

# HOW TO NEW BRUNSWICK | NON-CONSTRUCTION Cancel A Union 'Card'

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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 decide if you want a Union to represent you or not. The law says you should not feel forced to make this decision and that no one, including the union or its supporters, should try to influence your decision using unlawful threats, penalties, intimidation promises.

- Whatever your decision, we recommend you express 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 find that you cannot get your card back — 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 card cancelled. Do this immediately and do it in writing — our website has the forms and instructions to help you try to do this.

Once the union has used your card to apply to unionize you, New Brunswick has a process for you to say you have changed your decision. In New Brunswick this change is done individually by filing a “statement of desire” or by signing a Petition form with others.

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.

If you do not get your card back, or the union does not respond to your personal cancellation or to a group Petition, you do not have to vote for the union — you can still be a “Member” of the union and vote no — if a vote is held.

In New Brunswick, there are two key points in time to cancel:

1. Before the union has filed an Application.
2. After the union has filed an Application BUT before the “Terminal Date”.

**NOTE:** Even if you did not sign a card to unionize a workplace, unions can use a card from another job. Also, some unions in Canada have signed cards for employees and given them to Labour Boards. This is illegal. Protecting yourself from this illegal card fraud is best done by signing a Cancellation Form.

## GET THE FORMS

### INDIVIDUAL LETTER OR FORM

To cancel your union card before the union applies to the Labour Board to unionize, you need to inform the union. Send the union a letter or use our standard Form or Petition. It should say that you no longer want to be a Member of the union and don't want to be represented by it.

### GROUP PETITION

If you know others who want to cancel their union cards you might use a 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.

You can get copies of these Forms along with a copy of these instructions in our Downloads section.

## USING THE GROUP PETITION

- At the top of each page it should say what it means to sign the Petition.
- 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, their printed name, 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 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.

- 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.

## AVOID MISTAKES

When cancelling **after** the union applies, but **before** the Terminal Date, the Labour Board may ask a person to give evidence about the work done to cancel union support. For example when, where, how each signature was obtained.

## TIMING YOUR CANCELLATION

### **Don't put off canceling your card.**

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

If the union applies before you inform them, you may still have a chance to cancel your union card or the cards of those who signed the Petition or Individual Cancellation Form. However, you need to contact the New Brunswick Labour and Employment Board to find out the prescribed deadline or Terminal Date.

The "Terminal Date" is between 5 and 12 days after the union first applies. The actual Terminal Date is set by the Labour Board.

If the union has applied, there should be a green coloured form posted at work with the "Terminal Date" on it.

## DELIVER YOUR FORMS

### TO THE UNION

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.

**NOTE: You only send Cancellation Forms to the union if they have NOT yet applied. Once the union has applied, you only have to send Cancellation Forms to the Labour Board before the Terminal Date.**

### TO THE LABOUR AND EMPLOYMENT BOARD

Your Cancellation Forms, along with the accompanying letter, must be **received** by the Board not later than the Terminal Date. If you use regular mail or a courier then the delivery must arrive on or before the Terminal Date.

You may deliver your Cancellation Forms by hand or by Canada Post Registered Mail **up until the Terminal Date**. Mail that is registered with Canada Post is deemed to be received on the day that it is registered, even though delivery will happen at some later date.

## **Cancellation of Union Membership or Application for Membership (individual) – sometimes also called a **Statement of Desire****

By signing this, 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 say that I am a Member of or support the union to unionize above employer. 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.

If the Labour Board has a document with my name on it, I hereby cancel it or I state that I never signed it to unionize my above employer.

**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.

To file your cancellation with the New Brunswick  
Labour and Employment Board:

New Brunswick Labour and Employment Board  
Suite 200, 435 King Street  
Fredericton, New Brunswick E3B 1E5  
Phone: (506) 453-2881  
Fax: (506) 453-3892

union

***ONLY file with union if NO application to unionize your workplace has been made yet. If filing before Terminal Date, ONLY file this with the Labour Board.***

