



## **Labour Relations Board**

### **INFORMATION BULLETIN**

#### **Membership Evidence**

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June 5, 2014

## **INFORMATION BULLETIN MEMBERSHIP EVIDENCE (UNION MEMBERSHIP CARDS)**

### **PURPOSE**

This bulletin provides general information regarding the Labour Relations Board's use of and the importance of the Union Membership Card pertaining to an application for certification under the *Labour Relations Act*. It is for information purposes only. It is not Labour Relations Board policy and it is not legislative interpretation. Further, it is not legal advice.

### **INTRODUCTION**

The *Act* provides a process for a unit of employees to join or form a trade union and for trade unions to make application to the Board to be certified as bargaining agent of that unit. In terms of processing an application for certification, the Board will consider the proof of membership accompanying the application.

### **USE OF MEMBERSHIP CARDS BY THE BOARD**

Pursuant to sections 36 and 47 of the *Act*, a trade union (as defined by 2.(w) of the *Act*) may make an application to the Board for certification as bargaining agent where it claims to have the support of a majority of the employees in the unit at the time of application as members in good standing. Generally speaking, trade unions use membership cards as their evidence of the employee support for them. Membership cards are used to demonstrate the level of support of members in good standing (commonly referred to as proof of membership).

In broad terms, the Board will accept a membership card as proof of membership if an employee of a specific employer (as defined by 2.(m) of the *Act*) has signed the application for membership (membership card) in a trade union without being coerced and/or intimidated and the membership card is found to be in good order (see Information bulletin titled “Unfair Labour Practices”).

Pursuant to section 39.(2) of the *Labour Relations Board Rules of Procedure*, all applications for certification filed under section 36 of the *Act* shall be accompanied by proof of membership to be presented personally to a Labour Relations Board Officer or to a person designated by the Chief Executive Officer. This is to ensure compliance with section 49 of the *Labour Relations Board Rules of Procedure*. The names of employees who signed union membership cards is **confidential** to the Board and is not supplied to the employer.

Upon receipt of an application for certification, a Labour Relations Board Officer will review the application and the accompanying original membership cards. The level of support of members in good standing/proof of membership (ie: the number of signed union membership cards) is verified. If a trade union demonstrates that it has a majority of employees of a specific employer in a bargaining unit as members in good standing, the Board will accept and further process the application.

Following this process, the Board shall take a vote of the employees in the proposed bargaining unit to determine the wishes of the employees with respect to the certification of the applicant trade union as their bargaining agent.

It is important to note that a vote may not always be ordered or required under the *Act*; in some cases Section 47(2) of the *Act* may apply. The Board is not required to take a vote where the trade union has support of a majority of the employees in the proposed bargaining unit and the trade union and the employer in the unit to which the application relates jointly request that the Board not take a vote.

Should you have any questions in relation to either this or any other information bulletin, please contact the Labour Relations Board office at 709-729-2707.