



Casino Workers Buck Odds

Win right to join union in lean times for organizers.

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Under the Campbell government in British Columbia, the deck is heavily stacked against workers trying to organize unions, say a pair of veteran labour lawyers who've run the numbers.

But the latest to beat those odds are employees of a casino -- members of one of B.C.'s fastest growing industries.

On July 2, the 72 dealer and slot machine supervisors at Burnaby's Gateway Casino won a B.C. Labour Relations Board-supervised vote count allowing them, after a delay of two years, to join the union of their choice, the B.C. Government and Service Employees.

Their win was made possible by a board decision to finally open a box full of completed ballots that had been sealed at management request for a year. But still left hanging is the fate of a related organizing drive amongst 225 Gateway dealers and slot machine attendants.

"This is very much a David and Goliath story where against-all-odds workers have persevered against a powerful company and unbalanced labour laws and won in the end," said BCGEU president Darryl Walker.

"Finally, these workers get a voice," BCGEU organizer and former gaming industry worker Muriel Labine told The Tyee. "I am very happy about this decision. It's what the Gateway workers have wanted and worked for."

Another 225 workers in limbo

While the recent vote settles, at least for now, the issue of union certification

for the 72 supervisors at Gateway, ballots cast last fall by 225 dealers and slot machine attendants at the Burnaby casino still remain uncounted. Originally, the union had made a single application to represent both groups, but objections from Gateway and subsequent rulings by the Labour Relations Board required the two groups to make separate applications. The casino filed actions at the labour board and in B.C. courts that kept both ballot boxes sealed until July 2.

Even after the recent vote, the question of union representation for the remaining 225 workers remains unresolved. And if Gateway is successful in its most recent application to the board, the ballots already counted may not represent a final decision on the supervisors' certification either.

According to Stephen Howard, a BCGEU spokesman, Gateway lawyers have recently filed a new motion with the board, asking that it reconsider the decision that allowed the ballot boxes to be opened, alleging that the decision was "patently unfair."

No one from Gateway Casino made themselves available for comment, despite numerous calls from The Tyee.

\$2 billion BC industry

Gaming (which includes bingo, lotteries and casinos) is a hugely lucrative industry in B.C., generating more than \$2 billion of gross revenue for the B.C. Lottery Corporation in 2006/2007.

(That same year, the casino sector alone generated \$1.1 billion in gross revenue for the corporation.) According to the corporation's [annual report](#) for 2006/2007, Gateway Casino in Burnaby generated \$165 million in revenue that year, and \$152 million the previous year. Gateway's Burnaby casino sent nearly \$10 million in revenue to the municipality in 06/07.

According to its corporate [website](#), Gateway Casinos & Entertainment is one of the largest casino and entertainment companies in Western Canada and has grown from just two facilities with 150 employees to nine facilities with over 3,000 employees. Its properties include Burnaby Villa Casino, Royal City Star Riverboat Casino, Cascades Casino, Lake City Casinos (Vernon, Kamloops, Kelowna and Penticton) and Baccarat and Palace Casinos in Edmonton.

Gateway Casinos were recently acquired by New World Gaming, a partnership between Macquarie Bank and Crown Limited. Macquarie is headquartered in Australia and is a leading provider of full range investment banking, financial markets and retail financial services. Macquarie is also one of Australia's top 15 companies with over 11,000 employees in 24 countries. Crown is one of Australia's largest diversified media and entertainment

groups and its market capitalization of more than \$11 billion places it among the top 25 companies listed on the Australian Stock Exchange.

Lean times for organizers

In the summer of 2006, workers at Gateway approached the BCGEU for help in joining the union. According to a union source, workers start at Gateway at \$8.75 an hour with wages running up to a maximum of \$16.00 per hour for experienced supervisors. The BCGEU already represents about 400 workers at Gateway-owned casinos in the Interior.

By the fall of 2006, the BCGEU and Gateway management were locked into a complex struggle that included legal actions in B.C. courts and at the provincial labour board, and an aggressive communication campaign against the union conducted by Gateway management inside the casino. Union-side critics say the workers' experience at Gateway illustrates the way that changes in B.C. labour legislation brought in by the Campbell government have made a union certification much harder to obtain. Patrick Dickie, a senior lawyer at Vancouver's Hastings Labour Law Offices, [wrote](#) in 2005 that changes in the province's labour laws had created "a crisis in union organizing under the current Liberal government in British Columbia." He said then:

"Indeed, the number of unorganized employees certified in any of the past three years is considerably lower than in any previous year -- including during the depths of economic recession in the early 1980s under the Socred mandatory vote regime."

According to David Tarasoff, also of Hastings Labour Law Offices, writing in 2006, the time required by the B.C. Labour Relations Board to consider an application for union certification has [doubled](#) in recent years.

Dickie says the organizing picture has improved a bit since he wrote his paper, but not nearly as much as it would appear on first reviewing Labour Relations Board figures for new certifications in the ensuing years.

"Much of the improvement in the certification numbers you would see in the reporting for 2006-2008 is likely due to several anomalous situations, not to any dramatic increase in the organization of unorganized workers," he said. "Much of what looks like an increase in new certifications represents re-organization of workers who were de-unionized by contracting out in the health sector. Also, BCGEU had a huge certification not so long ago at a call centre, and that too might tend to distort the picture."

Labour code 'lost its balance'

"The Code had lost its balance and the LRB its objectivity," says an internal

BCGEU document obtained by The Tyee. "An employer can now campaign vigorously against a union in the worksite at any time, but the Code restricts any pro-union work at all. An employer, who is noted by the Supreme Court to have enormous weight, can say or (now) do what it wants without sanction... This is the so-called freedom Gordon Campbell championed."

The Tyee asked Lisa Southern, the Labour Relations Board's registrar, what she made of charges that the board had tilted in a pro-management direction under the Campbell Liberals. She declined to comment.

The Tyee has obtained a document allegedly signed by Mr. Trevor West, vice president of human resources at Gateway Casino, and dated Aug. 17, 2007. The document was reportedly posted in the staff break room at the Casino. It says, in part, referring to BCGEU organizers,

"Their primary function is to create an atmosphere of fear through rumours and misconceptions. Many of the rumors stated in their propaganda are started by their internal organizers to give the Union the opportunity to fear monger."

The Tyee left messages over several days for Mr. West and for Mr. Jag Nijjar, another Gateway vice president, to ask for confirmation whether the document was authentic and to ask for comment on the successful certification vote, the two-year delay in dealing with the certification application by the majority of Gateway workers and the firm's most recent application to the board to nullify the July 2 vote. No one from Gateway made him or herself available for comment before this story was filed.

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Tom Sandborn is a Tyee contributing editor with a focus on labour and health policy issues.

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