

Recognition of a New Union

Purpose

The purpose of this Information Bulletin is to provide general information and guidance about organizations seeking to be recognized as trade unions. It is not a legal document and is subject to the provisions of the *Labour Relations Code*, the Labour Relations Regulation, the Labour Relations Board Rules and the published decisions of the Board.

**Legislative
References (Code,
Regulation,
Rules)**

Sections 1, 18; Regulation 3; LRB Rule 24
Form 18

Law, Section 1

Section 1 of the Code defines a trade union as:

...a local or Provincial organization or association of employees, or a local or Provincial branch of a national or international organization or association of employees in British Columbia, that has as one of its purposes the regulation in British Columbia of relations between employers and employees through collective bargaining, and includes an association or council of trade unions, but not an organization or association of employees that is dominated or influenced by an employer.

**Determination of
Trade Union
Status**

A new organization claiming to be a trade union is required to prove its entitlement to that status. It must show that it is local or provincial in character and is a viable entity capable of carrying out its stated purposes as required by the Code. The Board will carefully scrutinize the procedures followed in establishing the new organization.

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Factors

The Board will consider a number of factors in determining whether the new organization should be granted trade union status. What follows are examples of what the Board will consider and the usual sequence of events leading to the formation of a new union:

- In establishing a new union, employees must not be influenced by the employer or individuals who are generally considered to be management personnel.
- A founding meeting should be held where temporary officers are elected and a committee formed to draft a Constitution and Bylaws.
- The draft Constitution and Bylaws should be presented to the employees and adopted through a voting process. Officers can then be elected according to the provisions of the Constitution and Bylaws. However, the Board is not bound by the content of a constitution in assessing whether an organization should be granted trade union status.
- Members should be signed up into the union using a membership application form which complies with Regulation 3 (see Information Bulletin No. 1 re Criteria for Membership).
- Membership dues should be established.
- A new union should be able to establish that it is a viable entity which can effectively undertake the task of collective representation for its members, including bargaining and arbitration.

Process for

A new union applying for certification should answer all of the

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questions in Form 18, Appendix A, and file the completed form with its application for certification.

Leading Cases

Rempel Bros. Concrete Ltd., BCLRB No. 70/76 (general law)

Cominco Ltd., BCLRB No. 261/84 (upheld on reconsideration in BCLRB No. 72/86) (general law)

International Paper Industries Limited, IRC No. C235/89 (general law)

British Columbia Transit, IRC No. C321/90, 6 CLRBR (2d) 1 (recognition of a "home made" association vs. a new local)

Richmond International High School & College Ltd., IRC No. C37/92 (where by-law excludes membership of certain individuals)

Regional District of Central Okanagan, IRC No. C200/90 (effect of existence of voluntary recognition agreements)

**Decisions
(Copies)**

Board decisions beginning January 1, 2000 are available on the Internet at: www.lrb.bc.ca.

Board decisions can also be purchased from

Canada Law Book Inc.
240 Edward Street
Aurora, Ontario L4G 3S9
Telephone (toll free) 1-800-263-2037

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Advice

LRB Staff provide general information and assistance to the public, but they cannot act as your representative or advisor. For answers to specific concerns related to your situation, you should consult a lawyer or an advisor experienced in labour relations. For general clarification, call the Board's Information Officer at 660-1300.