

**Cancellation of a “Union Card”
During a Union Drive
British Columbia**

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Employers may do the same, for management training and communication purposes, whether within their organization or with other interested parties. In some situations, employers may provide these materials to their employees. However, we suggest, in the strongest possible terms, that you only do so in consultation with a labour lawyer who knows your individual situation.

Unions may do the same, for training and communication purposes, whether within their union or with other interested parties such as their Members and or non-Members they may represent.

Overview

After these instructions, you will find a Form you can use to try to cancel your membership, or application for Membership in a union, that you signed during a union drive.

You are free to decide if you want a union to represent you or not. You should not feel forced to make this decision and no one, including the union or its supporters, the employer, or employees opposed to being unionized, should try to interfere (unlawfully) with your decision using threats, coercion, penalties, intimidation, promises or willful misrepresentation.

Union Drive Free Speech and Making Informed Choices

You will have to let the British Columbia Labour Relations Board and the union know that you no longer want to be represented by the union and that you want your card cancelled before the union uses your card in support of an Application to unionize your workplace. Do this immediately and do it in writing using the attached Form.

During a union drive, you may find that the people around you try to influence your decision about whether to support the union or not. In British Columbia employees, whether they support or oppose unionization have the greatest free speech rights. “Speech” also includes actions. Union officials are legally able to say and do more than employers to try to encourage you to support their union. This means employees must decide about unionization based on a possible imbalance of information where the union can say and do more to influence your decision than your employer can. Sometimes employers agree with a union to not communicate with their employees at all or very little during a union drive. This makes it even harder to be an informed employee making an informed choice. Use our website, the internet and people you know to get as much information as you can. Ask the union lots of questions and check their answers before “buying” their services (by signing a union card). At the end of the day, the decision to join or not to join a union is significant and you should make sure that you have taken the time to ask the critical questions and think the decision through for yourself. See our FAQ: What Should I Consider When Deciding Whether To Sign A Union Card Or Not?

It is best that you remember that much of what a union might promise has to be bargained by your employer and the union and ultimately approved by employees who show up to vote for or against a proposed contract. The union’s organizers may not be the ones who bargain for the union. What a union can “promise” to get you to sign a card, is a difficult legal issue – see our Unfair Labour Practices section if you have concerns about a union’s actions. If you have concerns about your employer’s actions the union should help you understand the law and they may decide to file an unfair labour practices complaint for you.

When you sign a union card you are becoming a member of the union. Becoming a member also means that you can be disciplined for not obeying union rules. In short, it is not just a card for a vote – you are signing a contract.

Bargaining Unit Issues and Unionization Applications

In British Columbia, a union needs at least 45% of the employees in the bargaining unit (group of employees) who they want to unionize as members (or applicants for membership) in order to have the Labour Board consider hold a secret ballot vote. The Board reviews the membership evidence and decides if the group of workers (or bargaining unit) the union wants is “appropriate” for collective bargaining. If the Board finds that the union has less than 45% support in the bargaining unit that it has selected, or does not approve of a bargaining unit that the union has selected, then one of three things may happen:

- There may be no vote.
- Any vote that was taken might not be counted.
- The vote may be counted but the results may be thrown out.

Losing the Employee “Right to Vote” Versus an Unfair Labour Practice (ULP).

If you cancel your union card before the union applies to the Labour Board, then your card should not count towards the 45% the union needs to get a vote. However, even if you do cancel your card, the union may still have enough support and there may still be a vote. If you have cancelled your union card before the Application and, if a vote is ordered, you still get to vote.

In British Columbia it is possible that the Labour Board can order your workplace unionized if your employer is found to have committed an Unfair Labour Practice (ULP) during the unionization drive. This could mean that:

- A vote is never held and you are unionized without a secret ballot vote.
- A vote that was taken is never counted.
- A vote was taken and even though the majority you all voted against unionization it is thrown out and you are unionized anyway.

In British Columbia is also possible that if the union is found to have committed an Unfair Labour Practice (ULP) during the union drive it could mean that:

- A vote is never held.
- A vote that was taken is never counted.
- A vote was taken and even though the majority you all voted for unionization it is thrown out and you remain union-free anyway.

If You Support Unionization

If you support the union and want to become unionized, sign a union card. We suggest you ask for and keep a copy of anything you sign. The union however, does not have to give you a copy of your application for membership into the union.

If You Do Not Support Unionization

If you don't support the union, oppose it. Or, if you just don't want to be unionized, don't sign a card. But, if you feel this way and have signed a card you may be able to cancel it.

If you know you are a member in the union or have been in the past and are unsure if you are currently a member, you may be in a difficult situation. If you find that you cannot get your application for membership back, or cannot cancel your membership – and it may be hard, then you will have to let the union know that you no longer want to be represented by them and that you want your support cancelled. Do this immediately and do it in writing (preferably by registered mail as formal evidence of the receipt by the union may be necessary in the future) – our website has the Forms and instructions to help you try to do this

Why Telling the Union Matters

The union can use your signature on a union card for up to 90 days after you sign it to apply for unionization.

Some labour law experts in British Columbia may say that cancelling cards does not matter. LabourWatch does not agree. There are some very important reasons to cancel cards if you have changed your mind. Read on.

The Board sees the secret ballot vote as the best way to deal with concerns over a union's level of support including union card cancellations from employees. This means that if you don't want the union and want to cancel your card you have to tell the union that you don't want them so you can try to stop the process before the union files an Application.

NOTE: You may never ever be able to find out if a card with your name on it was filed by the union (whether signed by you or signed by someone else – an illegal action known as card fraud).

Sometimes, employee's cancelling cards leads a union to stop its drive or even withdraw its Application to unionize you. There can be a number of reasons. For example, if the union feels there is little support for them they may decide that:

- They cannot form a bargaining committee with employees on it.
- They cannot win a strike vote.
- They cannot get employees to ratify a first collective agreement.
- Unionizing you will cost more than they might get in dues.
- Unions have withdrawn Applications because of a loss of support.

Ultimately, the union may decide it does not make business sense to keep going if they lack support. They might even simply respect your wishes.

If you think a union has applied to the Labour Board with union cards that were cancelled or possibly with signatures that do not belong to the employees, you should apply to the Board as soon as possible to ask that the union's evidence be examined by the Labour Board for "fraud or misrepresentation". You might want to call them to ask them to explain the steps that you must take to have the union's evidence examined. Basically, you would be saying that if the union used the support of employees who had cancelled their support or never gave the union their own signature, then the union has engaged in "fraud or misrepresentation". Any cancellations would have to be received by the union before it files its Application. You are also welcome to contact LabourWatch if you are going to challenge a union about cancelled cards that you know you filed with the union before the union applied to the Labour Board.

If you feel threatened, intimidated or coerced by the union and you are scared to cancel your membership with the union, you should send a letter to the Labour Board advising them that you signed a union card that you want to cancel your support and advise the Board who your employer is. To support your concerns about penalties threats, intimidation or coercion as a reason for not sending your cancellation to the union you may also have to file an Unfair Labour Practice complaint against the union and prove what happened to you or what threats were made. The Board has the power to throw out a union Application for an Unfair Labour Practice.

Even if you do this for yourself, there may still be a vote. Voting “no” to being unionized, if you get a chance to vote, is the only way to be sure that your changed position counts at your current job.

If you cannot get your card back, or the union does not respond to your personal cancellation, you do not have to vote for the union – you can still be a “supporter” or “member” on paper and vote no – if a vote is held.

Get the Forms

Individual Letter or Form

To cancel your union card, you need to inform the union and the Labour Board. Send the union and the Labour Board a letter or use our standard Form. It should say that you no longer want to be a member of the union and don't want to be represented by it. The statement must be dated and the statement must state the proper name of the union and the local number (if applicable).

If you know others who want to cancel their union cards they too need to use the process above.

A card cancellation campaign can generate conversation amongst employees who may want to cancel their membership cards but do not know how to. It can ensure that in addition to the voices of those who are in favour of the union, the opinions of employees who do not support the union are heard as well.

The Labour Board does not have a standard Form but LabourWatch has one that you can use. It is attached to the end of this Download.

Group Petition

In some provinces Labour Boards allow employees to use petitions to cancel union cards. We suggest you do not use a group petition to cancel cards in British Columbia. The Labour Board may have privacy or confidentiality concerns and your cancellations might not be counted.

Timing Your Cancellation

Don't put off canceling your card. If the union applies to be certified before you inform them and the Labour Board, your decision to cancel your union card will not count. An employee is entitled to revoke their membership support up to and including the day the union applies for certification.

Deliver Your Forms

You will need to deliver your cancellation documents to both the union and the British Columbia Labour Relations Board. To do this, you can either fax, hand-deliver or courier them.

To the Union:

Since there are no rules about this, you can use any type of delivery you want to – except email, the Labour Board will not accept e-mail submissions of any Applications.

Fax is the best way to send your documents to the union. It is fast and a confirmation page proves the union received them. Remember that you should not use your employer's fax machine to send your Forms to the union or Labour Board. **Make sure you get and keep the fax confirmation page.**

However, our next choice would be to courier the documents. Other options are hand delivery and registered mail. Again, you want to **get and keep proof of delivery** in case you have to prove to the Labour Board that you cancelled your card.

If you feel threatened, intimidated or coerced by the union and you do not wish to speak to the union about cancelling your membership or application for membership, or you do not wish to send them a written letter cancelling your support, you may send a letter to the Labour Relations Board advising them that you signed a union card and you want to cancel or revoke it and tell the Board who your employer is.

To the Labour Relations Board:

You can mail, hand deliver, courier or fax your cancellation documents to the Labour Board. But since you have to get them to the Board before the union files its Application for certification you should use that fastest method, fax them. The Labour Board address and fax information is on the attached Form.

Once you fax your documents to the Labour Relations Board, you must still deliver the original to their offices within 3 days by courier or hand-delivery. Don't forget to keep copies for your records.

Conclusion

Even if you do this for yourself and maybe others, there may still be a vote. Voting "no" to being unionized, if the Labour Board orders a vote, is the only way to be sure that your changed position counts. Whether or not you have signed a union card and applied for union membership, or you are a current union member – you can change your mind and vote for the union or to remain union-free. The vote is by secret ballot so no one, not even the Labour Board will know how you voted.

Remember that if there is a vote only the people who actually go and vote will be considered. For example, if your workplace has 100 employees who would be in the bargaining unit and 30 employees voted and at least 16 of those voted for the union, then that whole 100 employee part of your workplace, including you, are unionized even though only 30 voted in total. So, participating in such a vote is very important.

Notification of Cancellation of Application for Union Membership Or Cancellation of Union Membership

Membership Details

I do not want to be represented by, or remain a member of:

Insert the full name of Union, (and local if applicable)

as it relates to the following Employer.

Insert Full Name of Employer

Personal Details

Full Name:

Print Your Full Name

Address:

Street

City

Province

Postal Code

Telephone Number:

()

Signature

Date:

Note: This form will not be accepted unless it is signed, your name is printed clearly, and the form is dated.

1. Do not use your employer's fax machine if you fax this in.
2. If you fax it in get and keep a print out from the fax that confirms the fax was received.
3. If you hand deliver, courier or mail your cancellation – keep a copy of your completed cancellation.

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Union Information

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