

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

## TERMS OF USE

The LabourWatch web site and all materials provided by it are intended to provide information of general interest to the public.

They are not intended to offer legal or consulting advice. Accessing information or documents from the LabourWatch web site is not intended to create a solicitor-client relationship.

Although we try to ensure the information we provide is accurate, we cannot guarantee that it is complete, correct, or timely, and make no warranties of any kind. The information on this web site should be used in combination with appropriate professional advice obtained from a qualified professional who understands your particular situation.

Links to any other web site or reference to any product or service does not suggest or imply an endorsement or recommendation of those products, services or web sites (or the material contained on those web sites).

## COPYRIGHT

The Canadian LabourWatch Association encourages the use of our content including copying, emailing and faxing as needed by users. There are no restrictions on the use of our FAQ's, any Downloads related to labour law proceedings, our Newsletters, etc. Any documents or materials housed on this web site that are the product of organizations other than LabourWatch may be viewed but further copying and distribution should only be done in accordance with copyright law.

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 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. You can learn more in our [Unfair Labour Practices section](#)

### **New development as of January 2018:**

- In Ontario, if a Union gives evidence that at **as few as 20% of the employees** in a proposed bargaining unit (group of employees) want to Unionize and are Members (or applicants for Membership), then the Labour Board can force your Employer to give the Union a list with your name, your phone number, your personal email address, and possibly even your work address and job title. Your Employer may also be forced to give the Union any other means of contacting you!
- The Union is given this list expressly to *“be used by the trade union for the purpose of a campaign to establish bargaining rights.”* That means **the law is forcing your Employer to help the Union so that they can try and convince you to join the Union!**
- The only piece of your private contact information they are not required to give to the Union is your home address. If you gave any means of contact to your Employer, then the Employer may be forced to give it to the Union; it is now allowed by law.
- That means it is more important than ever to make sure to cancel your Union Membership, or application for Union Membership. If you do not want the Union getting a hold of your personal information when only 20% of the people at your work want a Union, then you need to make sure that you cancel your Union Membership and let the Union, your Employer and the Labour Board know.

In Ontario 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.

**NOTE ABOUT “UNION CARDS”:** Some unions’ membership cards are actually an application for membership that may or may not be approved by the union. The Ontario Labour Board has ruled that 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.

In Ontario 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 members (or applicants for membership) 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 the 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 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 12 months after you sign it to apply for unionization.

Also, if employees cancel cards, a union may lose support both for a certification and may even not have enough support to apply for a vote (40% or more) because they should not send the Board the card of an employee who has told them to cancel their membership or application for membership.

In Ontario, the law no longer allows the Board to consider cancellations sent to the Board. Beyond the law, the Board sees the secret ballot vote as the best way to deal with concerns over a union's level of support including union card cancellations from employees. This means that if you don't want the union and want to cancel your card you have to tell the union that you don't want them so you can try to stop the process before the union files an application. In some provinces in Canada, the law better protects employees by not requiring them to tell the union that they no longer support them.

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 a chance to apply to the Board in the 5 days after the Application Filing Date 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 used the cards of employees who had canceled their cards, then the union has engaged in “misrepresentation” 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.

At this time in Ontario, we don't know if the Labour Board will allow “evidence” such as cancellations that are only sent to the Labour Board because of employee fears of intimidation or violence. 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.

Unions may not want to have a vote that they know they will lose. One reason is that a vote loss prevents any union in Ontario from applying to unionize the same group of employees (bargaining unit) for 12 months. So, if you have changed your minds, a union might be convinced to change its mind and respect the information on your petition or individual cancellation form(s).

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.

For a hard copy of the instructions and forms to cancel a card a Union, download the "Card Cancellation — Non-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, 2<sup>nd</sup> Floor  
Toronto, Ontario M5G 2P1  
Phone: (416) 326-7500  
Fax: (416) 326-7531

union

