

HOW TO ONTARIO | 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

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 threats, penalties, intimidation, coercion or even promises.

- 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.

In Ontario a Union needs at least 40% of the Employees in the bargaining unit (group of Employees) they want to unionize to sign cards in order to have the Ontario Labour Relations Board hold a secret ballot vote.

Construction Employees can be unionized **without a vote** if more than 55% of the Employees in the bargaining unit sign cards. Unions prefer to unionize employees without a vote, so they will try to get over 55%. This is why getting a copy of what you sign and, if you change your mind, canceling your card immediately can be so important to you.

In construction, the only membership cards that will be considered by the OLRB are cards signed by Employees who were doing work of the bargaining unit on the day that the Application for Certification is filed with the OLRB.

If you change your mind and no longer want the Union to be able to use your membership card, let the Union know, both verbally and 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 12 months after you sign it to apply for unionization. With respect to construction employees, a Union can choose a day to apply for certification when the number of Employees at work is lower than normal. The Union could pick a day when more Employees who refused to sign cards are not at work than Employees who did sign. If they have 55% + 1 on the day the Union files its Application for Certification then the Union is most likely in without a secret ballot vote.

Also, if Employees cancel cards, a Union may lose support both for a certification without a vote (55% +1) and may even not have enough support to apply for a vote (40% to 55%) because they should not send the OLRB the card of an Employee who has told them to cancel their membership.

In Ontario, it appears that Employees are to tell the Union at a minimum and the OLRB

if they want to, that you are canceling your card. In some provinces in Canada, the law better protects Employees by not requiring them to tell the Union. This is more like the law everywhere in Canada that says Employers don't find out who signed a card so the Union does not know who canceled a card.

If you think a Union has applied for certification with cards that were canceled, you will have a chance to apply to the OLRB in the 5 days after the Application Filing Date to ask that the Union's evidence be examined by the OLRB for "fraud or misrepresentation". Follow the instructions on the Notice from the OLRB 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, then the Union has engaged in "misrepresentation" to the OLRB. These cancellations would most likely have to be received by the Union before it files for certification.

If you feel threatened, intimidated or coerced by the Union and you do not wish to verbally 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 OLRB advising them that you signed a membership card; you want to cancel or revoke your membership card; and advise the OLRB who your Employer(s) are.

At this time in Ontario, we don't know if the OLRB will allow "evidence" such as cancellations that are only sent to the OLRB. We also don't yet know if the cancellations (in individual or petition form) have to be received before the application date or whether you will have the five day period after the Labour Notice is posted in your workplace. 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.

In Construction, some employees have more than one Employer. The Union could use your card for any or all of your Employers. Our Cancellation Download has space for you to list your different Employers. This is even more important for you to consider because a card is good for at least one year and you could work for different Employers over that year.

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 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.

The OLRB still has the ability to order a secret ballot vote.

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.

NOTE: Some unions in Ontario construction work have started to try to unionize employees again right at the same time or right after the employees get rid of the Union (decertification). The unions are taking existing Membership cards, other Evidence of Union Membership Applications for Membership that the Union has been holding but not approving – they are then using it WITHOUT any permission or even communication with the employees to unionize them on cards - with no secret ballot vote. We have added an additional Form named the "[Notification of Cancellation of Application for Union Membership - Re-App](#)" for you to consider using to try to prevent the Union from doing this to you.

The decertification process in Ontario is NOT based on resigning from Membership. It is based on members of a unionized workplace – members of a Bargaining Unit, whether or not they are also actual Union Members – asking to no longer be unionized. As a result resigning from Membership is not required to get a decertification vote run by the Labour Board.

Some Collective Agreements between unions and employers make employees also become and/or remain actual Union Members to get or keep their jobs. Our Form is written to say that you ONLY want to become or remain a Union Member ONLY so that you can keep working as long as you are unionized and have to be a Member. As soon as the Union is out you need to not be a Member.

At this time we do not know how the Labour Board will rule on this type of situation so this is the best we can do until we see if this Form works against this Union tactic.

Our full explanation of Card Cancellation and Petitions can be found on our website in the [FAQs section](#) of LabourWatch.com. Alternatively, for a hard copy of the instructions and forms to cancel a card a Union, download the "Card Cancellation – Construction Industries" package for Ontario from the [Downloads section](#) of our web site.

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 Ontario Labour Relations Board:

Ontario Labour Relations Board
505 University Avenue, 2nd Floor
Toronto, Ontario M5G 2P1
Phone: (416) 326-7500
Fax: (416) 326-7531

union

Cancellation of Union Membership or Application for Membership or other Union Evidence of Membership WHEN a Union is Decertified or Terminated (individual)

By signing this letter, I am saying that as soon as the Labour Board Terminates the Union's Bargaining Rights: 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 there is a union local)

as it relates to the following employer:

Full name of employer

Personal Details

Full Name:

Print your full name

Signature: _____ Date: _____

In addition to the above: If the union has a Membership card or an Application for Membership with my name and / or my signature on it, or any other type of Evidence of Membership in the union, I say that 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 me and any workplace of the employer named above, after, or at the point in time, that the Labour Board Terminates the Union's Bargaining Rights. If any Collective Agreement that covers me has a section that requires me to become and / or remain a Member in good standing so that I can work – then that this is the only purpose the union may use any of the above documents. I am only remaining a Member or accepting Union approval of my Application for Membership so that I can continue to lawfully work and earn a living as long as I am unionized.

I also direct the union not to give my contact information, union Membership card or Application for Membership or any other Evidence of union Membership to any other local of this union or to any other union for the purpose of making an Application to unionize a workplace. 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.
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