

How is a Union removed from the workplace to which it is certified?

A Certification Order is issued by the Board, pursuant to *The Saskatchewan Employment Act*, s 6-104, or under the former Trade Union Act (repealed April 29, 2014). Whether issued under the current or previous legislation, that Order remains in place until such time as the Board cancels the Order. The cancellation of the Certification Order is commonly referenced as a 'recession' or 'decertification' or 'revocation'.

1. Who can apply?

- a. An employee in the bargaining unit covered by the Certification Order;
 - i. And with the required "support".
- b. The employer, as named in the Certification Order, but with certain restrictions;
 - i. the Board is advised and is satisfied that an Unfair Labour Practice had been committed in the course of securing the Certification Order.
 - ii. the Board is advised by an employee or employer in the bargaining unit that the Union has been inactive for a period of three or more years.

2. What is support evidence?

As is the case when a Union is certified in the workplace, there must be the support of those affected. In order to have the Board consider the removal of the Union, it must first be satisfied that **at least 45%** of those employees who are covered by the Certification Order, are in support of the application.

Support can only be evidenced through individual items of support evidence, which are normally secured by the applicant (employee making the application), from each employee. A petition is not considered valid support evidence.

Acceptable support evidence for **each employee*** supporting the application must include;

- a. Name
- b. Home Address and telephone number
- c. Email address (if available)
- d. Occupation at the workplace, (whether casual, full-time, on Leave).
- e. Date of Hire
- f. A statement supporting the application. An example is as follows;

"I, _____(name) as an employee of _____(name of employer), no longer wish to be represented by the _____(name of Union), as it relates to my terms and conditions of employment. I sign and date this document of my own free will and I confirm that I was not harassed, intimidated or forced to sign this document, and that the Employer has not initiated or promoted this initiative"

**this information is not shared with anyone except the Registrar/Agent.*

In addition, the Applicant to whom the support evidence is provided must keep the information confidential and is not to be shared with the Employer or any other Employee. Finally, the applicant must prepare a listing of the support evidence on a separate sheet of paper(s), listing the Name, Home Address, and Occupation.

3. The Application:

Once the support evidence is gathered, the applicant will then complete the application (Form 3). Form 3 requires the applicant to fully complete the application, sign, date and attest to the information provided. The applicant must then advance the application and support evidence and list of support evidence, to the Registrar of the Board. The filing locations are in Saskatoon or Regina and can be confirmed on the website. Any questions can be directed to the Board at its main number or through its "contact us" form on line.

Once the Application and support evidence are received at the Board, the Board investigates and processes the application, which, if compliant with the legislation, will likely result in a secret ballot allowing each employee affected to cast a secret ballot in a process determined by the Registrar. The majority of those voting will determine the question and the results are placed before the Board for their consideration. Of course, the Employer and the Union may oppose the application and this may require a hearing prior to the results being known. At that time the Board may choose to further consider the matter and either grant or dismiss the application. Keep in mind that if an application is made, processed and is dismissed, ie; it is not cancelled, then a further application may be barred from being made for a period of one year.