

Certification Drive



As provided by the **HR Council**.

The law recognizes that every employee has the right to decide whether or not to join a union without pressure from the employer, a union, or any other person. Employee communications can be difficult to navigate during a union organizing campaign. The content of communication, whether from the employer or the union, need always to respect the fact that employees have the right to a free and informed choice.

It is particularly important that supervisors adhere to the legal requirements imposed on employers because, in many provinces, an employer's unfair labour practice can result in certification of a union without a vote. A labour relations board may use its legislated discretion to automatically certify a union if it believes the union's organizing drive would have been successful but for the employer's unlawful actions.

The following is very generalized advice and may not apply in every jurisdiction. It is not intended or offered as legal advice and is presented for educational and information purposes only. You are encouraged to check the applicable legislation in your province or to consult with a lawyer to determine what factors apply to your organization.

What employers need to know

- Do your best to conduct *business as usual*
- Respect the employees' right to join and participate in a union
- Be available to discuss concerns
- Correct problems brought to your attention immediately
- Ensure any discipline you impose is impartial, fair, and in accordance with normal policies (Seek guidance from a labour relations professional or lawyer before issuing any discipline)
- Ensure all work assignments match customary practice
- Attempt to resolve with the union organizers any issues that come up which are impeding the workplace or which are making employees feel intimidated or coerced in any way
- If asked, reassure employees that you will not release their personal information to the union organizers without their consent
- Do not indicate in any way – in writing, by e-mail, or orally – that you oppose the union
- Do not change any terms or conditions of employment if you are in the statutory

- freeze period unless such change has been negotiated
- Do not indicate, or in any way imply, that joining a union will result in budget cuts, terminations, layoffs, changes in pay and benefits, reduction of overtime, removal or alteration of existing privileges
 - Do not indicate that there are negative consequences to union membership
 - Do not ask if an employee is a union supporter or detractor
 - Do not ask an employee if he or she attended a union meeting or has signed a membership card
 - Do not have a one-on-one discussion with any employee regarding union membership. There may be times when an employee wants to confide in you privately. It is very important to listen, but you should refrain from expressing any negative views about the union
 - Do not urge employees to encourage others to oppose the union
 - Do not take part in preparation of any communication against the union
 - Do not demonstrate any favoritism towards employees who claim to be opposed to the union

What employees need to know

- Make an independent and informed decision
- Request materials from the union on what it means to have a union
- You can refuse to become part of the union
- Depending on what representation rights the union might have if certified, you may be required to pay union dues even if you are not part of the union
- If you object to being a unionized employee on bona fide religious grounds, you may be able to make application for an exemption; contact your local labour relations board for information
- There is protection under the law if you are unduly coerced or influenced to either join or not join a union; contact your local labour relations board for information