

**COMPENDIUM OF FORCED
MEMBERSHIP AND DUES**

PUBLIC SECTOR LABOUR
LEGISLATION REVIEW

STATUTES AND JURISPRUDENCE

INTRODUCTION

This project involved conducting a comparison of public sector labour relations legislation across Canada in order to identify provisions that relate to union membership and dues. Specifically, this project involved:

- Preparing content for a jurisdictional comparison chart.
- Confirming if a religious exemption clause existed for union dues/check-off.
- Identifying where the legislation expressly recognizes a specific bargaining agent.

For each province we have listed all public sector statutes reviewed. Not all of these statutes have been included in the comparison chart. Statutes were excluded where they contained no provisions that addressed the relevant topics outlined in the chart.

It should also be noted that many private sector employees and employers continue to be governed, in whole or in part, by the applicable “private sector” labour legislation. The information contained in this document and in the comparison chart only addresses whether the public sector legislation addresses the identified areas of interest.

NOTE: The excerpts from relevant legislation and related analysis of jurisprudence contained in this Compendium was updated on December 16, 2009. This Compendium does not reflect any legislation that came into effect or jurisprudence that was rendered after December 16, 2009. The reference, on the bottom of each page of this Compendium, to a revision date only reflects formatting improvements and not an update of labour codes or any new jurisprudence.

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FEDERAL

Statutes Reviewed

Parliamentary Employment and Staff Relations Act, 1985 c.33.

Public Service Labour Relations Act, 2003 c.22.

Statutory provisions regarding union dues: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Parliamentary Employment and Staff Relations Act</i>	Statute silent
<i>Public Service Labour Relations Act</i>	<p>Definitions</p> <p>2. (1) The following definitions apply in this Act.</p> <p>...</p> <p>"membership dues", in respect of employees represented by a bargaining agent, means the amount that the employer is required to deduct from the pay of the employees and remit to the bargaining agent under any collective agreement that is entered into between the employer and the bargaining agent.</p> <p>...</p>

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
<i>Parliamentary Employment and Staff Relations Act</i>	Statute silent
<i>Public Service Labour Relations Act</i>	Statute silent

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Parliamentary Employment and Staff Relations Act</i>	Statute Silent
<i>Public Service Labour Relations Act</i>	Statute silent

Union members as preferred candidates in hiring policy

<i>Legislation</i>	<i>Language</i>
<i>Parliamentary Employment and Staff Relations Act</i>	Statute silent
<i>Public Service Labour Relations Act</i>	Statute silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
<i>Parliamentary Employment and Staff Relations Act</i>	Statute silent
<i>Public Service Labour Relations Act</i>	Statute silent

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
<i>Parliamentary Employment and Staff Relations Act</i>	Statute silent
<i>Public Service Labour Relations Act</i>	Statute silent

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
<i>Parliamentary Employment and Staff Relations Act</i>	<p>6. (2) Subject to subsection (3), no person shall</p> <p>(a) refuse to employ, continue to employ or otherwise discriminate against any person in regard to employment or to any term or condition of employment, because the person is a member of an employee organization or was or is exercising any right under this Part;</p> <p>(b) impose any condition on an appointment or in a contract of employment, or propose the imposition of any condition on an appointment or in a contract of employment, that seeks to restrain an employee or a person seeking employment from becoming a member of an employee organization or exercising any right under this Part; or</p> <p>(c) seek by intimidation, by threat of dismissal, or by any other kind of threat, or by the imposition of a pecuniary or any other penalty or by any other means to compel an employee</p> <p>(i) to become, refrain from becoming or cease to be, or, except as otherwise provided in a collective agreement, to continue to be, a member of an employee organization, or</p> <p>(ii) to refrain from exercising any other right under this Part.</p>

	(3) No person shall be deemed to have contravened subsection (2) by reason of any act or thing done or omitted in relation to a person employed, or proposed to be employed, in a managerial or confidential capacity.
<i>Public Service Labour Relations Act</i>	<p>189. (1) Subject to subsection (2), no person shall seek by intimidation or coercion to compel an employee</p> <p>(a) to become, refrain from becoming or cease to be, or, except as otherwise provided in a collective agreement, to continue to be, a member of an employee organization; or</p> <p>(b) to refrain from exercising any other right under this Part or Part 2.</p> <p>(2) A person does not commit an unfair labour practice referred to in subsection (1) by reason of any act or thing done or omitted in relation to a person who occupies, or is proposed to occupy, a managerial or confidential position.</p>

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
<i>Parliamentary Employment and Staff Relations Act</i>	Statute silent
<i>Public Service Labour Relations Act</i>	Statute silent

Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.

ALBERTA

Statutes Reviewed

Public Service Employee Relations Act, R.S.A. 2000, c. P-43

Post-secondary Learning Act, R.S.A. 2003, c. P-19.5

Police Officers Collective Bargaining Act, R.S.A. 2000, c. P-18

Statutory Provisions regarding Union Dues: Mandatory, Union Request, Negotiable?

<i>Legislation</i>	<i>Language</i>
<i>PSERA</i>	Collective agreement 22 An employer and a bargaining agent may enter into a collective agreement (a) authorizing or requiring an employer to deduct from the pay of employees who are members of the unit on whose behalf the bargaining agent is bargaining collectively (i) trade union dues, or (ii) a sum that is the equivalent of the dues paid by members of the trade union; (b) requiring that all the employees of an employer or any unit of employees become members of a trade union during their employment.

Language for Written Authorization for Dues Deduction?

<i>Legislation</i>	<i>Language</i>
<i>PSERA</i>	Statute silent

Union Membership as Condition of Employment: Mandatory, Union Request, or Negotiable?

<i>Legislation</i>	<i>Language</i>
<i>PSERA</i>	22 An employer and a bargaining agent may enter into a collective agreement (a) authorizing or requiring an employer to deduct from the pay of employees who are members of the unit on whose behalf the bargaining agent is bargaining collectively (i) trade union dues, or (ii) a sum that is the equivalent of the dues paid by members of the trade union; (b) requiring that all the employees of an employer or any unit of employees become members of a trade union during their employment.

Union Members as Preferred Candidates in Hiring Policy?

<i>Legislation</i>	<i>Language</i>
<i>PSERA</i>	Statute silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
<i>PSERA</i>	Acts prohibited by employer 45 (3) No employer and no person acting on behalf of an employer shall (a) refuse to employ or terminate the employment of any person or discriminate against any person in regard to employment or any term or condition of employment because the person (i) is a member of a trade union or is an applicant for membership in a trade union, (ii) has been expelled or suspended from membership in a trade union for a reason other than a failure to pay the periodic dues, assessments and initiation fees uniformly required to be paid by all members of the union as a condition of acquiring or retaining membership in the trade union,

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
<i>PSERA</i>	Acts prohibited by trade union 47 No trade union and no person acting on behalf of a trade union shall (e) require an employer to terminate the employment of an employee because the employee has been expelled or suspended from membership in the trade union for a reason other than a failure to pay the periodic dues, assessments and initiation fees uniformly required to be paid by all members of the trade union as a condition of acquiring or retaining membership in the trade union;

Is Third Party Interference in Membership Contemplated?

<i>Legislation</i>	<i>Language</i>
<i>PSERA</i>	Statute silent

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
<i>PSERA</i>	Statute silent

Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.

BRITISH COLUMBIA

Statutes Reviewed

- Community Services Labour Relations Act*, S.B.C. 2003, c.27.
Fire and Police Services Collective Bargaining Act, R.S.B.C. 1996, c.142.
Health Authorities Act, R.S.B.C. 1996, c.180.
Health and Social Services Delivery Improvement Act, S.B.C. 2002, c.2.
Health Sector Partnerships Agreement Act, S.B.C. 2003, c.93
Public Sector Employers Act, R.S.B.C. 1996, c.384.
Public Service Labour Relations Act, R.S.B.C. 1996, c.388.
Public Service Act, R.S.B.C. 1996, c.385.
Public Education Labour Relations Act, R.S.B.C. 1996, c.382.

Statutory provisions regarding union dues: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Public Service Labour Relations Act</i>	<p>13 (1) Every collective agreement must contain terms that, respecting the persons in the bargaining unit who are employees on the date the union is certified as bargaining agent for that bargaining unit, provide that the government must do the following:</p> <p>(a) deduct from the monthly wages or salary of each employee in the bargaining unit affected by the collective agreement, whether or not the employee is a member of the union, the amount of the regular monthly dues payable to the union by a member of the union;</p> <p>(b) remit monthly to the union the amounts deducted under paragraph (a);</p> <p>(c) inform the union monthly, or otherwise as provided in the collective agreement, of the names of the employees from whose monthly wages or salary deductions have been made in the preceding month and the amount deducted.</p> <p>(2) This Act must not be construed as requiring a person who is an employee before the date the union is certified as bargaining agent to become a member of that union, but it is a condition of employment that a person who becomes an employee after a bargaining agent has been certified for the appropriate bargaining unit of that employee must become and remain a member of that union on completing 30 days as an employee.</p> <p>(3) Any arrangement for deduction of dues between the government and a union must continue until</p> <p>(a) a collective agreement is entered into by the parties, or</p> <p>(b) that union fails to be certified, or is decertified, as the bargaining agent, whichever first occurs.</p>
<i>Public Education Labour Relations Act</i>	Statute silent

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
<i>Public Service</i>	Statute silent

<i>Labour Relations Act</i>	
<i>Public Education Labour Relations Act</i>	Statute silent

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Public Service Labour Relations Act</i>	<p>•</p> <p>13 (2) This Act must not be construed as requiring a person who is an employee before the date the union is certified as bargaining agent to become a member of that union, but it is a condition of employment that a person who becomes an employee after a bargaining agent has been certified for the appropriate bargaining unit of that employee must become and remain a member of that union on completing 30 days as an employee.</p> <p>...</p>
<i>Public Education Labour Relations Act</i>	Statute silent

Union members as preferred candidates in hiring policy

<i>Legislation</i>	<i>Language</i>
<i>Public Service Act</i>	Statute silent
<i>Public Education Labour Relations Act</i>	Statute silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
<i>Public Service Labour Relations Act</i>	Statute silent
<i>Public Education Labour Relations Act</i>	Statute silent

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
<i>Public Service Labour Relations Act</i>	Statute silent
<i>Public Education Labour Relations Act</i>	Statute silent

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
<i>Public Service Labour Relations Act</i>	Statute silent
<i>Public Education Labour Relations Act</i>	Statute silent

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
<i>Public Service Labour Relations Act</i>	Statute silent
<i>Public Education Labour Relations Act</i>	<p>Employee bargaining agent</p> <p>6 (1) For the purpose of teacher collective bargaining, the British Columbia Teachers' Federation</p> <p>(a) is deemed to be the certified bargaining agent for the employees in the bargaining unit, and</p> <p>(b) has exclusive authority to bargain collectively for the bargaining unit and to bind it by a collective agreement.</p> <p>...</p>

Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.

MANITOBA

Statutes Reviewed

Civil Service Act, C.C.S.M. c. C110
 Education Administration Act, C.C.S.M. c. E10
 Essential Services Act, C.C.S.M. c. E145
 Firefighters and Paramedics Arbitration Act, C.C.S.M. c. F60
 Provincial Police Act, C.C.S.M. c. P150
 Public Schools Act, C.C.S.M. c. P250

Statutory Provisions regarding union dues: mandatory, union request, ir negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Public Schools Act</i>	Statute silent

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
<i>Public Schools Act</i>	<p>Request for deduction and payment of dues</p> <p>41(2) Where collection of The Manitoba Teachers' Society fees is not covered by a collective agreement any teacher may in each year file with the school board by which the teacher is employed, in a form approved by the minister, a request that the annual dues of the teacher to The Manitoba Teachers' Society be deducted from the salary payable to the teacher and paid to the society as provided in subsection (3).</p> <p>Method of deduction and payment</p> <p>41(3) Where a teacher has filed a request under subsection (2) or where a collective agreement in effect provides for the deduction and payment of annual dues of The Manitoba Teachers' Society, the school board shall deduct or pay over to the society the total amount of the dues on a monthly basis or on such basis as may be provided for by the collective agreement.</p>

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Public Schools Act</i>	Statute silent

Union members as preferred candidates in hiring policies?

<i>Legislation</i>	<i>Language</i>
<i>Public Schools Act</i>	Statute silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
<i>Public Schools Act</i>	Statute silent

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
<i>Public Schools Act</i>	Statute silent

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
<i>Public Schools Act</i>	Statute silent

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
<i>Public Schools Act</i>	Statute silent

Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.

NEWFOUNDLAND AND LABRADOR

The results for Newfoundland and Labrador (“NFLD”) are as follows:

Statutes Reviewed

City of St. John's Act, R.S.N.L. 1990, c. C-17
Interns and Residents Collective Bargaining Act, R.S.N.L. 1990, c. I-18
Public Service Collective Bargaining Act, R.S.N.L. 1990, c. P-42
Royal Newfoundland Constabulary Act, 1992, S.N.L. 1992, c. R-17
Teachers' Association Act, R.S.N.L. 1990, c. T-2
Teachers' Collective Bargaining Act, R.S.N.L. 1990, c. T-3

Statutory provisions regarding union dues: mandatory, union request, negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Interns and Residents Collective Bargaining Act</i>	Statute Silent
<i>Public Service Collective Bargaining Act</i>	Statute Silent
<i>Teachers' Association Act</i>	Statute Silent

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
<i>Interns and Residents Collective Bargaining Act</i>	<p>49. (1) Notwithstanding a law or practice to the contrary, but subject to this section, every employer shall honour a written assignment of wages by an employee to an association that is a bargaining agent, but only to the extent of the amount due by the employee to the association for fees and dues payable as a result of membership in that organization by that employee.</p> <p>(2) Unless the assignment is revoked in writing by the employee and delivered to the employer, the employer shall remit the fees and dues deducted to the assignee named in the assignment at least once each month together with a written statement of the names of the employees for whom the deductions were made and the amount of each deduction.</p> <p>(3) Where an assignment is revoked, the employer shall give notice of the revocation to the assignee.</p> <p>(4) Notwithstanding anything contained in this section, there shall be no financial responsibility on the part of an employer for fees or dues of an employee unless there are sufficient unpaid wages of that employee in the hands of the employer.</p>
<i>Public Service Collective Bargaining Act</i>	<p>50. (1) Notwithstanding a law or practice to the contrary, an employer shall honour a written assignment of wages by an employee to an employee organization that is a bargaining agent, but only to the extent of the amount due by the employee to the employee organization for fees and dues payable as a result of membership in the organization by the employee.</p>

	<p>(2) Unless the assignment is revoked in writing by the employee and delivered to the employer, the employer shall remit the fees and dues deducted to the assignee named in the assignment at least once each month together with a written statement of the names of the employees for whom the deductions were made and the amount of each deduction.</p> <p>(3) Where an assignment is revoked, the employer shall give notice of the revocation to the assignee.</p> <p>(4) There shall be no financial responsibility on the part of an employer for fees or dues of an employee unless there are sufficient unpaid wages of that employee in the hands of the employer.</p>
<i>Teachers' Association Act</i>	Statute Silent

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Interns and Residents Collective Bargaining Act</i>	Statute Silent
<i>Public Service Collective Bargaining Act</i>	Statute Silent
<i>Teachers' Association Act</i>	<p>6. (1) Every teacher employed by a school board or in a private school to which section 43 to 49 of the <i>Schools Act, 1997</i> apply shall be an active member of the association.</p> <p>(2) A teacher referred to in subsection (1) may elect to be excluded from membership in the association for the year in which the notice is given, by written notice to the association to be given</p> <p>(a) in a year when he or she begins or resumes employment as a teacher, within 2 months after the beginning or resumption of the employment; and</p> <p>(b) in a year of his or her employment as a teacher other than a year referred to in paragraph (a), before September 1, and, for the purposes of this subsection, a person shall be considered to have begun employment as a teacher when he or she entered the employment for the 1st time and to have resumed employment as a teacher when he or she resumed the employment after an interruption for a period not less than 12 months, and</p> <p>(c) a notice given under this subsection to the association shall be addressed to the association at its head office; and</p> <p>(d) upon receipt of a notice from a teacher under this subsection, the association shall, within 15 days of the receipt of the notice, notify the minister in writing of the exclusion from membership of that teacher.</p> <p>(3) Teachers other than those who are active members by virtue of subsection (1) may become active members of the association.</p> <p>(4) The association may establish other categories of membership in accordance with its by-laws.</p>

Union members as preferred candidates in hiring policy?

<i>Legislation</i>	<i>Language</i>
<i>Interns and Residents Collective Bargaining Act</i>	Statute Silent
<i>Public Service Collective Bargaining Act</i>	Statute Silent
<i>Teachers' Association Act</i>	Statute Silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
<i>Interns and Residents Collective Bargaining Act</i>	Statute Silent
<i>Public Service Collective Bargaining Act</i>	Statute Silent
<i>Teachers' Association Act</i>	Statute Silent

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
<i>Interns and Residents Collective Bargaining Act</i>	Statute Silent
<i>Public Service Collective Bargaining Act</i>	Statute Silent
<i>Teachers' Association Act</i>	Statute Silent

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
<i>Interns and Residents Collective Bargaining Act</i>	Statute Silent
<i>Public Service Collective Bargaining Act</i>	Statute Silent
<i>Teachers' Association Act</i>	Statute Silent

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
<i>Interns and Residents Collective Bargaining Act</i>	Statute Silent
<i>Public Service Collective Bargaining Act</i>	Statute Silent
<i>Teachers' Association Act</i>	<p>2. “association” means the Newfoundland and Labrador Teachers’ Association referred to in section 3.</p> <p>3. The Newfoundland and Labrador Teachers' Association</p>

	is continued as a corporation.
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	<p>6. (1) Every teacher employed by a school board or in a private school to which section 43 to 49 of the <i>Schools Act, 1997</i> apply shall be an active member of the association.</p>
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Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.

NOVA SCOTIA

Statutes Reviewed

Civil Service Collective Bargaining Act, R.S.N.S. 1989, c. 71.
Highway Workers Collective Bargaining Act, S.N.S. 1997, c. 1.
Teachers' Collective Bargaining Act, R.S.N.S. 1989, c. 460.
Civil Service Act, R.S.N.S. 1989, c. 70.
Corrections Act, R.S.N.S. 1989, c. 103.
Ground Ambulance Services Act, S.N.S. 1999, c. 2.
Labour Standards Code, R.S.N.S. 1989, c. 246.

Statutory provisions regarding union dues: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Collective Bargaining Act</i>	Statute silent.
<i>Highway Workers Collective Bargaining Act</i>	Statute silent.
<i>Teachers' Collective Bargaining Act</i>	Statute silent.

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Collective Bargaining Act</i>	Statute silent.
<i>Highway Workers Collective Bargaining Act</i>	Statute silent.
<i>Teachers' Collective Bargaining Act</i>	Statute silent.

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Collective Bargaining Act</i>	Statute silent.
<i>Highway Workers Collective Bargaining Act</i>	43 (1) The Union or a person acting on behalf of a Union shall not (a) except with the consent of the Employer, attempt, at an employees place of employment during the working hours of the employee, to persuade the employee to become or to refrain from becoming or to cease to be a member of the Union;

	<p>(b) use coercion or intimidation of any kind with respect to any employee with a view to encouraging or discouraging membership or activity in the Union; or</p> <p>(c) discriminate against a person in regard to employment or membership in the Union or intimidate or coerce a person or impose a pecuniary or other penalty on a person because the person</p> <p>(i) has testified or otherwise participated or may testify or otherwise participate in a proceeding authorized or permitted under a collective agreement or proceeding under this Act,</p> <p>(ii) has made or is about to make a disclosure that the person may be required to make in a proceeding authorized or permitted under a collective agreement or a proceeding under this Act, or</p> <p>(iii) has made an application or filed a complaint under this Act.</p> <p>(2) <u>For greater certainty, clause 43(1)(b) does not prohibit the Employer and the Union from inserting in a collective agreement a provision requiring, as a condition of employment, membership in the Union. 1997 (2nd Sess.), c. 1, s. 43.</u> [Emphasis added]</p>
<i>Teachers' Collective Bargaining Act</i>	12 (1) Every teacher as defined by this Act shall be a member of the Union for the purpose of this Act.

Union members as preferred candidates in hiring policy?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Collective Bargaining Act</i>	Statute silent.
<i>Highway Workers Collective Bargaining Act</i>	Statute silent.
<i>Teachers' Collective Bargaining Act</i>	Statute silent.

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Collective Bargaining Act</i>	Statute silent.
<i>Highway Workers Collective Bargaining Act</i>	Statute silent.
<i>Teachers' Collective Bargaining Act</i>	Statute silent.

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Collective Bargaining Act</i>	Statute silent.
<i>Highway Workers Collective Bargaining Act</i>	Statute silent.
<i>Teachers' Collective Bargaining Act</i>	Statute silent.

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Collective Bargaining Act</i>	Statute silent.
<i>Highway Workers Collective Bargaining Act</i>	Statute silent.
<i>Teachers' Collective Bargaining Act</i>	Statute silent.

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Collective Bargaining Act</i>	2 In this Act, (1) "Union" means the Nova Scotia Government Employees Union. <i>R.S., c. 71, s. 2; 2007, c. 33, s. 1.</i>
<i>Highway Workers Collective Bargaining Act</i>	Designation of Union 4 (1) Subject to subsection (2), the Union is the Nova Scotia Highway Workers Union, CUPE Local 1867. (2) Upon being satisfied that (a) either (i) a significant number of members of the Union allege that the Union is not adequately fulfilling its responsibilities to the employees, or (ii) the Union no longer represents a majority of the employees; and (b) another union is proposed, the Labour Relations Board (Nova Scotia) shall, upon application by an employee, conduct a vote by secret ballot to determine the wishes of the employees and replace the Union with another union where the other union receives more than fifty per cent of the votes, and it becomes the Union for the purpose of this Act.
<i>Teachers' Collective Bargaining Act</i>	Interpretation 2 In this Act, ... (v) "Union" means the Nova Scotia Teachers' Union as continued by the <i>Teaching Profession Act. R.S., c. 460, s. 2; 1995-96, c. 1, s. 154; 2001, c. 20, s. 1.</i>

Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.

ONTARIO

Statutes Reviewed

Ambulance Services Collective Bargaining Act, 2001, S.O. 2001, c. 10
 Colleges Collective Bargaining Act, 2008, S.O. 2008, c. 15
 Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c. 38
 Education Act, R.S.O. 1990, c. E.2
 Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4
 Hospital Labour Disputes Arbitration Act, R.S.O. 1990, c. H.14
 Ontario Provincial Police Collective Bargaining Act, 2006, S.O. 2006, c. 35, Sch. B
 Police Services Act, R.S.O. 1990, c. P.15
 Public Sector Labour Relations Transition Act, 1997, S.O. 1997, c. 21, Sch. B
 Provincial Schools Negotiations Act, R.S.O. 1990, c. P.35

Statutory provisions regarding union dues: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	Payment of dues to employee organization 13. (1) The parties to a collective agreement may provide for the payment of dues or contributions by the members of the bargaining unit covered by the collective agreement to the employee organization. 2008, c. 15, s. 13 (1).
<i>Crown Employees Collective Bargaining Act</i>	Statute silent
<i>Education Act</i>	Statute silent

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	Statute Silent
<i>Crown Employees Collective Bargaining Act</i>	Statute silent
<i>Education Act</i>	Statue silent

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	Requiring membership in employee organization prohibited (4) No collective agreement shall contain a provision that would require, as a condition of employment, membership in the employee organization. 2008, c. 15, s. 13 (4).
<i>Crown Employees</i>	Statute silent

<i>Collective Bargaining Act</i>	
<i>Education Act</i>	Statute silent

Union members as preferred candidates in hiring policies?

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	Statute silent
<i>Crown Employees Collective Bargaining Act</i>	Statute silent
<i>Education Act</i>	Statute silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	Statute silent
<i>Crown Employees Collective Bargaining Act</i>	Statute silent
<i>Education Act</i>	Statute silent

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	Statute silent
<i>Crown Employees Collective Bargaining Act</i>	Statute silent
<i>Education Act</i>	Statute silent

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	<p>49. Nothing in this Act authorizes any person to attempt at the place at which an individual employed by an employer works to persuade the individual during his or her working hours to become or refrain from becoming or continuing to be a member of an employee organization, except as the Council and an employee organization may otherwise agree. 2008, c. 15, s. 49. Interference with employee organization prohibited</p>

	53 (5) No person or employee organization shall seek by intimidation or coercion to compel any person to become or refrain from becoming or to continue to be or to cease to be a member of an employee organization or to refrain from exercising any other rights under this Act or from performing any obligations under this Act. 2008, c. 15, s. 53 (5). No interference with bargaining rights
<i>Crown Employees Collective Bargaining Act</i>	Statute silent
<i>Education Act</i>	Statute silent

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	Statute silent
<i>Crown Employees Collective Bargaining Act</i>	Bargaining agent 24. (1) The Ontario Public Service Employees Union continues as the bargaining agent representing the employees in the six bargaining units established by order of the Lieutenant Governor in Council under subsection 23 (1), as it read immediately before section 35 of the <i>Labour Relations and Employment Statute Law Amendment Act, 1995</i> came into force. 1995, c. 1, s. 36 (1). (6) The provisions of the <i>Labour Relations Act, 1995</i> concerning the establishment and termination of bargaining rights do not apply with respect to the deemed bargaining unit. 1993
<i>Education Act</i>	266.3(2) The following bargaining agents represent the corresponding bargaining units: <ol style="list-style-type: none"> 1. For the elementary school teachers' unit at an English-language public district school board, the Elementary Teachers' Federation of Ontario is the bargaining agent. 2. For each of the secondary school teachers' units at an English-language public district school board, The Ontario Secondary School Teachers' Federation is the bargaining agent. 3. For every teachers' bargaining unit at an English-language separate district school board, The Ontario English Catholic Teachers' Association is the bargaining agent. 4. For every teachers' bargaining unit at a French-language district school board, l'Association des enseignantes et des enseignants franco-ontariens is the bargaining agent.

Religious Exemption

<i>Legislation</i>	<i>Language</i>
<i>Colleges Collective Bargaining Act</i>	Where objection to dues because of religious belief (2) Where the Ontario Labour Relations Board is satisfied that an employee because of his or her religious convictions or belief objects to paying dues or contributions to an employee organization, the Ontario Labour Relations Board shall order that the provisions of the collective agreement pertaining to such payments do not apply to that employee and that the employee is not required to pay dues or contributions to the employee organization. 2008, c. 15, s. 13 (2).
<i>Crown Employees Collective Bargaining Act</i>	Statute silent
<i>Education Act</i>	Statute silent

PRINCE EDWARD ISLAND

The results for Prince Edward Island (“PEI”) are as follows:

Statutes Reviewed

Civil Service Act, R.S.P.E.I. 1988, c. C-8

School Act, R.S.P.E.I. 1988, c. S-2

Health Authorities' Employees Act, R.S.P.E.I. 1988, c. H-1.4

Statutory provisions regarding union dues: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Act</i>	Statute silent
<i>School Act</i>	Statute silent

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Act</i>	Statute silent
<i>School Act</i>	Statute silent

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Act</i>	Statute silent
<i>School Act</i>	Statute silent

Union members as preferred candidates in hiring policy?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Act</i>	Statute silent
<i>School Act</i>	Statute silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Act</i>	Statute Silent
<i>School Act</i>	Statute Silent

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Act</i>	Statute Silent
<i>School Act</i>	Statute Silent

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Act</i>	Statute Silent
<i>School Act</i>	Statute Silent

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
<i>Civil Service Act</i>	1. In this Act, (s) “Union” means the Prince Edward Island Union of Public Sector Employees; 43. (2) The Union shall be the authorized representative of all persons employed pursuant to this Act for the purpose of consulting and negotiating with the employer, other than (a) an employee of the executive division;
<i>School Act</i>	25. The authorized representative for instructional personnel shall be the Prince Edward Island Teachers' Federation, so long as a majority of the instructional personnel employed in the province has authorized it to represent them for negotiation purposes. <i>Instructional Personnel Regulations</i> , P.E.I. Reg. EC481/98.

Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.

QUEBEC

Statutes Reviewed:

Public Service Act, R.S.Q. F-3.1.1

An Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (Chapter V), R.S.Q. c. R-8.2

An Act respecting bargaining units in the social affairs sector, R.S.Q. c. U-0.1

An Act to ensure that essential services are maintained in the health and social services sector, R.S.Q. c. M-1.1

An Act respecting the Syndical Plan of the Sûreté du Québec R.S.Q. c. R-14

Statutory provisions regarding union dues: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
PSA	Statute silent
APNCAPPS	<p>SCHEDULE A</p> <p>LIST OF THE MATTERS NEGOTIATED AND APPROVED AT THE LOCAL OR REGIONAL LEVEL IN THE EDUCATION SECTOR</p> <p>I — COLLEGES SECTOR</p> <p>(a) IN RESPECT OF THE TEACHING STAFF</p> <p>...</p> <p>(2) Union dues</p> <p>(b) IN RESPECT OF NON-TEACHING PROFESSIONAL STAFF</p> <p>...</p> <p>(2) Union dues</p> <p>II — SCHOOL BOARDS SECTOR</p> <p>IN RESPECT OF THE TEACHING STAFF</p> <p>...</p> <p>(6) Union representative</p>

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
PSA	Statute silent
APNCAPPS	Statute silent

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
PSA	Statute silent
APNCAPPS	Statute silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
PSA	Statute silent
APNCAPPS	Statute silent

Union members as preferred candidates in hiring policies

<i>Legislation</i>	<i>Language</i>
PSA	Statute silent
APNCAPPS	Statute silent

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
PSA	Statute silent
APNCAPPS	Statute silent

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
PSA	Statute silent
APNCAPPS	Statute silent

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
PSA	<p>64. The Syndicat de la fonction publique du Québec inc. is recognized as the representative of all public servants who are employees within the meaning of the Labour Code (chapter C-27), except</p> <ol style="list-style-type: none"> 1) employees who are teachers; 2) employees who are members of the professional orders of advocates, notaries, physicians, dentists, pharmacists, optometrists, veterinary surgeons, agronomists, architects, engineers, land-surveyors, forest engineers, chemists or chartered accountants, and persons admitted to the study of these professions; 3) employees who are university graduates, economists, geographers, geologists, biologists, town-planners, accountants, auditors, psychologists, social workers, guidance counsellors and other professionals;

	<p>4) employees who are peace officers belonging to any of the following groups;</p> <p>(a) wildlife protection officers;</p> <p>(b) fisheries officers;</p> <p>(c) constables at the Youth Division of the Court of Québec;</p> <p>(d) security officers;</p> <p>(e) transportation officers;</p> <p>(f) instructors, guards and nursing attendants in houses of detention;</p> <p>(g) any other group performing duties of a peace officer.</p>
APNCAPPS	None

Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.

SASKATCHEWAN

Statutes Reviewed

Public Service Act, R.S.S. 1998, c. P-42.1

Teachers' Federation Act, R.S.S. 2006, c. T-7.1

Police Act, R.S.S. 1990, c. P-15.01

Public Service Essential Services Act, R.S.S. 2008, c. P-42.2

Health Labour Relations Reorganization Act, R.S.S. 1996, c. H-0.03

Statutory provisions regarding union dues: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>TFA</i>	<p>18 (1) Every employer must deduct from any salary payable to a member in each month from September to June any amount determined pursuant to the bylaws for membership fees.</p> <p>(2) Every employer must deduct from any salary payable to a participant in each month from September to June any contributions and premiums for any plan.</p> <p>(3) Every employer must remit to the federation the amounts deducted pursuant to subsections (1) and (2) on a monthly basis not later than 10 days after the last day of each month.</p> <p>(4) If a change is made in any of the amounts to be deducted pursuant to subsection (1) or (2), the chief executive officer must notify every employer by registered mail of the change.</p>

Language for written authorization for dues deduction?

<i>Legislation</i>	<i>Language</i>
<i>TFA</i>	Statute silent

Union membership as condition of employment: mandatory, union request, or negotiable?

<i>Legislation</i>	<i>Language</i>
<i>TFA</i>	<p>17(1) Any person employed as a teacher in a school organized, continued or receiving or eligible to receive grants pursuant to <i>The Education Act, 1995</i> must, as a condition of his or her employment, be a member of the federation.</p>

Union members as preferred candidates in hiring policy?

<i>Legislation</i>	<i>Language</i>
<i>TFA</i>	Statute silent

Is it a ULP for an employer to fire an expelled member?

<i>Legislation</i>	<i>Language</i>
TFA	Statute silent

Is it a ULP for a union to force an employer to fire an expelled union member?

<i>Legislation</i>	<i>Language</i>
TFA	Statute silent

Is third party interference in membership contemplated?

<i>Legislation</i>	<i>Language</i>
TFA	Statute silent

Statutory recognition of bargaining agent?

<i>Legislation</i>	<i>Language</i>
TFA	17(1) Any person employed as a teacher in a school organized, continued or receiving or eligible to receive grants pursuant to <i>The Education Act, 1995</i> must, as a condition of his or her employment, be a member of the federation.

Religious Exemption

None of the public sector labour relations statutes examined contain an exemption from union membership or payment of union dues on the basis of religious belief.