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“ONE OF THE HARDEST PLACES TO ORGANIZE IN THE COUNTRY”:

Understanding and overcoming barriers to
unionization in Nova Scotia

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Advancing
Decent Work

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Executive Summary



One of the hardest places to organize in the country.

— Interview participant, Nova Scotia union organizer

Belonging to a union is associated with higher earnings, better employer benefits and labour protections, and stronger voice in the workplace, as this report outlines. Despite these advantages, only 31 percent of Nova Scotian workers belong to a union or are covered by a collective agreement. The overall unionization rate masks important disparities in terms of which workers belong to a union. A unionized worker is more likely to be a woman with a university degree working in the public sector, such as a teacher or health care professional. Important sectors of the economy lack strong union density—including retail, accommodations, and food services. Significant groups of Nova Scotian workers—especially young people and workers in the private sector—lack the advantages of unionization. However, workers seeking to unionize confront a legal and regulatory framework in the province that makes unionization difficult. In this report, we ask: **what are the barriers to unionization in Nova Scotia, and what changes would make unionization more accessible to Nova Scotian workers?**

We draw on several data sources to answer this question. First, we conducted semi-structured interviews with 14 stakeholders. These

include staff at unions and labour federations, workers who helped organize unionization drives at their workplaces, labour-side employment lawyers, and academics. Second, to complement data from our interviews, we also analyzed labour legislation and regulations from Nova Scotia and other Canadian provinces, Nova Scotia Labour Board decisions, and statistical data from Statistics Canada. Some data is also drawn from a commissioned Angus Reid survey, administered June 30–July 4, 2025, which is referred to as the Nova Scotia Precarity Survey.

Key findings

In our report, we find:

1. There are barriers to organizing throughout the union certification process.

Overall, **workers seeking to organize face a cumbersome and time-consuming legal and regulatory framework throughout the process**, from when they begin organizing, during certification, and when negotiating a first collective agreement. The legal and regulatory framework makes organizing especially difficult for those precariously employed across multiple sites and during multiple shifts.

2. The onus is on the workers to repeatedly confirm their support for forming a union, often in ways that place unnecessary hurdles for workers and organizers.

- Organizers must submit an initial application for union certification along with signed union membership cards from 40% of workers who will make up the bargaining unit. These union cards must be signed within three months of the application. This is a difficult timeline to meet when organizing activities can be legally prohibited in the workplace and/or when the type of work and workspace make it difficult for workers to have conversations with each other. Organizers at Pete's Frootique had to restart the card-signing process multiple

times because they could not get the cards signed within three months.

- Workers must then vote on whether they support forming a union.
- If the vote is held electronically, workers wishing to vote must register their email with the Labour Board to receive a ballot.

3. Labour board delays can weaken a union drive and allow an employer the opportunity to engage in employee intimidation and union-busting activities.

- There is no time limit on employer challenges to bargaining-unit composition and voter eligibility, and these challenges must be resolved before the ballots in a certification vote can be counted.
- There can be a long gap between certification votes and ballot counts. For example, the *Trade Union Act* requires a certification vote to take place within five days of approving the application, but the *Act* allows significant delays before the vote is counted. In the recent case of Java Blend, votes were not counted for **254 days after the vote** was taken.
- Delays allow more opportunities for employers to identify and target organizing leaders.
- Especially in precarious workplaces, employee turnover can erode the original organizing support by the time the vote happens and weaken the union's bargaining position.

4. Weak protections against retaliation increase workers' risks.

- Some workers are more vulnerable than others. Newcomers to Canada, especially those without permanent residency, can face discrimination or fear retribution from their employers and fear jeopardizing their immigration status if they join a union drive.
- In the case of Java Blend, nine workers, including all four union-drive leaders, were terminated while the certification

process was still unresolved. Regardless of the ultimate legal outcome (which led to some workers being rehired), the experience communicated to other workers that organizing could carry high personal costs.

5. Barriers do not end when workers win certification.

- With limited access to First Contract Arbitration, negotiations can be prolonged, making precarious workers especially vulnerable, and prolonged bargaining can undermine morale and lead to worker turnover.
- Contracted-out services can undermine existing unionization through weak successor-rights protections.

6. Nova Scotia has fallen behind other jurisdictions in Canada that have made it easier to unionize.

Card check or single-step certification now exists in six jurisdictions. While the percentage of votes for a successful drive varies, the timeline is significantly compressed, thus removing many of the barriers listed above. **Notably, the construction industry in Nova Scotia can use a single-step process** “when more than 50 per cent of employees working on the date of the certification application demonstrate support, a workforce can become unionized without a vote.”¹

¹ Labour and Advanced Education. (2019). “New Trade Union Act General Regulations.” Government of Nova Scotia.
news.novascotia.ca/en/2019/04/30/new-trade-union-act-general-regulations

Summary of recommendations

1. Implement card check or **single-step certification** once the threshold has been reached (50 per cent plus one) and extend the timeframe for obtaining a signature to six months.
2. Improve **successor rights**.
3. Restore meaningful **first contract arbitration**.
4. **Repeal** the *Michelin Amendment*.
5. **Revise the process** at the Labour Board for adjudicating challenges to membership in the proposed bargaining unit and implement **stricter timelines** for Labour Board decisions.
6. **Increase resources** for the Labour Board.
7. Provide more **educational and informational resources and support** about labour rights.
8. **Incorporate education about union history and labour rights** into the P-12 curriculum on civics education.

Introduction

The preamble to Nova Scotia's *Trade Union Act* declares that the government of Nova Scotia views good labour relations practices to be in the best interests of the province. To that end, according to the *Act*, the Government supports "labour and management in their co-operative efforts to develop good relations and constructive collective bargaining practices." Further, the Government recognizes "freedom of association and free collective bargaining as the bases of effective labour relations for the determination of good working conditions and sound labour-management relations in the public and private sectors of Nova Scotia."²

Despite these attestations in support of collective bargaining, Nova Scotia has a long history of anti-labour legislation that makes organizing difficult. In 1979, for example, the "Michelin Amendment"³ created a major barrier to organizing in the manufacturing sector by mandating that workers at companies with interdependent locations must organize them simultaneously,

² *Trade Union Act*, RSNS 1989, c. 475, canlii.ca/t/53grw

³ The *Act* defines manufacturing broadly as "making of goods by hand, by machinery or by a combination of processes." See *Trade Union Act*, RSNS 1989, c. 475, s. 26(1).

rather than on a plant-by-plant basis.⁴ In 1984, Nova Scotia was the first province to reverse “card check” legislation, forcing workers seeking to unionize to go through a lengthy certification process. In 2013, the government significantly weakened First Contract Arbitration legislation, which had only become law in 2011, potentially prolonging the process for securing a first collective agreement.⁵

Other anti-labour legislation has targeted collective bargaining and the right to strike of unionized employees. The *2014 Essential Health and Community Services Act* requires the unions representing health care workers to negotiate agreements before the expiry of a collective agreement that stipulate staffing levels in the event of a strike. A union that fails to negotiate such an agreement can forfeit their right to strike.⁶ An organizer from the United Food and Commercial Workers (UFCW) told us that while not preventing the formation of unions per se, legislation that creates hurdles to collective bargaining and job action may depress workers’ interest in joining a union.

Structural conditions in the Nova Scotia labour market have made unionizing more challenging. The second report in our Advancing Decent Work series explored the epidemic of precarious work in Nova Scotia.⁷ According to our previous analysis, 30.4 per cent of Nova Scotians in the paid workforce hold precarious jobs, with “low wages, limited protection and job instability.” Another 43 per cent of paid workers in the province are on the cusp of precarity and at risk of greater insecurity if their employment conditions

⁴ The passage of the Michelin Amendment was significant enough to be covered by The New York Times. See Malcolm, A. (1979). “Michelin in Nova Scotia Labor Strife; Michelin Awaits Result of Labor Law Strife; New Plant Set for 1882; ‘How Far Do You Go?’” The New York Times.

[nytimes.com/1979/12/17/archives/michelin-in-nova-scotia-labor-strife-michelin-awaits-result-of.html](https://www.nytimes.com/1979/12/17/archives/michelin-in-nova-scotia-labor-strife-michelin-awaits-result-of.html), and; (1979). “Nova Scotia Bill Criticized.” The New York Times. [nytimes.com/1979/12/31/archives/nova-scotia-bill-criticized.html](https://www.nytimes.com/1979/12/31/archives/nova-scotia-bill-criticized.html)

⁵ Haiven, J. and Haiven, L. (2015). *Changing the Face of Labour Law in Nova Scotia*.

policyalternatives.ca/news-research/changing-the-face-of-labour-law-in-nova-scotia/

⁶ Haiven, J. and Haiven, L. (2015). Op. Cit.

⁷ Cerdas Sandí, D., Casey, R., Brickner, R.K. (2026). *Decent or Precarious? Understanding the quality of employment in Nova Scotia*.

policyalternatives.ca/news-research/adw-decent-or-precarious/

change. Precarious workers face greater challenges unionizing. For example, they are more likely to be young or hold part-time positions in sectors with high turnover. They are also more likely to be recent immigrants or hold temporary work permits⁸ and, therefore may be unfamiliar with labour law and/or vulnerable to exploitation from employers.⁹

Despite the challenges of organizing in Nova Scotia, especially with a precarious workforce, belonging to a union has been identified as an important factor in buttressing against precarious employment. Additionally, in a province with comparatively weak labour standards—the subject of the first report in this series—unionization is a mechanism to secure better working conditions.¹⁰

The Canadian Labour Congress (CLC) asserts that the benefits to workers from unionization explain the momentum of the labour movement across Canada.¹¹ Interviews conducted for this report confirm that unions are seeing an uptick in expressions of interest

⁸ Includes student visa holders and temporary foreign workers.

⁹ Crea-Arsenio, M., Newbold, K B., Baumann, A., & Walton-Roberts, M. (2022). *Immigrant Employment Integration in Canada: A Narrative Review*. Canadian Ethnic Studies, 54(2), 99–117. doi.org/10.1353/ces.2022.0010; Vosko, L.F., Tucker, E., & Casey, R. (2019). *Enforcing Employment Standards for Temporary Migrant Agricultural Workers in Ontario, Canada: Exposing Underexplored Layers of Vulnerability*. International Journal of Comparative Labour Law and Industrial Relations 35 (2): 227–254. doi.org/10.54648/ijcl2019011; Hira-Friesen, P. (2018). *Immigrants and Precarious Work in Canada: Trends, 2006-2012*. Int. Migration & Integration 19:35-57, doi.org/10.1007/s12134-017-0518-0, and; Foster, J., Coderre, M., Carranza-Hernandez, G., & Mahmood, Z. (2026). *Deskilled and Degraded: The Interaction of Precarious Status and Precarious Employment Trajectories for Migrant Workers in Canada*. Labour / Le Travail, 97, 69–100. doi.org/10.52975/llt.2026v97.004

¹⁰ Casey, R. and Saulnier, C. (2025). *The Foundations of Decent Work: An Evaluation of Nova Scotia Labour Standards*. policyalternatives.ca/news-research/the-foundations-of-decent-work-an-evaluation-of-nova-scotia-labour-standards/, and; Cerdas Sandí, D., Casey, R. and Brickner, R.K. (2026). Op. Cit.

¹¹ Among the results of a 2024 CLC poll, 62% of respondents indicated that belonging to a union was a good thing; 80% of respondents aged 18-29 thought there were barriers to forming a union; and 70% of respondents wanted governments to remove barriers to forming a union. See Canadian Labour Congress. (2024). “New poll: Canadians back unions to deliver worker protections, fairer wages.” canadianlabour.ca/canadians-back-unions-deliver-worker-protections-fairer-wages/

from workers to unionize their workplaces, and unions are responding as their resources allow. An organizer with UFCW told us that “we know that the data is showing that more people than ever need help. Just the price of groceries alone is a reason to go to talk to people.”

Given the importance of belonging to a union, as well as the increasing interest in unionization, this third report in the series turns our attention to Nova Scotia’s regulatory framework. Drawing on interviews with union organizers, legal experts, academics, and activists, we identify major obstacles to organizing unions in Nova Scotia and highlight important legislative and regulatory changes that can make unionization easier throughout all stages of the process, from applying for certification to bargaining the first contract, so that workers can effectively engage in the process of labour relations envisioned in the *Trade Union Act*.

Methods

To carry out our analysis of barriers to unionization, we conducted semi-structured interviews with 14 stakeholders. These include union organizers, labour activists, union-side employment lawyers, and academics. Because our interest was in understanding *obstacles* to unionization, we did not interview employer-side stakeholders. Most of our interviews were conducted with stakeholders in the Nova Scotia labour movement. In addition to lawyers and academics who are not affiliated with unions or union federations, we interviewed organizers and staff with the Canadian Labour Congress (CLC), the Canadian Union of Public Employees (CUPE), Service Employees International Union (SEIU), the Nova Scotia Federation of Labour (NSFL), and the Union of Food and Commercial Workers (UFCW). We also spoke to workers who had been part of recently successful organizing drives at Pete's Frootique, a grocery store in Halifax owned by Sobey's; Java Blend Coffee Limited (henceforth, "Java Blend"), a group of cafes and coffee warehouses in the Halifax area; and The Bridge, an emergency shelter in Halifax.

To gain a comparative perspective on how different legal and regulatory frameworks affect unionization efforts, we interviewed staff with organizational knowledge at the British Columbia Federation of Labour and UFCW in Manitoba. We reached out to stakeholders in British Columbia because we drew on work from

B.C. in our second report on precarity.¹² B.C. is also the site of a recently successful organizing drive with Uber drivers.¹³ Additionally, in 2022, the B.C. government reinstated card-check certification, making it easier to unionize.¹⁴ Similarly, in November 2024, the Manitoba government implemented major changes to labour law, including card-check certification.¹⁵

With participants' consent, these interviews were recorded and transcribed. The transcriptions were analyzed thematically. We received research ethics approval from Acadia University's Research Ethics Board. The quotations that appear in this report are drawn from these interviews and describe the participant by occupation or place of work, but do not include full names. Although the participants consented to the inclusion of full names, we have chosen to anonymize them partially.

To complement data from our interviews, we also analyzed labour legislation and regulations from Nova Scotia and other Canadian provinces, Nova Scotia Labour Board decisions, as well as statistical data from Statistics Canada. Some data is also drawn from a commissioned Angus Reid survey, administered June 30–July 4, 2025, that is referred to as the Nova Scotia Precarity Survey.¹⁶ This report includes a comparative analysis of the certification process in Canada, across all provinces and the federal jurisdiction.

¹² Cerdas Sandí, D., Casey, R. and Brickner, R.K. (2026). Op. Cit.

¹³ Tustonic, M. (2026). "Uber drivers in Victoria got a union contract. What does it mean for ride-hailing workers across Canada?" CBC News. [cbc.ca/news/business/victoria-uber-contract-rideshare-9.7205751](https://www.cbc.ca/news/business/victoria-uber-contract-rideshare-9.7205751)

¹⁴ B.C. Ministry of Labour. (2022). "Single-step certification will protect right to join a union." Government of British Columbia. News Release. news.gov.bc.ca/releases/2022LBR0006-000485

¹⁵ Manitoba Federation of Labour. (2024). "Fact Sheet: Changes to *The Labour Relations Act* resulting from Bill 37." mfl.ca/wp-content/uploads/2024/11/Fact-Sheet-Changes-to-the-Labour-Relations-Act-Resulting-from-Bill-37.pdf?ref=readthemaple.com

¹⁶ Cerdas Sandí, D., Casey, R. and Brickner, R.K. (2026). Op. Cit.

Importantly, this report focuses on analyzing the union certification process for non-construction sectors. The construction sector is covered by a separate section of Nova Scotia's *Trade Union Act*,¹⁷ and different regulations apply to the sector. For example, unlike workers in non-construction sectors, construction workers can form a union through card check certification.¹⁸

¹⁷ *Trade Union Act*, RSNS 1989, c. 475, Part II.

¹⁸ Labour and Advanced Education. (2019). Op. Cit.

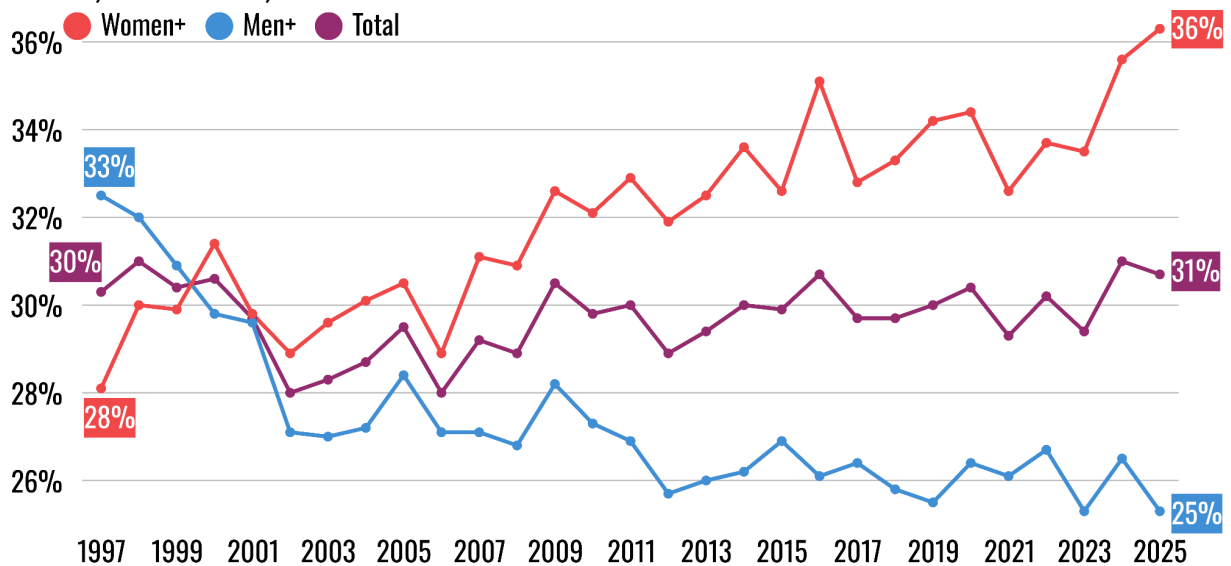
Unionized workers in Nova Scotia

Rates of unionization

Union coverage across Canada

In 2025, 31 per cent of employees in Nova Scotia were unionized or covered by a collective agreement. This rate has remained fairly stable since 1997, as shown in **Figure 1**.

Figure 1 / Rate of unionization/coverage by gender
Per cent, Nova Scotia, 1997–2025



Source Statistics Canada. Table 14-10-0129-01 Union status by geography. DOI: doi.org/10.25318/1410012901-eng

Comparatively, unionization rates vary across the country, as shown in **Table 1**. The highest unionization rates are in Quebec (40 per cent) and Newfoundland and Labrador (40 per cent) followed by Saskatchewan (34 per cent) and Manitoba (34 per cent). Alberta has the lowest unionization rates in Canada (24 per cent).

Table 1 / Union coverage rate (by a collective agreement)

Per cent, Canada and Provinces, 2025

Geography	Total	Men+	Women+
Quebec	40%	39%	41%
Newfoundland and Labrador	40%	35%	45%
Saskatchewan	34%	29%	39%
Manitoba	34%	31%	38%
Prince Edward Island	34%	25%	42%
Nova Scotia	31%	25%	36%
New Brunswick	31%	26%	35%
Canada	31%	28%	33%
British Columbia	31%	28%	33%
Ontario	26%	24%	28%
Alberta	24%	20%	28%

Note: Canada is a weighted national estimate for the ten provinces; the territories are excluded.

Source: Statistics Canada. *Table 14-10-0129-01 Union status by geography*. DOI:

doi.org/10.25318/1410012901-eng

Notably, there is some variation on rates of unionization between genders, which will be discussed more in depth in the section on [unionization rates and gender](#).

Union coverage by company and job descriptors

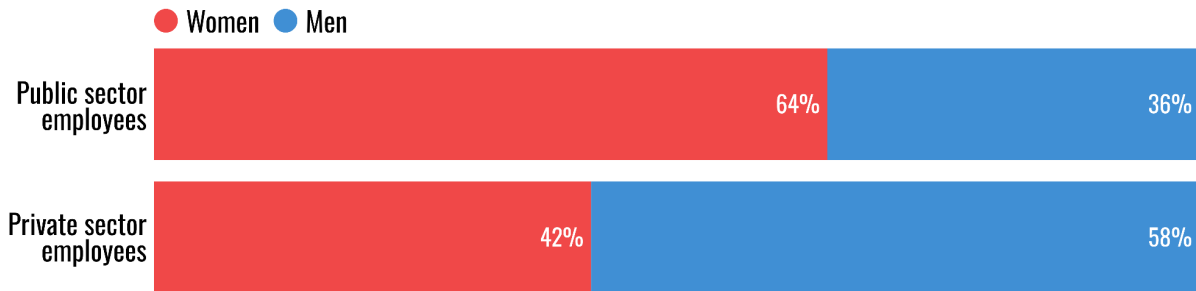
In this section, we focus on what types of jobs are more likely to be unionized based on workplace characteristics and employment status.

Sector

Union rates in Nova Scotia (and nationally) are considerably higher in the public sector (76 per cent) compared to the private sector

(12 per cent).¹⁹ Additionally, women are more highly represented in public (64 per cent) rather than in private sector unionized jobs (42 per cent) (**Figure 2**; see the [following section for more information about gender differences](#)).

Figure 2 / Gender composition of unionized/covered employees by sector
Per cent, Nova Scotia, 2025

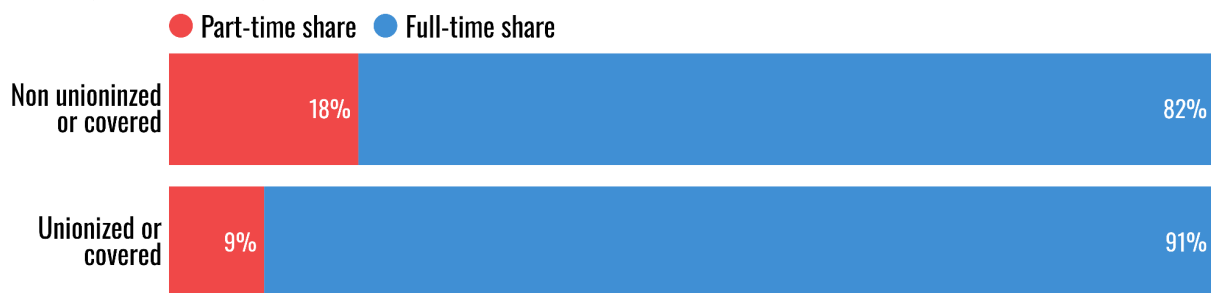


Source Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

Full-time vs part-time work

Figure 3 shows that among unionized workers, 91 per cent are in full-time positions compared with only 9 per cent in part-time positions.

Figure 3 / Full-time and part-time work by union coverage status
Per cent, Nova Scotia, 2025



Source Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

Job tenure

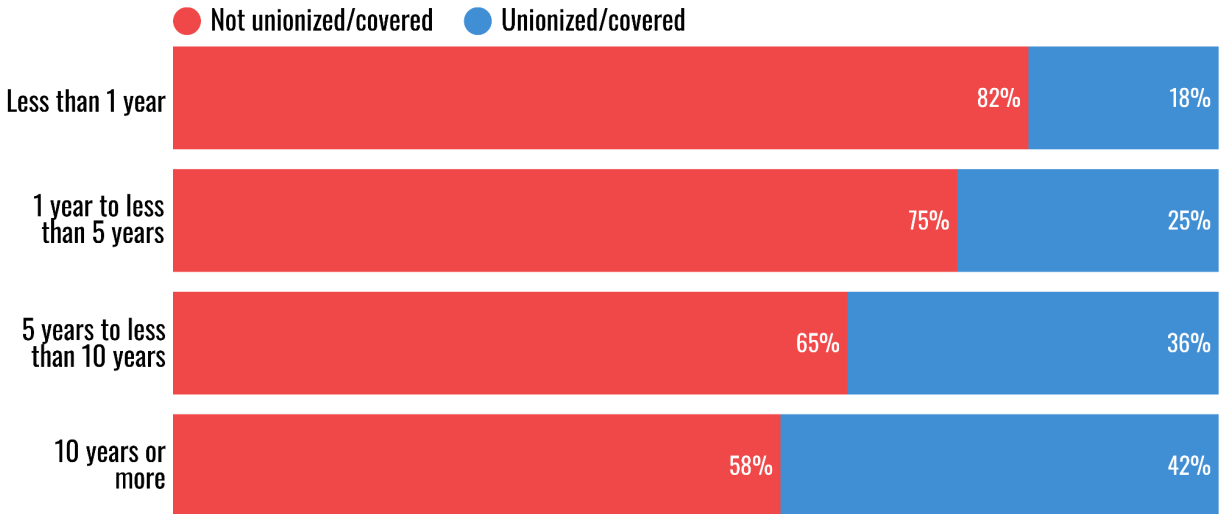
Slightly more than 40 per cent of employees who have worked for the same employer for 10 years or more are unionized compared

¹⁹Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

to 18 per cent of employees who have been employed for less than one year (see **Figure 4**).

Figure 4 / Share of employees by union coverage status and job tenure

Per cent, Nova Scotia, 2025



Note: Numbers may not add to 100 per cent due to rounding.

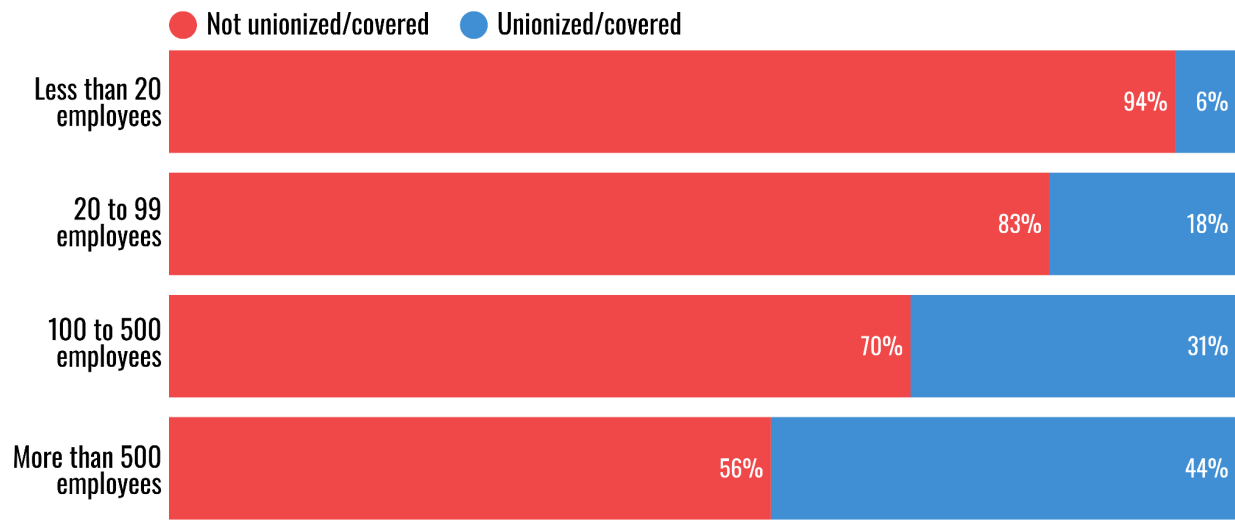
Source Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

Firm size

Almost half of employees in firms with more than 500 employees are unionized, compared to 6 per cent in firms with less than 20 employees (see **Figure 5**).

Figure 5 / Union coverage by firm size

Per cent, Nova Scotia, 2025



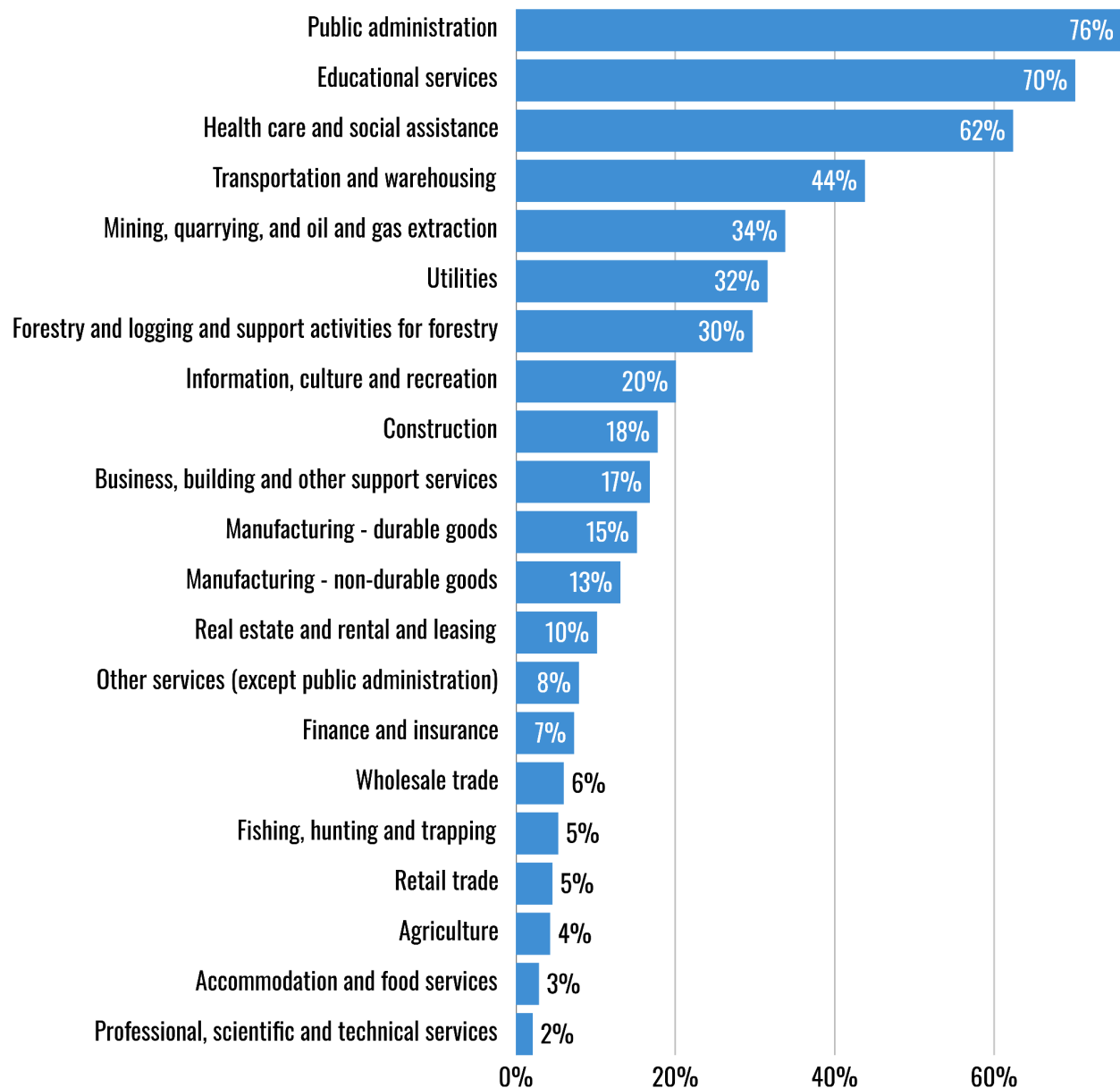
Note: Numbers may not add to 100 per cent due to rounding.

Source Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

Industry

Figure 6 shows that the top three industries with high rates of unionization are public administration (76 per cent), educational services (70 per cent), and health care and social assistance (62 per cent). Low unionization rates are found in fishing, hunting, and trapping (5 per cent), retail trade (5 per cent), agriculture, accommodation and food services (4 per cent), and professional, scientific and technical services (2 per cent).

Figure 6 / Union coverage by industry
Per cent, Nova Scotia, 2025



Source Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

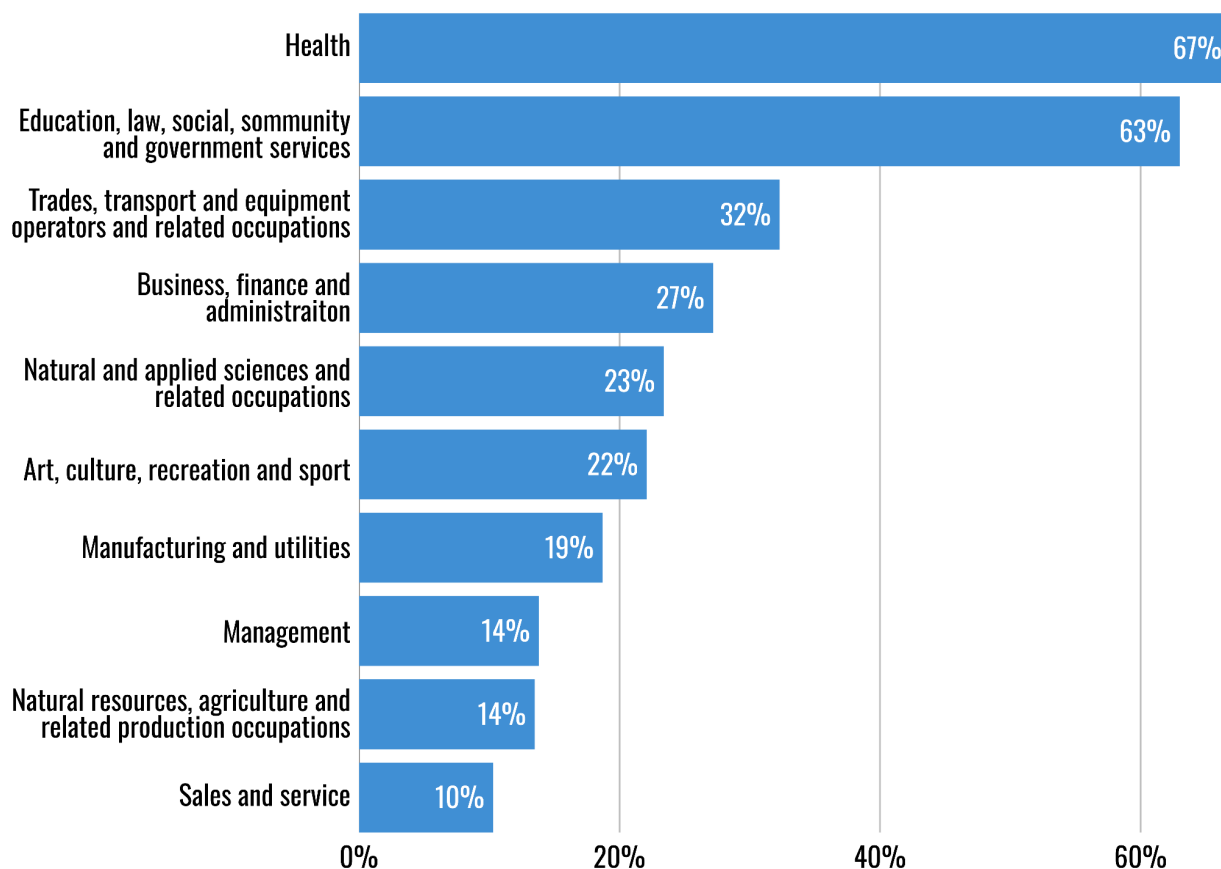
Occupation

As shown in **Figure 7**, the top two occupations with high rates of unionization are health (67 per cent) and education, law, social, community, and government services (63 per cent). Low unionization rates are found in sales and services occupations (10

per cent), natural resources and agriculture occupations (14 per cent), and management occupations (14 per cent).

Figure 7 / Union coverage by occupation

Per cent, Nova Scotia, 2025



Source Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

Union coverage by demographic group

In this section we present data on who is unionized with a focus on demographic characteristics. Certain groups of people are more likely to work at a unionized job than others.

Gender

Women (36 per cent) are more likely to be unionized employees than men (25 per cent). This trend has stayed relatively consistent since the early 2000s when women's unionization rates overtook men's rates for the first time (see [Figure 1](#)). Women have higher rates than men in all provinces, with the biggest difference seen in

Prince Edward Island and Nova Scotia and the smallest difference in Ontario and British Columbia (see [Table 1](#)).

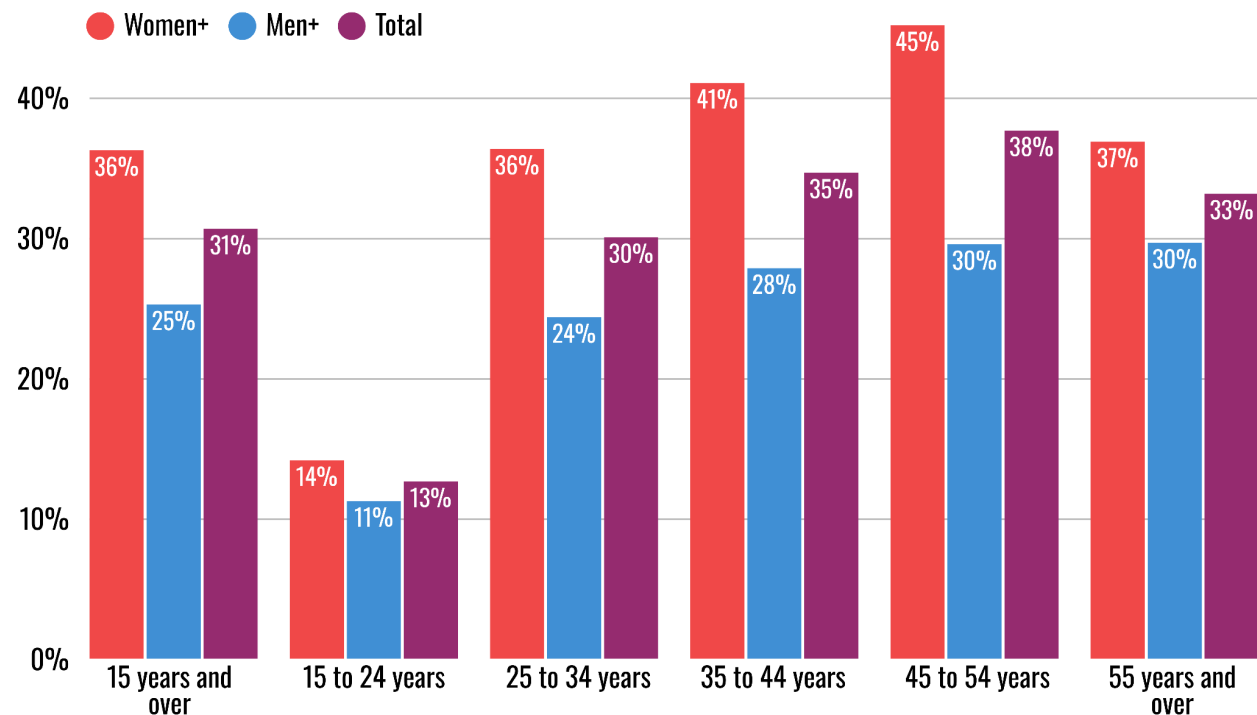
Women's higher rates of unionization are attributed to more women employed in the public sector, which is typically unionized, their movement into jobs that were male-dominated and into unionized industries and occupations, and a rise in unionization of part-time employment.

Age

The lowest rates of unionization are found among those ages 15 to 24 and the highest rates among those 45 to 54 years of age (see **Figure 8**).

Figure 8 / Union coverage by age

Per cent, Nova Scotia, 2025



Source Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

Immigrant status

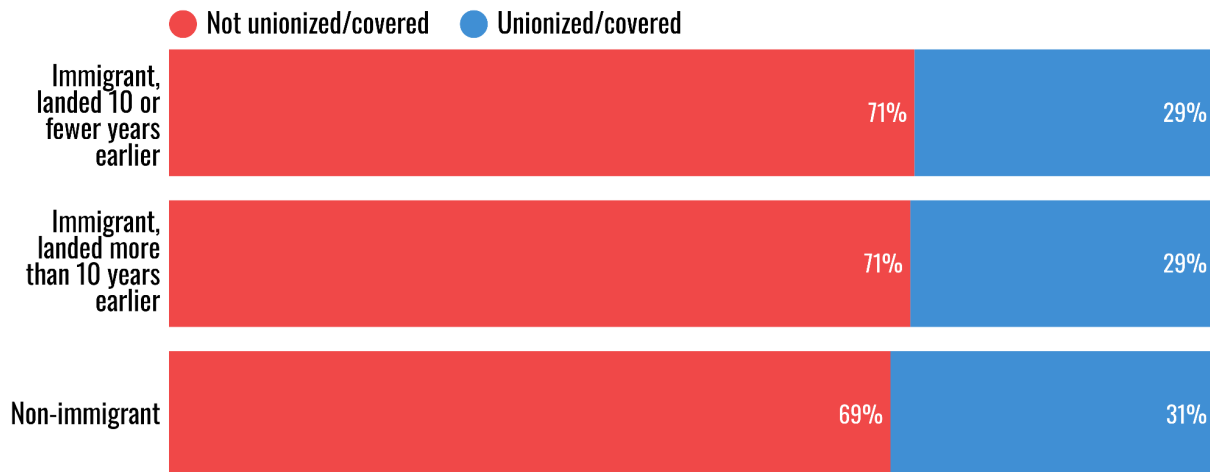
Immigrant status does not have an impact on union coverage, as 29 per cent of recent immigrants are in unionized jobs compared

to 29 per cent of landed immigrants, and 31 per cent of non-immigrant workers (see **Figure 9**).

Although there is little data available on the unionization rates of temporary foreign workers, the sectors they are employed in (agriculture and retail) tend to have low unionization rates.

Figure 9 / Union coverage by immigration status

Per cent, Nova Scotia, 2025



Source Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

Despite the stereotypical image of a union worker as a man working in a factory or another blue collar job, today, a unionized worker is more likely to be a woman with a university degree working in the public sector, such as a teacher or health care professional. Important sectors of the economy lack strong union density—including retail, accommodations, and food services—and young people are significantly less likely to have a union than people in prime working years.

An important group that tends to be non-unionized is precarious workers. Precarious employment is a major concern in Nova Scotia, as one in three paid employees in Nova Scotia are precarious based on an index using the 2024 Labour Force Survey (LFS). This index includes the following characteristics to determine whether a job is precarious: lack of union coverage, low wage, short job tenure, and small firm size.²⁰ These

²⁰ Cerdas Sandi, D., Casey, R, and Brickner, R.K. (2026). Op. Cit.

measurements are interconnected. Unionization provides workers with a unified stronger voice but is also related to higher wages and longer job tenure. Larger firms are also more likely to be unionized. Therefore, unionization is an important contribution to secure and non-precarious employment. We argue that unionizing jobs will improve working conditions.

In our precarious employment report we found that the industries with the most precarious employment were accommodation and food services (82 per cent), retail trade (68 per cent) and agriculture (60 per cent).²¹ Data presented above from the LFS shows that accommodation and food services, retail trade, and agriculture had high rates of non-unionization. These industries are also identified as being more challenging to unionize due to some of the barriers addressed later in the section about [barriers to unionization](#).

Other groups of employees that are more likely to be precariously employed include: those working in the private sector, part-time employees, women, younger workers (15–25) and older workers (65+), and recent immigrants (those who immigrated to Canada 10 years ago or less).²² Other than women, these groups are also the ones that are less likely to be unionized as presented in the data above. Despite the higher percentage of women in unionized jobs, women are still more likely to be precariously employed. This is primarily explained by their higher prevalence in low wage jobs.²³ Therefore, even with stronger union coverage, women face disadvantages in other areas that push them into precarious employment. The likelihood of being in precarious employment improves in mid-life (although rates of precarity increase after 65 years of age) and for immigrants who have been in Canada more than 10 years.²⁴

In our interviews with key stakeholders, we asked participants why it is important to focus on precarious employment and unionization. These stakeholders defined precarious employment

²¹ Cerdas Sandi, D., Casey, R, and Brickner, R.K. (2026). Op. Cit.

²² Cerdas Sandi, D., Casey, R, and Brickner, R.K. (2026). Op. Cit.

²³ Cerdas Sandi, D., Casey, R, and Brickner, R.K. (2026). Op. Cit.

²⁴ Cerdas Sandi, D., Casey, R, and Brickner, R.K. (2026). Op. Cit.

in a variety of different ways,²⁵ but a common sentiment was that precarious workers are a growing part of the workforce as well as one of the hardest groups to unionize.

²⁵ For example, in one interview, the staff member from the Nova Scotia Federation of Labour (NSFL) defined precarious jobs as “jobs that are, part-time, temporary, contract kind of jobs, gig, casual jobs. Mostly with very little pay, low pay, no benefits, no job security, anything like that.”

Benefits of unionization

There are many benefits of unionized jobs. These benefits include higher wages as well as access to health and insurance benefits, paid and unpaid sick leaves, and retirement plans.

Wages

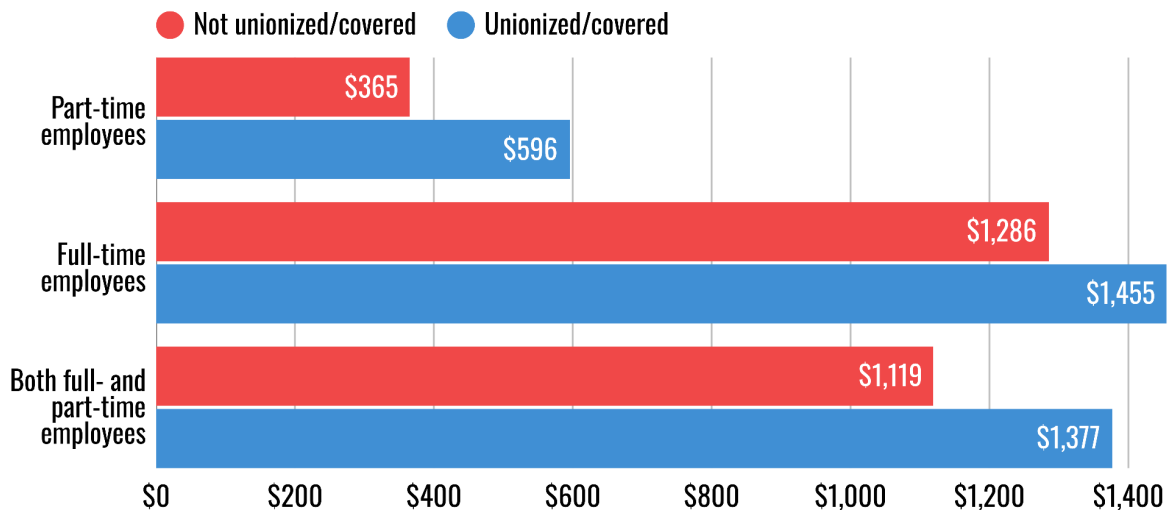
Unionized workers, on average, earn more than non-unionized workers.²⁶ The average hourly wage for non-unionized workers is \$30.41 compared to \$36.85 for unionized workers. This relates to the \$1,119 average weekly earnings for all non-unionized workers compared to \$1,377 for unionized workers (see **Figure 10**). The

²⁶ Figures included here are descriptive and do not measure the causal effect of unionization on wages in Nova Scotia. However, research from Canada and the United States provides evidence that unionization can raise wages. In Canada, Baker et al. (2026), found that unionization increased salaries among university faculty, with the largest gains among lower-paid faculty members. Evidence from the United States points in a similar direction. Kulkarni and Hirsch (2020) studied workers who lost their jobs and then moved into or out of unionized work. Their results suggest that unionized jobs paid about 15 per cent more. See: Baker, M., Halberstam, Y., Kroft, K., Mas, A. and Messacar, D. (2026). *The Impact of Unions on the Wage Distribution: Evidence from Higher Education*. American Economic Review: Insights, Vol. 8(2). www.aeaweb.org/articles?id=10.1257/aeri.20240722 and; Kulkarni, A. and Hirsch, B. (2020). *Revisiting Union Wage and Job Loss Effects Using the Displaced Worker Surveys*. ILR Review, Vol. 74(4). doi.org/10.1177/0019793920912728

average living wage in Nova Scotia is \$27.60,²⁷ which means the average wage for non-unionized workers is \$2.81 above the living wage, and unionized workers earn \$9.25 more than the living wage. Non-unionized workers are also more likely to earn less than \$20 an hour (30 per cent) compared to 7 per cent of unionized workers.²⁸

Figure 10 / Average weekly earnings of full-time and part-time work by union coverage status

Nova Scotia, 2025



Source: Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

Full-time vs part-time wages

Unionized part-time workers (\$596) and full-time workers (\$1,455) earn more than non-unionized workers (\$365 and \$1,286).

Gender and wages

Although unions are effective in reducing wage inequality among men, this does not appear to be the case when the wage rates of

²⁷ Cerdas Sandí, D., Saulnier, C., and Williams, R. (2025.) *2025 Living wages for Newfoundland and Labrador, Nova Scotia and Prince Edward Island: Too many workers struggle to make ends meet*. CCPA Nova Scotia. policyalternatives.ca/news-research/2025-living-wages-for-newfoundland-and-labrador-nova-scotia-and-prince-edward-island-too-many-workers-struggle-to-make-ends-meet/

²⁸ Own calculation using microdata from Statistics Canada, Labour Force Survey, PUMF, 2025.

unionized and non-unionized women are compared.²⁹ Wage inequality among men is smaller in unionized settings, but this is not the case for the wages of women. The gender wage gap between men and women in unionized jobs is much smaller (11 per cent) compared to the gender wage gap in non-unionized jobs (21 per cent). Some of this difference can be attributed to differences in wages in the private and public sector. In the Atlantic provinces, women in private sector jobs earn significantly less than men, whereas the gap between the wages of men and women in the public sector is much smaller.³⁰

Non-wage union job benefits

There is a lack of quantitative data about the other benefits (beyond higher wages) of unionization. Therefore, we draw on data from our 2025 Nova Scotia Precarity Survey which included questions about unions. The 2025 Nova Scotia Precarity Survey includes data from 552 adults aged 18 to 65 who were employed in Nova Scotia at the time of the survey. Similar to the 2025 LFS, we found that 30 per cent of our participants were covered by a union or collective agreement and the remaining 70 per cent were not.³¹ We asked unionized participants a series of questions about being in a unionized job and questions to all workers about benefits offered by their employer so we could compare differences between unionized and non-unionized workers. **Table 3** shows that respondents who were unionized identified several key benefits from their position as a unionized worker, including improved pay (73 per cent), improved job security (71 per cent), improved health and safety protections (64 per cent) and

²⁹ Card, D., Lemieux, T. and Craig Riddell, W. (2020). *Unions and wage inequality: The roles of gender, skill and public sector employment*. Canadian Journal of Economics 53(1): 140-173.

[iza.org/publications/dp/11964/unions-and-wage-inequality-the-roles-of-gender-skill-and-public-sector-employment](https://www.cmaa.org/publications/dp/11964/unions-and-wage-inequality-the-roles-of-gender-skill-and-public-sector-employment)

³⁰ Cerdas Sandí, D. and Saulnier, C. (2026). *Closing the Gaps: Gender pay inequity in Atlantic Canada*. Canadian Centre for Policy Alternatives – Nova Scotia.

www.policyalternatives.ca/news-research/closing-the-gaps/

³¹ Unless stated otherwise, results from the 2025 Nova Scotia Precarity Survey presented in this report are unweighted. Percentages describe respondents in the survey sample and should not be interpreted as population estimates for all workers in Nova Scotia.

improved access to break times (49 per cent). However, these perceived benefits differed by age. Younger employees had the same prioritized ranking but did not perceive pay and job security as much of a benefit as older employees.

Table 3 / Perceived benefits of being in a union amongst unionized employees, by age group and gender
Nova Scotia, 2025

Benefit	Age group				Gender	
	Total 18-64	18-34	35-54	55-64	Men	Women
Improve pay	73%	75%	73%	73%	74%	72%
Improve job security	71%	58%	75%	71%	73%	70%
Improve health and safety protections	64%	58%	63%	69%	65%	63%
Improve access to break times	49%	46%	49%	50%	55%	44%
Improve hours	37%	54%	35%	33%	43%	32%
Improve scheduling	37%	50%	36%	31%	45%	30%
Improve workload	36%	46%	31%	40%	43%	30%

Note: Respondents aged 18–64 in a unionized position. Results are unweighted and describe respondents in the survey sample.

Source 2025 Nova Scotia Precarity Survey.

Sick days, employer-provided benefits, and retirement benefits

Table 4 details the benefits that respondents receive from their workplace, and shows that in general, unionized workers have more paid sick days and employer-provided benefits.

Nearly all unionized workers (92 per cent) had access to at least one paid sick day compared to 79 per cent of non-unionized workers. More than three quarters (78 per cent) of unionized workers reported having access to at least 10 paid sick days a year compared to 44 per cent of non-unionized workers.

As for employer-provided benefits, more unionized workers had access when compared to non-unionized workers. For example, more unionized workers had access to employer-provided insurance coverage, including prescriptions, vision care, dental

care, and extended health benefits when compared to non-unionized workers.

While more non-unionized workers had an employer-contributed RRSP (47 per cent), significantly more unionized workers had access to a workplace pension plan (86 per cent) which tends to be a better pension plan for workers. Access to these benefits emphasizes the overall advantages of being in a unionized job.

Table 4 / Employer-provided benefits amongst unionized vs. non-unionized respondents
Per cent, Respondents aged 18–64, Nova Scotia, 2025

Benefit		Unionized	Non-unionized
Paid sick days	0 days	8%	21%
	1–9 days	14%	35%
	10+ days	78%	44%
Employer-provided benefits	Prescriptions	90%	73%
	Vision care	90%	70%
	Dental care	88%	73%
	Extended health benefits	89%	69%
	Paid training or tuition rebates	53%	45%
	Regular pay increases	83%	66%
	Parental leave top-up	50%	28%
Retirement benefits	Workplace pension plan	86%	55%
	Employer-contributed RRSP	30%	47%

Note: Only benefits provided by respondents' current employer(s) are included. Coverage through a family member is not counted.

Source 2025 Nova Scotia Precarity Survey.

Overall, there are many benefits associated with unionized jobs. Unionized jobs typically pay higher wages, provide more benefits for employees including paid sick days, health benefits, and access to better retirement pension plans. These benefits go above and beyond what is provided to all employees who are covered only by the Labour Standards legislation.

Given the benefits of unionization described above, this leaves a significant group of workers with worse wages and benefits, without access to important labour protections, and without a voice in their workplace. And yet, as the SEIU organizer emphasized, “even people who are activists and generally are pro-union have no idea how difficult it is to organize workers into new unions and the barriers that they face and the resources required to do that.”

Barriers to unionization

In Nova Scotia, the *Trade Union Act*,³² the *Trade Union Procedure Regulations*,³³ and the *Labour Board Act*³⁴ govern the process of unionization for provincially regulated, private sector workers.³⁵ An initial barrier to unionization in Nova Scotia is that not all workers are allowed to form unions. Among those prohibited from unionizing by the *Trade Union Act* are those in management or executive positions and those classified as independent contractors. Although it is illegal to do so, employers may deliberately misclassify workers as independent contractors to avoid having to adhere to basic labour standards legislation.³⁶

Workers who are eligible for unionization must go through a multistep process to win bargaining rights. While the overall process can be complex, there are four basic stages. First, organizers must collect signed union membership cards from 40 per cent of employees indicating their interest in certifying a union

³² *Trade Union Act*, RSNS 1989, c. 475.

³³ *Trade Union Procedure Regulations*, S.N.S. 2010, c. 37, novascotia.ca/just/regulations/regs/LBDtradeunion.htm

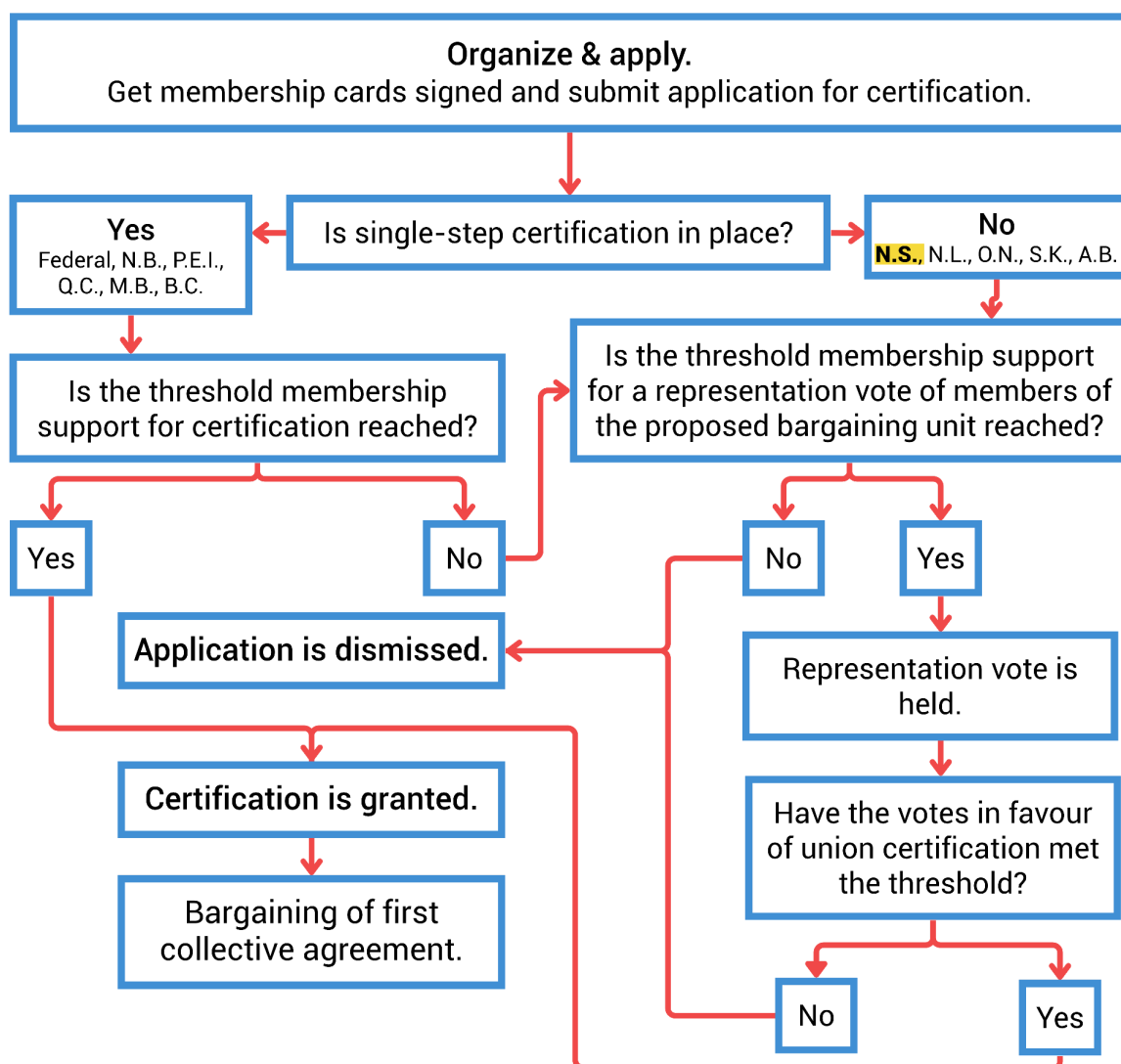
³⁴ *Labour Board Act*, S.N.S. 2010, c. 37, nslegislature.ca/sites/default/files/legc/statutes/labour%20board.pdf

³⁵ Civil servants, provincial employees, teachers, and health care workers are partially guided by these laws and regulations and are subject to others as well, such as the 2014 *Essential Health and Community Services Act* noted above.

³⁶ Halifax Workers' Action Centre. (n.d.) "Workers Rights Guide: Independent Contractors." halifaxwac.ca/workers-rights-guide/niche-eszfp-2w69l-b5xxb-dbc75-k76hx

at the workplace. Second, organizers submit an application for certification to the Nova Scotia Labour Board and the Board conducts a vote of employees in the proposed bargaining unit. Third, if a majority of votes are cast in favour of the application, the Board certifies the union. Finally, the union and employer can proceed to bargain the first collective agreement. The basic steps of this process are represented in **Figure 11**.

Figure 11 / Basic steps in the unionization process



Note: What this figure does not show is employer challenges, which can further delay the process.

Source See the full jurisdictional scan:

www.policyalternatives.ca/wp-content/uploads/2026/09/Unionization-legislation-and-regulation-jurisdictional-scan.pdf

As our interviews revealed, there are barriers to unionization at each step of the process. Some are barriers related to the broader employment structures in the province; some are rooted in the legal and regulatory frameworks governing unionization; still others involve individual workers' experiences and how those intersect with the other structures and processes. In what follows, we first highlight important legal and regulatory requirements at each step and then draw on our interview data to illustrate the barriers to unionization at each step.³⁷

Collecting signed union membership cards

Prior to applying for certification, at least 40 per cent of employees who would become part of the bargaining unit at that place of employment must sign union membership cards. These "union cards" indicate the employee's interest in forming a union at their workplace. Law and regulations impose several constraints on collecting signed union cards.

First, cards must be signed within the three months preceding the application for certification.³⁸ Depending on the type of workplace, this tight timeframe complicates the effort for organizers to collect the requisite number of signatures. One reason for this is that organizing a union is about getting to know workers, understanding their concerns, and persuading them that joining a union will be beneficial. This can be an arduous process, especially when many employees may not be well informed (or may be misinformed) about the process of joining a union or may be fearful of losing their jobs because of supporting a union drive. As the Pete's Frootique worker-organizer³⁹ told us, "those meetings [with workers] were more than just like, 'hey, sign a

³⁷ Nova Scotia's legal and regulatory labour frameworks are complex, and an analysis of them in their entirety is beyond the scope of this report. In this section, we emphasize those aspects of regulations and law that were identified in our interviews as critical barriers to unionization.

³⁸ *Trade Union Procedure Regulations*, S.N.S. 2010, c. 37, s. 10 (a).

³⁹ In this section, we use "organizer" to refer to paid staff of a labour union and "worker-organizer" to refer to the employees who are involved in the unionization drive at their particular work site.

card.'... It's about in-depth conversations, like getting at what our working conditions are and how they affect our lives. It's getting at feelings, which is really heavy."

Given the kinds of conversations organizers need to have with workers, for larger units or less centralized workplaces, the logistics and character of the workplace and workforce can make the tight timeframe even more challenging. A worker-organizer at The Bridge mentioned the complications posed by a large workplace and a workforce on different shifts. The worker-organizer from Pete's Frootique also told us that the high employee turnover at the store was a complicating factor in getting cards signed. Getting cards signed by gig workers like delivery drivers poses an additional complication, since those workers are, by definition, isolated from each other and therefore harder to reach by organizers. The worker-organizer from Pete's Frootique told us that due to staffing changes during the three-month timeframe, organizers had to restart the card signing process multiple times—they personally signed a union card four or five times! –adding delays and expense to the organizing process.

Second, the *Trade Union Act* prohibits non-worker organizers, such as union staff, from operating at the worksite or during working hours without the employer's consent.⁴⁰ The organizer with UFCW told us that even when he was outside the worksite, he had experienced an employer calling the police on him.

Worker-organizers' ability to have organizing conversations at work is dependent on many factors. At a grocery store like Pete's Frootique or at one of the Java Blend cafes, worker-organizers did not necessarily have the space and privacy to have conversations. This inevitably meant trying to reach workers off-site, which posed its own set of logistical challenges. For example, the Pete's Frootique worker-organizer noted that for precarious workers who may rely on transit, it is harder to meet with other workers for conversations or organizing meetings. A CUPE lawyer told us that workers and organizers who are inexperienced or unfamiliar with labour law may make mistakes and face an Unfair Labour

⁴⁰ *Trade Union Act*, RSNS 1989, c. 475, s. 54 (a).

Practices (ULP) complaint from the employer. Having to defend against a ULP before the Labour Board can be incredibly intimidating.

Third is the challenge of organizing workers at multiple sites. Before certifying a union, the Labour Board must determine that the proposed group of workers represents an appropriate bargaining unit. In making this determination, the Board takes into consideration things like geographical location and job category. The Java Blend organizing drive included workers at five different sites under the same ownership—three cafes and two wholesale locations. The Labour Board, siding with SEIU, determined that the employees at the five locations shared a community of interest and could apply for certification as a single unit.⁴¹ Although it was the SEIU that sought to organize all five locations together, this still proved challenging, according to the Java Blend worker-organizer. At the three cafes, it was easier to have conversations because worker-organizers worked shifts at different locations. Worker-organizers did not have as strong a presence at the warehouses, however, and they were unable to speak with all the warehouse workers before applying for certification. Ultimately, their certification was successful, but the example illustrates the challenge of running a multisite drive.

Although our interview participants did not focus on organizing in the manufacturing sector, those workers face an additional barrier to organizing because of the *Michelin Amendment* (1979), which classifies companies with multiple, interdependent manufacturing locations within the same province as a single bargaining unit. Accordingly, a union drive cannot take place at a single plant or location; rather, it must be carried out simultaneously at all sites. Even if workers at a single plant wanted to organize a drive, the law, rather than the Labour Board, determines the appropriateness of the bargaining unit, removing from the workers and/or union discretion in how to try to organize their workplace.

Running through many of our interviews about the initial phase of union drives is the complexity of organizing workers who are

⁴¹ Service Employees International Union, Local 2 v Java Blend Coffee Limited, 2024, NSLB 37 (CanLII), canlii.ca/t/k5kln

newcomers to Canada, those applying for permanent residency, and others on temporary work or study permits. Organizers may have to overcome language barriers, cultural concerns about unionizing, and/or lack of understanding about how unions and labour law work in Canada. They may also have to confront discrimination against immigrant workers and efforts on the part of the employer to sow division between workers born in Canada and new Canadians, immigrants to Canada, and those on temporary work visas.

Specific challenges arise when organizing workers who hold temporary visas. For example, many temporary visa holders work in sectors that offer a path to permanent residency. This can contribute to high turnover, as workers may leave that place of employment once they obtain their permanent resident visa. Additionally, workers on temporary visas are in positions of vulnerability. An employer may simply opt not to renew a worker's contract, thereby making them ineligible to remain in the country. Workers on a path to permanent residency may worry that if they rock the boat by joining a union, their employer will not complete the paperwork required to complete the permanent residency application. In fact, an organizer with UFCW told us that some employers have explicitly threatened to disrupt a worker's permanent resident process during a union drive.

Applying for union certification and the certification vote

Once 40 per cent of employees have signed a union card, the union can submit an application for certification to the Labour Board. After receiving the application, the Labour Board has a central role in what can be a complicated and time-consuming process of certification. As established in the *Trade Union Act* and *Trade Union Procedure Regulations*, the Board first serves notice to the employer that it has received an application for certification. The employer has five days from the receipt of this Notice to

provide the Board with a list of employees⁴² and 10 days to contest the application and/or request a hearing.⁴³ The certification vote normally takes place five working days after receipt of the application and five days after the employer receives the Board's notices.⁴⁴

As part of the certification process, the Labour Board must make a number of determinations about the application, including, but not limited to, whether there is adequate support for the union (i.e., signed cards from 40 per cent of employees in the proposed unit); that the group of workers is appropriate for collective bargaining;⁴⁵ and the employees who should be included or excluded from the bargaining unit (and hence, eligible to participate in the certification vote).⁴⁶ The *Act* and *Regulations* provide the Board broad latitude to conduct investigations and hold hearings in making these and other determinations, some of which may be the result of challenges from the employer.⁴⁷ These have no stated timeframes for resolution. While the certification vote is typically held within five to ten days after the Board receives an application, ballots are not counted until the Board has made a final determination on the bargaining unit and resolved all employer challenges. As such, the process can be drawn out for months. One staff member at the CLC with extensive experience in Nova

⁴² Trade Union Procedure Regulations, S.N.S. 2010, c. 37, s. 12 (1)a.

⁴³ Trade Union Procedure Regulations, S.N.S. 2010, c. 37, s. 15.

⁴⁴ Trade Union Act, RSNS 1989, c. 475, s. 25 (7) b.

⁴⁵ It is the role of the Labour Board to determine if the group of employees shares enough in common to make sense as a collective bargaining unit. See Trade Union Act, RSNS 1989, c. 475, s. 25 (4).

⁴⁶ The Trade Union Act excludes employees from a bargaining unit if they are a manager or superintendent or if they are "employed in a confidential capacity in matters relating to labour relations or who exercises management functions." See Trade Union Act, RSNS 1989, c. 475, s. 25 (6) and s. 2 (2).

When there are disagreements about whether certain employees should be included or excluded from the bargaining unit, the Labour Board has options to settle the dispute. These include assigning a Board Officer to meet with the parties to help them reach an agreement; conducting a hearing to decide the issue; and having a Board Officer conduct interviews with employees about the nature of their work. See Nova Scotia Labour Board. (n.d.). "Information Bulletin: Inclusion and Exclusion from Bargaining Units."

novascotia.ca/lae/labourboard/procedures/documents/information-bulletin_tu-a-ins-and-outs.pdf.

⁴⁷ Trade Union Procedure Regulations, S.N.S. 2010, c. 37, s. 4, 5.

Scotia told us, “Well, there's nothing but red tape in the certification process, you know, from beginning to end.”

Our interview participants identified two major barriers to unionization during the certification process. First, any delay prior to the certification vote gives the employer time to discourage employees from supporting certification. In the period between application and the vote, participants identified employer actions like all-staff emails encouraging them to vote against the union, misleading information about the impact of unionization would have on the financial health of the organization, canceling shifts or adding managers to shifts to discourage employees from talking to each other, and informal comments from managers to staff. These activities can be difficult to inoculate against when union organizers themselves are not allowed onto the worksite. The UFCW organizer emphasized that there is an additional time commitment necessary to ensure that workers who signed a union card continued to support the union through the vote: “Now [I’ve] got to get them to think forward a second time...with the union busting that goes on from the employers and everything else that distracts them from inside the workplace, because I’m not allowed in the workplace, right? So we now have to, you know, bring in other people and catch people on the way out of work, and email people and call people and text people and support people in so many different ways.”

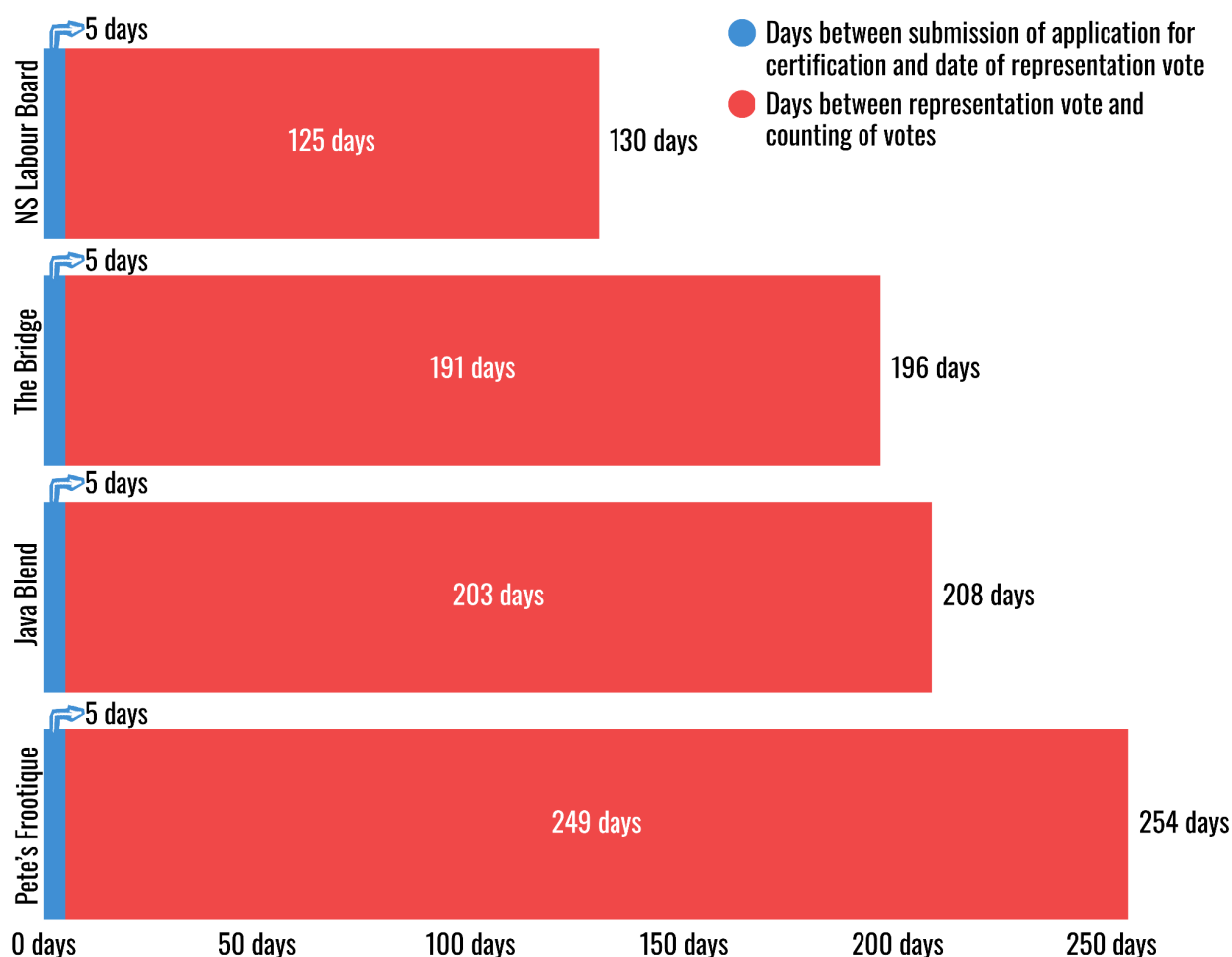


All of the power is in the employer's hands. If they choose to drag out the process, either legitimately or not... the employer can raise issues and create circumstances such that the process is very significantly drawn out.

– CUPE lawyer

The second major barrier during the certification process that was overwhelmingly identified in our interviews was the delays at the Labour Board after the vote.

Figure 12 / Union certification: Labour Board timelines vs. case-studies' timelines



Note: Only includes working days. Weekends and holidays excluded. The Nova Scotia Labour Board's target is to have all cases resolved within six months,⁴⁸ which is roughly 130 working days.

Source *Trade Union Act*, RSNS 1989, c. 475; interviews with organizers and organizing employees; *Service Employees' International Union, Local 2 v Sobeys Capital Incorporated o/a Pete's Frootique and Fine Foods*, 2023 NSLB 8, canlii.ca/t/jv4wn; *Service Employees' International Union, Local 2 v Sobeys Capital Inc DBA Pete's Frootique and Fine Foods*, 2023 NSLB 31, canlii.ca/t/jw00b; *Service Employees International Union, Local 2 v Java Blend Coffee Limited*, 2024 NSLB 37, canlii.ca/t/k5kln; *Service Employees International Union, Local 2 v Adsum for Women and Children*, 2025 NSLB 47, canlii.ca/t/kb4q7, and; *Service Employees International Union, Local 2 v Adsum for Women and Children*, 2025 NSLB 44, canlii.ca/t/kb004.

⁴⁸ Nova Scotia Labour Board. (2025). *Annual Report 2024-25*. novascotia.ca/lae/labourboard/reports/documents/labour-board-annual-report-2024-25.pdf

Three recent cases of successful unionization are illustrative, as shown in **Figure 12**.⁴⁹ At Pete's Frootique, the certification vote took place in May 2022, but ballots were not counted until March 2023. The certification vote for workers at Java Blend took place in June 2023, but votes were not counted until May 2024. The certification vote for workers at The Bridge took place in June 2024 but were not counted until March 2025. In all three of these union drives, ballot counting was delayed in part because employers contested which workers were in good standing and eligible for their votes to be counted.

During vote counts in some other provinces, ballots in dispute are set aside, and if the number of disputed ballots is immaterial to the outcome, the rest are counted.⁵⁰ In Nova Scotia, however, the disputed ballots must be investigated before the count. This allows for frivolous challenges from the employer. Discussing the case of The Bridge, where the employer contested the inclusion of supervisors in the bargaining unit, an SEIU organizer emphasized that the case law is clear on who counts as a supervisor, and so it was a waste of the Board's, employer's, and union's resources, "and it could be as easily solved as just how other jurisdictions do it, which is, this is well established case law. They're in or they're out."⁵¹

Even the method of conducting the vote can impose a burden on employees who wish to unionize. For example, the Nova Scotia Labour Board can conduct a certification vote using electronic voting. In this situation, employees wishing to e-vote must register with the Labour Board before receiving a ballot. The SEIU organizer emphasized that, in addition to signing a union card and

⁴⁹ Workers at Java Blend, The Bridge, and Pete's Frootique all organized with SEIU.

⁵⁰ Ontario Labour Relations Board. (2025). "Information Bulletin No. 1: Certification of Trade Unions."

olrb.gov.on.ca/Forms/IB/InformationBulletin-1-EN.pdf

⁵¹ Nova Scotia Labour Board. (n.d.). "Information Bulletin: Inclusion and Exclusion from Bargaining Units."

novascotia.ca/lae/labourboard/procedures/documents/information-bulletin_tua-ins-and-outs.pdf

voting for certification, registering to vote electronically is a third step in the certification process.⁵²

Although many of our interview respondents noted that the process favoured the employer, there was also recognition that the Labour Board is insufficiently resourced, which slows the process. A labour lawyer in Nova Scotia provided one representative view: “Certification applications aren't dealt with as expediently as maybe they could be. I don't know that the board has enough resources or enough people to conduct in-person votes at multiple sites. I think they struggle with that.”

Regardless of the reasons for delays in moving through the certification process, these delays have important consequences for the strength of the bargaining unit as it enters into negotiations. The success of the certification vote depends on the list of employees in the proposed bargaining unit as of the date of the vote. Because of high turnover in precarious workplaces, there can be significant changes in staff when the Labour Board takes months to count the votes.



...The time that it takes, like people will file an application and then wait several weeks or months for all of the disputes to get to go through the the process...doesn't necessarily defeat organising drives, but it certainly puts the union in a position where, when they get the certification, they have much less support. People have left, in particular the precarious workplaces [where] turnover [is] so high. The people that were there when the union filed the application there could be, you know, significantly less of them when they actually get a certification.

– Nova Scotia labour lawyer

In some cases, the delays give employers the time to target leaders in the organizing drive and push them out of the

⁵² See Nova Scotia Labour Board (n.d.). “Information Bulletin: E-Voting.” novascotia.ca/lae/labourboard/procedures/documents/E-Voting_Procedure.pdf

workplace. According to the SEIU organizer, in the time between submitting an application and the vote count, workers can be subject to “what we refer to as a ‘boss fight.’ ...The employer has such a leg up from these workers, they know that they know the leaders that have been trying to push forward the union, and they're going to do everything they can to make either their lives pretty miserable or to weaken the union as much as possible.”

The Java Blend organizing campaign is illustrative of the “boss fight.” The Labour Board conducted the certification vote on June 2, 2023. Soon after the vote, according to one of the Java Blend worker-organizers, the employers contested the list of employees who voted. Though the organizers were told that they would have the investigation completed within about six weeks—approximately mid- to late-July— the Labour Board only finished interviews with relevant people in November. During this period, according to a worker-organizer, employers were actively seeking reasons to terminate workers involved in the union drive.

The vote had still not been counted when, on January 23, 2024, nine Java Blend employees, including all four leaders of the union drive, were terminated. The SEIU filed an Unfair Labour Practice complaint, arguing that the terminations and actions leading up to them were retaliatory and violated the *Trade Union Act*.⁵³ Unlike in other provinces, the *Trade Union Act* does not set a time frame for addressing Unfair Labour Practice complaints. It was only after the union won certification that SEIU settled with Java Blend, which allowed some of the terminated workers to get their jobs back. According to the Java Blend organizer, even though the union drive was ultimately successful, such terminations send a message to others about the costs of unionizing.

⁵³ SEIU. (2024a). “SCHEDULE “A”: Nature of Complaint/Statement of Material Facts.” seiulocal2.ca/wp-content/uploads/2024/01/Schedules-A-and-B-Java-Blend-ULP-003.pdf, and; SEIU. (2024b). “Java Blend illegally terminated union supporter, according to legal complaint.” Press release. seiulocal2.ca/java-blend-illegally-terminated-union-supporters-according-to-legal-complaint/



As...successful [as]...our campaign was, people still see, 'oh, those people tried to unionize and they all got fired. Like, that could happen to me.' That is like a smoke signal to other workers who maybe otherwise would have considered a unionizing campaign, but are like, 'is it worth it?'

– Worker-organizer from Java Blend

The delays can also have a complex impact on people with temporary work permits, whose ability to remain in Canada is tied to holding a valid permit. The CUPE lawyer described two scenarios affecting TFWs when the delay in certification can impact support for the union drive. In one scenario, a TFW who supports the union drive may face a threat to their employment. However, if they are unfamiliar with labour law, they may not realize this is an Unfair Labour Practice, and the burden would be on the union to prove that the employer's threat was retaliatory. The need to file an Unfair Labour Practices complaint may cause delays. In a second scenario, if there are TFWs on time-limited work permits, and the process drags out so long that these permits expire and are not renewed, "that wouldn't necessarily be an unfair labour practice. It's likely not a violation of their human rights. It's a contractual agreement that they're just ending. And if they stretch out the process long enough, you could have a huge turnover in the workforce who attempted to organize the workplace and then find themselves with a huge influx of new workers who aren't supportive of the union."

Bargaining the First Collective Agreement

A certification vote is successful if it is supported by a simple majority of eligible employees in the proposed bargaining unit at the time of the vote, regardless of the composition of the workforce when the votes are counted. Once the Labour Board certifies the union as the official bargaining agent, the union and employer can proceed to bargaining for a first collective

agreement. Bargaining a first contract can be a lengthy process. In principle, the *Trade Union Act* addresses this by allowing the parties to work with a provincially appointed conciliator to help them reach a first agreement.⁵⁴ When the parties are unable to reach an initial agreement with the help of a conciliator, a newly certified union may engage in strike action, provided it has the support of at least 50 per cent of the entire bargaining unit. Alternatively, the *Trade Union Act* allows parties to apply for an independent arbitrator to impose a settlement (First Contract Arbitration, or FCA). If the parties do not jointly request an arbitrator, the Labour Board can appoint one if one of the following four conditions are met: “(i) the refusal of the employer to recognize the bargaining authority of the bargaining agent, (ii) the uncompromising nature of any bargaining position adopted by the other party without reasonable justification, (iii) the failure of the other party to make reasonable or expeditious efforts to conclude a collective agreement, or (iv) any other reason the Board considers relevant.”⁵⁵

These threshold requirements have been seen as beneficial for the employer,⁵⁶ but for workers trying to organize, the bar to meet to be eligible for FCA may be elusive. As the CUPE lawyer told us, according to the *Trade Union Act*, “the applicant party only needs to prove that a party has taken an uncompromising position without justification, but it is almost always possible to justify a

⁵⁴ *Trade Union Act*, RSNS 1989, c. 475, s. 37 and 38.

⁵⁵ In 2011, Nova Scotia’s NDP Government passed Bill 102, which allowed the Labour Board or an independent arbitrator to impose a one-year first contract after the process of conciliation failed. In 2013, the Liberal Government’s Bill 19 rescinded automatic access to an arbitrator, requiring one of the parties to prove one of the conditions noted above to meet the threshold for First Contract Arbitration. See *Trade Union Act*, RSNS 1989, c. 475, s. 40 (A)(5)(c)(i-iv).

⁵⁶ Rescinding automatic FCA was viewed positively by at least one firm specializing in employer-side labour law. See Stewart McKelvey Lawyers. (2013). “Client Update: First Contract Arbitration.”

stewartmckelvey.com/thought-leadership/client-update-first-contract-arbitration/

When the changes were made to first contract arbitration in 2013, the press release from the Nova Scotia Government noted that this change would benefit the business community. See Labour and Advanced Education. (2013). “Changes Restore Balance, Responsibility to First Contract Arbitration.” Government of Nova Scotia.

news.novascotia.ca/en/2013/12/06/changes-restore-balance-responsibility-first-contract-arbitration

bargaining position!” If one of those conditions is met, the timelines outlined in the *Trade Union Act* for completing the FCA process can add several months to bargaining the first contract.⁵⁷

A worker-organizer with The Bridge told us how delays in bargaining the first contract can weaken support for the union: “there was...months and months of bargaining, which again, every time that process takes a long time, people get demotivated, they get demoralized, they leave for other jobs.”

The Bridge worker-organizer was emphatic about the material impact these bargaining delays had on the workers and the spillover impact on the vulnerable clientele they served.

 *To be able to actually support people in the dignified, ethical, trauma-aware, low-barrier approach that we take to give people the most consistent care, well, we have to be able to take care of ourselves. And if you don't allow your employees, you don't give them the tools to do that, you're ultimately affecting all of the people who rely on our services.*

– Worker-organizer from The Bridge

Moreover, the difficulty accessing FCA puts workers in a strike position. This was the case at Pete’s Frootique. As noted, the Labour Board certified the SEIU as Pete’s Frootique’s union in March 2023. According to one of the worker-organizers from Pete’s Frootique, negotiations were stalled. In particular, they noted that the employer (parent company Sobey’s) was not budging on wages. Most workers were making minimum wage—\$15/hour at the time—and Sobey’s was only offering a 5-cent-per-hour increase.⁵⁸ After conciliation failed to bring parties to an agreement, Pete’s Frootique workers voted overwhelmingly in support of strike action. The strike began on November 18,

⁵⁷ Specific timelines for first contract arbitration depend on the context of each case. See *Trade Union Act*, RSNS 1989, c. 475, s. 40 (A-B).

⁵⁸ In 2023, the CCPA-NS calculated the living wage for Nova Scotia as \$26.50/hour. See Saulnier, C. (2023). *Living Wages in Nova Scotia 2023 update*. CCPA-NS. policyalternatives.ca/news-research/living-wages-in-nova-scotia-2023-update/

2023 and lasted for seven weeks, during which the store was closed. The financial cost of working without pay for a mostly minimum wage, precarious workforce like that of Pete's is another potential cause of turnover that can impact support for the union over the long term, in addition to delaying the implementation of important material benefits for workers.⁵⁹

Declaration of successor employers

The preceding discussion of barriers to unionization focus on efforts to start a union where one does not already exist. Another barrier repeatedly raised in our interviews was the issue of successor rights. What happens to an existing union and collective bargaining agreement when the company is sold, or when a contract for services with a unionized provider ends and the employer contracts out to another non-unionized service provider? Article 31 of the *Trade Union Act* specifies that when “an employer sells, leases or transfers ... his business or the operations thereof or any part of either of them”⁶⁰ the transferee will be bound by any preexisting certification and collective agreement. However, there are limitations on successor rights when an employer terminates a contract for services with a unionized company. In a 2025 decision, the Labour Board ruled that ending a contract for services is not equivalent to the transfer or sale of the business entity. To establish successor rights, “all or

⁵⁹ Parties ratified the first collective agreement on January 5, 2024—32 months after Pete's workers first voted to unionize. The agreement included a wage increase of \$0.60/hour for most workers, guaranteed increases that responded to increases in the minimum wage, as well as sick days, just cause protections, and protections for seniority. See Wright, V. and Lau, R. (2024). “New details on first collective agreement for Pete's Frootique workers after 7-week strike.” Global News.

globalnews.ca/news/10211654/petes-frootique-collective-agreement/

⁶⁰ *Trade Union Act*, RSNS 1989, c. 475, s. 31.

a significant component of a functional economic vehicle must be acquired from the predecessor by the successor.”⁶¹

This makes organizing incredibly costly and difficult in sectors where services are contracted out, as the SEIU organizer explained:



You can imagine it's a monumental feat because you organize workers; you put in all the money and time to organize them. Then you get a contract. Then the standards get raised. Then when it comes time for that contract to expire and to renegotiate a contract, [the contracting company is] just going to bid it out to a cheaper company and then the union loses that group of workers. It loses all the time and resources invested into that project, and then you have to start again. So it's not, it's not actually possible.

The challenge of successor rights helps explain why employers will fight hard to prevent the formation of a first union in a given sector. It's easier to secure unions and collective agreements in sectors with higher levels of union density. Where union density is weak, according to one interview, “the employers don't want workers to be inspired by wins from other workers. And then the idea is that you really want to crush that initial union to deter workers from forming unions.”

Our interview respondents discussed several obstacles to unionization in Nova Scotia, from structural concerns related to the increase in precarious employment to individual workers' fears

⁶¹In this particular case, the Nova Scotia Department of Opportunities and Social Development ended its contract with Out of the Cold (OOTC), which served clients at supportive housing sites in Halifax and Dartmouth. The Department immediately replaced OOTC with Atlantic Community Shelters Society (ACSS). SEIU Local 2, which represented OOTC, filed a motion with the Labour Board arguing that ACSS should be bound by SEIU's pre-existing contract between OOTC and the Department. The Labour Board rejected this motion. See Mott, S. (2026). “N.S. Labour Board dismisses union's motion to rehire Out of the Cold shelter workers.” CTV News. ctvnews.ca/atlantic/nova-scotia/article/ns-labour-board-dismisses-unions-motion-to-rehire-out-of-the-cold-shelter-workers/

and lack of knowledge about unionization. Overwhelmingly, there was frustration with legal and regulatory frameworks that have not been updated to respond to changing employment structures and that favour employers over workers. As the organizer from The Bridge summarized, “the legal barriers, really, they're not neutral. They benefit the bosses at every single step. It gives them the tool to disrupt our process so much. And, you know, a big purpose of delaying and disrupting that process is like disrupting the momentum and the morale, because unionizing is very hard.”

Comparison with other Canadian jurisdictions

The following section compares key elements of the unionization process across all provinces and the federal jurisdiction.⁶² We analyzed the following areas: membership cards, card check or single-step certification, timelines for counting ballots, successor rights, unfair labour practices, and first contract arbitration.

Membership cards

Timelines for card check/signatures

As previously mentioned, in Nova Scotia, membership cards must be signed within three months of the certification application being submitted for them to be considered eligible members.⁶³ This is similar in other jurisdictions across Canada, including the

⁶² The federal *Trade Unions Act* covers federal employees, as well as employees in the territories.

⁶³ *Trade Union Procedure Regulations*, S.N.S. 2010, c. 37, s. 10.

other Atlantic provinces,⁶⁴ as well as Saskatchewan⁶⁵ and Alberta.⁶⁶ In British Columbia and among federally regulated employees, organizers have six months prior to the certification application.⁶⁷ A worker-organizer from Pete's Frootique said that they had to sign their union membership card multiple times: "... as somebody who was, you know, pretty involved and down from the beginning, I had to sign my card probably four or five times." This same worker identified the short time period to get union cards signed as a significant barrier, and referenced how British Columbia has a much more reasonable timeline at six months.

Percentage of signatures on union cards

Employees in Nova Scotia who want to unionize must get 40 per cent of the workforce to sign a union card. If they fail to meet that threshold, then a certification application will be thrown out before votes are even counted. This is similar to other jurisdictions such as New Brunswick, Ontario, Manitoba, and Alberta, although some of these jurisdictions also allow automatic certification which is explained below. Quebec and federal jurisdiction have the lowest threshold as only 35 per cent of employees are required to sign a union card in order to trigger a vote and there is also a threshold for automatic certification.

⁶⁴ Newfoundland and Labrador Labour Relations Board. (2014). "Information Bulletin: Application for Certification." gov.nl.ca/lrb/publications/info-bulletin-application-certification.pdf; New Brunswick Labour and Employment Board. (n.d.). "Information Bulletin no. 3: Membership Evidence." www3.gnb.ca/LEB-CTE/Bulletins/bulletin3e.pdf, and; Government of Prince Edward Island. (2024). "Trade Union Certification." princeedwardisland.ca/en/information/workforce-advanced-learning-and-population/trade-union-certification

⁶⁵ The Saskatchewan Employment Act, SS 2013, c. S-15.1, s. 6-10 (2), canlii.ca/t/56mpm

⁶⁶ *Labour Relations Code*, RSA 2000, c. L-1, s. 33, kings-printer.alberta.ca/1266.cfm?page=L01.cfm&leg_type=Acts&isbncln=9780779851393

⁶⁷ *Labour Relations Regulation*, B.C. Reg. 7/93, s. 3 (c), bclaws.gov.bc.ca/civix/document/id/crbccrbcc/7_93 and; Canada Industrial Relations Board. (n.d.) "Labour Relations - Certification." Government of Canada. cirb-ccri.gc.ca/en/about-appeals-applications-complaints/labour-relations-certification

Card check or single-step certification

Except for the construction industry, Nova Scotia does not have automatic certification. This process is also referred to as single-step certification or card check certification, which is when a certain percentage of union cards are signed. Having the single-step certification makes unionizing easier for employees as it reduces the opportunity for union busting activities prior to the vote and may decrease potential for delays. There is ample evidence that card-check can make a difference. As summarized: “the impact of (mandatory elections) has been the subject of a number of studies and while their findings differ on the extent of the impact, they are unanimous in its direction. The shift to mandatory elections has reduced the likelihood of certification success and negatively affected the unionization rate. The effect of the change is buffered to an extent by the tight timelines the legislation typically imposes between the filing of a certification application and the holding of an election, but a negative effect still remains.”⁶⁸ Automatic certification applies in Quebec,⁶⁹ Manitoba⁷⁰ and federally⁷¹ if more than 50 per cent of employees sign a union card, and applies if 55 per cent of employees sign a union card in British Columbia.⁷² New Brunswick also has automatic certification but must be supported by 60 per cent of employees.⁷³

⁶⁸ Tucker, 2014, cited in N. Harney. (2024). *Balancing Act: Card-Check, Anti-Scab, and the Case for Rebalancing Manitoba's Labour Relations*. Manitoba: CCPA. www.policyalternatives.ca/news-research/balancing-act/

⁶⁹ CUPE. (n.d.) "Quebec: The five steps to local certification." cupe.ca/quebec-five-steps-local-certification

⁷⁰ Manitoba Labour Board. (n.d.) "Collective Bargaining / Certification." manitobalabourboard.ca/labour-relations-matters/collective-bargaining-certification.html

⁷¹ Canada Industrial Relations Board. (n.d.) "Labour Relations - Certification."

⁷² *Labour Relations Regulation*, B.C. Reg. 7/93, s. 23, bclaws.gov.bc.ca/civix/document/id/crbcrbc/crbcrbc/7_93

⁷³ New Brunswick Labour and Employment Board. (2010). "Information Bulletin no. 1: Certification." www3.gnb.ca/LEB-CTE/Bulletins/bulletin1e.pdf

Table 5 / Jurisdictions with single-step certification

Region	Membership support needed to automatically certify
Canada/Federal Labour Code	>50%
New Brunswick	>60%
Prince Edward Island	>50% <i>or</i> >55%
Quebec	>50%
Manitoba	>50%
British Columbia	>50%

Note: There is no reference to thresholds in P.E.I.'s legislation, but two unions with information web pages on steps to unionize on P.E.I. give different thresholds. See Section 3 of the jurisdictional scan for more information.

Source See the full jurisdictional scan:

www.policyalternatives.ca/wp-content/uploads/2026/09/Unionization-legislation-and-regulation-jurisdictional-scan.pdf

Timelines for counting ballots

The organizer from SEIU noted that delays to ballot counting is one of the key barriers to unionization in Nova Scotia: “I think the big thing for us is that what we typically see in other jurisdictions is...when the board is quick on certifying a union, all the other legal challenges that stem from the certification [go] away almost immediately.” Across the board, legislation around when ballots are counted is vague. In Alberta, votes are to be counted within 24 hours after the ballots have been cast, unless either party disputes the manner of voting.⁷⁴ In Ontario, “ballots may or may not be counted on the day of the vote,” which is again dependent on whether either party disputes the vote.⁷⁵ Nova Scotia is even more vague, stating that votes will be counted “at a later date,”⁷⁶ without stating a clear timeline. The remaining jurisdictions do not refer to a specific timeline for counting votes. An employee from the CLC

⁷⁴ Alberta Labour Relations Board. (2023). “Voting Rules.”

www.alrb.gov.ab.ca/bulletins/voting%20rules.pdf

⁷⁵ Ontario Labour Relations Board. (2025). “Information Bulletin No. 1: Certification of Trade Unions.”

www.olrb.gov.on.ca/Forms/IB/InformationBulletin-1-EN.pdf

⁷⁶ Nova Scotia Labour Board. (2008). “Secret Ballot Vote.”

novascotia.ca/lae/labourboard/docs/SecretBallotVote.pdf

compared Nova Scotia's legislation with Ontario's, observing that when there is a dispute between who is eligible to vote in Ontario, the contested ballots are set aside and only opened if they would make a difference to the outcome of the vote, meaning that the union can be certified the day after the vote.⁷⁷ Whereas in Nova Scotia, it "might be a year and a half before [a union] can even be recognized," as the ballot box is sealed and set aside until disputes are settled.

Successor rights

Successor rights protect unionized workers when a business is allegedly sold, when municipalities amalgamate, or when unionized work is contracted out, as outlined in Section 31 of the *Nova Scotia Trade Union Act*.⁷⁸ The Act empowers the Board to determine when a new employer inherits the existing union and collective agreement, thus maintaining the workers' and the union's bargaining rights. As discussed in the last chapter, however, the Labour Board does not consider successor rights to be in play when it comes to ending a contract for services, since the employer named on the certification is not technically the one doing the transfer or sale of the business. Similarly, in New Brunswick, termination of a contract for services does not fall under successor rights.⁷⁹ This is also the case in Alberta, as affirmed by the Alberta Labour Relations Board 2023 decision.⁸⁰ However, other jurisdictions across Canada show that it need not

⁷⁷ The exact nature of this process is not specified in Ontario legislation, though it is referenced in the *Labour Relations Act*. See *Labour Relations Act*, SO 1995, c. 1, s. 9(2).

⁷⁸ The considerations are captured in the successor right application. See Nova Scotia Labour Board. (2024). "Form 12: Application for Successor Rights." Government of Nova Scotia.

novascotia.ca/lae/labourboard/forms/documents/Form12ext.pdf

⁷⁹ O'Donnell, S. (2021). "CUPE NB resolves to protect workers from contract flipping." NB Media Coop. nbmediacoop.org/2021/04/25/cupe-nb-resolves-to-protect-workers-from-contract-flipping/

⁸⁰ *United Food and Commercial Workers Canada Union, Local No. 401 and Buffalo Catering Employees and Civeo Corporation - Letter Decision*, (2023) Alta. L.R.B.R. LD-046, www.alrb.gov.ab.ca/decisions/GE_08866.pdf

be this way. A labour lawyer explained how successor rights in Ontario can actually protect contracted workers: "...when contracts flip for cleaning or security the union goes with the contract [] when the contracts flip," though successor rights are restricted to the building services industry in Ontario.⁸¹ This is also the case in British Columbia. In 2019, the B.C. government extended "successorship protection to re-tendering of service contracts in specific areas."⁸² Successor rights are also important, as they preserve the total years of employment rather than the years of employment under each new contract.

Unfair labour practices

Each province has legislation against Unfair Labour Practices (ULPs), which generally prohibits employers from retaliating against or terminating an employee for their involvement in the unionization process. However, the way each jurisdiction handles these complaints varies. In Nova Scotia, processing a ULP complaint does not have a set timeline, meaning that if an employee working to organize a union is terminated for their involvement with the union, there is no guarantee of when the dispute will be heard and addressed. This is similar in federal legislation, where there is no set time. Rather, federally, "the time that it takes the Board to issue a decision can vary depending on the complexity of the case."⁸³ British Columbia is the only province which explicitly states that ULPs will be dealt with on an expedited basis, which the organizer from SEIU noted: "if you get terminated, your hearing has to happen within three days. So you could be back in that workplace within that same week with back pay." The

⁸¹ See section 69.1 in the Ontario Labour Relations Act, www.ontario.ca/laws/statute/95l01

⁸² BC Ministry of Labour. (2019). "Restoring fairness and stability to British Columbia's worksites." news.gov.bc.ca/releases/2019LBR0015-000823, and; *Labour Relations Code*, RSBC 1996, c. 244, s. 23, bclaws.gov.bc.ca/civix/document/id/complete/statreg/96244_01

⁸³ Canada Industrial Relations Board. (n.d.) "Labour Relations - Unfair Labour Practice." Government of Canada. cirb-ccri.gc.ca/en/about-appeals-applications-complaints/labour-relations-unfair-labour-practice

impacts of the slow processing of ULP complaints go beyond the workplace; the SEIU organizer said that this slow process sends a message to those who might be thinking of unionizing: “even though the Union won its certification, the message it sends to some members of the public is, is that well, tons of people got fired at the process, right?”

First contract arbitration (FCA)

As previously mentioned, the bar to meet the threshold for FCA in Nova Scotia benefits employers rather than workers because it requires a party to meet one of the four conditions spelled out in the *Trade Union Act*, which include the uncompromising bargaining position of the other party that has been adopted “without reasonable justification” or the failure of the other party to make “reasonable or expeditious efforts” to negotiate the contract.⁸⁴ However, FCA is more accessible in other jurisdictions. In British Columbia, parties do not need such evidence. Rather, either party may apply for mediation if they cannot reach an agreement, and the board will appoint a mediator within five days of receiving the application. If the two parties cannot reach an agreement with the mediator after 20 days, the mediator submits a report to the board with recommendations, one of which could be arbitration.⁸⁵ Manitoba is unique in that, after a certain period, either party may request arbitration without the need to provide evidence of wrongdoing.⁸⁶ A Nova Scotia labour lawyer pointed out that automatic access to FCA after a certain time period would have prevented the strike at Pete’s.

When compared with other jurisdictions, especially the federal labour code, British Columbia, and Manitoba, Nova Scotia’s trade union legislation is overly bureaucratic and unbalanced in favour of the employer. For Nova Scotian workers, the process is long

⁸⁴ *Trade Union Act*, RSNS 1989, c. 475, s. 40(A)(5)(c)(i-iv).

⁸⁵ *Labour Relations Code*, RSBC 1996, c. 244, s. 55.

⁸⁶ Eagan-Van Meter, P. and Eisenbrey, R. (2009). *First-Contract Arbitration Facts: The Canadian Experience*. Economic Policy Institute, Issue Brief #256. files.epi.org/page/-/pdf/ib256.pdf

and drawn out—from the short time worker-organizers have to get cards signed, to the long wait for the vote to be actually counted. However, there are solutions.

Policy solutions

The union advantage for workers, from higher wages to better benefits, as the quantitative data in our report confirms, is well established. Unionization has also been shown to be a critical leveller of gender, racialized and income inequality and a way to build a healthier society.⁸⁷ A recent report that undertook careful quantitative data analysis of the effects of higher/lower unionization rates concludes that “when unionization rates are higher in Canadian provinces, the environment is cleaner, inequality is lower, and health is better.”⁸⁸ A union is a critical counterbalance to the power imbalance being heavily weighted towards the employer. Strengthening workplace democracy also leads to more engaged citizens, and a more robust democracy can

⁸⁷ K. Pickett and R. Wilkinson. (2010). *The Spirit Level: Why equality is better for everyone*. Penguin.

ilostat.ilo.org/blog/beyond-the-numbers-exploring-the-relationship-between-collective-bargaining-coverage-and-inequality/

⁸⁸ Hudson, M., Hudson, I., Udoh, F., and Das, A. (2025). *The case for pro-union public policy: Unionization and well-being in Canadian provinces*. CCPA Manitoba. policyalternatives.ca/news-research/the-case-for-pro-union-public-policy-unionization-and-well-being-in-canadian-provinces/#findings

better hold governments to account.⁸⁹ Unionization has benefits for productivity, including decreased turnover and improved worker retention and recruitment.⁹⁰

Legislative changes

1. Implement card check single-step certification.

The Trade Union Act should be amended to allow for card check or single-step certification, which would automatically certify the union when 50 per cent + 1 of eligible employees sign union membership cards. In our interviews, the most commonly cited obstacle to unionization was the requirement to hold a vote after submitting the certification application with signed membership cards. This process forces workers to pledge their support for unionization repeatedly. At the same time, the delays leave the union drive vulnerable to attrition due to employee turnover or to explicit intimidation or union-busting by employers. Eliminating the two-step process respects workers' agency by trusting that, by signing the union card, they have chosen to join a union at their workplace, and reduces their vulnerability to employer intimidation tactics and union-busting. As noted above, in other jurisdictions, card check can also eliminate other challenges that strain the labour board's resources. **There is already a precedent for card-check certification in Nova Scotia's construction industry. This process should be extended to all workers who are eligible to unionize.**

The implementation of this recommendation is absolutely key to removing many of the most serious barriers to unionization. As

⁸⁹ Meuleman, B., Langer, A., Hövermann, A., and Kohlrausch, B. (2026). *How workers' voice buffers anti-democratic attitudes*. European Economic, Employment and Social Policy. Policy brief. etui.org/sites/default/files/2026-05/How%20workers%E2%80%99%20voice%20buffers%20anti-democratic%20attitudes_2026.pdf

⁹⁰ Bahn, K. and Peck, J. (2023). "How Unions Can Increase Firm Productivity and Strengthen Economic Growth." WorkRise. workrisenetwork.org/working-knowledge/how-unions-can-increase-firm-productivity-and-strengthen-economic-growth

Harney states, “Prior to the late 1970s, every jurisdiction in Canada used the card-check system, and it was recognized across the country as a way of mitigating the power imbalance between workers and employers.”⁹¹ The switch to mandatory voting as a necessary second step in the certification process disadvantages workers. As our participants have made clear, and as Harney further points out, “In democratic contexts where people can expect to cast their votes free from fraud, intimidation, and coercion, secret ballots work well ... workplaces, however, aren't democratic.”⁹² There is ample evidence that removing card checks suppresses union certification.

The timeline for signing the membership cards should be extended to six months. As interviewees noted above, several factors make it difficult to conduct in-depth organizing conversations with workers that are necessary before they decide to sign their cards. These include the legal restriction of union organizers from the worksite, the physical space of the worksite, the types of shifts, and language or cultural factors. Extending the length of time workers have to collect signed cards facilitates organizing, which is especially important for some groups of workers—many precarious—like gig workers, those working isolated shifts/locations, and workers who belong to cultural communities that are less familiar with unions in the Canadian context and in which organizers need to spend more time developing relationships of trust. While our case studies did not address additional challenges that come with organizing in rural communities, this would also help address geographic barriers.

2. Improve successor rights

Article 31 of the *Trade Union Act* should be amended to mandate that when an employer establishes a service contract with a new provider, any certification and collective agreement binding on the old provider must transfer to the new service provider.

Without these stronger protections, unions are disincentivized from organizing in certain sectors where service contracts are

⁹¹ Harney, N. (2023). Op. Cit.

⁹²Harney, N. (2023). Op. Cit.

common (e.g., janitorial services), and workers themselves lose out on the realistic possibility of union protection because contractors and clients walk away from contracts once the employees decide to organize, often resulting in the workers being effectively fired.

3. Restore meaningful First Contract Arbitration

Article 40 of the *Trade Union Act* should be amended to allow the Labour Board to direct parties to arbitration to settle the provisions of the first collective agreement at the request of either party if conciliation has been unsuccessful. Currently, in Nova Scotia, first-contract arbitration is inaccessible, further delaying a certified union's ability to reach an agreement that will benefit workers and potentially weakening the union. Making first-contract arbitration automatic will compel the parties to negotiate terms, providing unionized workers with the benefits that come with unionization, while preventing strikes and other job actions.

4. Repeal the *Michelin Amendment*

The 1979 *Michelin Amendment* should be repealed so that where employers operate interdependent worksites, workers can organize at each site individually. The *Michelin Amendment* is an extreme example of legislation being written explicitly to benefit a particular business at the expense of workers' Charter-protected right to organize. Repealing the *Michelin Amendment* does not mean workers will unionize multisite manufacturing plants. However, it does give workers agency in deciding whether they want a union, rather than having the government make that decision.

Labour Board changes

5. **Revise the current process** at the Labour Board for adjudicating challenges to membership in the proposed bargaining unit and implement **stricter timelines** for Labour Board decisions. Delays in

the certification process work in the employer's favour. Therefore, the Labour Board needs to be bound by **stricter timelines for investigating and adjudicating decisions in response to complaints or challenges by parties in the certification process.**

Currently, the Labour Board will not open ballots in a certification vote until all challenges have been adjudicated, including challenges over whether certain employees who signed a union card are eligible for membership in the bargaining unit. **The Labour Board can speed up this process by clearer timelines for investigating challenges, such as in the case of Ontario, and consider a practice similar to that used in New Brunswick, where ballots of employees whose eligibility is contested are segregated and only counted if they will impact the outcome of the vote.**⁹³

6. Increase resources for the Labour Board

Even if card check certification were implemented, the Labour Board would still have an important role in investigating any disputes or claims that arise between the parties, as well as processing applications. Without card-check certification, the Labour Board must also conduct the actual votes. Additionally, conciliators and arbitrators are necessary to help parties reach first collective agreements. **To ensure that the work of the Board is carried out expeditiously, the government should increase resources for the Labour Board so that there are adequate, competitively remunerated staff** to fulfill all steps required by the *Trade Union Act* and Regulations, including conciliators and arbitrators.

⁹³ New Brunswick Labour and Employment Board. (n.d.). "Information Bulletin no. 2: Representation Vote" www3.gnb.ca/LEB-CTE/Bulletins/bulletin2e.pdf

Educational and informational resources

7. Provide more educational and informational resources and support about labour rights.

The provincial government should ensure there are more plain language explanations of labour rights, basic standards, and how unionization works should be made available to the public. Materials should be translated and made available for newcomers to Canada, workers applying for permanent residency, and other workers on temporary visas. Given their likely unfamiliarity with the law, outreach on labour rights should be directed to these workers, rather than relying on them to know what questions to ask. All resources should be made with an effort to be mindful of cultural differences.

8. Moreover, education about union history and labour rights should be incorporated into the P-12 civics curriculum.

Further research needed

This report and its policy solutions focus on specific barriers to unionization, but broader issues require further research and analysis. This report does not delve into what happens once a workplace is unionized, including how the rights of union members and collective bargaining are upheld, and the issues of defining essential workers, banning replacement workers during a strike, or whether the province should implement sectoral bargaining at least for minimal standards. These are critical issues to consider from the perspective of improving labour relations in this province, a goal for both employees and employers.

Conclusion

Belonging to a union and collective bargaining are Charter-protected rights.⁹⁴ With only one in three workers in Nova Scotia experiencing the benefits of unionization, increasing union coverage is one way to improve working conditions and ensure job security, benefits, better wages, advances in gender equality, and reduction in income inequality. While this report underlines why it is so hard to organize a union in this province, as one staff member with the CLC said, “despite the monumental lift that’s required to win, workers can still do it.” We recognize those who have continued to make strides, but it should not need to be so monumental.

The qualitative data collected for this report suggest that Nova Scotia’s unionization framework is not well-suited to the current labour market and often favours employers. The monumental task facing unions attempting to organize workplaces characterized by precarious employment, high turnover, contracting out/contracting flipping, multiple worksites and increasingly complex employment relationships. At the same time, they experienced a legal process

⁹⁴ Further, in its 2015 decision in *Saskatchewan Federation of Labour v Saskatchewan*, the Supreme Court of Canada recognized a union’s right to strike as “an essential part of a meaningful collective bargaining process” and, therefore, a *Charter*-protected right. See Government of Canada. (2024). “Charterpedia: Section 2(d) - Freedom of association.” justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/check/art2d.html and; *Saskatchewan Federation of Labour v. Saskatchewan*, 2015 SCC 4, [2015] 1 S.C.R. 245, decisions.scc-csc.ca/scc-csc/scc-csc/en/item/14610/index.do

that can be slow, adversarial, and difficult to navigate. The case studies and examples shared show how delays and procedural requirements can weaken organizing campaigns, give employers greater opportunities to interfere, and put workers who take leadership roles in a vulnerable position. The report findings highlight how Nova Scotia's unionization process creates barriers at every stage. These barriers arise when workers try to organize, during certification, and when negotiating a first collective agreement. Workers face significant risks for supporting a union, while remedies for employer interference can be slow and difficult to access.

Previous CCPA-NS reports in the decent work series have pointed to why a collective voice for workers is so critical. The living wage report⁹⁵ provides a benchmark wage, largely based on the cost of living, but this is a voluntary standard recommended for employers. The living wage also informs collective bargaining, the most powerful way to achieve wage gains. The labour standards report⁹⁶ concludes that minimal standards, whether for wages or working conditions, are far too weak to ensure workers are protected from exploitative conditions. While these standards need strengthening, collective agreements go much further than these minimal standards, helping to lift the floor as well. The pay equity report⁹⁷ concludes that while pay transparency legislation is important for reducing the gender pay gap, unionized workplaces exhibit the smallest pay inequities because they embody the principles of transparency and fairness better than any other and do not leave fighting for equity on individuals' shoulders. These challenges are systemic and require structural and systemic changes.

This report has clearly laid the case for why the Nova Scotia government can and should enact legal and regulatory changes to facilitate unionization.

⁹⁵ Cerdas Sandí, D., Saulnier, C., and Williams, R. (2025.) Op. Cit.

⁹⁶ Casey, R. and Saulnier, C. (2025). Op. Cit.

⁹⁷ Cerdas Sandí, D. and Saulnier, C. (2026). Op. Cit.

Glossary of terms

Term	Definition
Card check	Single-step certification of a union once a majority of employees have signed a union membership card
CUPE	Canadian Union of Public Employees
CLC	Canadian Labour Congress
FCA	First contract arbitration
LFS	Labour Force Survey
NSFL	Nova Scotia Federation of Labour
SEIU	Service Employees International Union
TFWs	Temporary foreign workers
UFCW	United Food and Commercial Workers
ULP	Unfair labour practice

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The CCPA-NS office is located in Kijipuktuk in Mi'kma'ki, the unceded, un-surrendered ancestral land of the Mi'kmaq people. We recognize that we are all treaty people and have responsibilities to each other and this land.

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