

HOW TO QUÉBEC | NON-CONSTRUCTION File An Unfair Labour Practice Complaint

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Employees, whether unionized or not, who want to be more informed, should refer fellow employees to this web site 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, 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

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 Quebec. If you have a problem with a union's actions that your employer cannot address with the Québec Commission des relations du travail ("Commission or CRT) and the union, you are expected to take it up with the union or go to the Commission on your own, or with a lawyer. Generally, employees can't approach their employer to provide any assistance regarding a union's actions.

Similarly, Quebec employers are discouraged from offering assistance to you if you have concerns with the union's actions. While they may not pay legal fees of the employees, there are times that an Unfair Labour Practice (ULP) complaint against a union could be raised by an employer. These situations are unusual so please read [Question 1](#) of our Quebec Unfair Labour Practices FAQs. In fact, print and read all nine of the ULP FAQs.

While there are many sections of the Québec Labour Code 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 excellent information and resources available to employees from unions.

GET THE FORMS

The Commission does not have a process specifically for filing an Unfair Labour Practice issued by employees. 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 simple. 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 Québec Labour Code. There is a section of the Form for you to name the section of the Québec Labour Code you think has been violated.

TIMING THE FILING OF YOUR ULP COMPLAINT

There are some references in the Québec Labour Code to how long you 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.

DELIVER YOUR FORMS

You must send your forms to the Commission by hand-delivery, courier or even registered mail, and keep proof of delivery. They will request the originals so make sure to keep copies of everything for yourself.

Don't fax them.

WHAT HAPPENS NEXT?

Again, the Commission has no set process for dealing with Unfair Labour Practices but it is likely that they would appoint an Investigator who would meet with you and probably meet with the union also. The Investigator would then submit a report to the Commission.

They may immediately call a meeting with you and the union together.

If the Commission finds in favour of your complaint they will likely order the union to correct the behaviour and in more serious cases, fine them.

**Unfair Labour Practice Complaint Against a Union
QUEBEC 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 Quebec Labour Code under which the Application is being made:

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

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

A description of the order or decision you want as the Applicant - what would you like the Commission to do about this?

Quebec Labour Code excerpts relating to Unfair Labour Practices by a Union

13. No person shall use intimidation or threats to induce anyone to become, refrain from becoming or cease to be a member of an association of employees or an employers' association.

20.2. No strike may be declared unless it has been authorized by secret ballot decided by the majority vote of the members of the certified association who are comprised in the bargaining unit and who exercise their right to vote.

The association shall take the measures necessary, having regard to the circumstances, to inform its members, at least 48 hours in advance, that the ballot is to be held.

20.3. The signing of a collective agreement shall not take place unless it has been authorized by secret ballot decided by the majority vote of the members of the certified association who are comprised in the bargaining unit and who exercise their right to vote.

47.1. A certified association must disclose its financial statement to its members every year. It must also remit a copy of such financial statement free of charge to any member who requests it.

47.2. A certified association shall not act in bad faith or in an arbitrary or discriminatory manner or show serious negligence in respect of employees comprised in a bargaining unit represented by it, whether or not they are members.