Unionization Trends in Canada and Why Card-Based Certification Has Become an HR Strategy Issue

Long before cards are signed, employees usually know where the workplace is failing them. They know when pay compression has become obvious. They know when scheduling feels unfair. They know when safety complaints do not lead to visible action. They know which managers play favourites, which complaints disappear, and which policies only apply to some people. They also know when leadership says it wants feedback but nothing changes after feedback is given.

HR may see those signals as engagement problems. Operations may see them as staffing pressure. Managers may see them as negativity. Finance may see them as wage pressure. Employees may see them as proof that individual complaints are no longer enough.

That’s where unionization risk begins. Not in the legal filing, but in the credibility gap between what employees experience and what the employer is willing or able to fix.

For Canadian HR professionals, this matters more now because labour law in several jurisdictions shortens the distance between employee dissatisfaction and legal bargaining rights. Card-based or single-step certification can allow a union to be certified once it shows sufficient signed membership support. In those systems, the employer may not have a long campaign period or a guaranteed second vote in which to understand what employees are organizing around.

Card-based certification does not create employee dissatisfaction. It changes how quickly dissatisfaction can become bargaining rights.

That’s why unionization trends belong on the HR strategy dashboard. This is not only a legal topic, and it is not only a union avoidance topic. It is a workforce governance issue. HR needs to understand where the law is moving, what employees are responding to, what managers are doing day to day, and which workplace issues are likely to become collective issues if they remain unresolved.

Canada’s Unionization Picture Is More Complicated Than

the Headline

The easy story would be to say unions are simply rising again. The more accurate story is more nuanced.

Statistics Canada reported that 3 in 10 employees in Canada, or 30.4%, were covered by a collective bargaining agreement in 2023. That represented about 5.3 million people. The long-term trend has been downward from 1997 to 2023, and the decline has been driven mainly by the private sector. Public sector employees had a collective bargaining coverage rate of 76.7% in 2023, compared with 15.5% in the private sector. Statistics Canada also reported that 2023 saw 6.6 million person-days not worked due to labour disputes, the highest level since 1986.

Those numbers should prevent HR from oversimplifying the issue. Canada is not experiencing one uniform organizing wave across every sector. Public sector union coverage remains very high. Private sector coverage remains much lower. National coverage has been relatively stable recently, with Statistics Canada’s current union status table showing a Canada-wide collective agreement coverage rate of 30.6% in 2025.

But HR should not confuse a stable national percentage with low workplace risk. Organizing risk is local, sectoral and relational. A single distribution centre, retail location, care home, warehouse, manufacturing plant, call centre, transportation terminal, technology team or professional group can become vulnerable even when national union coverage is not rising dramatically.

The more useful HR question is not whether Canada is becoming more unionized overall. It is whether the employer’s own conditions are making employees more likely to seek collective representation.

Why Card-Based Certification Changes the Timing

Certification rules differ across Canada. That’s the first thing HR must understand. A national employer cannot manage unionization risk with a single assumption about how certification works.

In British Columbia, the Labour Relations Board explains that a union must show threshold support, usually through signed membership cards. For a new bargaining unit, the threshold support required to apply is 45% of employees in the proposed unit. If at least 55% of employees in the proposed bargaining unit have signed valid cards, the Board may certify the union without a representation vote. If support is 45% or more and less than 55%, the Board may order a representation vote.

For federally regulated employers under the Canada Labour Code, the Canada Industrial Relations Board says a union must prove that a majority of employees in the bargaining unit want the union to represent them. The Board requires signed membership cards and proof that each member paid at least $5 in the six months before the application. The Code requires a representation vote when support is at least 35% and not more than 50%. If support is more than 50%, the Board may certify without a vote, especially where the application is not disputed.

Quebec has its own approach. Quebec’s labour ministry describes certification as the finding by the Tribunal administratif du travail that an employee association has the absolute majority support, 50% plus one, of the employees in the group it seeks to represent. Prince Edward Island, New Brunswick and other jurisdictions have their own rules and procedures, so HR must verify the specific law that applies to each workplace.

The strategic implication is straightforward. In a card-based environment, the decisive employee conversation may occur before the employer knows a campaign is active. By the time the application is filed, the union may already have the membership evidence needed for certification or a vote. Waiting for visible organizing activity is a late response.

HR’s work must move upstream. That means identifying the conditions that make employees believe they need collective bargaining in the first place.

What Card Signing Means for HR Strategy

Card signing changes the evidence trail. It also changes the emotional timeline.

In a traditional two-step model, employees may sign cards and then participate in a later vote. That interval gives the employer some time to communicate within legal limits, respond to concerns and understand the proposed bargaining unit. In card-based systems, the signed card itself can carry greater legal consequence. The employee’s private decision to sign may become the key evidence of majority support.

That creates a major problem for employers that rely on reactive communication. If leadership only starts listening when a certification application arrives, it may be listening after employees have already made their choice.

For HR, the issue is not how to pressure employees away from union support. That would be the wrong frame and can create unfair labour practice risk. The issue is how to build a workplace where employees have credible ways to raise concerns, see issues addressed and trust that management decisions are not arbitrary.

The workplace conditions that often feed organizing are usually familiar to HR:

- Pay concerns that remain unresolved or poorly explained.
- Scheduling practices that feel unfair, unpredictable or manager-dependent.
- Safety complaints that are acknowledged but not corrected visibly.
- Poor supervisor conduct, favouritism or disrespect.
- Inconsistent discipline, attendance management or accommodation decisions.
- Staffing shortages that turn overtime, fatigue and burnout into the normal operating model.
- A sense that employee feedback is collected but not acted on.
- Fear that individual complaints lead to retaliation, exclusion or career damage.
- Major policy changes made without adequate explanation or consultation.
- Sudden employee silence after a period of repeated complaints.

That final sign matters. HR often interprets fewer complaints as improvement. Sometimes silence means employees have stopped believing the employer will fix anything. In an organizing context, silence can mean the conversation has moved somewhere else.

Labour Law Changes Increase the Strategic Stakes

Certification rules are only one part of the labour law shift. The bargaining environment is changing as well.

At the federal level, Bill C-58 came into force on June 20, 2025. The federal government announced that the amendments prohibit the use of replacement workers to do the work of unionized employees who are on strike or locked out in federally regulated workplaces, subject to limited exceptions. The amendments also changed the maintenance of activities process, requiring employers and unions to agree within 15 days after notice to bargain on what work must continue to protect public health and safety during a work stoppage, with the Canada Industrial Relations Board deciding if the parties cannot agree.

For federally regulated employers, this affects bargaining strategy, contingency planning and labour disruption risk. It means an employer cannot assume it can operate through a strike or lockout using replacement workers in the same way. It also means maintenance of activities planning must happen earlier and more formally.

For provincially regulated employers, federal amendments may not apply directly. But they still matter as part of the broader policy environment. Labour rights, bargaining leverage, strike activity and organizing rules are all receiving more public and political attention. Employers that assume the labour relations environment is static may be unprepared.

HR should therefore treat labour law changes as strategic triggers. When certification becomes faster, replacement worker options narrow, or employee rights receive stronger statutory protection, the cost of weak employee relations rises.

The Cases Show Why This Is Bigger Than Procedure

Unionization is sometimes treated as a procedural event: cards, application, board process, bargaining unit, vote, certification, collective agreement. That’s too narrow. Canadian labour law has a constitutional and reputational dimension that HR should understand.

Mounted Police Association of Ontario v. Canada

In Mounted Police Association of Ontario v. Canada, the Supreme Court of Canada held that freedom of association protects a meaningful process of collective bargaining that gives employees a degree of choice and independence sufficient to determine and pursue their collective interests. The Court found that the RCMP labour relations regime denied members that choice and did not allow them to advance workplace concerns free from management influence.

The HR lesson is direct. Employee voice must be credible. A management-controlled feedback process is not the same as employee choice. In non-union workplaces, HR can build strong employee voice systems, but those systems have to be trusted, responsive and independent enough to matter. If employees believe the only safe way to pursue shared workplace concerns is through outside representation, a suggestion box or engagement survey will not be enough.

Saskatchewan Federation of Labour v. Saskatchewan

In Saskatchewan Federation of Labour v. Saskatchewan, the Supreme Court of Canada recognized the right to strike as an essential part of meaningful collective bargaining. The case arose in the public-sector essential services context, but its importance is broader because it confirms the constitutional significance of collective bargaining power.

For HR, the case matters because it pushes labour relations beyond administrative compliance. Collective bargaining is not treated by Canadian law as a minor workplace mechanism. It is connected to freedom of association and the ability of workers to exert meaningful collective influence over workplace terms.

United Food and Commercial Workers, Local 503 v. Walmart Canada Corp.

The Walmart Jonquiere story remains one of the most important Canadian reminders that unionization disputes can become long-term legal and reputational events. In 2004, the union was certified at Walmart's Jonquiere store in Quebec. Negotiations for a first collective agreement were unsuccessful, the union sought appointment of an arbitrator, and shortly after, Walmart announced it would close the store. Employees and the union brought multiple proceedings. In 2014, the Supreme Court of Canada allowed the union's appeal under Quebec's Labour Code maintenance of conditions provision and sent the matter back to the arbitrator to determine remedy.

The case is useful for HR because it shows how employer decisions made during the certification and first-agreement period will be scrutinized through a labour relations lens. Even business decisions can become contested if they appear inconsistent with normal practice or occur during protected labour relations periods.

UFCW, Local 1518 v. KMart Canada Ltd.

In UFCW, Local 1518 v. KMart Canada Ltd., the Supreme Court of Canada considered union leafleting at secondary sites during a labour dispute. The case is often remembered for distinguishing consumer leafleting from picketing and for recognizing that labour dispute communication can extend beyond the immediate workplace where the communication is truthful, non-defamatory, non-coercive and does not obstruct access.

The HR lesson is that labour disputes are also communication events. Employees, unions, customers, communities and media may all become part of the conversation. An employer's internal labour relations strategy cannot be separated from its external reputation strategy.

What HR Should Monitor Before Organizing Becomes Visible

HR should not monitor employees for union support. That's the wrong approach and can cross legal lines quickly. The right approach is to monitor legitimate employee relations, workforce and management indicators that signal unresolved workplace stress.

The strongest unionization risk dashboard is not built from surveillance. It is built from ordinary HR data interpreted honestly.

- Turnover concentrated under one manager, shift, location or job family.
- First-year turnover that points to broken onboarding or inaccurate job previews.
- Repeated pay complaints, wage compression concerns or inconsistent premium pay issues.
- Scheduling grievances, last-minute shift changes or unequal access to overtime.
- Safety concerns that recur after employees believe they were already reported.
- Accommodation delays, inconsistent modified work decisions or manager resistance.
- Harassment, bullying or favouritism concerns that employees do not believe were resolved.
- Low participation in surveys after repeated feedback cycles.
- Employee relations issues clustered in one department despite stable organization-wide metrics.
- Manager comments that dismiss employee concerns as complaining, negativity or entitlement.

The goal is not to identify who supports a union. The goal is to identify where the employment relationship is losing legitimacy.

That distinction matters. Lawful employee relations strategy is about fixing workplace issues and communicating credibly. Unlawful or high-risk conduct starts when employers try to intimidate, discipline, interrogate, surveil or punish employees for exercising protected rights.

What HR Can Do Lawfully and Strategically

Canadian employers are not required to ignore workplace issues because employees might unionize. In fact, ignoring issues is one of the fastest ways to make employees believe a union is necessary.

HR can and should take lawful, proactive steps to improve the employment relationship. Those steps should be grounded in normal business practice, applied consistently and documented properly.

- Fix known pay, scheduling, safety and workload problems before they become organizing issues.
- Train managers to respond respectfully to concerns and escalate patterns early.
- Build trusted complaint and feedback systems that produce visible follow-up.
- Review employee relations data quarterly by location, manager, job family and shift.
- Communicate honestly about what the employer can change, what it cannot change and why.
- Update policies so employees know how decisions are made and who owns exceptions.
- Make sure performance management, discipline and attendance processes are consistent.
- Prepare lawful communication protocols before organizing activity appears.
- Involve legal counsel when there is known organizing activity or a certification application.
- Develop first-agreement readiness if certification occurs, including bargaining data, costing and operations planning.

The most important word in that list is "before." HR should not suddenly increase wages, change schedules, improve benefits or alter working conditions after a certification application if those changes could be viewed as an attempt to influence employees. In many jurisdictions, labour relations statutes restrict changes during certification or bargaining periods. Under the federal process, for example, once the employer is notified of a certification application, the employer may not change terms or conditions of employment for the employees in the proposed bargaining unit unless the Board consents in writing.

That's why genuine employee relations work has to be ongoing. If the employer waits until organizing begins, even positive changes can become legally sensitive.

What HR and Managers Must Not Do

Unionization risk often increases when managers panic.

A supervisor hears that employees are talking to a union and starts asking who attended a meeting. Another manager tells employees the site may close if they unionize. A senior leader promises improvements if employees give management more time. A manager starts watching breakroom conversations more closely. HR delays discipline decisions because the employee is outspoken, or speeds them up because leadership wants to "send a message."

Those reactions are exactly what employers should avoid. Labour boards take employee freedom of association seriously, and unfair labour practice allegations can become part of the certification process, the bargaining relationship and the public narrative.

Managers should be trained on clear red lines. They should not:

- Threaten employees with closure, job loss, reduced hours, discipline or loss of benefits because of union activity.
- Promise wage increases, promotions, improved schedules or benefits to discourage union support.
- Interrogate employees about union meetings, card signing, union sympathies or co-worker views.
- Surveil employees or create the impression of surveillance around lawful union activity.
- Discipline, demote, transfer, isolate or penalize employees because they support or discuss unionization.
- Ask employees to report who is involved in organizing.
- Make statements about unions that are misleading, coercive or outside approved communication guidance.
- Change working conditions during protected periods without proper labour relations review.

The safer manager instruction is simple: listen to workplace concerns, do not ask about union support, do not threaten or promise, do not surveil, do not retaliate, and call HR immediately.

The Manager Problem HR Has to Solve

Managers are often the biggest unionization risk factor, even when they are not anti-union.

Many organizing issues begin with daily management behaviour. Employees do not usually organize because a policy exists. They organize because a manager applies the policy unfairly, ignores problems, talks down to people, schedules unpredictably, fails to protect safety, or makes employees feel disposable.

That means manager development is part of labour relations strategy. HR should train managers on how to run fair schedules, respond to complaints, document performance, manage accommodation, communicate difficult decisions, prevent retaliation and escalate employee relations concerns before they harden into collective frustration.

The training should include lawful conduct around union activity, but it should not stop there. A manager who knows not to threaten employees may still create organizing risk by being dismissive, inconsistent or unavailable.

The next generation of labour relations readiness is not just legal do-not-say training. It is daily manager competence.

Employee Voice Must Be Credible Before Employees Need a Union to Be Heard

One of HR’s strongest lawful strategies is to build better employee voice systems.

That does not mean creating a management-controlled committee that exists mainly to prove the employer listens. Employees can tell the difference. A credible voice system needs clear channels, visible follow-up, manager accountability and protection from retaliation. It also needs honest communication when the employer cannot make the change employees want.

A strong employee voice system should include:

- Regular one-on-one conversations between managers and employees.
- A safe escalation path outside the direct manager.
- Pulse surveys with visible action tracking.
- Stay interviews for high-risk groups and first-year employees.
- Joint safety discussions where hazards are corrected and communicated.
- Transparent pay, scheduling and workload explanations.
- Post-complaint follow-up that explains process and broader corrective action where appropriate.
- A senior leadership routine for reviewing employee relations data, not just engagement scores.

The key is follow-through. Employees do not need every request granted. They do need proof that concerns are heard, assessed and acted on where possible. When employees experience feedback as symbolic, they learn to seek influence somewhere else.

Certification Readiness Should Be Built Before an Application

Even the best employee relations strategy does not eliminate the possibility of unionization. HR should prepare for certification as a governance event, not a crisis.

That preparation should include a jurisdictional map. Which labour relations statute applies to each location? Which certification model applies? Which employees may be excluded because of managerial duties or confidential labour relations responsibilities? Who owns the employee list? Are job titles and reporting lines accurate? Are payroll records current? Are remote, part-time, casual and temporary employees properly classified? Who receives labour board correspondence? Who will brief managers? Who will communicate internally? Who will advise leaders on lawful conduct?

The Canada Industrial Relations Board process shows how quickly information may be required. Federally, when an application is filed, the employer may have to post notices, provide a current list of employees and an organizational chart, and conduct business as before. B.C.'s Labour Relations Board process is also expedited, with hearings generally held within five business days after the Board receives the union's application.

That's not the time to discover that job classifications are inconsistent, manager status is unclear, employee contact information is outdated, or no one knows who has authority to respond.

The HR Unionization Readiness Framework

A practical HR approach should have two tracks. The first is proactive employee relations. The second is lawful certification and bargaining readiness. Both are needed.

1. Map the legal environment. Identify which federal, provincial or territorial labour relations law applies to each workplace, including whether card-based

certification, threshold support, mandatory votes or special rules apply.
2. Build a workforce risk dashboard. Review turnover, absenteeism, safety concerns, pay complaints, scheduling issues, engagement comments, harassment complaints, accommodation delays, grievances and manager patterns by location and job family.
3. Fix ordinary workplace problems early. Address pay compression, scheduling confusion, unsafe conditions, inconsistent discipline and manager conduct before employees conclude that management will not act.
4. Train managers before organizing activity appears. Cover lawful conduct, employee voice, complaint response, documentation, retaliation prevention and escalation triggers.
5. Create a lawful communication protocol. Pre-approve who communicates, what can be said, what must not be said, and when legal advice is required.
6. Prepare certification response materials. Keep employee lists, job classifications, organizational charts, reporting structures and payroll records current.
7. Protect business-as-before discipline. Make sure changes to wages, schedules, staffing and policies are reviewed during certification or bargaining periods so they are not seen as interference.
8. Plan for first collective agreement bargaining. If certification occurs, HR, finance, operations and legal should prepare costing, proposals, mandate, communications and operational assumptions.
9. Review strike or lockout contingency lawfully. For federally regulated employers, account for replacement worker restrictions and maintenance of activities obligations. Provincially regulated employers should verify local rules.
10. Treat unionization as employee voice, not employee disloyalty. A union campaign is a signal that employees want collective influence over work. Retaliatory thinking will damage the employer’s position legally and culturally.

What Makes This a Strategic Issue for HR

Unionization strategy is sometimes left to legal counsel after a campaign begins. That’s too late and too narrow.

Legal advice is essential once organizing activity or certification issues arise. But the workplace conditions that drive organizing often sit inside HR’s everyday responsibilities: compensation, scheduling, safety, manager training, policy enforcement, employee voice, conflict resolution, accommodation, communication and trust.

That means HR has a strategic role long before labour counsel is involved. HR can identify where the employee relationship is fraying. HR can push leaders to fix obvious problems. HR can train managers not to make matters worse. HR can build legitimate channels for employees to raise collective concerns. HR can keep workforce data clean so the employer is not scrambling during a board process. HR can help the organization respond to labour law changes with discipline rather than panic.

This does not mean HR should try to make the workplace “union-proof.” That framing is outdated and risky. The better goal is to make the workplace credible. Employees should believe concerns can be raised without retaliation, decisions are explained, managers are accountable, and problems are corrected when the employer has the power to correct them.

If employees still choose union representation, the employer should be prepared to engage lawfully and professionally. The goal is not to punish employees for exercising rights. The goal is to manage the employment relationship with maturity, evidence and respect.

The HR Takeaway

Card-based certification changes the timeline. Replacement worker restrictions change bargaining assumptions. Labour board processes can move quickly. Employee communication can move faster than the employer's official channels. Public trust in institutions is fragile. Employees are more willing to compare pay, working conditions and management behaviour across workplaces.

Canadian HR professionals need to treat unionization trends as a strategic workforce issue, not a legal event that begins when a union application arrives.

The strategic work starts earlier. It starts when employees raise the same pay concern for the third time. It starts when safety complaints do not lead to visible correction. It starts when one manager's team has persistent turnover. It starts when survey participation drops because employees no longer believe feedback matters. It starts when scheduling, overtime, discipline or accommodation decisions feel arbitrary.

Card-based certification does not create those conditions. It accelerates the consequences of failing to address them.

The organizations best prepared for Canada's changing labour relations environment will not be the ones that react most aggressively after organizing begins. They will be the ones that build credible employee relations systems before employees decide collective representation is the only way to be heard.