

Organizing in the Federal Sector

Across Canada, workers have the right to join a union and choose a union to represent them in dealing with their employer. If you work in a federally regulated industry, these rights are protected under the *Canada Labour Code, R.S.C. 1985, c. L-2* (the *Code*). This is a federal 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 *Code* protects the right of workers to choose union representation. If employers try to interfere with this right, the Canada Industrial Relations Board (CIRB) can impose legal penalties under the *Code*.

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 in the federal sector 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 *Code* also requires workers to pay a membership fee of \$5.00, which is collected by the union.

If at least 35 per cent of the workers sign membership cards, the Canada Industrial Relations Board will hold a vote to see if the majority of the workers want a union. The CIRB can also certify the union without holding a vote, when more than 50 per cent of the workers sign membership cards. In some cases, the CIRB will also hold a vote when more than 50 per cent of the workers sign cards. The Board keeps information about who signed union cards confidential, and employers never get to see the cards.

If there is a vote, the CIRB holds a secret ballot vote. Anyone can vote who is in the bargaining unit the union applied to represent can. 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 *Code* requires employers and unions to follow certain rules. This protects the right of workers to freely choose a union. Workers have the right to join or not join a union (*Code*, section 8). They have the right to do so without pressure or threats from the employer (*Code*, section 94) or the union. They also have the right to keep their choice confidential (*Code Regulation SOR/2001-520*, section 35). 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 Canada Industrial Relations Board if the employer interferes with these rights.

Who can join the union?

The *Code* 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 industrial relations information (*Code*, section 1).

The Canada Industrial Relations Board also decides which workers belong together in a bargaining unit. The CIRB 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. With CUPE, no one pays union dues until after the first collective agreement with the employer is signed.

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 *Canada Labour Code* requires both the employer and union to bargain in good faith (*Code*, section 50).

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 [Canada Labour Code](#)

Join CUPE today

Contact: divanochko@cupe.ca