



Discussion Guidelines & Best Practices Handling Trade Union Certification Activity

It is the company position that in all cases it is best to say as little as possible if you are approached on this subject, however there may be instances where some discussion is warranted or where activities on your site may raise certain issues. The following information is being provided to inform you generally of what you can and can't say and do regarding unionization.

WHAT YOU CAN DO or SAY TO YOUR EMPLOYEES:

- You can tell employee that you believe they do not need a trade union so long as you do it in a way that will not be perceived in intimidating, threatening or coercing.
- Provided you are neutral you can explain the certification process, the rights of employees, the company and the union and why you cannot answer directly some of their questions.
- You can record and take notes of all meetings and conversations with employees and union officials.
- You can tell employees that Labour Law is the same for both the Company and the union in that they like us cannot make promises about guaranteed employment and benefits.
- You can tell employees that if the company is certified the company has to deal directly with union on working conditions and work jurisdictions.
- You can tell employees that signing a union card is like signing a contract and just as with any contract they should be well aware of all the terms and conditions of the union contract before they agree to anything. Have they been given a copy of the entire agreement.
- Listen to employees who voluntarily supply information on union activities.
- Tell the employees about their privacy rights and that they have no obligation to talk to organizers, give their names, open their door at home to them or suffer any spying, harassment or intimidation.
- You can tell employees that COMPANY NAME prefers to deal with employees individually and not through union officials.
- You can tell employees that certification is not about a particular individual wanting this particular working condition or benefit but about whether they want the collective



bargaining with the union as their representatives to be the process by which most working conditions and relationships are decided.

- You can inform employees that, with respect to many employment matters, direct dealings between the Company and individual employees will end if a trade union becomes certified by the Ontario Labour Relations Board (“OLRB”) to represent employees.
- You can remind employees of the wages and other benefits (eg. Annual wage increases or no layoffs in the last XX years) that they have received without a trade union and without paying trade union dues.
- You can show how your wages and/or benefits compare with those in the industry.
- You can tell employees that they don’t have to talk to trade union organizers and that they can call the OLRB if they feel they have been threatened or intimidated.
- You can tell employees that the law requires that a Company deduct trade union dues from the pay cheques of all employees.
- You can explain existing Company policy on wages, promotion, layoffs and other matters.
- You can advise the employees of their freedom of choice to join or not join a trade union and that they do not have to sign membership cards. You can explain that if they do not sign a card they can still vote for the union but if they do sign a card they may not get a chance to vote.
- You can explain the purpose of trade union membership cards and what the effect of signing a card is. You can tell them that even if they sign a card they do not have to vote for the union and as it is a secret ballot no one knows how they vote. You can tell them that they can apply to reverse the signing of a card.
- You can correct misleading or false trade union propaganda regarding promises of guaranteed work, better treatment or better safety.
- You can say that the Company and good business conditions, not trade unions, provide job security.
- You can say that customers and the reputation of a company determine the success of the business, not trade unions, and that job security is created by a successful business operation.





- You can remind employees what a hiring hall is and what it could mean to them as long as it is not intimidating or coercive.

WHAT YOU CANNOT DO or SAY TO YOUR EMPLOYEES:

- You cannot threaten a loss of jobs if a trade union becomes certified or threaten that the company will go out of business or move.
- You cannot make any promises to employees in order to persuade them to oppose the trade union beyond existing policy and practice.
- You cannot threaten employees with the loss of fringe benefits or a reduction in wages.
- You cannot tell employees that the Company will refuse to direct hire from the union and sub out all work if it is certified.
- You cannot ask employees to wear pro “Company” or “anti-trade union” insignia.
- You cannot allow anti-union employees to use the Company premises for anti-union purposes during working hours.
- You cannot sponsor or suggest to employees that they sign and circulate an anti-trade union petition and should not ask for a copy if one is being circulated but you can permit circulation of a pure employee petition or circular.
- You cannot suggest to employees that they ask the trade union to return their trade union cards.
- You cannot ask employees whether they or other employees have signed trade union membership cards.
- You cannot cause or encourage rumours that management knows who has signed trade union membership cards.
- You cannot treat employees who are sympathetic to a trade union any differently from other employees with respect to work assignments, overtime, discipline, hours of work, layoffs or other matters.
- You cannot spy on employees, i.e. parking across the street from union hall.
- You cannot act as if you are investigating whether employees are helping union



- You cannot make work assignments or transfers designed to cause a union supporter to quit.
- You cannot make assignments to split up or contain union sympathizers if it is to discourage union organizing.
- You cannot ask employees how they are going to vote.
- You cannot ask employees about time and content of union meetings.
- You cannot visit the homes of employees for the purpose of urging them to get out of union.
- You cannot ask job applicants if they belong to a union.
- You might not be able have meetings or special events that may be perceived as company bribes. i.e. T Shirts.
- You cannot initiate a petition opposing the union.
- You cannot solicit Employees to revoke union cards. Though you can advise them that they can go to the Labour Watch website to find out about their rights under the Labour Relations Act.
- If you have a no solicitation policy you can stop the union or employees from distributing union literature at the work site during work hours. They can however distribute during their own times during breaks, even on the worksite.