

# Union Certification Requirements

written by Rory Lodge | October 18, 2013



*Here are the union certification requirements under the labour laws of each province and under federal law\*:*

**FEDERAL:** a. Industrial Relations Board must order vote where 35% to 50% of employees in bargaining unit sign membership cards (*Canada Labour Code*, Sec. 29(2)); and b. Certification granted automatically if majority (50% + 1) sign cards (*Code*, Sec. 28(c)).

**ALBERTA:** Labour Relations Board must order vote if at least 40% of employees in bargaining unit sign cards (*Labour Relations Code*, Sec. 34(1)(c)).

**BRITISH COLUMBIA:** Labour Relations Board must order vote if at least 45% of employees in bargaining unit sign cards (*Labour Relations Code*, Sec. 24(1)).

**MANITOBA:** a. Manitoba Labour Board must order vote if at least 40% of employees in bargaining unit sign cards (*Labour Relations Act*, Sec. 40(2)); and b. Certification granted automatically if 65% sign cards (*Labour Relations Act*, Sec. 40(1)).

**NEW BRUNSWICK:** a. Labour and Employment Board must order vote if 40% to 50% of employees in bargaining unit sign cards (*Industrial Relations Act*, Sec. 14(2)); and b. Certification granted automatically if more than 60% sign cards (*Industrial Relations Act*, Sec. 14(3)).

**NEWFOUNDLAND:** Labour Relations Board must order vote if at least 40% of employees in bargaining unit sign cards (*Labour Relations Act*, Sec. 47(1)).

**NOVA SCOTIA:** Labour Relations Board must order vote if at least 40% of employees in bargaining unit sign cards (*Trade Union Act*, Sec. 25(1)).

**ONTARIO:** a. Ontario Labour Relations Board must order vote if at least 40% of employees in bargaining unit sign cards (*Labour Relations Act*, Sec. 8(2)); and b. In construction industry, Board may certify union without a vote if 55% of employees in unit sign cards (*Labour Relations Act*, Sec. 128.1(13)).

**PRINCE EDWARD ISLAND:** Labour Relations Board must grant certification without a vote

if it's satisfied that a "majority" of employees in bargaining unit sign cards (*Labour Act*, Sec. 13(5)).

**QUÉBEC:** a. *Commission des relations du travail* must order vote if 35% to 50% of employees in bargaining unit sign cards (*Labour Code*, Sec. 37); and b. Certification granted automatically without vote if "absolute majority" of employees in unit entitled to vote sign cards (*Labour Act*, Sec. 21).

**SASKATCHEWAN:** Labour Relations Board may order vote if at least 45% of employees in bargaining unit sign cards (*Trade Union Act*, Sec. 6(2)).

\* *Where votes are required, they must be secret ballot and the union must win majority (50% + 1) to achieve certification*