



Saskatchewan Trade Union Legislation

Information for SIAST Students

The Trade Union Act

Joining a union is a basic democratic right protected by law. Workers have a right to join a union of their choice. Joining a union is your decision, and it is illegal for the employer to interfere.

The Trade Union Act Regulates the relationship between employers and unions, including the rules for:

- forming a union
- negotiating a collective agreement
- running a union
- moving from one union to another
- decertifying a union

What is a union?

A union is a labour organization dealing with the employer on behalf of employees about things such as working conditions, wages, and benefits. Workers choose their union by a majority vote. The union then becomes the exclusive bargaining agent for the unionized employees in that workplace.

If a union is in your workplace, and your job is within the bargaining unit, you may be required to become, and remain, a union member as a condition of employment.

What is a collective agreement?

The employer and the union negotiate a written 'collective agreement' covering working conditions in the bargaining unit. This agreement sets out the terms and conditions of employment around rates of pay, hours of work, etc. It usually provides additional protection and benefits above minimum standards set by workplace legislation such as *The Labour Standards Act*. A clause covering the collection of union dues is usually included.

What are union dues?

Union dues may be taken off workers' pay cheques. These dues cover costs to the union and are used to provide services to the union membership. Union services include collective bargaining and representing members at grievance and disciplinary hearings.

Dues vary with different unions, but are usually a small percentage of a worker's gross pay. When you start a new job, check to see what the dues are and how they are collected. Each workplace may be different.

What is 'Union Security'?

The majority of collective agreements contain union security clauses. For example:

- a "closed shop" clause is a system where an employer agrees to hire and retain only workers who are members of the union
- a "union shop" clause requires that all employees join the union within a specified period of time after having been hired

What is 'Certification'?

A union is "certified" when it is recognized by the Saskatchewan Labour Relations Board as the exclusive bargaining agent for the workers in the bargaining unit.

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Visit our website: www.labour.gov.sk.ca.

What is the certification process?

In Saskatchewan, if a union can get 25% of the employees in a proposed bargaining unit to sign union cards, it can apply to the Sask Labour Relations Board (LRB) for a certification vote. The LRB will:

- hold a hearing;
- conduct a vote; and
- certify the union if a majority (50% plus 1) of workers in the bargaining unit who participate in the vote support the union.

What is 'De-certification'?

The LRB can conduct a decertification vote on the request of employees, where there is evidence that the majority of employees in a bargaining unit no longer wish to remain in a union. If a majority (50% plus 1) of workers in the bargaining unit who participate in the vote support decertification, the union involved no longer has a right to represent the workers.

Rights and responsibilities of employers

While an application for certification is pending, an employer must continue normal business practices. Once a bargaining unit has been certified, employers have rights and responsibilities.

Employers must not:

- interfere with or influence an employee's decision to join a union
- threaten to move or shut down during a strike
- fail or refuse to bargain collectively with the union
- make unscheduled changes in pay or other terms or conditions of employment without bargaining the proposed changes with the union
- lock out workers while any issues are being dealt with by the Board, a board of conciliation, or a special mediator

Employers must:

- negotiate working conditions, wages, and benefits with the union certified in their workplace
- negotiate for the settlement of disputes and grievances of employees covered by a collective agreement

Rights and responsibilities of unions

Unions must:

- fairly represent all their members without discrimination in any way that is arbitrary or in bad faith in grievance, rights or arbitration proceedings, or wage negotiations
- not attempt to force a worker into union activity
- not interfere with workers seeking 'de-certification' of a union
- not strike while any issues are being dealt with by the LRB, a board of conciliation, or a special mediator

Unions have the right to:

- bargain collectively with the employer
- represent workers at grievance and disciplinary hearings
- strike with a majority support of the workers voting by secret ballot

What is a lockout?

A lockout occurs when the employer closes his/her place of employment in order to force unionized employees to agree to terms or conditions of employment. A lockout causes work by union members to stop or be suspended.

What is a strike?

A strike is any action that employees take to limit production or the effective delivery of services. This may involve something as simple as a ban on overtime up to and including a full-scale work stoppage. A strike can only occur when a majority of the workers, voting by secret ballot, support it. The goal is to get the employer to reach an agreement with the union over specific issues (e.g., changes in working conditions, benefits, or wages).

What is a shop steward?

A steward is elected by the members of a collective bargaining unit. A steward:

- monitors the collective-bargaining agreement
- advises employees on contract provisions
- represents employees in contract disputes, grievances, and disciplinary hearings

Some bargaining units have several stewards. Find out who your steward is when you start a new job in a unionized workplace.