

**INFORMATION SHEET**

**WHAT IS THE DUTY OF FAIR REPRESENTATION?**

The duty of fair representation prohibits trade unions from acting in a manner that is arbitrary, discriminatory or in bad faith in the representation of any employee in a bargaining unit for which that trade union is the bargaining agent, in respect to the employee's rights under a collective agreement.

**WHO DOES THE DUTY OF FAIR REPRESENTATION APPLY TO?**

The *Trade Union Act* was amended to include the duty of fair representation, effective October 1, 2006. The definition of unfair labour practices was expanded, and now prohibits a trade union, or person acting on behalf of a trade union, from acting in a manner that is arbitrary, discriminatory, or in bad faith, in the representation of any employee in a bargaining unit, with respect to the employee's rights under a collective agreement.

The duty of fair representation applies to the *Civil Service Collective Bargaining Act*, the *Corrections Act*, the *Highway Workers Collective Bargaining Act* and the *Trade Union Act* (Part 1 only). Before October 1, 2006, employees under those *Acts* could only challenge their union representation through internal union processes, or civil court actions.

**HOW WILL DUTY OF FAIR REPRESENTATION COMPLAINTS BE PROCESSED?**

A Review Officer has been hired to examine each complaint. The Review Officer may dismiss complaints, serve notice of the complaints on trade unions, attempt to settle complaints, or refer complaints to the Labour Relations Board for decision. Upon referral, the Board may add a party to the proceeding at any stage of a complaint.

The Board has the power to dismiss complaints it considers to be frivolous, vexatious or otherwise not worthy of a hearing. If the Board is satisfied that a trade union, or its representative, has breached the duty of fair representation, it may make an order according to the provisions of the *Trade Union Act*, including an order to rectify the breach.

For more information about the duty of fair representation, please contact the Labour Services Division at (902) 424-6730; or 1 (877) 424-6730.