bargaining unit agreed to pay 100% to charity.

OUR VIEW IN 2021:

Because the agency shop is now mandatory for any workplace with a bargaining unit, workers will now be required to pay a service fee to the Union whether they want to or not. In an effort to protect the Union, it is more important now than ever to ensure that only workers who pay 100% membership dues have the right to vote in a decertification ballot and the simple majority be increased from 51% to 75%.

BRO. KENYATTA YOUNG – WORKER'S VOICE, MARCH 27, 1998

"ON THE QUESTION OF DECERTIFICATION, ALL EMPLOYEES ON A JOB AT THE TIME THAT UNION RECOGNITION IS REQUESTED HAVE THE RIGHT TO VOTE AGAINST THE UNION. AND SOME OF THEM DO THAT. THIS RECENT AMENDMENT GIVES THOSE SAME EMPLOYEES WHO DID NOT VOTE FOR THE UNION, THE RIGHT TO VOTE AGAINST THE UNION A SECOND TIME."

"EVEN THOUGH THE UNION HAS SECURED IMPROVEMENTS SUCH AS HOURS OF WORK, VACATION, MATERNITY LEAVE, HOLIDAY PAY, WAGES, ETC. FOR THE WORKERS, THE PEOPLE WHO HATE THE TRADE UNION MOVEMENT ONLY NEED TO GET A FEW PEOPLE LIKE THEMSELVES TO INDICATE THEY WANT TO SABOTAGE THE UNION AND IT'S DONE."

"THAT SAME HATRED WAS SHOWN TO DR. BARBARA BALL, WHO PLAYED THE ORGAN AT A LOCAL CHURCH, AND THE CHOIR REFUSED TO SING BECAUSE OF HER INVOLVEMENT IN THE BELCO STRIKE. THIS LAW, MY FRIENDS, WILL ONLY BRING ABOUT MORE UNREST."