

FREQUENTLY ASKED QUESTIONS

NEWFOUNDLAND AND LABRADOR

Table of Contents:

1.	Why Is The Union Interested In Me?	3
2.	What Are My Rights?	3
3.	How Do Unions Organize?	4
4.	What Should I Consider When Deciding Whether To Sign A Union Card Or Not?	4
5.	What If The Union Solicits Me At Home?	5
6.	What If I Have Signed A Union Card But Don't Support The Union?	5
7.	What Does Signing A Union Card Mean?	6
8.	How Much Will Joining A Union Cost Me?	7
9.	What Can I Do To Support Or Oppose The Union?	7
10.	Will I Get To Vote On Whether There Is A Union Or Not?	8
11.	What If I Just Don't Care?	8
12.	Can We "Try The Union Out" For A Few Months?	9
13.	What Can The Union Guarantee?	9
14.	What Will Happen, If The Union Is Certified?	10
15.	What Is In A Collective Agreement?	10
16.	What Do Union Dues Get Used For?	11
17.	What About Strikes And Lockouts?	11
18.	What About Union Politics?	12
19.	What Will Happen, If The Union Is Decertified?	12
20.	How Do I Decertify A Union?	12

Terms of Use

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

They are **not intended to offer legal or consulting advice and accessing information from the LabourWatch web site or documents is not intended to create a lawyer-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 only 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

Any documents or materials on this web site may be used for personal, non-commercial use.

Employees, whether unionized or not, who want to be more informed, should refer fellow employees to this website 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 company or to other interested parties. In some situations, employers may provide these materials to their employees – we do suggest that you only do so in consultation with a lawyer.

Otherwise, no part of any document or materials on the LabourWatch web site may be reproduced, stored in a computerized, or other, retrieval system, or transmitted in any form or by any means whatsoever without prior written permission of the Canadian Labourwatch Association.

Copyright ©2009 Canadian Labourwatch Association.

QUESTION 1

Why Is The Union Interested In Me?

Most likely, the union is interested in you because it wants you as a member. You see, to unionize your workplace, the union must prove most people who work there want the union to represent them.

Indirectly, the union may be interested in you and your coworkers for other reasons. The union seeking your membership may have certain goals. It may be trying to collect more money through new union dues or to gain power by adding to its size. Many unions use your dues for purposes that are not directly focused on you and your workplace. You should ask them about everything that they or the national or international union offices spend your money on – even ask them to document who they have given money to in recent years.

You should learn more about the union that's approaching you so you can understand it. You may find some information on the union's web site or in its general literature, constitution or bylaws. Make sure that you are informed. Ask questions of union organizers, whether they are your fellow employees or others. Ask yourself if they can deliver on their promises or claims. If the organizers are being critical of your employer – are the criticisms accurate and factual and are their solutions appropriate? Are there options other than unionizing or staying unionized?

QUESTION 2

What Are My Rights?

You are free to decide whether you want a union to represent you or not. Generally, the law says you should not feel forced to make this decision and that no one should try to influence your decision using threats, penalties, intimidation or even promises. Basically, nobody can punish or reward you for joining or not joining a union - not your employer, the union or anyone else – including your fellow employees.

You are free to express your opinions about unions to your coworkers and to promote your views. But, you need to be careful that your coworkers do not feel intimidated or threatened by you.

Unless your employer approves, the union should not solicit you during work hours or at the workplace. If the union or its employee supporters does this you can ask them not to bother you at work. Similarly, you are free to decide whether you will allow the union to solicit you at home as well as when you are coming to and from work.

You are always free to request information from the union and your employer so you can make an informed decision.

Finally, it is your right to make a complaint to the Labour Relations Board (see [Contacts](#)), if anyone violates your rights and threatens, intimidates or harasses you about your decision to join or not join a union.

QUESTION 3

How Do Unions Organize?

It's common for a union organizing campaign to include some or all of the following:

- The union receives information that employees may be interested in a union or that some employees are unhappy. Sometimes, the union will get this information from employees, their friends or family or, maybe, just from the "talk on the street." Other times, it is the union itself that decides to target a specific employer or group of employees.
- The union contacts some employees to find out more about why they are unhappy or why they want to be unionized. Or, the union targets employees and tries to get them interested in unionization.
- The union asks some employees for the addresses and phone numbers of other employees so they can be contacted at home. It is wrong for anyone to take a list they should not have (such as taking one a supervisor's office and give such private information to the union without the employee's permission, the employer's permission or an order from a court or Labour Relations Board.
- The union will try to gather a core group of employees. These employees will be used to recruit others (employees are usually more likely to talk to fellow employees than to strangers).
- The union will market its services to other employees. Are you sure that they can deliver?
- The union will likely have people visit other employees at their homes to try to get them, and maybe their families, excited about joining the union. This may also be done at some other meeting place like a restaurant.
- The union may try to draw attention to many sources of unhappiness. Sometimes, it may present the best Collective Agreements and compare them with current wages and benefits at your employer. Ask to see the most recent Collective Agreement the union has agreed to in your industry.
- Once the union believes it has some support, it will begin to get employees to sign up for membership.
- Once some employees are members, the union will approach others and may tell them it almost has enough support. In some circumstances, employees are told it would be helpful or better for them to sign so the union can be certified.
- Be very careful if you are asked to sign a card and told that you will still get to vote – this may or may not always be true. See [Question 10 – Will I Get to Vote On Whether There is a Union or Not?](#)

QUESTION 4

What Should I Consider When Deciding Whether To Sign A Union Card Or Not?

Deciding whether you want to sign a union card or not may be a little easier after asking yourself these questions:

- "Am I content with my working conditions?"
- "What would I like to see changed at work?"
- "Is it reasonable to think a union will be able to change those things?"
- "Are the changes I want at the top of the list of changes others want?"
- "Does my employer respond to valid employee concerns?"
- "Are my concerns best solved through discussions with my employer or through a union?"
- "Are the union's claims about improved wages and benefits or job security realistic?"
- "Does a union understand my job well enough that I am willing to let one go bargain on my behalf?"
- "What improvements would be necessary to pay for the added costs of having a union, including the potential costs of strikes and lockouts?"

QUESTION 5

What If The Union Solicits Me At Home?

You are free to decide whether you want to let the union contact you at home. Since unions are usually not allowed to solicit you at your workplace or while you are working, they often try visiting or calling people at home or on your way to and from work.

However, if a union contacts you and you have decided you do not want to join the union, tell them you are not interested. You are not required to talk to a union organizer at your door or let her or him into your home.

If unwanted visits or calls continue you have several options:

- You might tell the union organizer you are feeling harassed.
- You can make a complaint to the Labour Relations Board in your province.
- You could even report them to your telephone company or the police.

If you are wondering, "How did the union get my home phone number and address?", know that, in some provinces, it is against the law to give out personal information about someone without their permission. It does not matter whether you decide to support the union or not, you may want to contact a lawyer, if you feel your right to privacy has been violated.

QUESTION 6

What If I Have Signed A Union Card But Don't Support The Union?

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 or even promises.

- 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 find that you cannot get your card back – and it may be hard, then you will have to let the union know that you no longer want to be represented by them and that you want your card cancelled. Do this immediately.

Even if you do this for yourself, 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 get your card back, or the union does not respond to your personal cancellation or to a group petition, you do not have to vote for the union – you can still be a "member" and vote no – if a vote is held.

If you want more information, or to get the forms, go to the Downloads section of our web site at <http://www.labourwatch.com/downloads/> and select the "Cancellation of a Union Card" document for Newfoundland and Labrador.

QUESTION 7

What Does Signing A Union Card Mean?

The union card shows you are a member of the union and wish to be represented by the union.

By signing a union card, you are signing a membership contract. You are agreeing that you will obey the union's rules and regulations.

Unlike most membership cards, the union card is also used to prove you support of the union's attempt to unionize your workplace.

Your signature on a union card will be used to prove to a Labour Relations Board that you support the union. If enough union cards have been signed, a vote may be taken about whether the union will be certified. In some provinces, and in federally-regulated workplaces, if enough cards have been signed, the union can be automatically certified – without a vote. Learn more about this in [Question 10 – Will I Get to Vote On Whether There is a Union or Not?](#) Also, in some provinces the Labour Relations Board can find an employer guilty of what are generally called Unfair Labour Practices and the Board may impose a union even if very few cards have been signed based on the idea that employees can no longer make a choice free of the impact of the employer's conduct.

Before you sign a union card, you should read the union's general literature as well as its constitution and bylaws. You should know what your financial obligations will be, what rules will you be expected to follow and what the union's political and organizational goals are. Also, know what else they will do with your money other than activities related to your workplace.

In unionized workplaces in Canada, you must (in most cases), join a union that is certified by the Labour Relations Board and a Collective Agreement is negotiated. You must remain a member in good standing. If you refuse to join or are thrown out of the union they may, in some provinces, be able to force your employer to fire you depending on what is in your Collective Agreement. You may recall or sometimes see media stories about unions threatening their members with this possibility.

Ask for and be sure to keep a copy of anything you sign.

You do not have to sign a card during a union drive. It is against the law for a union rep or a fellow employee to threaten you or your family, to aggressively pressure or coerce you to sign a card. If this happens, report it immediately to:

- Your supervisor, senior manager or owner.
- The Police (if physical harm happens or is threatened).
- The Labour Relations Board (see [Contacts](#)).

QUESTION 8

How Much Will Joining A Union Cost Me?

Most unions are large organizations. But, unlike most large businesses, most unions don't usually sell products. Instead, the union's expenses must be paid by the employees it represents. To raise money, the union collects union dues and, maybe, initiation fees and special assessments or charges from the employees in its bargaining units. Depending on the union's rules, it may be able to fine members who don't obey them.

The union will set the amount you have to pay. If you are thinking about joining a union, you should find out how much you will be charged each month and what rules there are to stop the union from changing these amounts.

TIP: We suggest you get this information in writing or ask the union to highlight the areas in its pamphlets, constitution or bylaws that address these issues.

As we mentioned before, unions may, on occasion, also require special assessments. This money is used for such things as strike funds, political campaigns, building funds, and other projects the union feels are important. They may ask or make you pay money for workers somewhere else.

QUESTION 9

What Can I Do To Support Or Oppose The Union?

A few of the things that you can do are listed below:

- You are free to express your opinions about unions to your coworkers and to promote your views. But, you need to be careful that your coworkers do not feel intimidated or threatened by you.
- You can collect as much information as possible and share it with your coworkers.

Information about the union

Ask the union organizers questions and read the union's pamphlets and other documents. Also, review the union's web site for more information. See [Question #4 "What Should I do When Deciding Whether to Sign a Union Card or Not?"](#)

Information about your employer

When asked questions about working conditions, good employers will try to give their employees as much information as possible and to help them make informed decisions. The law does not stop you from asking your employer questions about unions. But, the law does limit how your employer can answer your questions.

- You can talk to a labour lawyer or labour relations consultant. These professionals are usually very willing to discuss these types of situations with employees and may be able to direct you to resources that suit your needs.
- If you know other coworkers who share your views you can work together to promote your shared views. You can also hold your own meetings to discuss unions, if you want.
- Make sure you express your views accurately when you decide to sign or not to sign a union card. If you support the union, you should sign a union card. However, 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. If you feel this way and have signed a card, perhaps under pressure from a union organizer, you may want to write to the union to revoke your membership with them. If you're going to do this, you should ask for a copy of the union's constitution, in case there are specific steps that have to be taken in order to revoke a membership. In any event, if a vote is held, make sure to cast a ballot and express your true wishes not to be represented by the union.
- You may wish to wear something like a button or T-shirt that expresses your opinion. Before you do this, think about whether it suits your workplace. Be sure to inquire into your employer's policy about dress codes, uniforms, and wearing buttons or T-shirts with logos.

QUESTION 10

Will I Get To Vote On Whether There Is A Union Or Not?

Maybe. Unless the Newfoundland and Labrador Labour Relations Board thinks a vote would not reflect you and your coworkers interests, you will get a chance to vote on whether there is a Union or not at your workplace.

This happens if the union files Unfair Labour Practices complaints against your employer and then there may be a hearing. Some Unfair Labour Practices allow the Labour Board to order a certification of your workplace without a vote and even without 40% card support to apply for a vote. Such Unfair Labour Practices might also lead the Labour Board to not accept any employee opposition to unionization such as evidence of cancelled union cards.

Also, if the union and your employer agree to request there be no vote and there appears to be a majority on cards the Labour Board can unionize you without a vote.

But during the organizing process and before a vote is taken, you should express your opinion using a union card. If you support the union and want to be represented by it, sign a union card. If you don't support the union, oppose it, or just don't care one way or the other, don't sign a union card or cancel any card you have already signed.

If the union gets union cards for at least 40% of your coworkers it can make an application for certification.

When there is a vote organized by the Labour Board, usually, every employee the union wants to represent gets one vote and it is generally to take place within 5 days. So, if you support the union, vote for it. Otherwise, vote to say no to having a union come into your workplace.

When there is a secret ballot vote and it shows that most (50% + 1) of those who voted support the union, your workplace will be unionized but only if at least 70% of employees voted. If less than 70% of employees voted, then a majority (50% + 1) of all employees in the bargaining unit voting yes to the union is required to unionize. Otherwise, the union loses and you continue to be union-free and will have the right to deal directly with your employer.

For example, if your workplace has 100 employees who would be in the bargaining unit and only 45 employees voted even if all 45 voted in favour of unionization that would not be enough because 45 of 100 is not 50% + 1 of all employees. If 75 employees voted, which is more than "at least" 70% of all employees voting, then the union needs at least 38 of 75 to vote yes to get into your workplace (because that is at least 50% + 1 voting yes 75 is more than 70% of all employees).

QUESTION 11

What If I Just Don't Care?

It's your choice to be indifferent. For you, the question "Do I want the union to represent me or not?" may have no clear or easy answer. But, since unionization of your workplace will affect you, this is not a choice to be left to others. Get as much information as you can about the union soliciting you and about unions in general. Spend some time thinking about it. If you don't vote, others will be deciding for you whether you will be represented by a union.

If, after considering your options, you still don't care, don't sign a union card and don't vote. At least this way the choice is made by those who care, one way or the other, about whether there is a union or not.

QUESTION 12

Can We “Try The Union Out” For A Few Months?

While it sounds simple, it may be very difficult. There are also a few things you need to know about, if you are considering "trying the union out":

- There are rigid rules about when you can apply to decertify (get rid of) a union. These rules vary across Canada from a low of 10 months to a high of nearly three years. See [Question #20 “How Do I Decertify a Union?”](#) for details.
- There are also complicated rules and procedures to follow when trying to get rid of a union. You have to follow these rules precisely or the Labour Relations Board may ignore your attempt.
- The union and its supporters may try to stop you from getting rid of the union.

Joining a union is not like joining a club. When you join a club you usually find out what the rules are up front. Has the union given you a copy of all of their rules that may affect you? Some clubs let you try them out – give you time to decide. You can't really try out a union in the same way. Finally, quitting a club is usually easy. Quitting a union that has a Collective Agreement can lead to the loss of your job. Decertifying (getting rid of) the union can be difficult. During a drive it is never true that you have to sign a card.

QUESTION 13

What Can The Union Guarantee?

The only things a union can guarantee are things it can control. For example, things like rules of membership and union dues.

The union may promise you many things but there are only a few that they can guarantee:

- Your obligation to pay union dues or fees.
- The application of the union's rules to you as a member – to discipline you or terminate your membership which may require, in some provinces, your employer to fire you.
- The possibility of being on strike or of being locked out of your workplace.

A union can't guarantee job security because it doesn't control the market. How can a union make promises about business conditions and profits? How can unions guarantee steady work? Seniority rights are not the same as job security - if you are more qualified for a position, but are not the most senior, is this the kind of job security you want? If you need and have or want flexible scheduling do you want seniority (length of service or employment) to decide who gets what schedule and control scheduling changes? If you are the best performer, do you want the length of employment of a lesser, or even the weakest performer, to determine who is laid off?

A union can't guarantee better wages and benefits. Unions may set goals for bargaining wages. Sometimes, these goals can be very attractive and exciting. But, they're not promises or guarantees. There are no automatic increases in wages or any benefits just because there's a union. All union demands need to be bargained between the union and your employer and if they can't reach an agreement there may be a strike or lockout. Will the union pay you your same wage during a strike? – ask them – it rarely happens.

Everything must be negotiated with your employer. The union cannot guarantee what it cannot force your employer to do or that your employer is unable to give. The union may make many promises to you but there is little you can do to hold them accountable for any broken promises.

QUESTION 14

What Will Happen, If The Union Is Certified?

If the union is certified, the legal nature of your relationship with your employer will be totally changed.

Most importantly, by law, unionized employees lose the right to represent themselves. Instead, at union meetings, members vote on what they want the union to try to get on their collective behalf. Those things that get the most votes often become the union's goals when it starts bargaining with the employer.

Bargaining between the employer and the union is called collective bargaining. Any deal they reach is called a Collective Agreement. But, if they can't reach a deal sometimes there is a strike or lockout or maybe the members get rid of the union.

Finally, because the law gives some of your rights to the union, you are no longer able to negotiate or make changes to things like pay and hours (or any other working conditions) directly with your employer. Instead, only the union can make changes to your working conditions (that the employer agrees to or is ordered to make). It doesn't matter if it's a large change or just a small one. If you're in a union, you usually need to ask the union for permission or have a 'union rep' do it for you. Also, the union can decide to not address your concern with your employer.

QUESTION 15

What Is In A Collective Agreement?

It depends. Collective agreements differ by industry, by employer and even by business location. Most use a similar format and are made up of various clauses, sub-clauses, appendices, tables, and schedules. Topics often covered are:

- When strikes and lockouts can occur
- Hours of work
- Classes of employees
- Pay and wage schedules – usually groups of employees are paid the same regardless of effort and performance
- Hiring and job assignments
- Layoffs
- Technological change
- Safety rules
- Rules of discipline
- The life span of the Collective Agreement
- A process for dealing with disagreements
- A process to collect union dues

QUESTION 16

What Do Union Dues Get Used For?

If a union is certified and there is a Collective Agreement, everyone in the bargaining unit pays dues – even if you did not sign a card, even if there was a vote and you voted no.

Unions incur costs while providing their services to their members. Since they don't sell any products, the union's expenses must be paid by its members - mostly by way of union dues. While amounts differ by union, union dues might then go to cover:

- Salaries and benefits of office staff, secretaries and officers
- Office space and supplies
- Payments to the labour congress, the national union or the international union or all three lobby groups and various other political efforts
- Travel and vehicle rental
- Political parties and social causes the union leadership decides to give your money to
- Handling grievances, collective bargaining and coordinating representatives
- Research concerning pay, contract language and job descriptions
- Legal fees
- Strike funds
- Training representatives
- Newsletters, publications and web sites
- Entertainment and recreation

There can also be initiation fees, fines, special assessments for a range of reasons. Ask the organizer for a complete list of fees, fines and current or past special charges.

QUESTION 17

What About Strikes And Lockouts?

Strikes and lockouts can only happen, if you're unionized. A "strike" happens when the union members refuse to work. A "lockout" happens when the employer stops letting union members go to work. In Canada, millions of working days are lost to strikes and lockouts each year.

Unions go on strike for lots of reasons, including:

- To support bargaining demands
- To establish a reputation
- To pressure concessions
- To protest government policy
- To show support for other workers' causes

Employees on strike may get strike pay from the union, but this is usually only enough to pay for their basic needs. By the way, the current Employment Insurance program does not allow an employee to collect EI benefits while on strike.

You may be able to work elsewhere but usually the union requires you to picket your workplace. The union can discipline you or even threaten to terminate your membership (so that, in some provinces, your employer may have to fire you) to get their way.

QUESTION 18

What About Union Politics?

A union is a political organization. Its members may hold meetings to elect leaders and set common goals. Those members who attend the local union meetings will get to vote on what they think is important and, unless the national or international union steps in, these decisions usually steer the local union. Often these votes are by show of hands and not by secret ballot.

But, like most political groups, the skills, attitudes and motives of union leaders and members will vary. We suggest that if you are thinking about supporting the union, you should consider these things.

- Find out as much as you can about the union – at the local level and the national or international level.
- Who are the leaders?
- Who else do they represent?
- What do they think is important to members?
- What's their track record on strikes and lockouts?

You should also try to collect information about your coworkers and what their goals, attitudes and motives might be. Once certified, those individuals will vote on what they want the union to do. For example, they may decide that they want to trade current pay for pensions or maybe the other way around – trade pensions for current pay. Because your coworkers will vote things that affect your work conditions, it is a good idea to consider what they will want and what is important to them.

QUESTION 19

What Will Happen, If The Union Is Decertified?

Decertification basically means getting rid of a union. It happens when a majority of employees no longer support the union or don't want the union to represent them.

If a union is decertified, the legal nature of your relationship with your employer will be totally changed again. Without a union, there would be no collective bargaining, the current Collective Agreement would be cancelled, you would no longer have to pay union dues and you would no longer risk going on strike or being locked out.

In the place of collective bargaining, you and your coworkers would regain your rights to deal directly with your employer concerning pay, benefits, hours of work and other working conditions.

Sometimes other unions may push for decertification so that they can “raid” or take you over and become the union that represents you.

QUESTION 20

How Do I Decertify A Union?

Since decertification means getting rid of a union that does not have the support of its members, you'll have to show that a majority of employees no longer support the union or don't want the union to represent them. If you can prove this you can decertify the union. But there are a few rules you need to follow.

If you want more information go to the [FAQs section](#) of LabourWatch.com. Alternatively, for a hard copy of the instructions and forms to decertify a union, download the “Decertification” package for Newfoundland and Labrador from our web site at <http://www.labourwatch.com/downloads/>.