

Unionizing in Ontario

In every province workers have the right to join a union and to choose a union to represent them in dealing with their employer. In Ontario these rights are protected in the *Labour Relations Act, 1995, S.O. 1995, c. 1, Sch. A* (the *Act*). This Act sets out a process, called certification, for workers to join a union and for that union to become their bargaining agent. Once the union becomes the bargaining agent, the employer is required to recognize the union's right to represent workers and to negotiate a collective agreement with the union. The Act protects the right of workers to choose to be represented by a union. Employers who try to interfere with this right are subject to legal remedies applied by the Ontario Labour Relations Board (OLRB).

Certification

When a group of workers decides they want to join a union, the first step is to contact the union and meet with a union organizer. In Ontario, workers are required to sign cards applying for membership in the union, and authorizing the union to represent them in negotiations with their employer. There is no cost to sign a membership card. If at least 40 per cent of the workers sign membership cards, the Labour Board will hold a secret ballot vote at the workplace. If a majority of workers who vote, cast ballots in favour of unionizing then the union is certified as the bargaining agent for that workplace.

Legal Protection

The Act requires employers and unions to follow certain rules to ensure the right of workers to choose whether or not to be represented by a union is protected. Workers have the right to join or not join the union (*Act*, section 5) and they have the right to do so without pressure or threats from the employer (*Act*, sections 70, 72 & 76) or the union. They also have the right to keep their choice confidential (*Act*, sections 7(13) & 8) 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 Ontario Labour Relations Board if the employer interferes with these rights.

Who can join the union?

The Act defines who is an employee with the right to join a union. In general, all employees except those with the authority to hire, fire or discipline or those who have access to confidential labour relations information can join the union (*Act*, sections 7(13) & 8).

The Labour Relations Board also decides which workers belong together in a bargaining unit. It makes sure that a group of workers seeking to unionize is not too small to bargain effectively. For example, it will usually refuse to certify workers in a single classification. 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 eligible workers will pay union dues, and be protected by the union. But with CUPE no one pays union dues until after the first contract 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 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 a National Representative.

To bargain your collective agreement, your National Representative will work with you to help decide what terms of employment are important at your workplace and what protection you need in a collective agreement. The National Representative has a great deal of experience in bargaining, and has additional support from CUPE specialists in our research, communications, health and safety and legal departments. Bargaining a first collective agreement can be a challenge, but the Ontario Labour Relations Act requires both the employer and union to bargain in good faith (*Act*, section 17).

Once you have achieved a first collective agreement, CUPE will continue to help you build your local union and educate your members. Our Education Department can provide support so that your executive become knowledgeable in the duties of the local union officers and how to conduct meetings among other things. Your membership will have the opportunity to meet other CUPE locals and members by attending conferences and meetings locally, as well as provincially and nationally. CUPE is a union where the members call the shots – setting bargaining priorities, electing leaders and deciding your priorities while being backed with the support and resources you need to make this happen.

View the [Ontario Labour Relations Act](#)

Join CUPE today

Contact: Ontarioorganizer@cupe.ca