

# HOW TO SASKATCHEWAN | 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 decide if you want a Union to represent you or not. You should not feel forced to make this decision and no one, including the union or its supporters, the employer, or employees opposed to being unionized, should try to interfere with your decision using threats, coercion, penalties, intimidation, promises or willful misrepresentation.

NOTE: In Saskatchewan, a union card you may be asked to sign is usually an Application for Membership. While unions usually accept applicants on union drives into Membership, at some time in the future they do not have to. You may not know right away if you have been approved for Membership.

- 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. Ensure you get written information about how to contact the union after 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.

You will have to let the know that you no longer want to be represented by the union and that you want your card cancelled if the union submits your card to the Board with an application for certification of the union at your workplace. Do this immediately and do it in writing using the attached form.

The purpose of cancelling a union card (or Application for Membership) during a union drive is to reduce the level of support the union has if it applies to the Labour Board for a certification vote (45% +1). If you cancel before they apply to the Labour Board, in reviewing cancellations the Labour Board may reject a vote application or a card certification request because in the end, union support is below 45%.

Even if you do cancel your card, there may still be a vote. Voting "no" to being unionized, if you even get a chance to vote, is the only way to be sure that your changed position counts.

You can ask the union for your card back as a way of canceling it, but you are not required by law in Saskatchewan to do it this way. It can be difficult to get your card back, especially in a timely manner. That is why it is best to first cancel your card by writing to the .

If instead you decide to tell the union as well as the Labour Board then you can send a copy of the cancellation to the union, but you are not required by the law in Saskatchewan to do it this way.

The only thing you have to do is to notify the Board - see below.

If you don't cancel your card or if you do not get your card back, or the union does not respond to your personal cancellation notice, you do not have to support the union if a vote is held – you can still be a "Member" and vote no. If you cancel a card but later support the union again and there is a vote, you can still vote for the union.

Finally, even if you hear that the union has filed for certification or you know that they have filed (maybe there is a notice at work) you should still file a cancellation with the Board. In most cases cancellations filed after the date of the union's application will not be counted, but there are situations where they might be:

- A union withdraws and then re-files its application for certification – the later application's date becomes the new date and your cancellation may now count.
- If there are claims by employees that the union used organizing tactics which the Board finds to be Unfair Labour Practices, particularly if your reasons for cancelling are related to the illegal tactics then your cancellation becomes very important.

## GET THE FORMS

LabourWatch provides standard forms you may choose from in our [Downloads](#) section. Alternatively, [click here to view the form](#) for Saskatchewan.

To cancel your union card, you need to notify the . You may inform the union if you wish. Use your own letter or use a standard form from LabourWatch. A letter you prepare should say that you no longer want to be a member of the union and don't want to be represented by it. You must name the union, your employer and give your address.

The must receive the original document requesting removal of your support and the document must be signed by you and dated.

## TIMING YOUR CANCELLATION

Don't put off canceling your card. If the union applies to be certified before you get your cancellation to the then your decision to cancel your union card will not count (unless the union later withdraws and reapplies). Further, the Membership evidence supplied by the union to the Board can determine whether the union will become certified as your bargaining agent without a vote.

## DELIVER YOUR FORMS

### TO THE LABOUR RELATIONS BOARD

You must send originals. We suggest courier or hand delivery. The quickest way is the best way.

If you hand deliver them yourself ask the Board to time and date stamp when it was received and then to give you back a copy and they will keep the original.

### **Don't fax them.**

If you mail them, you must use registered mail, but it is not recommended because of the tight timelines.

Lastly, keep copies of everything you send for your records.

### DELIVER TO:

Saskatchewan Labour Relations Board  
Chateau Tower  
1600 - 1920 Broad Street (16th Floor)  
Regina, SK S4P 3V7  
Phone number: (306) 787-2406

### IN SASKATOON YOU CAN DELIVER TO:

Saskatchewan Labour Relations Board  
c/o Labour Relations and Mediation Division  
Sturdy Stone Building  
122 3rd Avenue North (8th Floor)  
Saskatoon, SK S7K 2H6  
Phone number: (306) 933-6587

### TO THE UNION (OPTIONAL)

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's office - 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.

In deciding whether to ask for your card back or whether to send your cancellation notice to the union you may want to consider the following:

- If you want the union to know that you and maybe others no longer support them and you think that that may cause them to reduce or stop their organizing effort, then do so.
- If you think that the union, once it knows you changed your mind, might talk to you again or even pressure you or at worst intimidate or harass you, then don't tell them and only tell the Board. This way the union will only find out if they are able to apply for certification and then the Board compares the union's cards with the employer's list of employees and any individual cancellations and advises the union that cards do not count because there is a later dated cancellation.

**Note:** The Labour Board will encourage you to first ask for your card back from the union as well as filing your cancellation with the Labour Board BUT they do not require you to do this and given the time that trying these two things could take versus just notifying the Board, your changed position might not count. We suggest you only spend your time notifying the Board and only notifying the union if you have no concerns about being pressured to sign-up again or you want to ensure you are protected from forced union Membership under Saskatchewan law.

### SHOULD YOU SEND A COPY OF YOUR CANCELLATION TO THE UNION?

Lawyer's answer: it depends.

If the union gets certified you should see a notice at work from the Labour Board. After certification the union will almost always give notice to your employer that it wants to use the Trade Union Act to force full union Membership upon the entire bargaining unit. Some unions do it right after certification while some wait until bargaining begins. Under Saskatchewan law, all unionized employees (members of the bargaining unit) are required to remain Members of the union if they have either:

- Applied for union Membership, and are later approved.
- Been approved for union Membership in the past.

The only exceptions are:

- Employees who cancel their Application for Membership.

- Employees or cancel their Membership (if their Application was approved).

So, if a union is certified, you are now unionized and a member of the bargaining unit. If you still do not want to also be a Member of the union and you only cancelled your application of Membership by communicating with the Labour Board then now send the copy you kept of your cancellation, to the union noting when it went to the Board. This should protect you from forced union Membership under the Trade Union Act.

Finally, all employees who are hired into the bargaining unit after the union requests forced Membership under the Trade Union Act will be required to apply for, and if granted, maintain union Membership.

Only two types of unionized employees (members of the bargaining unit) do not have to be actual union Members.

- Employees who never join, or who cancel their Membership before the union requests forced Membership under the Trade Union Act. (If such an employee ever joins later they cannot resign unless they successfully apply under the Trade Union Act for a religious exemption.
- Employees who apply for Membership but are denied Membership. They can remain unionized employees but will not be actual union Members.



# Notification of Cancellation of Application for Union Membership Or Cancellation of Union membership

## Membership Details

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I do not want to be represented by, or remain a member of:

Insert the full name of Union, (and local if applicable)

as it relates to the following Employer.

Insert Full Name of Employer

## Personal Details

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Full Name:

Print Your Full Name

Address:

Street

City

Province

Postal Code

Telephone Number:

(       )

Signature

Date:

**Note: This form will not be accepted unless it is signed, your name is printed clearly, and the form is dated.**

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1. Do not fax your documents
2. Hand deliver, courier or mail your cancellation – keep a copy of your completed cancellation.
3. Only complete the union information below if you are going to send your cancellation to the union.

Regina Office  
1600 - 1920 Broad Street  
Regina SK, S4P 3V2  
Phone: (306) 787-2406

Prince Albert  
800 Central  
Prince Albert  
SK S6V 6G1

Saskatoon  
10<sup>th</sup> Floor  
Sturdy Stone Building  
122 3<sup>rd</sup> Avenue, North  
Saskatoon, SK, S7K 2H6

Union (Complete if sending to union)

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