

INTRODUCTION TO CERTIFICATION

The [Labour Relations Code](#) lets employees join or form a union. An employer may voluntarily recognize this union. See: [[Section 42](#)]. A union may also apply to the Labour Relations Board for certification. A certified union is the exclusive bargaining agent for a group of employees.

It is Board practice not to allow an application for certification for a single employee bargaining unit. Section 32 refers to “...*employees in a unit...*” and section 1(y) defines “*unit*” as “*any group of employees of an employer*”. This is different from a revocation application affecting a single employee in the bargaining unit.

The certification process requires a choice. Employees choose whether or not a union will represent them. Employees vote by secret ballot. A union is certified if the majority of employees vote in favour of it. Certified unions can require the employer to bargain in good faith. This normally results in a collective agreement. Such an agreement covers all employees in the bargaining unit, whether they supported the union’s application for certification or not. It is a “majority rules” system.

The Labour Relations Board supervises the certification process. Its duty is to:

- receive applications from trade unions seeking certification;
- notify the employer, the employees and other affected people of the application;
- conduct investigations and hold hearings to make sure the union applied at the right time, with the necessary level of initial employee support, and in accordance with the [Labour Relations Code](#) requirements;
- make sure the unit of employees is one that is appropriate for collective bargaining;
- determine any disputed issues in a hearing;
- hold a secret-ballot representation vote among the affected employees if the threshold support is proven; and
- issue certificates to trade unions that meet the Code’s requirements and win a majority vote, and dismiss those applications that do not.

Most applications can be completed within 15 working days. The Board must investigate applications and hold representation votes as quickly as possible. See: [[Section 34\(3\)](#)]. The Board strives to finish all certification applications (including hearings) within 30 days.

The flow chart below gives an overview of the process. Related policies are:

- Receiving the Application [[Chapter 21\(b\)](#)];
- Notifying the Parties [[Chapter 21\(c\)](#)];
- Investigations and Reports [[Chapter 21\(d\)](#)];
- Objections [[Chapter 21\(e\)](#)];

- Certification Hearings [[Chapter 21\(f\)](#)]; and
- Concluding the File [[Chapter 21\(g\)](#)].

