

CERTIFICATION PROVISIONS CHART - PRIVATE SECTOR

	Alberta	British Columbia	Federal	Manitoba	New Brunswick	Newfoundland & Labrador	Nova Scotia	Nova Scotia - Construction	Ontario	Ontario - Construction	Prince Edward Island	Quebec	Saskatchewan
Open Period for Unionization (Note 1)	All year	All year	All year	All year	All year	All year	All year	All year	All year	All year	All year	All year	All year
Actual Current Union Membership or Application for Membership Required to Apply for Unionization on Cards or Secret Ballot Vote	No (Membership cards require at least \$2)	Yes	Yes (+ at least \$5)	Yes	Yes (+ at least \$1)	Yes	Yes (+ at least \$2)	Yes (+ at least \$2)	Yes	Yes	Yes	Yes (+ at least \$2)	Yes
Employee Support on Union Evidence for Unionization Required for Secret Ballot Vote	40%	45%	40%	40%	40% to 60%	50% + 1	40%	35% to 50%	Appearance of at least 40%	Appearance of at least 40%	50% + 1	35% to 50%	45%
Unions Wanting Unionization on Cards -No Vote Held	No	No	No	No	40% to 50% - vote 50% + 1 to 60% "may" unionize or vote 60% + 1 - "must" unionize	No	No	50% + 1	No	55% + 1	50% + 1	50% + 1	No
Statute Requires Secret Ballot Vote for Unionization	Yes	Yes, except for Remedial Certification	Yes	Yes	No	Yes, except for Remedial Certification	Yes, except for Remedial Certification	No	Yes, except for Remedial Certification	No	No Note 6	No	Yes
Vote Timing	Not defined	Within 10 days	On day 12 after Application filed	Within 7 business days	Not defined	5 days	3 - 5 days	3 - 5 days	5 days	5 days	Not defined	Not defined	3+ days
History of Secret Ballot Vote	Yes '88 to present	Yes '01 to present No '93 to '01 Yes '84 to '93	June 16, 2015 to present	Yes Nov '16 to present No '00 to '16 Yes '97 to '00	Never	Yes '14 - present No '12 - '14 Yes '93 to '12	Yes '77 to present	Never	Yes '95 to present	No '03 to present Yes '95 to '03	Never	Never	Yes '08 to present
Statute Bars Labour Board From Unionizing Employees Without a Vote Due to Employer Actions	Yes	No	No	No	No	No	No	No	No	No	No	No, but has not happened Note 7	Yes
Minimal Membership or other Evidence Required for Board to Use Automatic or Remedial Unionization	Not applicable	Yes, If satisfied would have achieved majority support	Yes, if majority support could have been obtained but for unfair labour practice - Note 3	Yes, "Adequate" support for Collective Bargaining Note 8	Yes, and can be less than majority Membership evidence	Yes, if 50% + 1 of cards in the appropriate bargaining unit	Yes, if at least 40% card support	Yes, if at least 40% card support	Unknown	Unknown	No	Unknown, it has never happened	Not applicable
Discretionary Unionization from Membership Evidence	No	No	No	No	Yes, more than 50%	No	No	Yes, more than 50%	No	No	Yes	Yes, but not tested	No
How Long is a "Union Card" Good For in a Unionization Drive	90 days or indefinite Note 2	90 days	6 months	6 months	3 months	90 days	3 months or proof of Membership (dues)	3 months or proof of Membership (dues)	6 months Note 4	6 months Note 5	3 months	12 months	90 days
In a Unionization Drive, Is Membership "Transferable"?	Yes	No	No	Yes	Yes	No	Yes	Yes	No	Yes	No	No	No

See Page 2 for Notes 1 to 8

1. This row does not address provisions regarding open periods for one union to raid another when that involves a decertification and certification process, or when a brief ban on organizing by a certain union comes as a result of a prior unsuccessful campaign or a Board Order for reasons such as union Unfair Labour Practices. This chart also does not deal with situations where an employer can voluntarily recognize a union without the more typical union organizing card signing or petition, and application for certification process.
2. **Alberta:** Only jurisdiction to allow petitions for certification votes that have no union membership implication for employees who sign the petition. Petition signatures are valid for 90 days. Proof of current union Membership in good standing or an application for Membership with \$2 application fee - has no expiry - such evidence is good indefinitely. A union can only apply for certification with cards or a petition and not a mixture of both types.
3. **Federal:** There appears to be only one remedial certification of employees ever due to employer Unfair Labour Practices.
4. **Ontario:** Many think it is 6 months but, there are cases where there were cards that were at least one year old that were not rejected as they were considered statistically irrelevant.
5. **Ontario (Construction):** Provided there is agreement on the bargaining unit and the employees covered.
6. **Prince Edward Island:** Board practice is to order a vote even if cards are greater than 50% but management raises concerns about the union 's organizing activities for improvement.
7. **Québec:** Unions have asked to unionize employees without a vote or in spite of a vote (remedial certification), for employer action but no such union request has ever been granted.
8. **Manitoba:** Union cards or other support required for Board to unionize because of Employer Unfair Labour Practices (ULPs).

This is a summary of legislation, Board procedures and Board/Court decisions as of December 2016. This chart is also only a summary and the particulars of any situation may give rise to differences. If your need is more than general information, you should work with a lawyer and/or the respective Labour Board to understand all the details of your situation. Please contact us with any suggestions for improvement.

DECERTIFICATION PROVISIONS CHART - PRIVATE SECTOR

	Alberta	British Columbia	Federal	Manitoba	New Brunswick	Newfoundland & Labrador	Nova Scotia	Nova Scotia - Construction	Ontario	Ontario - Construction	Prince Edward Island	Québec	Saskatchewan
Open Period for Decertification vs. Small Windows - i.e. 30 to 90 Days Before Collective Agreement Expires	No	Yes, open 10 months after unionization	No	No	No	No	No	No	No	No	No	No	Yes, open 2 years after unionization
Annual Window for Decertification	No	N/A	No	No	No	No	No	No	No	No	No	No	N/A
Permanent Window for Decertification	No	Yes, open 10 months after unionization	No	No	No	No	No	No	No	No	No	No	Yes, open 2 years after unionization
Employee Support on Applicant Evidence for Decertification Application	40%	45%	40%	50% + 1	40%	40%	Note 1	Note 1	40%	40%	50% + 1	50% + 1 Note 3	45%
Statute Requires Secret Ballot Vote for Decertification	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes Note 2	No Note 3	Yes
Employees Wanting Decertification on Cards -No Vote Held	No	No	No	No	No	No	No	No	No	No	No	Yes Note 3	No
How Long is a Support Evidence Good for in a Decertification Drive	90 days	90 days	6 months	6 months	3 months	90 days	3 months	3 months	6 months	3 months	3 months	12 months	90 days

- Nova Scotia:** Based on the evidence of support submitted, the Labour Board decides whether or not to order a vote by choosing between: Option "a" - a significant number of union Members allege that the union is not adequately fulfilling its responsibilities to the employees in the bargaining unit or Option "b" - a majority (50% + 1) of employees in the bargaining unit no longer want to be represented by the union. For Option "a", the Board has never defined "significant number" but it is less than 50% +1.
- Prince Edward Island:** Board can decertify a union without a vote where employee support is 50% + 1 - but only does so when both the union and employer agree that a vote will not be held.
- Quebec:** No votes ever held. Unions decertified on cards if support is 50% +1. If support is below 50% +1 Application is dismissed - no vote held.
- Newfoundland and Labrador:** Must hold vote. Only nullify vote for employer misconduct.

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