

Forms and Instructions
Filing Unfair Labour Practice Complaints Against Unions

Newfoundland and Labrador

Table of Contents:

Introduction 3

Get the Forms 3

Complete the Forms 3

Timing the Filing of Your ULP Complaint 3

Deliver Your Forms 4

What Happens Next? 4

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 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 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:

LabourWatch encourages the use of our content including copying, emailing and faxing as it is needed by users. Any documents or materials housed on this web site that are the product of organizations other than LabourWatch 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 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.

Updated: Labour Day - September 4, 2006
 Copyright ©2006 Canadian LabourWatch Association

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 Newfoundland and Labrador. If you have a problem with a Union’s actions that your Employer cannot address with the Newfoundland and Labrador Labour Relations Board and the Union, you are expected to take it up with the Union or go to the Labour Board yourself, or with a lawyer. Generally, Employees are discouraged from approaching their Employer regarding a Union’s conduct.

Similarly, in Newfoundland and Labrador, Employers are discouraged from offering assistance to you if you have concerns with the Union’s actions. However, while the Employer may not pay legal fees of the Employees, there are times that Unfair Labour Practices (ULP) against the Union could be raised by an Employer. These situations are unusual so please read [Question #1](#) of the Newfoundland and Labrador Unfair Labour Practices FAQ in our Downloads section for more information. In fact, print and read all 9 of the ULP FAQ’s.

While there are many sections of the Labour Relations Act about Unfair Labour Practices, most relate to the relationship between Employers and the Union. We will only address 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 information and resources available from them.

Get the Forms

The Newfoundland and Labrador Labour Relations Board does not have a process specifically for filing an Unfair Labour Practice. Theoretically you could just use a letter explaining your complaint to the Commission. However, LabourWatch has designed a form for you to use. It is attached to the end of this document.

Complete the Forms

The form we have made up is very straight forward. Put in as much detail as possible, attach extra pages if you need them. If you have a lawyer enter their name in as Counsel. If you are having trouble completing the form, or understanding anything you may want to contact one of our Employee Advisors in your area. Go to our [Contacts](#) page for a list of them.

We have attached excerpts from the Labour Relations Act. There is a place on the Form for you to name the section of the code you are feel has been breached.

Timing the Filing of Your ULP Complaint

There are some references in the Labour Relations Act about how long have to file a complaint under some sections. However, as there is no official procedure regarding ULP’s we would suggest that the best rule is to file your documents as soon as possible.

If you are making a complaint about Union conduct during a certification drive you should be especially careful about filing your complaint as soon as possible. If the Board feels your complaint has merit they may throw out the certification application. If you wait too long though the Union may be certified and your complaint will probably not be heard then.

Deliver Your Forms

You can send your ULP documents by fax, hand-delivery, courier or even registered mail. They will want the originals so make sure to keep copies for you.

The contact information for the Newfoundland and Labrador Labour Relations Board is [HERE](#).

What Happens Next?

The Labour Relations Act has some specific language about what it will do in the event of an Unfair Labour Practice. It includes from making the Union stop what it has been doing up to awarding monetary damages to you.

If the Union does not stop, or refuses to pay any damages the Act states that they may then file the order with the Supreme Court of Canada.

**Unfair Labour Practice Complaint Against a Union
LABOUR RELATIONS ACT**



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: _____
Attach another page if required

Section of the Labour Relations Act under which the application is being made:

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

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

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

Unfair Labour Practices Newfoundland

28. (1) An employee, or person acting on behalf of a trade union, shall not use coercion or intimidation with a view to encourage or discourage membership in or activity in or for a trade union, but nothing in this Act precludes a person acting on behalf of a trade union from attempting to persuade an employer to make an agreement with that trade union requiring, as a condition of employment with that employer, membership or maintenance of membership in that union or other condition with regard to employment, where the union has been designated or selected by a majority of employees in the unit concerned as their bargaining agent.

(2) Except with the consent of the employer, but subject to an order made by the board under section 34, a trade union and a person acting on behalf of a trade union shall not attempt, at an employer's place of employment during the working hours of an employee of the employer, to persuade the employee to become or refrain from becoming or continuing to be a member of a trade union.