

HOW TO ALBERTA | NON-CONSTRUCTION Cancel A Union 'Card'

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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.

FOR HELP, CALL LABOURWATCH TOLL-FREE AT
1-888-652-2687

INTRODUCTION

After these instructions, you will find forms you can use to try to cancel your support for a union during a union drive.

You are free to try to have a union to represent you or not. The law says you should not be forced to make this decision: no one, including the union, its fellow employee supporters or your employer, should try to inappropriately influence your decision using threats, penalties, intimidation, or coercion.

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 if it really wants to properly represent you.

Whatever your decision, we recommend you communicate it by signing or not signing either:

- A petition for union representation, the most common union method in Alberta, or
- Proof of union membership "in good standing" or an application for union membership - including \$2 that you must pay on your own to the union.

Note: Only petitions, membership or application cards signed within 90 days of the date the union applies are valid. The union has to choose option 1 or 2 and cannot mix membership proof with petition support.

In Alberta employees, whether they support or oppose unionization have the greatest free speech rights. "Speech" also includes actions. Union officials can generally say and do more than employers which 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.

It is best that you remember that much of what a union might promise has to be bargained with your employer and approved by you and your co-workers in a ratification vote – a vote usually run by the union to approve or reject a proposed contract or collective agreement.

In Alberta a union needs to give evidence that at least 40% of the employees in the bargaining unit (group of employees) they want to unionize are supporters of unionization, in order to have the Labour Board consider holding a secret ballot vote.

The Board reviews the evidence and decides if the group of workers (or bargaining unit) the union wants is "appropriate" for collective bargaining. If the Board finds the union has less than 40% support or does not approve of a bargaining unit that the union has at least 40% support for, then there will be no vote or a vote that was taken will not be counted.

IF YOU SUPPORT UNIONIZATION

If you support the union and want to become unionized, sign a petition (or a union membership or application card). We suggest you ask for and keep a copy of anything you sign, though if a union is using a petition that may be difficult.

If you are, or think you already are a member of the union (for example, because of a unionized job you used to work at or currently work at) the union can probably use this as support to try to unionize your other union-free workplace. If the union is applying by petition it will need you to sign it.

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 petition (or a union membership or application card) asking for your support. But, if you feel this way and have signed a petition or union card (membership or application), 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. The union can probably use its proof that you are a union member in good standing at one company to support a membership based application at another union-free company. If the union is using a petition then your membership at another workplace cannot be used. If the union is using a membership based application then your situation is more difficult. Contact LabourWatch to discuss your situation.

If you find that you cannot get your application for membership back, cannot remove your name from a petition 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 – 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 petition or union card (membership or application) for at least 90 days after you sign it to apply for unionization.

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).

But there are some very important reasons to cancel cards if you have changed your mind. Read on.

Sometimes, employee support for a cancellation petition, or cancelled 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 winning a strike vote or forming a bargaining committee will be very difficult. If they think that unionizing you will cost more than they might get in dues they 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 petition support or union cards (application or membership) 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". Follow the instructions on the Notice from the Labour Board and call them to understand the steps you must take. Basically, you would be saying that if the union might have 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 misrepresentation" to the Labour Board and your employer. 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 do not wish to speak to the union about cancelling your membership, or you do not wish to send them a written letter cancelling your membership card, you should send a letter to the Labour Board advising them that you signed a union petition or union card (application or membership); you want to cancel your support and advise the Board who your employer(s) are. In some provinces in Canada, the law better protects employees by not requiring them

to tell the union that they no longer support them – instead employees only have to cancel via the Labour Board.

Generally, the Alberta Labour Relations Board does not care about cancellation documents because it sees the secret ballot vote as the best way for employees to decide what they really want.

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 remove your support for the petition, or do not 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 signature on a petition, application for membership, current membership or union card, you should tell the union and under limited circumstances, the Labour Board as well, in writing. Send the union a letter or use a standard form. It should say that you no longer support the union, nor be a member of the union and don't want to be represented by it. You can use our standard individual form below.

GROUP PETITION

If you know others who want to cancel the support they gave to a petition, or their cards you might use your own petition instead. Just like a letter or form, your petition would say that those signing it don't want to be members of the union and don't want to be represented by it. The sample LabourWatch petition, which you can get from our website, is attached to this document, below.

A petition can generate conversation amongst employees for cancelling their support for a petition or signed cards or in generally opposing the work of your fellow employees and any professional union organizers who are trying to bring the union in. While the union does not necessarily have to recognize your petition it may increase their understanding of the level of interest amongst the employees for not being unionized. It will help you with the process of getting the individual letters or forms cancelling membership to send to the union.

USING A GROUP PETITION

If you use the LabourWatch petition it already correctly states the reason for the petition, but if you chose to use the one from the Alberta Labour Board (General Petition 6-1) be sure that at the top of each page it says what it means to sign the petition – see the top of our Petition for Cancellation of Union Membership below if you need a guide. We have included the Labour Board petition as well.

- Before anyone signs the petition, make sure they are given a chance to read the statement at the top of the page.
- For each person who signs the petition, get their signature, printed name, address and the date they signed.
- All signatures must be witnessed when they are collected (the same person can witness more than one signature).
- The signatures should not be gathered during working hours, but they can be collected when you and the person signing are on break, or before or after work.
- Keep the petition with you, with those who are helping you or stored in a safe place. Even when you send your petition to the union, send a copy and keep the original.

Once a union can show that 40% of employees, in the bargaining unit applied for, support the union, the Alberta board will have one of its officers do an investigation. During this investigation, the Officer will review membership support (union membership documents, petitions or applications for membership cards) and they will also look at the employer's payroll records. Even though an application for certification has been filed, your petition may still have an affect on the Board's decision about whether sufficient support exists. It is up to the Board to determine if the 40% support threshold exists.

TIMING YOUR CANCELLATION

Don't put off cancelling your application for membership, actual membership or support on a petition for unionization. If the union applies to unionize you before you inform them, your decision to cancel your support of the union might not count.

DELIVER YOUR FORMS

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 Alberta Labour Relations Board advising them that you signed a petition or a union card (application or membership) and you want to cancel or revoke it and tell the Board who your employer is.

At this time in Alberta, we don't know if the Board will consider such cancellations when deciding whether the required 40% support of the union has been shown for the bargaining unit the Board approves of in the end. If you feel that you have been subjected to threats, intimidation or coercion you may also have to file an Unfair Labour Practice complaint against the union.

The best way to send your documents to the union and Labour Board (if you also send to them) is to fax them - faxing is fast, and print the confirmation page so you can prove they received them.

However, our next choice would be to courier the documents, personally deliver them or use registered mail.

See the attached form for Alberta Relations Labour Board address information. We have also included a spot for you to fill in the union's information.

A few things to remember when completing the cancellation of signature support petition, or card cancel letter:

- Do not use your employer's fax machine if you fax it in.
- If you fax it in get and keep a print out from the fax that confirms the fax was received.

- If you hand deliver, courier or mail your cancellation – keep a copy of your completed cancellation.

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 an application or petition, 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.

Cancellation of Signature Support on a Union Petition or Cancellation of Union Membership or Application for Membership (individual)

By signing this letter, I am saying that: I do not support, I do not want to become a Member or do not want to remain a Member of and I do not want to be represented by:

Full name of union (and local if applicable)

as it relates to the following employer:

Full name of employer

Personal Details

Full Name:

Print your full name

Signature: _____ Date: _____

Witness signature: _____ Date: _____

If the union has a Membership card or application for Membership with my name on it, I want that card or application destroyed. If my name appears on a union support petition I want that information crossed out on that petition. The union does not have my permission to use my name as support on any petition, any Membership card or application for Membership to file with the Labour Board to unionize my workplace, or to say that I am a Member of or support the union in any way.

I also direct the union to destroy or return to me any personal information they may have about me and not to give it to any other union or use it. Thanks

Note: This form might 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 Form – keep a copy of your completed Cancellation Form.
4. Only complete the union information below if you are going to send your cancellation to the union.

If you try to file your cancellation with the Alberta Labour Relations Board:

Edmonton Office
#501, 10808 - 99 Avenue
Edmonton, AB T5K 0G5
Phone: (780)427-8547
Fax: (780) 422-0970

Calgary Office
3rd Floor, Deerfoot Junction, Tower 3
1212 - 31st Avenue, NE
Calgary AB, T2E 7S8
Phone: (403) 297-4334
Fax: (403) 297-5884

union

EMPLOYEE PETITION

WE the undersigned employees of *(name of company)*: _____
 have freely signed this petition in support of: *(specify purpose of the petition)*:

WE HAVE EACH SIGNED THIS PETITION FREELY AND WITHOUT PRESSURE

| Signature | Name (Please Print) | Address | Home Phone No. | Date of Signing | Witness' Signature |
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This form is provided by the Labour Relations Board for the convenience of parties in exercising their rights under the Labour Relations Code. **Parties using petitions before the Board will require a spokesperson to establish the authenticity of this petition.** Information about the rights and duties set out in the Labour Relations Code can be obtained through the Board offices.