

**Forms and Instructions**  
**Filing Unfair Labour Practice Complaints Against Unions**  
**Federal and the Territories**

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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 that you only do so in consultation with a lawyer.

Unions may do the same, for training and communication purposes, whether within their Union or with other interested parties such as their Members.

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## Introduction

At this time there is no “Employee Advisor or Ombudsman” funded by taxpayers or union dues to help you address concerns about a Union in the Federal sector. If you have a problem with a Union’s actions, that your Employer cannot address with the Canada Industrial Relations Board (CIRB) and the Union, you are expected to take it up with the Union or go to the CIRB on your own, or with a lawyer. Generally, Employees are discouraged from approaching their Employer regarding a Union’s conduct.

Similarly, Federally regulated Employers are discouraged from offering assistance to you if you have concerns with the Union’s actions. While they may not, in most situations, pay legal fees of the employees, there are times that Unfair Labour Practices (ULP) against a Union could be raised by an employer. These situations are unusual so please read [Question #1](#) of our Federal and Territories Unfair Labour Practices FAQ’s - in fact print and read all 9 of the ULP FAQ’s.

While there are many sections of the Canada Labour Code about Unfair Labour Practices, most relate to the relationship between Employers and the Union. We will only be addressing those between Employees and the Union. The Union will provide significant help to Employees who want to file a ULP against the Employer and LabourWatch does not attempt to duplicate the excellent information and resources available to Employees from Unions.

Note: Some concerns unionized Employees have with a Union may have to be first addressed through your Union’s internal procedures. Only after coming to the end of the internal process can you go to the Labour Board and file a Duty of Fair Representation (DFR) Complaint. Contact the Canada Industrial Relations Board (CIRB) for DFR information as LabourWatch does not yet have DFR materials online. Click here for Canada Industrial Relations Board -[DFR materials](#),

## Get the Forms

The Canada Industrial Relations Board (CIRB) does not have a Form specifically for Employees to file a ULP. LabourWatch has created one for Employees to use.

Given the difficulty the average Employee may have with any legislation such as the Canada Labour Code, and its Regulations, completing the Form will require that you have a copy of our ULP Download (Federal) because you will need to know which section of the Canada Labour Code you are saying has been violated. Another good resource for filing a ULP complaint is available on the CIRB website – [Information Circular #5-01](#)

Our Download is only meant to address situations where you believe a Union has violated the Canada Labour Code regarding a Union’s conduct towards employees it is trying to unionize or with unionized Employees the Union actually represents.

## Complete the Forms

The first few sections of the Form are easy, requiring primarily names, addresses, phone and fax numbers. There is a section for “Counsel or Representative”. If you feel that filing a ULP it is too complicated please contact one of the Employee Advisors in your area - see the Contacts section of our website.

You will be required to state the section of the Canada Labour Code that you claim has been violated, they will be one of these:

- Section 50 – Union must meet and make every effort to bargain collectively and enter into a collective agreement.
- Section 69 – Union must keep referral information in a conspicuous place.
- Section 87.3 (1) & (3) – Strike vote must be by secret ballot and employees must be given a “reasonable opportunity” to participate in a vote before a strike is called.
- Section 95 (a) to (j) – There are many conditions within this section and they are detailed at the end of this document. For section 95 (f) or (g) some additional information will be required and the timing for filing your ULP is different for these two sections.
- Section 96 – Coercion and intimidation.
- Section 110 – Union required to provide financial statements to members.

Each of these sections should be reviewed before completing your ULP complaint.

## Timing the Filing of Your ULP Complaint

The Canada Industrial Relations Board (CIRB) states that an Unfair Labour Practice Complaint should be filed no later than 90 days from "the date on which you knew, or in the opinion of the CIRB ought to have known", of the incident(s) leading to the complaint. In an organizing campaign, file your ULP as soon as possible as it may affect the organizing campaign. Same in a decertification campaign.

There is a special timing provision in the Canada Labour Code relating to complaints under section 95 (f) and (g). These deal with treatment like expulsion, fines, and discriminatory application of the Union's rules against you. The Canada Industrial Relations Board (CIRB) bases the allowable time to file a ULP on the internal procedures of your Union. We have the detailed wording of this section at the end of this document.

## Deliver Your Forms

You must deliver the Forms to the Canada Industrial Relations Board (CIRB). You can deliver them by, hand, mail, registered mail, courier or fax. The various offices of the CIRB addresses and fax numbers can be found on their website.

If your complaint is being made during an organizing or decertification campaign we suggest sending by fax as time limits are very tight and your complaints could affect the campaign in your favour.

## What Happens Next?

Once a Canada Industrial Relations Board (CIRB) panel has considered the evidence and arguments presented either at a hearing or by way of written submissions, it will arrive at a decision. That decision will then be sent to the parties in writing. In some cases, the CIRB may choose to give its decision orally at the conclusion of the hearing, to be confirmed in writing eventually.

If the CIRB upholds a Complaint, it may order a remedy that is not aimed at punishing the party that committed a violation, but rather at putting the affected employees in the position they would have been in had the violation not occurred. The remedies could include compensation to the employee for lost pay, reinstatement of the employee, or revocation of disciplinary action taken. It could lead to the rejection of the Union's application for certification, the rejection of cards that could mean an automatic certification based on cards will now be voted on or an application will not be voted on because there are not enough legitimate cards for the Union to obtain a vote.

The Board does not have the power to fine a party who has been found to be in violation of the Canada Labour Code.

**Unfair Labour Practice Complaint Against a Union  
CANADA LABOUR CODE**

**Complainant (i.e. Employee) Information**

Name: _____	
Address: _____	
Telephone Number (s) _____	Fax: _____

**Counsel or representative (if applicable)**

Name: _____	
Address: _____	
Telephone Number (s) _____	Fax: _____

**Name and address of others who may be affected by the application**

Name: _____	
Address: _____	
Telephone Number (s) _____	Fax: _____
Name: _____	
Address: _____	
Telephone Number (s) _____	Fax: _____
<i>Attach another page if required</i>	

**Section of the Code under which the application is being made:**

- Section 50
- Section 69
- Section 87.3 (1) & (3)
- Section 95 (a) to (j)
- Section 96
- Section 110

**Full particulars of the facts, relevant dates and grounds for the application:**

**Where a complaint is being made against a Union under section 95(f) or (g) of the Code, a description is required of efforts you have made to resolve this matter through your Union's internal grievance procedures. Explain those efforts here:**

**List all documents in chronological order that support your complaint, and attach copies of listed documents with this complaint:**

**If applicable, list the date and description of any order or decision of the CIRB relating to the application:**

**A description of the order or decision being sought by the applicant - what would you like the Board to do about this?**