

Time to Certification of Unions in British Columbia

Richard Holmes et Robert Rogow

Volume 49, numéro 1, 1994

URI : <https://id.erudit.org/iderudit/050921ar>

DOI : <https://doi.org/10.7202/050921ar>

[Aller au sommaire du numéro](#)

Éditeur(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (imprimé)

1703-8138 (numérique)

[Découvrir la revue](#)

Citer cet article

Holmes, R. & Rogow, R. (1994). Time to Certification of Unions in British Columbia. *Relations industrielles / Industrial Relations*, 49(1), 133–151. <https://doi.org/10.7202/050921ar>

Résumé de l'article

Les études américaines montrent que les délais dans le processus d'accréditation ont un fort effet négatif sur le succès de telles accréditations. Aux États-Unis, ces délais proviennent de la résistance patronale compliquant alors le processus d'accréditation et fournissant plus d'occasions aux efforts anti-accréditation.

La situation est différente en Colombie-Britannique pour la période ici sous étude (1978-84). Nous avons utilisé dans à peu près tous les cas des données sur les membres au moment de la requête en accréditation plutôt que des données sur un vote subséquent pour déterminer si les syndicats jouissaient du support majoritaire.

Rappelons que la notion de pratique déloyale est plus large et plus surveillée en Colombie-Britannique. Cela a comme conséquence que seulement une faible minorité de requêtes en accréditation échouent en Colombie-Britannique et ces échecs sont dus à des raisons autres qu'un manque de support majoritaire. Vu les différences dans la nature du processus d'accréditation en Colombie-Britannique, il devient intéressant de se demander jusqu'à quel point ce processus s'est allongé suite à l'utilisation de procédures plus complexes.

Nous quantifions ici les effets sur les délais d'accréditation de variables de « processus » reflétant la nature de l'accréditation (si une requête, une audition, un vote, une décision formelle sont requis et si une plainte pour pratique déloyale est déposée). Nous distinguons ces effets des conséquences de variables « environnementales » externes au processus d'accréditation (la région de l'employeur, l'industrie et le syndicat impliqués, l'année et le semestre de l'émission de l'accréditation).

Nous utilisons un modèle de régression multivariée avec le temps d'accréditation comme variable dépendante et des variables témoins pour le processus d'accréditation, les plaintes pour pratiques déloyales, la région, l'industrie, le syndicat et la période de temps. Cette régression a été appliquée à 3 325 accréditations (excluant les maraudages) émises en Colombie-Britannique entre janvier 1978 et juin 1984. Pour cette période de temps, le support majoritaire a été défini par des données sur les membres au moment de la requête et non au moment du vote.

Nous concluons que le processus d'accréditation est le facteur déterminant des délais impartis et nous estimons que les auditions, votes, prétentions des parties et décisions formelles ont respectivement ajouté 88,41,21 et 11 jours de délais. Les plaintes pour pratiques déloyales et la taille de l'unité sont reliées de façon significative avec les délais d'accréditation mais de façon partielle puisque leurs effets se font sentir tout au long du processus d'accréditation. Cela signifie qu'un employeur s'opposant à l'accréditation peut s'adonner à des pratiques déloyales, retardant alors le processus d'accréditation.

Cela ne sera généralement qu'une étape dans le processus d'opposition et ajoutera une ou plusieurs auditions, prétentions des parties, votes ou décisions. De façon similaire, plus la taille de l'unité est grande et plus l'employeur jouit de ressources pour résister à la syndicalisation, plus il est probable que le processus d'accréditation soit plus compliqué et que des délais soient ajoutés.

Après la variable « processus d'accréditation », c'est la variable « région » qui est la plus importante pouvant ajouter de 10 à 24 jours de délais dépendamment de l'éloignement par rapport à Vancouver. Les délais les plus longs se trouvent dans les cas hors provinces (+ 24 jours), avec 15 jours additionnels pour les régions de Cariboo, Peae River et Kitimat et dix jours de plus pour les régions de l'île de Vancouver, Okanagan et Kootenay.

Nous concluons que les délais d'accréditation en Colombie-Britannique sont d'abord fonction de la résistance patronale. Celle-ci sera d'autant plus efficace à imposer des délais que l'organisation des employés est faible et que la politique de la Commission des relations du travail de Colombie-Britannique n'accorde pas de priorité à l'accélération du processus. Plus la résistance patronale est efficace, plus le processus d'accréditation se complexifie et plus les délais sont longs. Les pratiques déloyales et la taille de l'unité ont des effets importants sur les délais, mais ces effets font partie du processus. Quant aux autres facteurs, c'est l'éloignement par rapport à Vancouver qui a le plus d'influence sur les délais. Les effets des variables « industrie » et « syndicats » sur les délais sont faibles.

L'opposition patronale à l'accréditation qui rend plus complexe le processus d'accréditation se produit en Colombie-Britannique malgré son effet limité sur le succès de l'accréditation. Cette opposition peut cependant accroître l'efficacité des activités visant à changer l'attitude des employés par rapport à l'accréditation avec, comme résultat post-accréditation, des syndicats plus faibles et l'incapacité d'obtenir une première convention collective.

Time to Certification of Unions in British Columbia

**Richard Holmes
and
Robert Rogow**

The purpose of this paper is to determine the effects of various factors underlying variations in the time taken to certify unions in British Columbia. We employ a multivariate regression model with granting time as the dependent variable and dummy variables for the certification process, unfair labour practice complaints, region, industry union and time period as the independent variables. Size of the union bargaining unit is also considered. Our results show that the certification process is the most important determinant of granting time, and that most of the explanatory power of the model is obtained from the certification process and region regressors.

Research in the United States shows that delay in the certification process has a powerful negative influence on union certification success (Roomkin and Juris 1978; Roomkin and Block 1981; Fiorkowski and Schuster 1987; Hunt and White 1985; Heneman and Sandver 1983; Scott, Simpson and Oswald 1993).

This research suggests that certification process complexity (the number and character of steps and stages in a labour relations board's certification process) rather than environmental variables related to such things as industry, union, bargaining unit size, and region, is the predominant contributor to delay. U.S. observers strongly suggest that complexity is mainly a reflection of the

* HOLMES, R., Professor of Business Administration and Economics, Simon Fraser University, Burnaby, B.C.

ROGOW, R., Professor of Business Administration, Simon Fraser University, Burnaby, B.C.

intensity of employer resistance (Block and Wolkinson 1986; Fiorito, Gallagher and Green 1986; Cooke 1983; Roomkin and Block 1981; Dickens 1987). It is also suggested that delay's harm to unions is through its provision of extra opportunity for employer anti-certification efforts to influence employees.

The crucial U.S. difference in process complexity is the distinction between consent elections and the slower and more formalized Board-ordered (or Regional Director-ordered) elections. In British Columbia, certification processes during the period studied (1978-84) differed significantly from those in the United States, in that membership evidence rather than the vote, was used in almost all cases to determine whether or not the union enjoyed majority support. The date at which majority support was determined was the date of union application for certification, which severely limited employee recantations of support, whether spontaneous or induced by employers. Employer unfair labour practices were also more broadly defined and more effectively policed in British Columbia. As a consequence of these differences, British Columbia certification applications were much more likely to be successful than in the United States. Only a small minority of British Columbia certification applications were unsuccessful, and most of these were unsuccessful for reasons other than lack of majority support.

In British Columbia, certification time can be increased through greater process complexity involving submissions, hearings, formal decisions, and votes or combinations of these. However, there is a question of whether incentives existed in British Columbia for employer encouragement of process complexity given the strong likelihood of certification success. Perhaps employer encouragement of process complexity depends on certification processes, such as those in the United States, which are less favourable to certification success. The importance of process rather than environmental variables in explaining certification delay in the United States might not also hold in the more pro-certification milieu of British Columbia. Given that "complexity" takes different forms in the British Columbia milieu, complexity may not be as strong an influence on delay as in the United States.

In this study, we attempt to quantify the effects on certification time of "process" variables reflecting the nature of the certification process (whether a submission, a hearing, a vote or a formal decision are required, and whether or not an unfair labour practice complaint is filed), as well as the effects of "environmental" variables which are external to the certification process (the region where the employer is located, the industry and union involved, and the year and quarter when the certification is granted). Our attempt to quantify the relative importance of factors both internal and external to the certification

process on processing time is based on study of 3,325 certifications (excluding raids) granted in British Columbia from January 1978 through June 1984.¹

THE CERTIFICATION PROCESS

The road to the certification of a union varies widely among cases. Applications may involve none, one, or more than one of the following:

- H: a hearing before the Labour Relations Board.
- S: submissions to the Board by outside parties or by members of the bargaining unit.
- V: a vote² by members of the bargaining unit in cases where majority opinion is not entirely clear.
- D: a formal decision by the Board.

Table 1 shows the number and percentage of our 3,325 cases following various certification processes. The large majority of cases (2,483 or 74.7%)

TABLE 1
Number and Percentage of Cases by Certification Process

<i>Certification Process</i>	<i>Number of Cases</i>	<i>Percentage of Cases</i>
N: None of H D S V	2,483	74.7%
V: V only	9	0.3
S: S only	595	17.9
D: D only	7	0.2
SV: S and V only	26	0.8
DS: D and S only	108	3.2
HS: H and S only	21	0.6
DSV: D, S and V only	16	0.5
HSV: H, S and V only	2	0.0
HDS: H, D and S only	47	1.4
HDSV: all of HDSV	11	1.4
Total	3,325	100%

¹ In mid-1984, the certification election replaced membership evidence as the major determinant of majority support.

² Board policy was to order a vote mainly when there was serious doubt about majority support for the certification application. For example if less than 55 percent of the bargaining unit had signed membership applications a vote would be ordered.

involve none of H, D, S and V. Another 595 (17.9%) involve S only, while 108 (3.2%) involve D and S only, and 47 (1.4%) involve H, D and S only. All other combinations of H, D, S and V each include less than 1% of the total number of cases and together account for only 2.7% of the total number of cases. The effect of the certification process on granting time is measured by the partial regression coefficients of dummy variables representing the various combinations of H, D, S and V included in our sample. The partial regression coefficients represent effects additional to those for year, quarter, region, size of bargaining unit, industry and union. The results are presented in Table 2.

TABLE 2
Partial Regression Coefficients

<i>Variable</i>	<i>Partial Regression Coefficient</i>	<i>t Value</i>
Constant	39.53	35.8
V	50.48	3.9
S	21.23	11.8
D	11.06	0.8
SV	61.93	8.1
DS	32.33	8.3
HS	112.24	13.3
DSV	94.71	9.7
HSV	170.84	6.3
HDS	119.92	21.0
HDSV	151.35	13.0

Our results indicate that the expected granting time for cases involving none of H, D, S and V is 40 days (the constant term in the regression equation). Since 595 cases involve S only, our regression provides a reliable estimate of 21 additional days for submissions. Thus, we expect cases involving submissions only, to take an average of 61 days. (21 days in addition to the 40 required for cases involving none of H, D, S and V.)

The time required for formal decisions cannot be reliably estimated from cases involving decisions only, because there are only 7 such cases. Similarly, there are only 9 cases involving vote only, which is an insufficient number to provide a reliable estimate of the additional time required when a vote proves necessary. However, there are 108 cases involving decisions and submissions and these require an additional 32 days. Since submissions require an additional 21 days this implies that decisions require an additional 11 days (the same as the regression estimate of 11 days for D only. Similarly, from the 26

cases involving submissions and a vote (SV), we estimate that holding a vote adds 41 days to expected granting time (substantially less than the 50 days estimated by the regression).

There are no cases involving only a hearing, but from the 47 cases involving hearing, decision and submission (HDS), we estimate that hearings add 88 days to granting time (120 days less the 21 days for submission and the 11 days for decisions).

Our estimates of 40 days for cases involving none of H, D, S, and V, with an addition of 21 days for S, 11 days for D, 41 days for V, and 88 days for H, implies that cases involving all four (H D S V), should require 201 days. This estimate is close to the regression estimate of 191 days obtained from the 11 cases in the H D S V category. The difference (201 vs 191 days) can reasonably be attributed to chance, suggesting that our estimates are reliable.

The effect of the certification process on time to certification is summarized in Table 3.

TABLE 3
Effect of the Certification Process on Time to Certification

<i>Certification Process</i>	<i>Number of Cases</i>	<i>Time to Certification</i>
None of H D S V	2483	40 days
V only	9	81 days
S only	595	61 days
D only	7	51 days
S and V only	26	102 days
D and S only	108	72 days
H and S only	21	149 days
D, S and V only	16	113 days
H, S and V only	2	190 days
H, D and S only	47	160 days
All of H D S and V	11	201 days
Total	3325	53 days

These findings confirm results from previous studies. Roomkin and Block (1981) found a hearing almost doubled mean processing time (4.88 months vs. 2.75 months) which is similar to our finding of an additional 88 days processing time when a hearing is held. Bain (1981) argues that the presence of a hearing is likely to indicate employer objections based on employee support, unit appropriateness, union status and related matters. The additional time involved in conducting hearings, preparing submissions and reaching

decisions reflects a greater degree of opposition to certification on the part of employers.

UNFAIR LABOUR PRACTICE COMPLAINTS (ULP)

In some cases, claims of unfair labour practices have been made by one of the parties against the other.³ This also reflects difficulties in the certification process which have the effect of prolonging the certification process. In a simple regression of certification time on ULP (an unfair labour practice dummy variable), we find ULP adds 20.6 days to certification time (t value is 7.6). Estimating a partial relationship for ULP is difficult because it is inextricably bound up with the certification process. If we simply add ULP to a multiple regression including the certification process variables (H, V, S and D), it turns out to be significant but has the wrong sign (i.e. it is significantly negative). This undoubtedly reflects a multicollinearity problem due to the high correlation between ULP and the certification process variables. In a multiple regression which includes ULP and all of our significant regressors other than the certification process variables, we find a partial regression coefficient for ULP of 22.6 days (t value of 8.3). Therefore we conclude that cases involving claims of unfair labour practices take an extra 23 days which is a consequence of a more complex certification process.

This finding also confirms the results of previous studies. Forrest (1989) finds that in Ontario, cases involving an unfair labour practice complaint averaged about 56 days processing time as compared to 28 days for other certifications. She argues that unfair labour practice complaints have little impact on the probability of union success because of the use of membership counts rather than the representation vote, but do have a substantial impact on the achievement of first collective agreements. The US literature (Block and Wolkinson 1986; Cooke 1985; Bruce 1989) has drawn attention to the negative effect of employer unfair labour practice on union success, presumably because of its association with the intensity of employer opposition. Even in the absence of such tactical manipulation of the certification process, unfair labour practice complaints usually take substantial time to process (Bruce 1989).

ECONOMIC REGION

The economic regions of British Columbia used in this study are those defined by Statistics Canada (Table 4). We were able to obtain postal code

³ During this period, most unfair labour practice complaints were union complaints of unlawful employer interferences with the certification process.

TABLE 4
Number of Cases by Census Division and Economic Region

<i>Economic Region</i>	<i>Number of Cases</i>
E910 - East Kootenay	99
E920 - Central Kootenay	35
	36
E930 - Okanagan Region	23
	27
	86
	51
E940 - Squamish Region	16
	173
E950 - Vancouver Region	36
	117
	66
	1,600
	12
	10
E960 - Vancouver Island Region	202
	49
	97
	22
	79
	25
E970 - Cariboo Region	31
	19
	98
E980 - Peace River Region	68
E990 - Kitimat Region	2
	39
	54
	3
Out-of-Province	149
Unknown	1

information for almost all the employers involved in our 3,325 cases, and using postal code directories, as well as information on Indian reserves from the Indian Community Centre in Vancouver, we were able to match postal codes to towns, cities or Indian reservations, those to census divisions, and census divisions to economic regions.

The Vancouver region (E950), which includes the Vancouver metropolitan area, Fraser Valley and Sunshine Coast, accounts for 55.4% of our cases,

while the Vancouver Island region (E960) which includes Victoria, accounts for another 14.3%. The remaining 30% of our cases are divided among the six other B.C. economic regions and an out-of-province region.

If no account is taken of other factors included in this analysis, these out-of-province cases require a mean granting time of 68 days, as compared to only 48 days in the Vancouver region. The Squamish (E940) and Vancouver (E950) regions have substantially shorter granting time than the other economic regions, and of the B.C. regions, the Cariboo region (E970) at 65 days has the longest granting time.

While of interest, these simple relationships are less interesting than the partial relationships obtained from our regression analysis. Regressions were run first on the individual economic regions, but using the criteria of similarity of regression coefficients, and geographical proximities, we have in the final analysis employed the following four regions:

1. Region 1 includes the Vancouver and Squamish economic regions (E940 and E950). This includes the southern coast, Fraser Valley, Sunshine Coast and Powell River areas of the province where granting times are lowest.
2. Region 2 includes the East and Central Kootenay, Okanagan and Vancouver Island economic regions (E910, E920, E930, and E960). This region includes primarily Vancouver Island and the south eastern area of the province.
3. Region 3 includes the Cariboo, Peace River and Kitimat economic regions (E970, E980, and E990). This region includes the northern area of the province.
4. Region 4 includes out-of-province cases. These are cases where the employer is an out-of-province (usually Alberta) firm doing work at some British Columbia site. Our regression results, which measure the differential effects of region from the base (Region 1) are presented in Table 5.

TABLE 5
Differential Effects of Region from the Base (Region 1)

<i>Region</i>	<i>Partial Regression Coefficient</i>	<i>t-Statistic</i>
Region 2	10.15	6.3
Region 3	14.86	6.3
Region 4	24.22	7.4

These results indicate that as compared to Region 1 (Vancouver region), expected bargaining time involves an additional 10 days for cases in Region 2 (Vancouver Island and Southeastern B.C.), an additional 15 days for cases in Region 3 (Cariboo, Peace River and Kitimat regions), and an additional 24 days for out-of-province cases. Clearly, remoteness from the Lower Mainland affects the expected granting time for union certification.

Previous studies have generally found location to have little or no effect on union success (Heneman and Sandver 1983 and Hunt and White 1985). Our results do not deny that general finding but do indicate that in British Columbia remoteness of the region does add significantly to processing time for union certification.

SIZE OF BARGAINING UNIT

The size of the bargaining units in our sample range from 1 up to 1100 members. However, most of our 3,325 cases involve relatively small unit sizes.⁴ Some 55% are in the 1 to 5 members size class, and 94% have 30 or fewer members. Table 6 shows a positive but erratic relationship between mean granting time and unit size.

TABLE 6
Number of Cases and Mean Granting Time by Size of Bargaining Unit

<i>Unit Size</i>	<i>Mean Time</i>	<i>Number</i>
1 to 5	49.8	1840
6 to 10	51.5	645
11 to 20	55.1	451
21 to 30	67.9	173
31 to 50	61.2	116
51 to 100	80.1	66
101 to 175	54.6	20
More than 175	91.1	13
Unknown		1
Total	53.0	3325

⁴ The average size of bargaining unit in B.C. is about the same as in Ontario but much smaller than in the U.S. Verma and Meltz (1990) find the average certification size in Ontario to be about 12 members with construction and about 18 without. This is about equal to average unit size in B.C. and about half the average size found in the U.S. by Roomkin and Block (1981).

In attempting to quantify these relationships, regressions of mean granting time were run on various size classes and also on the size variable without any grouping. No significant relationships were found in regression of granting time on size classes, but the following significant positive relationship is found using the ungrouped size variable as the regressor (t values in brackets):

$$\text{Time} = 51.36 + .1426 \text{ size}$$

(61.9) (5.6)

This result indicates an addition of about 1.4 days of granting time for each additional 10 persons in the bargaining unit. Although this simple relationship of granting time with size of the bargaining unit is statistically significant, the partial relationship obtained when size is added to certification process, year, quarter, region, industry and union, as regressors, is not significant. Our conclusion is that size of the bargaining unit has no effect on mean granting time which is not explained by our other regressors.

This finding differs somewhat from that of previous studies. Roomkin and Block (1981) find that processing time varies positively and strongly with unit size. They state that "of all characteristics of cases compiled by the Board's information system, unit size evidences the strongest relationship with processing time". The explanation they suggest is that unit size varies positively with employer resources. (See also Fiorkowski and Schuster 1987). Other research has found unit size to be inversely related to union success (Gilson, Spencer and Wadden 1990, Heneman and Sandver 1983, and Bain 1981). While we agree with the findings of previous studies, our results indicate that the effects of unit size on processing time are realized through a more complex certification process involving one or more of hearings, submissions, votes, decisions, and unfair labour practices. Consequently while the univariate relationship of processing time with unit size is significant, the partial relationship is not significant. In other words, unit size does not add to certification process, any significant explanation of processing time.

INDUSTRY

Table 7 shows the distribution of our 3,325 cases, and mean granting time, by industry. Almost half of our cases are in the construction industry, where the size of the bargaining units tend to be small and the certification process relatively simple (i.e. usually involving none of H, D, S, or V). For both reasons, granting time in the construction industry is below the average for all industries.

When we measure the differences in industry granting time from construction, in a regression of granting time on industry alone, we find significant

TABLE 7
Number of Cases and Mean Granting Time by Industries

<i>Industry</i>	<i>Mean Time</i>	<i>Number</i>
Food and Beverage	76.3	58
Wood Products	52.4	109
Metal Fabricating and Refining	44.0	91
Mach. Trans. Eq. and E.	48.6	27
Misc. Manufacturing	59.8	279
Construction	51.0	1,562
Trade	55.0	276
Education and Health	51.6	174
Municipal Government	76.4	15
Hotel and Restaurant	53.1	175
Social Services	48.5	76
Construction related services	44.5	74
Other private services	53.6	129
Public services	57.3	27
Other services	29.1	118
Mining	81.9	18
Transportation	50.2	111
Communication and other Utilities	70.2	5
Unknown		1
Total	5.30	3,325

positive differences for food and beverages, miscellaneous manufacturing, municipal government, other services and mining. However, when industry is included along with certification process, year, quarter, region, and union, as regressors, the partial relationships found are completely different, than the simple relationships.

Our significant industries and their partial effects are presented in Table 8:

TABLE 8
Significant Industry Effects

<i>Industry</i>	<i>Partial Regression Coefficient</i>	<i>t-value</i>
Hotels and Restaurants	-8.47	-2.8
Wood Products	-7.68	-2.0
Education and Health	-8.90	-2.9
Trade	-6.10	-2.4

These results indicate that longer granting times observed in some industries can be explained by our other variables (particularly certification process and region), but there are some significant, partial, industry-related negative effects on granting time that cannot be explained by these other regressors. These occur in the hotel and restaurant, wood products, education and health, and trade industries, where granting time is lower than in other industries, by 6 to 9 days.

Previous U.S. studies provide neither conceptual nor empirical support for industry as a determinant of union success (Fiorito, Gallagher and Green 1986). Some Canadian studies have found a higher rate of successful certification applications among public sector unions than among unions in the private sector (Gilson, Spencer and Wadden 1990, and Verma and Meltz 1990). This may reflect lower public sector management opposition to unionization in Ontario. Our results for British Columbia are different, showing higher certification time for municipal government unions and about average certification time for public services unions.

UNION

A total of 85 different unions are included in our sample. With many of these unions we have too few cases to obtain reliable estimates of the union effect on granting time, but with many other unions, there are a sufficient number of observations for reliable estimation. For example, we have 15 or more observations on 32 different unions, 30 or more observations on 23 different unions, and 50 or more observations on 18 different unions. We have considered only unions with 15 or more cases in our sample and Table 9 shows the significant partial effects of union on granting time.

TABLE 9
Significant Partial Effects of Union on Granting Time

<i>Union</i>	<i>No. of Cases</i>	<i>Regression Coefficient</i>	<i>t-value</i>
Graphic Arts	26	-15.66	-2.1
CAIMAW	18	-19.31	-2.2
Painters	196	8.91	3.1
Steelworkers	54	-16.75	-3.1

Thus the Graphic Arts, CAIMAW and Steelworkers Unions have lower expected granting times by 16, 19, and 17 days respectively, while the Painters Union has a higher expectation by about 9 days. For the most part, union is a variable which adds little to the explanation of the variation in times taken

for the granting of certification. Our other regressors, particularly certification process and region, are more influential. Only 4 of the 32 unions considered have been found to have significant effects on granting time.

Other studies have generally found little effect of union on certification time and success. Fiorito, Gallagher and Green (1986) suggest there is some empirical support for the view that employees in "better" jobs (in terms of autonomy, variety of work, identity, etc.) are less interested in unionizing, but they question whether there is a difference between the preferences of white and blue collar workers for unionizing. Heneman and Sandver (1983) report significant negative relationships between job satisfaction and pro-union voting behaviour but this does not necessarily translate into differences by union. Verma and Meltz (1990) do find differences by union in certification gains as a percentage of total membership size. However, in British Columbia we find only minor effects of union on certification time.

YEAR AND QUARTER

Granting time varies by year and by quarter being much lower than average in 1983, and much higher than average in the first quarter of the included years (1978-1984). If we consider simple relationships between granting time with year and quarter, we find very little variation among the last three quarters of the years considered, and relatively little among years other than 1983.

When dummy variables for year and quarter are included in the regression of granting time on certification process, economic region, size of bargaining unit, industry and union, only the first quarter (Q1) and 1983 (Y3) are found to have significant partial effects. The results are shown in Table 10:

TABLE 10
Significant Year and Quarter Effects

<i>Variable</i>	<i>Regression Coefficient</i>	<i>t-value</i>
Q1	8.83	5.7
Y3	-8.71	-4.2

These significant results probably reflect a seasonality factor due to holidays and a reduced number of applications for certification in recession years. The Christmas and New Year's holidays probably result in delays and increased granting time of about 9 days for certifications made in the first quarter of each year. In addition, British Columbia's 1982-1984 recession was at its worst in 1983, resulting in a decline in applications for certification to 404

in 1983, from an average of 621 in the previous three years. This smaller number of applications probably explains the reduced granting time of about 9 days observed in 1983.

CONCLUSION

The road to certification may or may not involve one or more of vote, hearing, submissions, and formal decision. The involvement of V, H, S and D in the certification process is a reflection of the resistance to certification, and is the primary determinant of the time required for certification of a union. When granting time is regressed on the various combinations of V, H, S, and D found in our sample, without including any other regressors, the \bar{R}^2 is 0.22. This rises to 0.25 if region is added as a regressor, and to 0.26 when time period (year and quarter), industry and union are added. Clearly, the certification process is the primary determinant of the time required for union certification.

The base cases in our regression analysis consist of those involving none of H, D, S, V, in region 1 (southern coast and south central B.C.), in time periods other than 1983 and first quarters, in industries other than hotels and restaurants, wood products, education and health, and trade, and in unions other than Graphic Arts, CAIMAW, Painters, and Steelworkers. These base cases have an expected bargaining time of 40 days. For cases other than the base cases, adjustments must be made to the expected granting time as follows:

1. Certification process
 - a) vote + 41 days
 - b) submissions + 21 days
 - c) formal decision + 11 days
 - d) hearing + 88 days
2. Region
 - a) region 2
(Vancouver Island and South eastern B.C.) + 10 days
 - b) region 3 (northern B.C.) + 15 days
 - c) region 4 (out-of-province) + 24 days
3. Industry
 - a) hotels and restaurants - 8 days
 - b) education and health - 9 days
 - c) wood products - 8 days
 - d) trade - 6 days
4. Union
 - a) CAIMAW - 19 days
 - b) Steelworkers - 17 days
 - c) Graphic Arts - 16 days
 - d) Painters + 9 days

5. Time Period

- a) first quarter + 9 days
- b) 1983 - 9 days

We conclude that the process involved in certification is the most important determinant of granting time, with hearings, votes, submissions and formal decision requiring an additional 88, 41, 21, and 11 days respectively. Most of our cases (96%) fall in one of three classes with respect to the certification process — none of H D S V (75%), S only (18%), and D and S only (3%). These three classes are estimated to have an expected time for certification of 40, 61 and 72 days respectively.

Unfair labour practice complaints and size of bargaining unit are both found to have significant simple relationships with time to certification, but insignificant partial relationships because their effects come largely through the certification process. This means that an employer wishing to oppose certification may engage in unfair labour practices thereby adding to processing time. This will generally be just one stage in the process of opposition, however, and will generally lead to one or more of hearing, submission, vote or decision. Similarly, when the bargaining unit is large so that the employer has the resources to resist unionization, this too is likely to be done by complicating the certification process and adding to processing time.

Next to the certification process, region is the most important determinant of granting time with additions of 10 to 24 days, depending on the remoteness of the region from the Vancouver area. The longest time is expected for out-of-province cases (+24 days), with an additional 15 days for cases from the Cariboo, Peace River and Kitimat regions and an additional 10 days for cases from Vancouver Island, Okanagan and Kootenay regions.

Other explanatory variables considered are found to have smaller effects. Granting time is longer by 9 days for first quarter certification, probably due to delays caused by the Christmas vacation and shorter by 9 days in 1983 (a recession year) when the number of applications for certification were sharply reduced. Additional significant industry and union effects show a reduction of 6 to 9 days for the hotel and restaurant, education and health, wood products, and trade industries, a reduction of 16-19 days for the Graphic Arts, CAIMAW and Steelworkers unions and an increase of 9 days for the Painters union. Overall, most of the explanatory power in our model is obtained from the certification process and region variables with relatively little added by time period, industry and union effects.

We conclude that the time taken to certification of unions in British Columbia is determined primarily by employer resistance which will be more effective in delaying certification when employee organization is weak and

when policy of the B.C. Labour Relations Board gives low priority to speeding up the certification process.⁵ More effective employer resistance leads to a more complex certification process and longer time to certification. Unfair labour practice complaints and unit size are found to have significant effects on processing time, but the effects are found to be incorporated in the certification process. Of the other factors considered, remoteness of the region from Vancouver is found to have the largest effects on processing time. Industry and union effects on processing time are found to be relatively weak.

In British Columbia, as in the United States, process complexity reflects employer opposition. Such opposition may be rational despite its limited effect on certification success. For example, it is possible that, to the extent that the sequence of opposition/process complexity/time to certification does increase the effectiveness of activities to change employees' minds, there would be post-certification payoffs to employers. Such payoffs could be in the form of weaker union bargaining power, and therefore contract terms more acceptable to the employer. Another, and even more attractive, possible payoff might be the failure to achieve a first contract. Such failures are quite common in British Columbia and are at levels appreciably above other jurisdictions. The linkage between time to certification and probability of achieving a fair contract, although beyond the scope of this study, would be a logical next step in research.

REFERENCES

- BAIN, G.S. 1981. *Certifications, First Agreements, and Decertifications: An Analytical Framework*. Ottawa: Employment Relations and Conditions of Work Branch, Labour Canada, monograph.
- BLOCK, R., and M. ROOMKIN. 1982. "A Preliminary Analysis of the Participation Rate and Margin of Victory in NLRB Elections." *Proceedings of the Thirty-Fourth Annual Meeting*. Madison, Wisconsin: Industrial Relations Research Association, 220-226.
- BLOCK, R.M., and S.L. PREMACK. 1983. "The Unionization Process: A Review of the Literature." *Advances in Industrial and Labor Relations*. D. Lipsky and J. Douglas, eds. Greenwich, CT: Jai Press, Vol. 1, 31-70.
- BLOCK, R.N., and B.W. WOLKINSON. 1986. "Delay in the Union Election Campaign Revisited: A Theoretical and Empirical Analysis." *Advances in Industrial and Labor Relations*. D.B. Lipsky and D. Lewin, eds. Greenwich, CT: Jai Press, Vol. 3, 43-81.

⁵ Processing time is much longer in B.C. than in the U.S. In addition, employer complaints of illegal picketing and wildcat strikes are handled much more quickly than union certifications.

- BRUCE, P.G. 1989. "State Structures and the Processing of Unfair Labour Practice Cases in the United States and Canada." *Queens Papers in Industrial Relations*, No. 8, Industrial Relations Centre, Queens University, Kingston, Ontario.
- COOKE, W.N. 1983. "Determinants of Outcomes of Union Certification Elections." *Industrial and Labor Relations Review*, Vol. 36, 402-414.
- COOKE, W.N. 1985. *Union Organizing and Public Policy: Failure to Secure First Contracts*. Kalamazoo, Mich: W.E. Upjohn Institute.
- DICKENS, W.T., D.R. WHOLEY, and J.C. ROBINSON. 1987. "Correlates of Union Support in NLRB Elections." *Industrial Relations*, Vol. 26, 240-252.
- FIORITO, J., D.G. GALLAGHER, and C.R. GREEN. 1986. "Determinants of Unionism: A Review of the Literature." *Research in Personnel and Human Resources Management*. Greenwich, CT: Jai Press, Vol. 4, 269-306.
- FIORKOWSKI, G., and M. SCHUSTER. 1987. "Predicting the Decisions to Vote and Support Unions in Certification Elections: An Integrated Perspective." *Journal of Labor Research*, Vol. VIII, 191-207.
- FORREST, A. 1989. "Effect of Unfair Labour Practice Complaints on Certification and Collective Bargaining." *Proceedings of the 26th Conference of the Canadian Industrial Relations Association*, Québec, 423-432.
- FREEMAN, R.B., and M.M. KLEINER. 1990. "Employer Behavior in the Face of Union Organizing Drives." *Industrial and Labor Relations Review*, Vol. 43, 351-365.
- GILSON, C., I. SPENCER, and M. WADDEN. 1990. "Accounting for Union Success in Representation Elections in Nova Scotia, 1979-89." *Proceedings of the 27th Conference of the Canadian Industrial Relations Association*, Victoria, B.C., 439-455.
- HAYWOOD, L., and A. FORREST. 1979. "Achievement of First Agreements from Ontario Labour Relations Board Certifications." Unpublished paper, Ontario Ministry of Labour (cited in Bain).
- HENEMAN, H.G., and M.H. SANDVER. 1983. "Predicting the Outcome of Union Certifying Elections: A Review of the Literature." *Industrial and Labor Relations Review*, Vol. 36, 537-559.
- HUNT, J.C., and R.A. WHITE. 1985. "The Effect of Management Practices on Union Election Returns." *Journal of Labor Research*, Vol. VI, 389-403.
- MURRMANN, K.F., and A.A. PORTER. 1982. "Employer Campaign Tactics and NLRB Election Outcomes: Some Preliminary Evidence." *Proceedings of the Thirty-Fifth Annual Meeting*. Madison, Wisconsin: Industrial Relations Research Association, 67-72.
- PROSTEN, R. 1978. "The Longest Season: Union Organizing in the Last Decade a.k.a. How Come One Team has to Play With its Shoelaces Tied Together?" *Proceedings of the Thirty-First Annual Meeting*. Madison, Wisconsin: Industrial Relations Research Association, 240-249.
- ROOMKIN, M., and R.N. BLOCK. 1981. "Case Processing Time and the Outcome of Representation Elections: Some Empirical Evidence." *University of Illinois Law Review*, 75-97.
- ROOMKIN, M., and H.A. JURIS. 1978. "Unions in the Traditional Sector: The Mid-Life Passage of the Labor Movement." *Proceedings of the Thirty-First Annual Meeting*. Madison, Wisconsin: Industrial Relations Research Association, 212-222.

SCOTT, C., J. SIMPSON, and S. OSWALD. 1993. "An Empirical Analysis of Union Election Outcomes in the Electric Utility Industry." *Journal of Labor Research*, Vol. XIV, 356-365.

SEEBER, R.L., and W.N. COOKE. 1983. "The Decline in Union Success in NLRB Representation Elections." *Industrial Relations*, Vol. 22, 33-44.

TURGEON, E.M.A. 1989. "1978 and 1979 Applications for Certification and the Resultant Collective Agreements." Unpublished paper, Ottawa: Labour Canada.

VERMA, A., and N.M. MELTZ. 1990. "The Underlying Sources of Union Strength: Certification Activity in Ontario, 1982-88." *Proceedings of the 27th Conference of the Canadian Industrial Relations Association*, Victoria, B.C., 465-475.

WRIGHT, J.S. 1980. "Certification of Unions and First Time Agreements: Alberta, 1978-1979." Labour Canada, *Labour Relations Review*, 36, 537-559.

Délais de l'accréditation syndicale en Colombie-Britannique

Les études américaines montrent que les délais dans le processus d'accréditation ont un fort effet négatif sur le succès de telles accréditations. Aux États-Unis, ces délais proviennent de la résistance patronale compliquant alors le processus d'accréditation et fournissant plus d'occasions aux efforts anti-accréditation.

La situation est différente en Colombie-Britannique pour la période ici sous étude (1978-84). Nous avons utilisé dans à peu près tous les cas des données sur les membres au moment de la requête en accréditation plutôt que des données sur un vote subséquent pour déterminer si les syndicats jouissaient du support majoritaire. Rappelons que la notion de pratique déloyale est plus large et plus surveillée en Colombie-Britannique. Cela a comme conséquence que seulement une faible minorité de requêtes en accréditation échouent en Colombie-Britannique et ces échecs sont dus à des raisons autres qu'un manque de support majoritaire. Vu les différences dans la nature du processus d'accréditation en Colombie-Britannique, il devient intéressant de se demander jusqu'à quel point ce processus s'est allongé suite à l'utilisation de procédures plus complexes.

Nous quantifions ici les effets sur les délais d'accréditation de variables de « processus » reflétant la nature de l'accréditation (si une requête, une audition, un vote, une décision formelle sont requis et si une plainte pour pratique déloyale est déposée). Nous distinguons ces effets des conséquences de variables « environnementales » externes au processus d'accréditation (la région de l'employeur, l'industrie et le syndicat impliqués, l'année et le semestre de l'émission de l'accréditation).

Nous utilisons un modèle de régression multivariée avec le temps d'accréditation comme variable dépendante et des variables témoins pour le processus d'accréditation, les plaintes pour pratiques déloyales, la région, l'industrie, le syndicat et la période de

temps. Cette régression a été appliquée à 3 325 accréditations (excluant les maraudages) émises en Colombie-Britannique entre janvier 1978 et juin 1984. Pour cette période de temps, le support majoritaire a été défini par des données sur les membres au moment de la requête et non au moment du vote.

Nous concluons que le processus d'accréditation est le facteur déterminant des délais impartis et nous estimons que les auditions, votes, prétentions des parties et décisions formelles ont respectivement ajouté 88, 41, 21 et 11 jours de délais. Les plaintes pour pratiques déloyales et la taille de l'unité sont reliées de façon significative avec les délais d'accréditation mais de façon partielle puisque leurs effets se font sentir tout au long du processus d'accréditation. Cela signifie qu'un employeur s'opposant à l'accréditation peut s'adonner à des pratiques déloyales, retardant alors le processus d'accréditation. Cela ne sera généralement qu'une étape dans le processus d'opposition et ajoutera une ou plusieurs auditions, prétentions des parties, votes ou décisions. De façon similaire, plus la taille de l'unité est grande et plus l'employeur jouit de ressources pour résister à la syndicalisation, plus il est probable que le processus d'accréditation soit plus compliqué et que des délais soient ajoutés.

Après la variable « processus d'accréditation », c'est la variable « région » qui est la plus importante pouvant ajouter de 10 à 24 jours de délais dépendamment de l'éloignement par rapport à Vancouver. Les délais les plus longs se trouvent dans les cas hors provinces (+ 24 jours), avec 15 jours additionnels pour les régions de Cariboo, Peace River et Kitimat et dix jours de plus pour les régions de l'île de Vancouver, Okanagan et Kootenay.

Nous concluons que les délais d'accréditation en Colombie-Britannique sont d'abord fonction de la résistance patronale. Celle-ci sera d'autant plus efficace à imposer des délais que l'organisation des employés est faible et que la politique de la Commission des relations du travail de Colombie-Britannique n'accorde pas de priorité à l'accélération du processus. Plus la résistance patronale est efficace, plus le processus d'accréditation se complexifie et plus les délais sont longs. Les pratiques déloyales et la taille de l'unité ont des effets importants sur les délais, mais ces effets font partie du processus. Quant aux autres facteurs, c'est l'éloignement par rapport à Vancouver qui a le plus d'influence sur les délais. Les effets des variables « industrie » et « syndicats » sur les délais sont faibles.

L'opposition patronale à l'accréditation qui rend plus complexe le processus d'accréditation se produit en Colombie-Britannique malgré son effet limité sur le succès de l'accréditation. Cette opposition peut cependant accroître l'efficacité des activités visant à changer l'attitude des employés par rapport à l'accréditation avec, comme résultat post-accréditation, des syndicats plus faibles et l'incapacité d'obtenir une première convention collective.