
For Your Information: Union Certification in Alberta

The Alberta Labour Relations Code was amended by the United Conservative Party (UCP) government in 2020 to require a vote for all union certifications. A union may apply for certification for a unit once at least 40 per cent of the employees have signed cards within the previous 90 days indicating their support for the union certification. A board-supervised vote is required even when a majority of workers have signed cards.

The Alberta Labour Relations Board (ALRB) previously had the power to certify a union without a vote in the case of clear misconduct of an employer -- for example, firing workers who were identified as leaders in the organizing drive. The UCP removed this power. Instead of certifying the union, the Board must order a new vote and certify without a vote "only if no other remedy or remedies would be sufficient to counteract the effects of the prohibited practices."

On receiving an application, the Board conducts an investigation to determine that the applicant is a trade union, the unit applied for is an appropriate unit for collective bargaining, the application is timely, and that the union has the support of at least 40 per cent of employees in the unit.

The Board explains the investigation process as follows: "When a union files a certification application, a Board officer conducts an impartial investigation. The officer speaks to the employer and the union. The officer may also speak to individual employees. The officer requires the union and the employer to produce records relating to the application, such as employee and membership lists. The officer then writes a report outlining whether or not the application meets the Code's requirements for certification. This report is presented to the parties (who may object to some of all of its findings) and a panel of Board members. The panel conducts a hearing and decides whether or not the application meets the requirements of the Code. If so, the panel orders an employee vote. If a majority of the employees voting vote in favour of the union, the union is certified."

There is no time limit set for the Board to conduct a vote.[1] The legislation states that "the Board shall make its final decision whether to grant the application for certification no later than six months after the date of the application", although in "exceptional circumstances," which are not defined, the Chair of the ALRB can approve an extension beyond six months.

Mandatory certification votes and extended timelines for the Labour Board to call a vote gives employers the opportunity for union-busting, allowing employers to carry out campaigns of intimidation and to spread false information, including at sessions which workers must attend. The campaign at Amazon is taking place in the face of all these difficulties which governments who serve the oligarchs have put in place.

Note

1. Legislation enacted by the NDP in 2018 established a time limit of 20 or 25 working days after an application was filed for the Board to make a decision, with a limited power of the Chair to extend the time limit. It also provided for certification without a vote, but with a high bar, requiring at least 65 per cent of the workers, not a simple majority, to sign union cards.

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