

	Alberta	British Columbia	Federal	Manitoba	New Brunswick	Newfoundland & Labrador	Nova Scotia	Nova Scotia - Construction	Ontario	Ontario - Construction	Prince Edward Island	Québec	Saskatchewan
<b>Open Period for Unionization</b> (see note 1)	All year	All year	All year	All year	All year	All year	All year	All year	All year	All year	All year	All year	All year
<b>Actual Current Union Membership or Application for Membership Required to Apply for Certification or Secret Ballot Vote</b>	No (Membership cards require at least \$2) note 3	Yes	Yes (+ at least \$5)	Yes	Yes (+ at least \$1)	Yes	Yes (+ at least \$2)	Yes (+ at least \$2)	Yes	Yes	Yes	Yes (+ at least \$2)	Yes
<b>Cards or Membership Evidence Threshold Required for Certification or Secret Ballot Vote in Appropriate Bargaining Unit</b>	40%	45%	35%	40%	40%	50% + 1 for application and certification - note 2	40%	35%	Appearance of at least 40%	Appearance of at least 40%	50% + 1	35%	45%
<b>Employee Support on Union Evidence for Unionization Required for Secret Ballot Vote</b>	40%	45%	35% to 50%	40% to 65%	40% to 60%	40%	40%	35% to 50%	40%	40%	50% + 1	35% to 50%	45%
<b>Unions Wanting Unionization on Cards: No Vote Held</b>	No	No	50% + 1	65%	60% + 1	No	No	50% + 1	No	55% + 1	50% + 1	50% + 1 note 6	No
<b>Statute Requires Secret Ballot Vote for Certification?</b>	Yes	Yes, except for Remedial Certification	No	No	No	Yes, except for Remedial Certification - note 2	Yes, except for Remedial Certification	No	Yes, except for Remedial Certification	No	No note 5	No	Yes
<b>History of Secret Ballot Vote</b>	Yes `88 to present	Yes `01 to present No `94 to `00 Yes `89 to `93	Never	Yes `97 to `00	Never	Yes `93 to present	Yes `77 to present	Never	Yes `95 to present	No `03 to present Yes `95 to `03	Never	Never	Yes `08 to present
<b>Discretionary Certification from Membership Evidence</b>	No	No	No	No	Yes, more than 50%	Yes - note 2	No	Yes, more than 50%	No	No	Yes	Yes, but not tested	No
<b>Statute Bars Labour Board From Unionizing Employees Without a Vote Due to Employer Actions</b>	Yes	No	No	No	No	No	No	No	No	No	No	No, but has not happened note 7	Yes
<b>"Minimal" Membership Evidence Required for Board to Use Automatic or Remedial Certification</b>	Not applicable	Yes, If satisfied would have achieved majority support	Yes, if majority support could have been obtained but for unfair labour practice	Yes	Yes, and can be less than majority Membership evidence	Yes if 50% + 1 of cards in the appropriate bargaining unit	Yes if at least 40% card support	Yes if at least 40% card support	Unknown	Unknown	No	Unknown, or it has never happened	Not applicable
<b>How Long is a "Union Card" Good For in a Union Certification Drive</b>	90 days or indefinite Note 4	90 days	6 months	6 months	3 months	90 days	3 months or proof of Membership (dues)	3 months or proof of Membership (dues)	6 Months note 4	6 Months note 6	3 months	12 months	90 days
<b>In a Certification Drive, Is Membership "Transferable" Between Different Employers?</b>	Yes	No	No	Yes	Yes	No	Yes	Yes	No	Yes	No	No	No

1. This row does not address provisions regarding open periods for one union to raid another when that involves a decertification and certification process or when a brief ban on organizing by a certain union comes as a result of a prior unsuccessful campaign or a Board Order for reasons such as Union Unfair Labour Practices this chart also does not deal with situations where an employer can voluntarily recognize a union without the more typical union organizing card signing and application for certification.

2. **Alberta:** Only jurisdiction to allow petitions for certification votes that have no union membership implication for employees who sign the petition. Petition signatures are valid for 90 days. Proof of current union Membership in good standing or an application for Membership with \$2 application fee - has no expiry - such evidence is good indefinitely.

3. **Newfoundland and Labrador:** If 70% or more of the appropriate bargaining unit cast a vote, 50% + 1 of those voting is necessary for certification and if less than 70% cast a vote then 50% + 1 of the entire appropriate bargaining unit is necessary for certification and in both cases Board is bound by the vote. No vote if union and employer request no vote and Labour Board satisfied a majority of employees want to be unionized.

4. **Ontario:** Many think it is 6 months but, there are cases where there were cards that were at least one year old that were not rejected as they were considered statistically irrelevant.

5. **Prince Edward Island:** Board practice is to order a vote even if cards are greater than 50% but management raises concerns about organizing.

This is a summary of legislation, Board procedures and Board/Court decisions as of Spring 2008. We endeavour to keep it up to date. This chart is also only a summary and the particulars of any situation may give rise to differences. If your need is more than general information in nature you should work with a lawyer and/or the respective labour board to understand all of the particulars impacting your situation. Please contact us with any suggestions for improvement.

6. **Ontario:** Provided there is agreement on the bargaining unit and the employees covered.

7. **Québec:** Unions have asked to unionize employees without a vote or in spite of a vote (remedial certification), for employer action but no such union request has ever been granted.

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<b>Open Period for Decertification vs. Small Windows - i.e. 30 to 90 Days Before Collective Agreement Expires</b>	No	Yes	No	No	No	No	No	No	No	No	No	No	No
<b>Annual Window for Decertification</b>	No	N/A	No	No	No	No	No	No	No	No	No	No	Yes
<b>Employee Signatures Required for Decertification Vote</b>	40%	45%	50%+1	50% + 1	40%	40%	See note 1	See note 1	40%	40%	50% + 1	50% + 1	45% Note 2
<b>Employee Support on Union Evidence for Unionization Required for Secret Ballot Vote</b>	Yes	Yes	Yes	Yes	Yes	Must hold vote, only nullify vote for employer misconduct	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Unions Wanting Unionization on Cards: No Vote Held</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
<b>How Long is a Support Evidence Good For in a Decertification Drive</b>	90 days	90 days	6 months	6 months	3 months	90 days	3 months		6 months		3 months	12 months	90 days

1. **Nova Scotia:** Employees must demonstrate that a "significant number of members of the trade union" allege that the union not adequately fulfilling its responsibilities; or the union "no longer represents a majority of employees in the unit". NS LRB has not clarified exactly what percentage constitutes a "significant number" but it is less than 50% + 1.

2. **Saskatchewan:** We believe the May 2008 legislative changes reverse the past Board policy of 50%+1 with the statute mandating 45%.

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