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Unity and Strength for Workers

[New Member Resources \(http://www.usw.ca/workplace/member/resources\)](http://www.usw.ca/workplace/member/resources)

Joining a Union – The Legal Process for Your Workplace

Regardless of where you live in Canada, you have the legal right to join a union and take an active role in helping to establish a union where you work.

The specific legal process to have your union legally recognized, or "certified", depends on where your workplace is located. Labour law for most workplaces is covered by provincial legislation, so the specific legal steps to form a union will depend mainly on your province.

While most workplaces will fall under provincial labour law, some workplaces are covered by federal labour law. These include workplaces in the Yukon, Northwest Territories, Nunavut and in the following industries:

- broadcasting
- telecommunications
- banking
- air transportation
- shipping and navigation
- interprovincial or international transportation of goods or passengers
- uranium mining and processing
- grain handling
- federal crown corporations

Regardless of which law applies to your workplace, the basic steps of forming a union are similar.

Initially, employees express their support for the union by signing union membership cards. When the campaign has reached the proper level of support, these cards are then submitted to the appropriate provincial or federal labour relations board (Labour Board), along with what is often called the union's "application for certification." The Labour

Board will keep the membership cards confidential and will not tell the employer who has signed or not signed a union membership card.

Depending on your province, territory or industry, the Labour Board can either certify (legally recognize) your union based on a check and count of the membership cards or can arrange for a secret ballot vote among employees to determine if your union will be certified. Once your union has been officially certified by the Labour Board, you can begin to negotiate your first contract (also known as your collective agreement) as members of the USW.

Card Check

Quebec, New Brunswick, Manitoba, Prince Edward Island, Northwest Territories, Yukon, Nunavut and in federal industries

In Quebec, New Brunswick, Manitoba, Prince Edward Island, Northwest Territories, Yukon, Nunavut and in federal industries, unions can be certified based on a check of the membership cards. In a card check, the Labour Board counts the number of union cards that employees have signed. Once it is determined that the legally required percentage of employees have signed a union card, your union can be certified.

In **Quebec**, if more than 50% of employees have signed union cards, the Labour Board can certify the union. Otherwise, with between 35% - 50% in cards, the Labour Board will hold a vote.

[La Commission des relations du travail \(http://www.crt.gouv.qc.ca/accueil.html\)](http://www.crt.gouv.qc.ca/accueil.html)

[L'accréditation Syndicale \(http://www.crt.gouv.qc.ca/recours/relations_du_travail/laccreditation_syndicale.html\)](http://www.crt.gouv.qc.ca/recours/relations_du_travail/laccreditation_syndicale.html)

In **New Brunswick**, if more than 60% of employees have signed cards, the Labour Board can certify the union. When 40% - 60% of employees have signed cards, the Labour Board will hold a vote.

[New Brunswick Labour Relations Board \(http://www.gnb.ca/LEB-CTE/index-e.asp\)](http://www.gnb.ca/LEB-CTE/index-e.asp)

[FAQ - Industrial Relations Act \(http://www.gnb.ca/0110/03-e.asp\)](http://www.gnb.ca/0110/03-e.asp)

[Information Bulletin #1 - Certification \(http://www.gnb.ca/leb-cte/Bulletins/bulletin1e.pdf\)](http://www.gnb.ca/leb-cte/Bulletins/bulletin1e.pdf)

[Information Bulletin #2 - Representation Vote \(http://www.gnb.ca/leb-cte/Bulletins/bulletin2e.pdf\)](http://www.gnb.ca/leb-cte/Bulletins/bulletin2e.pdf)

[Information Bulletin #3 - Membership Evidence \(http://www.gnb.ca/leb-cte/Bulletins/bulletin3e.pdf\)](http://www.gnb.ca/leb-cte/Bulletins/bulletin3e.pdf)

In **Manitoba**, if more than 65% of employees have signed cards, the Labour Board can certify the union. If 45% - 65% of employees have signed cards, the Labour Board can arrange a vote to take place within 7 days.

[Manitoba Labour Relations Board \(http://www.gov.mb.ca/labour/labbrd/index.html\)](http://www.gov.mb.ca/labour/labbrd/index.html)

[Manitoba - The Certification Process \(http://www.gov.mb.ca/labour/labbrd/infobulletins/info_03.pdf\)](http://www.gov.mb.ca/labour/labbrd/infobulletins/info_03.pdf)

In **Prince Edward Island**, the Labour Board can certify a union when over 55% of employees have signed union cards and can set up a vote if between 50 - 55% of employees have signed cards.

[Prince Edward Island Labour Relations Board \(http://www.gov.pe.ca/sss/index.php3?number=1006679&lang=E\)](http://www.gov.pe.ca/sss/index.php3?number=1006679&lang=E)

For workplaces in industries covered by federal labour law and for workplaces in the **Northwest Territories, Yukon and Nunavut**, if more than 50% of employees have signed cards, the union can be certified. If 35% - 50% of employees have signed union cards, the Labour Board can hold a vote.

[Canada Industrial Relations Board \(http://www.cirb-ccri.gc.ca/index_eng.asp\)](http://www.cirb-ccri.gc.ca/index_eng.asp)

[Information Circular - Applications for Certifications \(http://www.cirb-ccri.gc.ca/publications/info/01-07_eng.asp\)](http://www.cirb-ccri.gc.ca/publications/info/01-07_eng.asp)

Secret Ballot Vote

British Columbia, Alberta, Saskatchewan, Ontario, Nova Scotia and Newfoundland and Labrador

In British Columbia, Alberta, Saskatchewan, Ontario, Nova Scotia and Newfoundland and Labrador, the Labour Board will hold a secret ballot vote among employees to determine union certification. Usually, this secret ballot vote happens within days of the union submitting the application and is almost always held at the workplace.

In **British Columbia**, if at least 45% of employees have signed union cards, the Labour Board can arrange a vote to be held within 10 days.

[British Columbia Labour Relations Board \(http://www.lrb.bc.ca/\)](http://www.lrb.bc.ca/)

[The Trade Union Certification Process \(http://www.lrb.bc.ca/bulletins/certification.htm\)](http://www.lrb.bc.ca/bulletins/certification.htm)

[Questions and Answers for Employees about Certification \(http://www.lrb.bc.ca/guidelines/certification.htm\)](http://www.lrb.bc.ca/guidelines/certification.htm)

In **Alberta**, if at least 40% of employees have signed union cards, the Labour Board can arrange a vote to be held, usually within 15 business days.

[Alberta Labour Relations Board \(http://www.alrb.gov.ab.ca/\)](http://www.alrb.gov.ab.ca/)

[FAQ - Certification - Unionizing a Workplace \(http://www.alrb.gov.ab.ca/faq_certifications.html\)](http://www.alrb.gov.ab.ca/faq_certifications.html)

In **Saskatchewan**, if at least 45% of employees have signed union cards, the Labour Board can arrange a vote to be held.

[Saskatchewan Labour Relations Board \(http://www.sasklabourrelationsboard.com/\)](http://www.sasklabourrelationsboard.com/)

In **Ontario**, if at least 40% of employees have signed union cards, the Labour Board can arrange a vote to be held within 5 business days.

[Ontario Labour Relations Board \(http://www.olrb.gov.on.ca/english/homepage.htm\)](http://www.olrb.gov.on.ca/english/homepage.htm)

[Information Bulletin - Certification of Trade Unions \(http://www.olrb.gov.on.ca/english/infob/infbul01.htm\)](http://www.olrb.gov.on.ca/english/infob/infbul01.htm)

In **Nova Scotia**, if at least 40% of employees have signed union cards, the Labour Board can arrange a vote to be held within 5 days.

[Nova Scotia Labour Relations Board \(http://www.gov.ns.ca/lwd/lrb/\)](http://www.gov.ns.ca/lwd/lrb/)

[Guide to the Labour Relations Board \(http://www.gov.ns.ca/lwd/lrb/docs/LabourRelationsPlainLanguageGuide.pdf\)](http://www.gov.ns.ca/lwd/lrb/docs/LabourRelationsPlainLanguageGuide.pdf)

In **Newfoundland and Labrador**, if more than 50% of employees have signed union cards the Labour Board can arrange a vote to be held, usually within 5 days.

[Newfoundland and Labrador Labour Relations Board \(http://www.hrle.gov.nl.ca/lrb/index.html\)](http://www.hrle.gov.nl.ca/lrb/index.html)

[Information Bulletin on Application for Certification \(http://www.hrle.gov.nl.ca/lrb/publications/info-bulletin-application-certification.pdf\)](http://www.hrle.gov.nl.ca/lrb/publications/info-bulletin-application-certification.pdf)