

# Organizing in New Brunswick

In every province, workers have the right to join a union and choose a union to represent them when dealing with their employer. In New Brunswick, these rights are protected under the *Industrial Relations Act, R.S.N.B. 1973, c. I-4* (the *Act*). This is a provincial law that has a process called Certification. When workers "certify", they join a union and that union becomes their bargaining agent.

Once the union becomes the bargaining agent, the law requires the employer to recognize the union's right to represent workers, and to negotiate a collective agreement with the union. The *Industrial Relations Act* protects the right of workers to choose union representation. If employers try to interfere with this right, the New Brunswick Labour and Employment Board can impose legal penalties under the *Industrial Relations Act*.

## Certification

When a group of workers decides to join a union, the first step is to contact the union and meet with a union organizer. Then, workers are required to sign union cards applying for membership in the union, and authorizing the union to represent them in negotiations with their employer. The *Industrial Relations Act* requires workers to pay the union a \$1.00 membership fee.

If between 40 per cent and up to 50 per cent of the workers sign membership cards, the New Brunswick Labour and Employment Board will hold a vote to see if the majority of the workers want a union. If between 50 per cent and 60 per cent of workers sign cards, the Board decides if it will hold a vote. When more than 60 per cent of the workers sign cards, the Board will certify the union automatically. The Board keeps information about who signed union cards confidential, and employers never get to see the cards.

If there is a vote, the Board holds a secret ballot vote. Anyone who is in the bargaining unit the union applied to represent can vote. If the majority of workers who cast ballots vote to unionize, the union is certified as the bargaining agent for that bargaining unit.

## Legal Protection

The *Industrial Relations Act* requires employers and unions to follow certain rules. This protects the rights of workers to freely choose their union.

Workers have the right to join or not join a union (*Act*, section 2(1)). They have the right to do so without pressure or threats from the employer (*Act*, sections 3 & 6) or the union. They also have the right to keep their choice confidential (*Act Regulation 745/96*, section 11(2)). The employer will never know who signed

a union card, or how a worker voted. Both the workers and the union can complain to the New Brunswick Labour and Employment Board if the employer interferes with these rights.

### **Who can join the union?**

New Brunswick's *Industrial Relations Act* defines who is an "employee" and has the right to join a union. Generally all workers can join a union, except those with the authority to hire, fire or discipline, or people who have access to confidential labour relations information (*Act*, section 1(1)).

The Labour and Employment Board also decides which workers belong together in a bargaining unit. The Board makes sure the group of workers that wants to unionize is the right size, and the workers have enough in common to bargain effectively. For example, the Board may refuse to certify workers in a single classification, or a group that includes people who supervise other employees in the unit. A union organizer will help you define the best bargaining unit for your workplace. Usually CUPE applies to unionize all employees at a workplace, because this is the strongest bargaining unit.

When your workplace becomes unionized, all eligible workers will be represented by the union, and covered by the collective agreement negotiated with the employer. All union members will pay union dues and be protected by the union.

### **What happens next?**

After your workplace is unionized, CUPE helps to build your local union, bargain a contract and educate your members. A CUPE staff National Representative will be assigned to help you. You may decide that your workplace should have its own CUPE local, or you may want to join a CUPE local that already represents workers like you. These choices are yours to make as CUPE members, with the advice and guidance of your National Representative.

When you bargain your collective agreement, your National Representative will work with you to decide what terms of employment are important at your workplace, and what protection you need in your collective agreement. CUPE National Representatives are experienced negotiators, and can also get additional support from specialists in CUPE's Research, Communications, Legal and Health & Safety Departments. Bargaining a first collective agreement can be a challenge, but the *Industrial Relations Act* requires both the employer and union to make a reasonable effort to bargain (*Act*, section 34).

Once you have bargained your first collective agreement, CUPE will continue to help you build your local union and educate your members. Our Education Department can help your executive members learn about the duties of local union officers, how to conduct meetings and other things to run your local. Your membership will have the opportunity to meet other CUPE locals and members by attending local,

provincial and national meetings and conventions. CUPE is a union where the members call the shots – setting bargaining priorities, electing leaders and deciding your priorities - while CUPE backs you up with the support and resources you need to make this happen.

View the [New Brunswick's Industrial Relations Act](#)

**Join CUPE today**

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