

HOW TO MANITOBA | 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

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 or its supporters and your employer, should try to 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.

In Manitoba employees, whether they support or oppose unionization have the greatest free speech rights. “Speech” also includes actions. Union officials can 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.

NOTE ABOUT “UNION CARDS”: Some unions’ membership cards are actually an application for membership that may or may not be approved by the union. An application for membership is the same thing as proof of membership for a union application for certification (to unionize a group of employees).

- Whatever your decision, we recommend you communicate it using a Union card or by canceling any previously signed Union card.
- If you support the Union and want to be represented by it, sign a Union card. We suggest you ask for and keep a copy of anything you sign.
- If you don't support the Union, oppose it, or just don't want to be represented by it, don't sign a Union card. But, if you feel this way and have signed a card, cancel it.

If you change your mind and no longer want the union to be able to use your card, let the union know in writing that you no longer want to be represented by them and that you want your card cancelled. Do this immediately. Why?

The union can use your card for at least up to 6 months 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.

If you think a union has applied for certification with cards that were canceled, **you will have only two (2) days** from when the union posts the notice in your workplace to apply and 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 used the cards of employees who had canceled their cards, then the union has engaged in "fraud" to the Labour Board. These cancellations would have to be received by the union before it files for certification. 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 canceling your membership, or you do not wish to send them a written letter canceling your membership card, you should send a letter to the Labour Board advising them that you signed a membership card; you want to cancel or revoke your membership card; and advise the Board who your employer(s) are.

To support your concerns about 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.

Sometimes, when employees cancel cards, a union stops its drive or withdraws its Application. 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. This is another reason for card cancellation.

Even if you cancel your card, 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.

If you do not cancel your card you do not have to vote for the union – you can still be a "member" and vote no – if a vote is held. Also, if you do cancel a card and there is a vote and you decide you again support the union, you can still vote yes.

GET THE FORMS

INDIVIDUAL LETTER OR FORM

To cancel your union membership card or application for membership, you need to inform the union and/or the Labour Board (see above when deciding who to send it to).

Send a letter or use one of our standard forms. It should say that you no longer want to be a member of the union and don't want to be represented by it. This is the best way to communicate your lack of support for, or opposition to being unionized.

GROUP PETITION

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

You and other employees can also put together a petition declaring that you do not want to be unionized, that you want to cancel your union membership and your union cards. Just make sure that everyone who signs the petition also sends their own letter to the union (see above).

A petition can generate conversation amongst employees for canceling their 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 the 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 canceling membership to send to the union.

USING THE GROUP PETITION

- At the top of each page it should say what it means to sign the petition. (Our standard petition on our website already has this filled out for you.)
- Before anyone signs the petition, make sure they are given a chance to read the statement at the top of the page.
- The signatures must 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.

- Make sure to cover the other signatures on the petition for each new employee, to ensure privacy.
- 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 petition should always be in your custody (or 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.
- Management should have no knowledge of, or involvement in the petition.

TIMING YOUR CANCELLATION

Don't put off canceling your card. If the union applies to be certified before you inform them, your decision to cancel your union card will not count.

There is even more reason not to delay when you intend to send the union a petition. If the union doesn't know some people no longer support it, the union may use those names when applying for certification.

DELIVER YOUR FORMS

Since there are no rules about this, use any type of delivery you want to.

In our opinion, the best way to send your documents to the union is to fax them to the union offices - faxing is fast and the confirmation page proves the union received them.

However, our next choice would be to courier the documents. Other options are hand delivery and registered mail.

Also, get a copy to the Manitoba Labour Relations Board at the same time as the union.

Get these forms in as soon as possible.

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. 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 Manitoba Labour Board:

Manitoba Labour Board
500-175 Hargrave Street
Winnipeg, Manitoba, R3C 3R8
Phone: (204) 945-3783
Fax: (204) 945-1296

union

