

HOW TO

NEWFOUNDLAND AND LABRADOR | CONSTRUCTION
Cancel A Union 'Card'

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Employees, whether unionized or not, who want to be more informed, should refer fellow employees to this web site and may certainly download, print, copy, transmit and distribute these materials to fellow employees or any interested parties by any means whatsoever. You do not need to contact us for permission to do so.

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

OVERVIEW

During a union drive, you are free to decide if you want a union to represent you or not. The law says you should not be unlawfully 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 or promises. Generally the union will monitor employer actions and take any of their concerns to the Labour Board. The employer is more limited in what it can do to challenge union actions.

- 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 think the union's actions are possibly illegal tell your employer. If they cannot or will not legally challenge the union's actions our website has a section on how an employee can formally complain to the Labour Board by filing charges known as [Unfair Labour Practice Complaints](#) against the union.

WHAT IS A "UNION CARD" FOR UNIONIZATION OF A WORKPLACE?

A union card will be one of two things:

1. A document that, when signed, makes you an actual Member of that union.
2. A document that is an Application to become an actual union Member in the future. The union will review your Application and decide to approve or reject you as a Member.

The Labour Board will accept either of these documents as support for the

union as evidence of "Membership in good standing" with a union that sends them in to unionize your workplace.

In Newfoundland and Labrador the above documents may be used by the union for up to 90 days from the date you signed and when the union applies to the Labour Board to unionize your workplace.

The Labour Board will not accept proof of "Membership in good standing" if the document is proof that an employee is unionized in another workplace with that union. Put another way - union Membership is not transferable from one workplace to another.

Always ask for and make sure you get a copy of what you signed before letting the union organizer or fellow employee take a signed card from you.

NEVER let a union get you to sign a card without you putting the date on it that is the date you sign it.

CANCELING YOUR SUPPORT FOR A UNION

There are different ways to stop a union from using any union card you signed to try to unionize your workplace:

1. Get your original signed card back so the union cannot send it in to the Labour Board. Unions may delay returning cards or never return your original signed card or take too long to do it.
2. File a document with the union and/or the Labour Board cancelling any card you have signed in the past. This is the best thing to do.

If you cannot get your union card back before the union applies to the Labour Board, then you will have to let the Labour Board know that you no longer want to be unionized. Tell the union and the Labour Board 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. Keep a copy of what you send to the union and/or Labour Board.

Even if you do this for yourself, there may or may not be a vote. If there is a vote, voting "no" to being unionized, is one way to be sure that your changed position counts.

WHEN MUST UNION CARD CANCELLATION DOCUMENTS BE FILED?

To count, your cancellation and any other employee's cancellation must be filed before the union files its Application to unionize your workplace.

If you change your mind after you have heard the union has applied and try to cancel your card to stop unionization it may affect the union's plans but it will not change the Labour Board's decisions.

UNIONIZATION WITH OR WITHOUT A VOTE

Even if you have sent in your card cancellation there may be a vote. It is very important that if there is you go and vote, you do not have to vote for the union because you signed a card - you can still be a "Member" and vote no.

GET THE FORMS

Individual Cancellation Form

LabourWatch has created a Form for you to complete and send to the Labour Board.

According to the Labour Board's official rules you do not have to sign such a document or have a witness. LabourWatch has included a space for you to sign it and suggests you do so, but this is not required.

While the date is important, the only date that matters is that date you get it to the union and/or the Labour Board. It must be received before the union files its Application to unionize your workplace. Even if signed before - but you deliver it after - your cancellation will not count.

TIMING YOUR CANCELLATION

Don't put off canceling your card. The union can apply as soon as it has the amount of support it wants. If the union applies to unionize your workplace before you tell them in writing your decision to cancel your union card will not count.

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

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 Labour Board and/or the union is to fax them, faxing is fast and the confirmation page proves they were received. You do not have to send anything to the union.

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

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 Newfoundland and Labrador Labour Relations Board:

Newfoundland and Labrador Labour Relations Board
Mailing Address:
P.O. Box 8700
5th Floor, Beothuck Building
20 Crosbie Place, St. John's, NL A1B 4J6
Phone: (709) 729-2707
Fax: (709) 729-5738

union

**Petition for Cancellation of Union Membership
or Application for Union Membership**

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

Date	Full Name	Signature	Witness Name	Witness Signature