

UNIONIZATION LEGISLATION AND REGULATIONS ACROSS CANADA

A jurisdictional scan

Ruby Harrington

This guide is intended to serve as a resource for workers, advocates, and unions across the country to compare the regulatory frameworks for unionization by jurisdiction. Please note that these tables draw from publicly available information, including legislation, policy circulars, information bulletins, case law, and union-made resources. For that reason, there are some questions that remain unanswered in some jurisdictions. While there may be internal documents or informal precedents set which may answer these questions, gathering this information was beyond the scope of this research project. Instead, it highlights the lack of clarity and difficulty in finding information for organizers across the country, and prompts governments to take a closer look at what information they make publicly available.

Table of contents

1. Resources	1
2. Membership evidence	5
a. Timeline for getting membership evidence signed	5
b. Information/format for membership evidence	6
3. Membership support thresholds	7
4. Timeline for voting & counting votes	8
5. What happens when there are disputed ballots?	10
6. Timeline for response and/or appeal by employer	11
7. Determination of successor rights for contracted services	13
8. Unfair labour practices by employer	14
a. What counts as an unfair labour practice?	14
b. How long does it take to process an unfair labour complaint?	15
9. First contract arbitration	16
10. Fines for violation of labour relation legislation	18



CCPA
CANADIAN CENTRE
for POLICY ALTERNATIVES
NOVA SCOTIA OFFICE

**Advancing
Decent Work**

1. Resources

Jurisdiction	Resource
Federal	<i>Canada Labour Code</i> , R.S.C., 1985, c. L-2, laws-lois.justice.gc.ca/PDF/L-2.pdf
	Canada Industrial Relations Board. (2017). "Rules of Procedure: No. 1-Applications for Certification." cirb-ccri.gc.ca/en/resources/no-1-applications-certification
	Canada Industrial Relations Board. (n.d.). "Labour Relations - Certification." cirb-ccri.gc.ca/en/about-appeals-applications-complaints/labour-relations-certification
	Canada Industrial Relations Board. (n.d.). "Labour Relations - Unfair Labour Practice." cirb-ccri.gc.ca/en/about-appeals-applications-complaints/labour-relations-unfair-labour-practice
N.S.	<i>Trade Union Act</i> , RSNS 1989, c. 475, canlii.ca/t/53grw
	<i>Trade Union Procedure Regulations</i> , S.N.S. 2010, c. 37, novascotia.ca/just/regulations/regs/LBDtradeunion.htm
	<i>Procedure for Secret Ballot Vote of Employees conducted by the Labour Relations Board</i> , 2008. novascotia.ca/lae/labourboard/docs/SecretBallotVote.pdf
	Nova Scotia Labour Board. (2025). "Information Bulletin: Membership Evidence." novascotia.ca/lae/labourboard/procedures/documents/information-bulletin_membership-evidence.pdf
N.B.	<i>Industrial Relations Act</i> , SNB 1971, c. I-4, laws.gnb.ca/en/document/cs/i-4
	<i>Rules of Procedure of the Labour and Employment Board</i> , SNB 1982, c. I-4. laws.gnb.ca/en/document/cr/82-92%20/
	New Brunswick Labour and Employment Board. (2010). "Information Bulletin no. 1: Certification." www3.gnb.ca/LEB-CTE/Bulletins/bulletin1e.pdf
	New Brunswick Labour and Employment Board. (n.d.). "Information Bulletin no. 2: Representation Vote." www3.gnb.ca/LEB-CTE/Bulletins/bulletin2e.pdf
P.E.I.	New Brunswick Labour and Employment Board. (n.d.). "Information Bulletin no. 3: Membership Evidence." www3.gnb.ca/LEB-CTE/Bulletins/bulletin3e.pdf
	<i>Labour Act</i> , RSPEI, 1988, c. L-1, princeedwardisland.ca/sites/default/files/legislation/l-01-labour_act.pdf
	<i>Labour Act Regulations</i> , RSPEI, 1988, c. L-1, princeedwardisland.ca/sites/default/files/legislation/l01g-labour_act_regulations.pdf
	Government of Prince Edward Island. (2024). "Trade Union Certification." princeedwardisland.ca/en/information/workforce-advanced-learning-and-population/trade-union-certification

Jurisdiction Resource

N.L.	<i>Labour Relations Act</i>, RSNL 1990, c. L-1, assembly.nl.ca/legislation/sr/statutes/l01.htm <i>Labour Relations Board Rules of Procedure</i>, O.C. 96-297, s. 39(2) and 49(1), assembly.nl.ca/Legislation/sr/Regulations/rc960745.htm#1_ Newfoundland and Labrador Labour Relations Board. (2014). "Information Bulletin: Application for Certification." gov.nl.ca/lrb/publications/info-bulletin-application-certification.pdf Newfoundland and Labrador Labour Relations Board. (2014). "Information Bulletin: Application for Certification - The Steps." gov.nl.ca/lrb/publications/info-bulletin-app_for_certification_steps.pdf Newfoundland and Labrador Labour Relations Board. (2014). "Information Bulletin: Unfair Labour Practices." gov.nl.ca/lrb/publications/info-bulletin-unfair-labour-practices.pdf Newfoundland and Labrador Labour Relations Board. (n.d.). "Policy Circular: Procedure for Secret Ballot Vote of Employees." gov.nl.ca/lrb/policy/procedure_for_secret_ballot_vote_of_employees.pdf CUPE. (n.d.) "Newfoundland and Labrador: 5 steps to local certification." cupe.ca/newfoundland-and-labrador-5-steps-local-certification
Q.C.	<i>Labour Code</i>, CQLR 2002, c. 27, legisquebec.gouv.qc.ca/en/pdf/cs/C-27.pdf CUPE. (n.d.) "Quebec: The five steps to local certification." cupe.ca/quebec-five-steps-local-certification
O.N.	<i>Labour Relations Act</i>, SO 1995, c. 1, ontario.ca/laws/statute/95l01#act-verion Ontario Labour Relations Board. (2005). <i>Rules of Procedure</i>. olrb.gov.on.ca/Documents/Rules_of_Procedure-EN.pdf Ontario Labour Relations Board. (2025). "Information Bulletin No. 1: Certification of Trade Unions." olrb.gov.on.ca/Forms/IB/InformationBulletin-1-EN.pdf Ontario Labour Relations Board. (2016). "Information Bulletin No. 4: Status Disputes in Certification Applications (Non-Construction)." olrb.gov.on.ca/Forms/IB/InformationBulletin-4-EN.pdf

Jurisdiction Resource

	<i>Labour Relations Act</i>, C.C.S.M. 1987, c. L10, web2.gov.mb.ca/laws/statutes/ccsm/l010.php#
	Manitoba Labour Board. (2025). "Information Bulletin No. 3: The Certification Process." manitobalabourboard.ca/asset_library/docs/info_03.pdf
M.B.	Manitoba Labour Board. (n.d.) "Unfair Labour Practices (ULP) and Board Determinations." manitobalabourboard.ca/labour-relations-matters/unfair-labour-practices.html Manitoba Labour Board. (n.d.) "Collective Bargaining / Certification." manitobalabourboard.ca/labour-relations-matters/collective-bargaining-certification.html Manitoba Labour Board. (n.d.) "Form C: Employer's Return Upon Application for Certification." manitobalabourboard.ca/asset_library/docs/form-c.pdf
S.K.	<i>The Saskatchewan Employment Act</i>, SS 2013, c. S-15.1, canlii.ca/t/56mpm Saskatchewan Labour Relations Board. (2014). "The Saskatchewan Employment Act: How does the process work to secure a Union in the Workplace?" sasklabourrelationsboard.com/-/media/project/lrb/documents/workplace-related/faq/how-is-the-workplace-certified-new.pdf CUPE Saskatchewan. (2025). "Submission: Review of the Labour Relations Provisions, (Parts VI, VII & VIII) of The Saskatchewan Employment Act." cupesask.ca/wp-content/uploads/sites/381/2026/01/CUPE-Sask-Submission-SEA-Labour-Relations-Provisions-Review_2025-Dec-3_FINAL.pdf
	<i>Labour Relations Code</i>, RSA 2000, c. L-1, kings-printer.alberta.ca/1266.cfm?page=L01.cfm&leg_type=Acts&isbncln=9780779851393
	Alberta Labour Relations Board. (2021). <i>A Guide to Alberta's Labour Relations Laws</i>. alrb.gov.ab.ca/guideopening.html
A.B.	Alberta Labour Relations Board. (2023). "Voting Rules." alrb.gov.ab.ca/bulletins/voting%20rules.pdf Alberta Labour Relations Board. (2024). "Information Bulletin #2: Processing applications, complaints, and references." alrb.gov.ab.ca/bulletins/2%20Processing%20Applications.pdf Alberta Labour Relations Board. (2026). "Information Bulletin #8: Certification." alrb.gov.ab.ca/bulletins/8%20Certification.pdf Alberta Labour Relations Board. (2023). "Information Bulletin #14: Representation Votes." alrb.gov.ab.ca/bulletins/14%20Representation%20Votes.pdf

Jurisdiction	Resource
--------------	----------

B.C.	<i>Labour Relations Code</i> , RSBC 1996, c. 244, bclaws.gov.bc.ca/civix/document/id/complete/statreg/96244_01
	<i>Labour Relations Regulation</i> , B.C. Reg. 7/93, bclaws.gov.bc.ca/civix/document/id/crbc/crbc/7_93
	British Columbia Labour Relations Board. (2023). "Membership evidence." lrb.bc.ca/membership-evidence
	British Columbia Labour Relations Board. (2024). "Unfair labour practices." lrb.bc.ca/unfair-labour-practices
	British Columbia Labour Relations Board. (2025). "The certification process." lrb.bc.ca/certification-process
	British Columbia Labour Relations Board. (2026). <i>Annual Report 2025</i> . lrb.bc.ca/media/24870/download?inline

2. Membership evidence

In order to submit an application for certification, the proposed bargaining unit must show that there is support to unionize in the workplace. The information required on the membership evidence, how long the proposed bargaining unit has to gain support, and the format which it must be submitted varies by jurisdiction.

a. Timeline for getting membership evidence signed

Jurisdiction	Legislation
Federal	In addition to a signed membership card, each member must have proof that they have paid at least five dollars towards a membership fee in the six months preceding the date the application for certification was filed. ¹
N.S.	Three months before the date that the application for certification was filed, or if signed before, proof that they have paid union dues in that timeframe. ²
N.B.	Three months before the date that the application for certification was filed, or if signed before, proof that they have paid union dues in that timeframe. ³
P.E.I.	Three months before the date that the application for certification was filed, or if signed before, proof that they have paid union dues in that timeframe. ⁴
N.L.	90 days before the date that the application for certification was filed. ⁵
Q.C.	Must be signed and not revoked before filing application of certification, with proof that they've paid at least \$2 in union dues in the last 12 months . ⁶
O.N.	No timeline specified.
M.B.	Six months before the date that the application for certification was filed, or was a member of the union prior to six months. ⁷
S.K.	90 days before the date that the application for certification was filed. ⁸
A.B.	90 days before the date that the application for certification was filed, along with proof of minimum union due payment of two dollars. ⁹
B.C.	Six months before the date that the application for certification was filed, or if signed before, proof that they have paid union dues in that timeframe. ¹⁰

¹ Canada Industrial Relations Board. (n.d.) "Labour Relations - Certification."

² Nova Scotia Labour Board. (2025). "Information Bulletin: Membership Evidence."

³ *Rules of Procedure of the Labour and Employment Board*, SNB 1982, c. I-4, s. 125 (1),

⁴ Government of Prince Edward Island. (2024). "Trade Union Certification."

⁵ Newfoundland and Labrador Labour Relations Board. (2014). "Information Bulletin: Application for Certification."

⁶ *Labour Code*, CQLR 2002, c. 27, s. 36.1(b-c).

⁷ *Labour Relations Act*, C.C.S.M. 1987, c. L10, s. 45(2).

⁸ The Saskatchewan Employment Act, SS 2013, c. S-15.1, s. 6-9.

⁹ Alberta Labour Relations Board. (2026). "Information Bulletin #8: Certification."

¹⁰ *Labour Relations Regulation*, B.C. Reg. 7/93, s. 3(c),

b. Information/format for membership evidence

Jurisdiction	Legislation
Federal	The board accepts only a copy of the original membership evidence, with the member's signature , ¹¹ while the union must hold onto the original copies. ¹² There is no indication if the card must be in writing, or if an electronic signature is accepted.
N.S.	The board accepts both written and electronic membership evidence, with the member's signature and the date of signing . ¹³
N.B.	The board accepts only written membership evidence, with the member's signature , the date of signing , and proof of at least one dollar paid in union dues. ¹⁴
P.E.I.	The required information and format of the membership evidence accepted by the board is not specified.
N.L.	The board accepts only written original copies of membership evidence, with the member's signature , and must be personally presented to an officer of the board. ¹⁵
Q.C.	The required information and format of the membership evidence accepted by the board is not specified.
O.N.	The board accepts both written and electronic membership evidence, with the member's signature and the date of signing . ¹⁶
M.B.	The required information and format of the membership evidence accepted by the board is not specified.
S.K.	The board accepts both written and electronic membership evidence, with the member's signature and the date of signing . ¹⁷
A.B.	The board accepts <i>either</i> individual membership cards, <i>or</i> a petition of support, both must have the members' signature and the date of signing , and be accompanied by proof that each member has paid at least two dollars of union dues . ¹⁸ The manner of membership evidence cannot be mixed; it must be one or the other. There is no indication if the card or petition must be in writing, or if an electronic signature is accepted.
B.C.	The board accepts both written and electronic membership evidence, with the member's signature and the date of signing . ¹⁹

¹¹ *Canada Industrial Relations Board Regulations*, SOR-2001-520, s. 31(1),

¹² Canada Industrial Relations Board. (n.d.) "Labour Relations - Certification."

¹³ While the *Trade Union Procedure Regulations* state that the signature "must be in writing," personal correspondence with the Labour Board, as well as their Information Bulletin on membership evidence confirms that electronic signatures are permitted. See *Trade Union Procedure Regulations*, S.N.S. 2010, c. 37, s. 9(2A); Nova Scotia Labour Board. (2025). "Information Bulletin: Membership Evidence."

¹⁴ New Brunswick Labour and Employment Board. (n.d.). "Information Bulletin no. 3: Membership Evidence."

¹⁵ *Labour Relations Board Rules of Procedure*, O.C. 96-297, s. 39(2) and 49(1).

¹⁶ Ontario Labour Relations Board. (2005). *Rules of Procedure*; and *United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (United Steelworkers) v Toronto and York Region Labour Council*, 2019 CanLII 123094 (ON LRB), canlii.ca/t/j4b0k

¹⁷ While the board's document entitled, "How does the process work to secure a Union in the Workplace?" states that all membership evidence must be the original copy, a more recent Practice Note states electronic copies of and electronically created evidence is accepted. See also Saskatchewan Labour Relations Board. (2022). "Practice Note 3 - Electronic Support Evidence."

¹⁸ Alberta Labour Relations Board. (2021). *A Guide to Alberta's Labour Relations Laws*. p. 30–31.

¹⁹ British Columbia Labour Relations Board. (2023). "Membership evidence."

3. Membership support thresholds

Jurisdiction	Legislation		
	Support needed to hold representation vote	Support needed to automatically certify	Support needed to certify thorough representation vote
Federal ²⁰	≥35%	>50%	>50%
N.S. ²¹	≥40%	n/a	>50%
N.B. ²²	≥40%	> 50% or >60%	>60%
P.E.I. ²³	≥50%	>55% or 50%	55%
N.L. ²⁴	≥40%	n/a	> 50% or >70%
Q.C. ²⁵	≥35%	>50%	>50%
O.N. ²⁶	≥40%	n/a	>50%
M.B. ²⁷	≥40%	>50%	>50%
S.K. ²⁸	≥45%	n/a	>50%
A.B. ²⁹	≥40%	n/a	>50%
B.C. ³⁰	≥45%	>55%	>50%

²⁰ Canada Industrial Relations Board. (n.d.) "Labour Relations - Certification."

²¹ *Trade Union Act*, RSNS 1989, c. 475, s. 25.

²² In some cases, the board may allow for a union to be certified without a representation vote if a majority of employees (but less than 60%) signed a membership card. However, the general rule is that 60% must be in support to certify without a vote. See New Brunswick Labour and Employment Board. (2010). "Information Bulletin no. 1: Certification"; and, *Industrial Relations Act*, SNB 1971, c. I-4, s. 14.

²³ 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. CUPE states that more than 50 per cent need to be in support to automatically certify, while UFCW state that more than 50 per cent need to be in support to proceed to a representation vote, and 55 per cent need to vote in favour for the union to be certified. See CUPE. (n.d.). "Prince Edward Island: The five steps to local certification."

cupe.ca/prince-edward-island-5-steps-local-certification and; UFCW. (n.d.) "How to Join a Union In Prince Edward Island." ufcw.ca/index.php?option=com_content&view=article&id=24&Itemid=169&lang=en

²⁴ Subject to their discretion, the Board may require that 70% of employees are in favour to certify the union. See *Labour Relations Act*, RSNL 1990, c. L-1, s. 47, 38.

²⁵ *Labour Code*, CQLR 2002, c. 27, s. 37.

²⁶ *Labour Relations Act*, SO 1995, c. 1, s. 8, 10.

²⁷ *Labour Relations Act*, C.C.S.M. 1987, c. L10, s. 40.

²⁸ *The Saskatchewan Employment Act*, SS 2013, c. S-15.1, s. 6-12.

²⁹ *Labour Relations Code*, RSA 2000, c. L-1, s. 33, 15(3a).

³⁰ *Labour Relations Code*, RSBC 1996, c. 244, s. 23, 24.

4. Timeline for voting & counting votes

Jurisdiction	Legislation	Timeline for when vote is to take place	Timeline for counting of votes
Federal		No timeline specified for when a vote is to take place.	Votes are to be counted immediately after the vote , <i>unless</i> it has been ordered to be sealed. ³¹
N.S.		No more than five days after receipt of the application by the board, and three days after the board's notices are received by the employer, <i>but</i> "special circumstances make it inappropriate to hold a vote until the Board has made such investigations as it deems appropriate including, if the Board so decides, giving interested parties an opportunity to present evidence and make representations, the Board may delay the vote." ³²	Votes are to be counted " at a later date ." ³³
N.B.		No timeline specified.	No timeline specified.
P.E.I.		No timeline specified.	No timeline specified.
N.L.		Five days after receipt of the application by the board, <i>but</i> "the board may in exceptional circumstances extend the time for the taking of the vote by the number of days which it considers appropriate." ³⁴	No timeline specified.
Q.C.		No timeline specified.	No timeline specified.
O.N.		Typically five days after receipt of the application by the board, <i>though</i> in some circumstances, it can be delayed by one or two days. ³⁵	Votes "may or may not be counted on the day of the vote ," depending on if there are outgoing disputes. ³⁶
M.B.		Within seven days of receipt of the application by the board, <i>though</i> it can be delayed in exceptional circumstances. ³⁷	No timeline specified.
S.K.		Within " a few days " of the board determining a vote is required (i.e., membership support has been reached). ³⁸	No timeline specified.

³¹ Canada Industrial Relations Board. (2017). "Rules of Procedure: No. 1-Applications for Certification."

³² *Trade Union Act*, RSNS 1989, c. 475, s. 25 (3).

³³ *Procedure for Secret Ballot Vote of Employees conducted by the Labour Relations Board*, 2008.

³⁴ *Labour Relations Act*, RSNL 1990, c. L-1, s. 47.

³⁵ Ontario Labour Relations Board. (2025). "Information Bulletin No. 1: Certification of Trade Unions."

³⁶ Ontario Labour Relations Board. (2025). "Information Bulletin No. 1: Certification of Trade Unions."

³⁷ Manitoba Labour Board. (2025). "Information Bulletin No. 3: The Certification Process."

³⁸ Saskatchewan Labour Relations Board. (2014). "The Saskatchewan Employment Act: How does the process work to secure a Union in the Workplace?"

Jurisdiction	Legislation	
	Timeline for when vote is to take place	Timeline for counting of votes
A.B.	Votes are to be conducted “ as expeditiously as possible .” ³⁹	Votes are to be counted within 24 hours after the vote occurs, <i>unless</i> there is a dispute to the manner of voting. ⁴⁰
B.C.	Within five days of receipt of the application by the board, <i>but</i> the timeline can be extended if the vote must be conducted by mail. ⁴¹	No timeline specified.

³⁹ Alberta Labour Relations Board. (2023). “Information Bulletin #14: Representation Votes.”

⁴⁰ Alberta Labour Relations Board. (2023). “Voting Rules.”

⁴¹ *Labour Relations Code*, RSBC 1996, c. 244, s. 24(2).

5. What happens when there are disputed ballots?

Not all employees are eligible to be a member of a union, depending on their hours worked or their role at their place of employment. Both the proposed bargaining unit and the employer can bring up disputes into the eligibility of employees.

Jurisdiction	Legislation
Federal	The entire ballot box is sealed until the board can make a decision. ⁴²
N.S.	Not specified.
N.B.	The disputed ballots are double sealed and segregated. The rest of the ballots are counted, and the disputed ballots are only considered if it would impact the outcome of the vote. If the disputed ballots would have an impact on the outcome of the vote, they will not be counted until the board can make a decision on the voters eligibility. ⁴³
P.E.I.	Not specified.
N.L.	The entire ballot box is sealed until the board can make a decision. ⁴⁴
Q.C.	Not specified.
O.N.	The entire ballot box is sealed until the board can make a decision, which can take up to five weeks. ⁴⁵ However, if the board is convinced that any disputed membership would not affect the outcome of the vote, the board can certify the union pending the resolution of the dispute. ⁴⁶
M.B.	The entire ballot box is sealed until the board can make a decision. ⁴⁷
S.K.	The entire ballot box is sealed until the board can make a decision. ⁴⁸
A.B.	Not specified.
B.C.	The entire ballot box is sealed until the board can make a decision. ⁴⁹

⁴² Canada Industrial Relations Board. (2017). "Rules of Procedure: No. 1-Applications for Certification."

⁴³ New Brunswick Labour and Employment Board. (n.d.). "Information Bulletin no. 2: Representation Vote."

⁴⁴ Newfoundland and Labrador Labour Relations Board. (n.d.). "Policy Circular: Procedure for Secret Ballot Vote of Employees."

⁴⁵ Ontario Labour Relations Board. (2016). "Information Bulletin No. 4: Status Disputes in Certification Applications (Non-Construction)."

⁴⁶ *Labour Relations Act*, SO 1995, c. 1, s. 9(2).

⁴⁷ Manitoba Labour Board. (2025). "Information Bulletin No. 3: The Certification Process."

⁴⁸ Saskatchewan Labour Relations Board. (2014). "The Saskatchewan Employment Act: How does the process work to secure a Union in the Workplace?"

⁴⁹ *Labour Relations Regulation*, B.C. Reg. 7/93, s. 8.

6. Timeline for response and/or appeal by employer

Employers are required to submit a response to an application for certification including relevant information, often including employee names, roles, and in some cases, their signatures. Sometimes these responses are an opportunity for employers to dispute the application for certification. In some jurisdictions, employers are granted an opportunity to dispute the representation vote.

Jurisdiction	Legislation	
	Response and/or appeal to application	Response and/or appeal to vote outcome
Federal	Employer must submit their response within ten days of receipt of application. ⁵⁰	Not specified.
N.S.	<i>If</i> employer contests the application, they must file their contestation within ten days of receipt of notice of application. ⁵¹	Not specified.
N.B.	Employer must submit their response no later than the "terminal date," which is to be determined by the board. ⁵²	At "conclusion of the count," the employer can object to the manner of the vote and/or voter eligibility. ⁵³
P.E.I.	Employer must submit their response no later than the "terminal date," which is to be determined by the board. ⁵⁴	Not specified.
N.L.	Employer must submit their response within ten days of receipt of notice of application. ⁵⁵	Not specified.
Q.C.	<i>If</i> employer contests the application, they must file their response within 15 days of receipt of notice of certification application or it is assumed there is no objection. ⁵⁶	Not specified.
O.N. ⁵⁷	Employer must file and deliver a response within two days .	Within five days .
M.B.	Employer must file and deliver a response within two days . ⁵⁸	Not specified.
S.K. ⁵⁹	Employer must file their response "as soon as possible."	Within three days .

⁵⁰ Canada Industrial Relations Board. (2017). "Rules of Procedure: No. 1-Applications for Certification."

⁵¹ *Trade Union Procedure Regulations*, S.N.S. 2010, c. 37, s. 14

⁵² New Brunswick Labour and Employment Board. (2010). "Information Bulletin no. 1: Certification."

⁵³ New Brunswick Labour and Employment Board. (n.d.). "Information Bulletin no. 2: Representation Vote."

⁵⁴ *Labour Act Regulations*, RSPEI, 1988, c. L-1, s. 7,

⁵⁵ Newfoundland and Labrador Labour Relations Board. (2014). "Information Bulletin: Application for Certification."

⁵⁶ *Labour Code*, CQLR 2002, c. 27, s. 28c.

⁵⁷ Ontario Labour Relations Board. (2025). "Information Bulletin No. 1: Certification of Trade Unions."

⁵⁸ Manitoba Labour Board. (n.d.) "Form C: Employer's Return Upon Application for Certification."

⁵⁹ Saskatchewan Labour Relations Board. (2014). "The Saskatchewan Employment Act: How does the process work to secure a Union in the Workplace?"

Jurisdiction	Legislation	
A.B.	Employer must file their response “preferably” within five days . ⁶⁰	Within 24 hours or longer if the board sees it fit. ⁶¹
B.C.	Employer can bring up legal issues at the hearing, which must be conducted within five days of receipt of application for certification to the board. ⁶²	Not specified.

⁶⁰ Alberta Labour Relations Board. (2026). "Information Bulletin #8: Certification."

⁶¹ Alberta Labour Relations Board. (2023). "Voting Rules."

⁶² British Columbia Labour Relations Board. (2026). *Annual Report 2025*.

7. Determination of successor rights for contracted services

What happens when a company is purchased, leased, or amalgamated, and it contracts out employees who are unionized? Only three jurisdictions in Canada have successorship protections for these contracted workers.

Jurisdiction	Legislation
Federal	Contracted services are protected under successorship rights. ⁶³
N.S.	Contracted services are not protected under successorship rights.
N.B.	Contracted services are not protected under successorship rights.
P.E.I.	Contracted services are not protected under successorship rights.
N.L.	Contracted services are not protected under successorship rights.
Q.C.	Contracted services are not protected under successorship rights.
O.N.	Contracted services are protected under successorship rights <i>exclusively</i> in the building services industry. ⁶⁴
M.B.	Contracted services are not protected under successorship rights.
S.K.	Contracted services are not protected under successorship rights.
A.B.	Contracted services are not protected under successorship rights.
B.C.	Contracted services are protected under successorship rights. ⁶⁵

⁶³ *Canada Labour Code*, R.S.C., 1985, c. L-2, s. 44(2), 47.3.

⁶⁴ Building services refers to building cleaning services, food services, and security. See *Labour Relations Act*, SO 1995, c. 1, s. 69.1.

⁶⁵ *Labour Relations Code*, RSBC 1996, c. 244, s. 35.

8. Unfair labour practices by employer

a. What counts as an unfair labour practice?

Practice	Federal ⁶⁶	N.S. ⁶⁷	N.B. ⁶⁸	P.E.I. ⁶⁹	N.L. ⁷⁰	Q.C. ⁷¹	O.N. ⁷²	M.B. ⁷³	S.K. ⁷⁴	A.B. ⁷⁵	B.C. ⁷⁶
Attempting to stop or discriminating against an employee for exercising their rights as laid out in their jurisdictions labour relations legislation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Trying to influence an employee's decision to be involved in a union through coercion, threats, and/or bribery	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓
Interfering with the formation or administration of a union	✓	✓		✓	✓	✓	✓			✓	✓
Contributing financial support to a trade union	✓	✓	✓	✓		✓	✓	✓	✓	✓	
Refusing to employ or discriminating against someone because they have been or are involved with a union	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Terminating or discriminating against an employee because they have been or are involved with a union	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓
Altering wages or changing conditions of employment while an application for certification is being processed	✓	✓	✓		✓		✓	✓	✓	✓	✓
Altering wages or changing conditions of employment during collective bargaining	✓				✓				✓	✓	✓
Failing to bargain collectively in accordance with their jurisdictions labour relations legislation ⁷⁷	✓			✓	✓				✓	✓	✓

⁶⁶ *Canada Labour Code*, R.S.C., 1985, c. L-2, s. 50, 94.

⁶⁷ *Trade Union Act*, RSNS 1989, c. 475, s. 53.

⁶⁸ *Industrial Relations Act*, SNB 1971, c. I-4, s. 3.

⁶⁹ *Labour Act*, RSPEI, 1988, c. L-1, s. 10.

⁷⁰ Newfoundland and Labrador Labour Relations Board. (2014). "Information Bulletin: Unfair Labour Practices."

⁷¹ *Labour Code*, CQLR 2002, c. 27, s. 12–14.

⁷² *Labour Relations Act*, SO 1995, c. 1, s. 70–77.

⁷³ *Labour Relations Act*, C.C.S.M. 1987, c. L10, s. 7, 17.

⁷⁴ *The Saskatchewan Employment Act*, SS 2013, c. S-15.1, Division 12.

⁷⁵ *Labour Relations Code*, RSA 2000, c. L-1, s. 147–149.

⁷⁶ *Labour Relations Code*, RSBC 1996, c. 244, s. 5, 6, 32, 45.

⁷⁷ This includes communicating with employees about negotiations outside of the proper channels, not bargaining in good faith, etc.

b. How long does it take to process an unfair labour complaint?

Jurisdiction	Legislation	
	When to file a complaint	Complaint timeline
Federal ⁷⁸	No later than 90 days after the violation.	The respondent has 15 days to file a response to the complaint, and the complainant has ten days to file their reply to the response (this is shortened if it is related to a termination, to five days for each). Either party can ask the board to extend the timeline. The time it takes depends on the complexity of the situation. The decision of the Board can be appealed within 30 days of the original decision. There is no timeline for resolution of the complaint.
N.S. ⁷⁹	No later than 90 days after the violation.	The respondent has five days to file a response to the complaint. There is no timeline for resolution of the complaint.
N.B. ⁸⁰	Not specified.	The respondent has six days to file a response to the complaint. There is no timeline for resolution of the complaint.
P.E.I.	Not specified.	There is no timeline for resolution of the complaint.
N.L. ⁸¹	Not specified.	The respondent has ten days to file a response to the complaint, and the complainant then has five days to file their reply to the response. There is no timeline for resolution of the complaint.
Q.C. ⁸²	No later than 30 days after the violation.	There is no timeline for resolution of the complaint.
O.N.	Not specified.	There is no timeline for resolution of the complaint.
M.B. ⁸³	No later than six months after the violation.	There is no timeline for resolution of the complaint.
S.K.	Not specified.	There is no timeline for resolution of the complaint.
A.B. ⁸⁴	No later than 90 days after the violation.	There is no timeline for resolution of the complaint.
B.C. ⁸⁵	Not specified.	Within three days of receipt of application, the board will hold a hearing, with their decision issued within two days after the hearing.

⁷⁸ Canada Industrial Relations Board. (n.d.). "Labour Relations - Unfair Labour Practice."

⁷⁹ *Trade Union Procedure Regulations*, S.N.S. 2010, c. 37, s. 26.

⁸⁰ *Rules of Procedure of the Labour and Employment Board*, SNB 1982, c. I-4, s. 41.

⁸¹ Newfoundland and Labrador Labour Relations Board. (2014). "Information Bulletin: Unfair Labour Practices."

⁸² *Labour Code*, CQLR 2002, c. 27, s. 14.0.1

⁸³ Manitoba Labour Board. (n.d.) "Unfair Labour Practices (ULP) and Board Determinations."

⁸⁴ Alberta Labour Relations Board. (2024). "Information Bulletin #2: Processing applications, complaints, and references."

⁸⁵ British Columbia Labour Relations Board. (2024). "Unfair labour practices."

9. First contract arbitration

When an employer and a union cannot come to an agreement in terms of the first contract after certification, either party can bring the matter forward to their jurisdiction's labour board.

Jurisdiction Legislation

Federal	If the Minister thinks it is necessary, the matter can be sent to arbitration. The board will decide the terms of the collective agreement based on if parties have or have not been bargaining in good faith, and the terms of conditions of employment at similar workplaces that have been decided through collective bargaining. ⁸⁶
N.S.	A party can submit an application if conciliation has failed, and 14 days have passed since the filing of the conciliator's report. Both parties have ten days to file with the board whether or not they would like to proceed with arbitration. If they do not agree, then the board will examine whether collective bargaining has failed because the employer fails to recognize the authority of the bargaining unit, whether either party holds an "uncompromising" position without reasonable justification, or the failure of either party to make "reasonable or expeditious efforts" to come to an agreement to decide whether to send the matter to arbitration, or to send the parties back to collective bargaining. The board will make its decision within 30 days of receiving the application for arbitration. If the parties are ordered to continue collective bargaining, they are to do so for a period of 30 days . If they still cannot come to an agreement, the process continues. If the matter is sent to arbitration, the arbitrator will decide the terms of the collective agreement within 60 days . ⁸⁷
N.B.	A party can submit an application if conciliation has failed and seven days have passed since the filing of the conciliator's report or within seven days of the Minister stating that conciliation is not advisable. The board will decide if arbitration is appropriate based on whether either party holds an "uncompromising" position without reasonable justification, the failure of either party to make "reasonable or expeditious efforts" to come to an agreement, or if the employer refuses to recognize the authority of the bargaining unit. Within 30 days , the board will decide if arbitration is appropriate. If it is appropriate, the board will inform both parties of their decision within 14 days , and arbitration will commence within 14 days of the appointment of the arbitrator or arbitration board. ⁸⁸
P.E.I.	A party can submit an application if conciliation has failed, and 14 days have passed since the filing of the conciliator's report. The board will decide if arbitration is appropriate based on if either party has taken an "extreme bargaining position," if an unfair labour practice has occurred, or if the employer fails to recognize the bargaining unit. ⁸⁹
N.L.	If there is no collective agreement within 60 to 75 days of the certification of the bargaining unit, the Minister will appoint a mediator. If the parties still cannot come to an agreement within 30 days of the appointment of the mediator, either party can submit an application for arbitration to the board. The board will make a decision within 30 days of the application as to if arbitration is necessary. A hearing for arbitration will then be held within 21 days , and the terms of the collective agreement will be decided within an additional 45 days . ⁹⁰

⁸⁶ *Canada Labour Code*, R.S.C., 1985, c. L-2, s. 80.

⁸⁷ *Trade Union Act*, RSNS 1989, c. 475, s. 38, 40B.

⁸⁸ *Industrial Relations Act*, SNB 1971, c. I-4, s. 36.

⁸⁹ *Labour Act*, RSPEI, 1988, c. L-1, s. 34.

⁹⁰ *Labour Relations Act*, RSNL 1990, c. L-1, s. 81.

Jurisdiction	Legislation
Q.C.	A party can submit an application if the appointment of a conciliator has not resulted in a collective agreement. The Minister must then appoint an arbitrator. If the arbitrator is of the opinion that the parties are unlikely to come to an agreement in a reasonable timeframe on certain matters, the arbitrator will then report this to the Minister, and will deem arbitration necessary. ⁹¹
O.N.	A party can submit an application if the Minister does not think it is “considered advisable” to appoint a conciliation board, or a conciliation board has recommended arbitration. In this case, the board can call for arbitration within 30 days of receiving the application if: the employer refuses to acknowledge the authority of the union, either party holds an uncompromising bargaining position without “reasonable justification,” failure to “make reasonable or expeditious efforts to conclude a collective agreement,” or any other reason the board sees as relevant. The parties have seven days to agree to arbitration. If they do not agree, they have ten days to name their appointment to the arbitration board. The board has 21 days to hold a hearing. Within 45 days of the hearing, the board will decide the terms of the collective agreement. ⁹²
M.B.	A party can submit an application if the bargaining unit was certified at least 90 days prior and a conciliator has been appointed and has either decided that it is unlikely the parties will come to an agreement or 120 days have passed since the appointment of the conciliator. The board will then hold a hearing, and if both parties are still unable to come to an agreement, the board will hold another hearing within 60 days of the application and decide the terms of the first collective agreement. ⁹³
S.K.	A party can only submit an application to the board if they have failed to come to an agreement and the union has voted to strike or the employer has declared a lockout, or 90 days have passed since the union was certified. The board can then appoint a mediator, and if the matter is not resolved within 120 days of the appointment, the board can order that arbitration is required in the next 45 days . ⁹⁴
A.B.	A party can only submit an application to the board if 90 days have passed since collective bargaining started, or a strike or lockout notice has been served. At this point, the Board can do a number of things to try to come to a resolution, including providing a mediator. If they still cannot come to an agreement, then the Board will only send the matter to arbitration <i>if</i> they deem that arbitration is necessary and either an employer or union is refusing to meet to bargain collectively, refusing to acknowledge the authority of the other party, or failing to make a “reasonable effort” to come to an agreement. ⁹⁵
B.C.	If the two parties cannot come to an agreement, either can file an application for mediation. The Board must appoint a mediator within five days of receiving an application. If the two parties cannot come to an agreement within 20 days of being appointed, the mediator must file their report which includes their recommended terms and/or recommended next steps. If the two parties cannot come to an agreement with the mediator’s recommended terms within 20 days of the report, then the board will direct a method for resolution, one of which is arbitration. ⁹⁶

⁹¹ *Labour Code*, CQLR 2002, c. 27, C-7,s.93.

⁹² *Labour Relations Act*, SO 1995, c. 1, s. 43.

⁹³ *Labour Relations Act*, C.C.S.M. 1987, c. L10, s. 87.

⁹⁴ *The Saskatchewan Employment Act*, SS 2013, c. S-15.1, s. 6-25.

⁹⁵ *Labour Relations Code*, RSA 2000, c. L-1, s. 92.3.

⁹⁶ *Labour Relations Code*, RSBC 1996, c. 244, s. 55.

10. Fines for violation of labour relation legislation

Jurisdiction Legislation

Federal ⁹⁷	■ Individuals can be fined up to \$1,000. ■ Employers and trade unions can be fined up to \$10,000 for all violations except for the use of replacement workers during a legal strike or lockout. ■ Employers and trade unions can be fined up to \$1,000 each day for illegal strikes or lockouts. ■ Employers can be fined up to \$100,000 each day for using replacement workers during a legal strike or lockout.
N.S. ⁹⁸	■ Individuals can be fined up to \$1,000. ■ Employers and trade unions can be fined up to \$10,000. ■ Employers and trade unions can be fined up to \$300 each day for illegal strikes or lockouts. ■ Those acting on behalf of an employer or trade union can be fined up to \$200 each day for illegal strikes or lockouts. ■ If an employer alters wages or condition of employment when it is not permitted, they are required to pay \$5 each day for each employee impacted, up to \$250 each day.
N.B. ⁹⁹	■ Employers, trade unions, and individuals can be fined up to \$250 each day.
P.E.I. ¹⁰⁰	■ Individuals can be fined up to \$1,000. ■ Employers and trade unions can be fined up to \$5,000 each day.
N.L. ¹⁰¹	■ Individuals can be fined up to \$500 if they fail to comply with the board's directives. ■ Employers and trade unions can be fined up to \$5,000 if they fail to comply with the board's directives. ■ Employers and trade unions can be fined up to \$1,000 each day for illegal strikes or lockouts. ■ A person acting on behalf of an employer and officers/representatives of a trade union can be fined up to \$10,000 for declaring an illegal lockout, or authorizing/participating in an illegal strike. ■ For all other violations, individuals can be fined up to \$100, and employers and trade unions can be fined up to \$500.

⁹⁷ *Canada Labour Code*, R.S.C., 1985, c. L-2, s. 100

⁹⁸ *Trade Union Act*, RSNS 1989, c. 475, s. 82, 83

⁹⁹ *Industrial Relations Act*, SNB 1971, c. I-4, s. 109.

¹⁰⁰ *Labour Act*, RSPEI, 1988, c. L-1, s. 46.

¹⁰¹ *Labour Relations Act*, RSNL 1990, c. L-1, s. 124–127.

Jurisdiction Legislation

Q.C. ¹⁰²	- Employers can be fined up to \$7,500 each day if it does not recognize a certified union or fails to bargain in good faith. - Employees can be fined up to \$2,500 each day for engaging in an illegal strike or lockout, or for hindering an investigation. - Persons acting on behalf of an employer and officers/representatives of a trade union can be fined up to \$50,000 each day for declaring an illegal lockout, or authorizing/participating in an illegal strike, and up to \$5,000 each day for hindering an investigation. - Employers and trade unions can be fined up to \$100,000 each day for declaring an illegal strike or lockout, and up to \$25,000 each day for hindering an investigation. - Employers or persons acting on behalf of an employer can be fined up to \$50,000 each day for trying to prevent the formation of a union.
	- Individuals can be fined up to \$2,000 each day. - Employers and trade unions can be fined up to \$25,000 each day.
	- Individuals can be fined up to \$250, and/or face up to one month of imprisonment. - Employers and trade unions can be fined up to \$500.
	- Employers, trade unions, and individuals can be fined up to \$1,000 each day for an illegal strike or lockout. - In all other cases, individuals can be fined up to \$5,000, and employers and trade unions can be fined up to \$100,000.
	- Employers and trade unions can be fined up to \$1,000 each day for illegal strikes or lockouts. - Anyone other than an employer or trade union can be fined up to \$10,000 for illegal strikes or lockouts - Employers and trade unions can be fined up to \$100,000. - Individuals can be fined up to \$5,000.
B.C. ¹⁰⁷	- Individuals can be fined up to \$5,000. - Employers and trade unions can be fined up to \$50,000.

¹⁰² *Labour Code*, CQLR 2002, c. 27, s. 141–143

¹⁰³ *Labour Relations Act*, SO 1995, c. 1, s. 104.

¹⁰⁴ *Labour Relations Act*, C.C.S.M. 1987, c. L10, s. 149.

¹⁰⁵ *The Saskatchewan Employment Act*, SS 2013, c. S-15.1, s. 123.

¹⁰⁶ *Labour Relations Code*, RSA 2000, c. L-1, s. 159–161.

¹⁰⁷ *Labour Relations Code*, RSBC 1996, c. 244, s. 158.

This resource is available free of charge at
www.policyalternatives.ca/regions/nova-scotia/

To support the work being done at CCPA-NS, you can make a donation at
www.policyalternatives.ca/donate-ccpa-ns-research-fund

The Canadian Centre for Policy Alternatives (CCPA) is an independent policy research organization. The opinions in this resource, and any errors, are those of the author(s) and do not necessarily reflect the views of the CCPA or funders of the resource.

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.

Recommended citation:

Harrington, R. (2026). *Unionization legislation and regulations across Canada: A jurisdictional scan*. CCPA-NS.
www.policyalternatives.ca/news-research/adw-understanding-and-overcoming-barriers-to-unionization-in-ns/



CCPA
CANADIAN CENTRE
for POLICY ALTERNATIVES
NOVA SCOTIA OFFICE

