

What Happens If I Join A Union?

Often during the organizing of a workplace, there are questions that arise and fear of reprisal that the workers experience. Here are a few of them:

Who will know that I joined?

That's up to you. The Union will not tell anyone that you joined. The Labour Board protects your rights and will not tell anyone your name, especially your employer. This is confidential information.

What if the boss lays me off?

Even if your boss suspects that you or others have joined, they are prohibited by law to take action against you.

The Labour Relations Code prohibits an employer or anyone on their behalf from:

- Participating in or interfering with the formation or administration of a Union;
- Discharging, suspending and transferring an employee because that employee seeks to exercise his or her right to be a member of a Union;
- Discharging, suspending, transferring, laying off or otherwise disciplining an employee except for proper cause during a Union certification drive;
- Imposing any condition in a contract of employment that attempts to restrain an employee from exercising his or her rights under the Code; and
- Threatening a penalty or promising a benefit in order to compel an employee to refrain from becoming, or continuing to be, a member of a Union.

Unless an employer's actions are intended (even in part) to interfere with an employee's rights under the Code, the employer is not prohibited from:

- Suspending, transferring, laying off or discharging an employee for proper cause;
- Communicating to employees any fact or opinion reasonably held concerning the business or,
- Making any change in the operation of the business that is reasonably necessary for the proper conduct of the business.

When does our company become Union?

The Union becomes certified to represent the workers after a representation vote, with 51% of workers voting in favor of the Union.

Will the boss find out I joined the Union?

NO! Confidentiality is our top priority. The only people who know that you joined are yourself, the Union Representative and Labour Relations Board and they legally can't give out any names of persons who have joined any Union. Almost all card signing is done privately in a person's home to protect his or her rights.

What does it mean to be certified?

Once certified, the Union becomes your exclusive bargaining agent. Because of our strength in numbers, we are far better able to negotiate good collective agreements, raise and correct safety concerns, and provide job security through collective agreements with the employer.

Why do I need a collective agreement?

Without a collective agreement, your employer can often take away benefits and take disciplinary action anytime they want. Collective agreements are contracts that protect you by making agreements enforceable.

Will the Union take away any of my benefits?

NO! Unions strive to improve wages and conditions, it is more important to have these conditions recognized in a collective agreement. They are only enforceable in a negotiated agreement.

Do I have any say in what happens?

YES! All negotiations are done in consultation with the workers. All collective agreements are ratified by the employees.

What do I have to sign?

The Labour Board requires that each worker supporting the Union must sign a Petition Card that says; "In applying for a membership, I understand that the Union intends to apply to be certified as my exclusive bargaining agent and to represent me in collective bargaining."

What does it cost to join?

NOTHING! We believe in organizing workers and will charge nothing to sign a Petition Card and nothing for initiation to become a member of the Union. You have nothing to lose and everything to gain!

IMPORTANT

Remember that when you sign a Petition Card, not only are you a part of Unionizing your workplace, you are protecting yourself.

When you sign a Petition Card, the Union commits to protect you against unfair labour practices or other disciplinary actions.

A Union for Your Workplace

Your right to organize is protected by legislation. Understanding the law is a critical first step securing that right.

When you and your co-workers decide it is time to join a Union instead of trying to deal with your employer alone, you begin the process of organizing a Union.

By joining together with your co-workers, you will have a greater ability to be more effective in getting your employer to improve wages, benefits and working conditions. These workplace improvements are achieved through the process of collective bargaining, which concludes with a legally-binding enforceable collective agreement, signed between the Union and the employer.

Most Unions also do many things for their members to help each other. They help their members if they have a problem with health and safety on the job, advocate for them in Workers Compensation or Employment Insurance cases, and offer other programs for members and their families.

There are Provincial and Federal Labour laws that:

- Ensure you have the right to join and organize a Union.
- Protect you if your employer tries to stop you from joining a Union.
- Give your Union legal recognition, and
- Require your employer to negotiate with your Union.

Your freedom to join a Union is guaranteed by the Canadian Charter of Rights and Freedoms. This right is protected by the Labour Relations Code.

If you are organizing a Union, it is essential to follow the correct process because employers often hire lawyers to challenge your legal right to join a Union. An established Union has the expertise and resources to make sure you avoid the legal obstacles your employers may try to put in your way, and make sure your employer respects your right to join a Union.

Labour law terms

Labour laws uses some specific terms that you should be familiar with:

CERTIFICATION

The Code provides the means for your Union to be recognized as the exclusive bargaining agent for you and your co-workers. The recognition is called certification. Once your Union has gained certification, the Code requires an employer to negotiate with your Union.

BARGAINING UNIT

A bargaining unit is a group of employees who share a common interest, and are eligible to join a Union. A single contract covers all of the employees in a bargaining unit. (There can be more than one bargaining unit in one workplace, and a bargaining unit can include employees at more than one workplace).

AN ESTABLISHED UNION

The IUPAT is an established Union that meets the technical rules and requirements of the Labour Relations Code.

An established Union will make the job of organizing a Union for your workplace much easier, and make the Union at your workplace stronger.

Applying for Certification

In order to apply to the Labour Relations Board for certification, a Union must be able to demonstrate that it has the support of at least 40 percent of the employees in the proposed bargaining unit.

How does a Union prove it has the 40 percent support necessary to start an application? Union support is proven by producing proof of membership in good standing (Union applications, initiations and dues) or signed and dated petition cards.

The Labour Relations Codes does not allow membership and petition cards to be combined in an application. Therefore Union Organizers will often have existing members and non-members sign petition cards as the best way to apply for certification. These cards are good for 90 days.?

The cards are checked as part of the Board's investigation of certification applications.

After receiving the Union's application for certification, the Board advises the employer that the application is pending. The employer is then required to notify all affected employees by posting a notice in a conspicuous location at the workplace.

At the same time, the Board appoints a Labour Relations Officer to investigate the Union's application. The Officer's first task will be to contact the employer to secure a list of all employees in the unit on the date the Board received the Union's application. This information is usually obtained by examining the employer's payroll records for that date. The Officer will then contact the Union in order to examine petition cards or membership evidence.

Will the employer receive information about individual employees as a part of the certification process?

The Code and Board practices protect confidentiality of information about individual employees related to their Union membership. The Board will not disclose the names of employees supporting a Union application for certification to the employer.

Normally the Board will either grant or deny a certification application on the basis of the Officer's report, the submissions of the parties and a representation vote. A hearing is generally scheduled by the Board at the time of application and may be necessary when an application is accompanied by unfair labour practice complaints or a dispute about the appropriate bargaining unit.

Appropriate bargaining unit

When a Union applies to be certified, it is applying to represent a specific group of employees. The Board decides whether that group of employees is appropriate for collective bargaining purposes. In order to make that determination the Board must specify which employees should be covered by the certification. This is called determination of the appropriate bargaining unit.

The Board usually determines the appropriate bargaining unit before it can decide whether the Union has the support of a majority of the employees in that unit. In determining whether a group of employees is appropriate for collective bargaining, the Board will consider a number of factors, including:

- Administrative efficiency and convenience in collective bargaining;
- Lateral mobility of employees;
- Desirability of a common framework of employment conditions for similar work situations;
- Historical representation patterns;
- Nature of the industry; and
- Geographic considerations.

Where practical, the Board prefers large bargaining units to small or fragmented groups. However, a smaller unit is permitted as long as it is appropriate.

The employer may not negotiate separate contracts with members of the bargaining unit

Providing support for the Union

Certification will be granted only if a sufficient number of employees in the appropriate bargaining unit want representation. Under the Code, the wishes of the employees can be demonstrated;

- By having the Union submit evidence that enough of the employees in the appropriate unit are members in good standing or signed petition cards;
- And a mandatory representation vote.

All representation votes are conducted by the Board. The Board appoints a returning Officer to supervise the vote and both the Union and employer are entitled to appoint a scrutineer to be present when the vote is conducted.

How is a representation vote held?

The returning Officer appointed by the Board will set the date, time and place for taking the vote and will ensure that everyone who is eligible to vote has a reasonable chance to do so. A representation vote generally takes place within seven days of the application for certification or at the earliest opportunity. All employees in the bargaining unit are eligible to vote and the returning Officer will establish a voter's list. The vote may be held at the employer's premises during working hours.

All votes are conducted by secret ballot. If there is any dispute as to the eligibility of an employee to vote, the employee in question will be permitted to cast a ballot. That ballot, however, will be kept separately in a sealed envelope, and the ballot box will also be sealed until the Board decides if that employee was eligible to vote. Once all questions of eligibility have been determined, all eligible ballots will be counted.

In order for a Union to be certified after a certification vote has been ordered, a majority of the employees who vote must support representation by the Union. If the Union does not get majority support, its application will be dismissed.

The effect of Certification

Once the Board issues a certification, the Union becomes the exclusive bargaining agent for every employee in the bargaining unit, whether or not the employee is a member of the Union.

The employer is not entitled to bypass the Union and negotiate separate and individual contracts of employment with any of the employees in the bargaining unit.

Employee protection during organizing

There are legal provisions that protect your right to organize without interference from your employer.

An employer cannot discriminate against an employee because the employee supports, or has joined the Union. Working men and women have the legal right to Union representation.

It is an unfair labour practice for an employer to participate in or interfere with the formation or administration of a Trade Union or the representation of employee by a Trade Union

These actions are examples of prohibited practice by employers:

- Terminating or disciplining an employee for joining or organizing a Trade Union
- Bargaining with one Trade Union for a unit that is represented by another Union
- Making it a condition of employment that a person not join a Trade Union
- Denying employees their entitlement to pension rights or benefits because of their participation in a strike or lockout.
- If the Board finds the complaint is justified, it may take whatever interim or final action it feels is necessary to rectify the breach of the Code complained about, include ordering that:
 - The practice be stopped;
 - An employee suspended or discharged be reinstated and compensated;
 - An employee be reinstated or admitted as a member of a Trade Union; or an unfair disciplinary action or penalty be lifted, and compensation paid.

WORK UNION/LIVE BETTER – FACTS ABOUT ORGANIZING

The Law

Labour Law protects your legal right to belong to a Union.

Union Protection

Your rights to decent wages and working conditions can only be protected by Union collective agreements.

Costs

You do not pay any initiation fee when you join during an organizing drive.

Confidentiality

All conversations and cards are strictly confidential..