



Rules for Employer Communication During a Union Certification Drive

Without a doubt, employers need to be careful about how and what they communicate during this period. In most jurisdictions there are prohibitions against taking any action or voicing any opinion, or statement that could intimidate employees considering joining a union.

However, this does not mean that an employer is prevented from carrying on business as usual, or providing employees with factual information. Here are a few rules that will help minimize the likelihood of having an unfair labour practice complaint filed against you:

- do not have “captive audience” meetings (i.e.: staff meetings) to discuss your views
- do not ask employees whether they support the union or have signed a union card
- do not spy on employees
- do not threaten workers with job loss or closure if a drive is successful
- do not retaliate against Union supporters
 - don’t isolate them in their assignments
 - don’t change favourable practices or assignments
- do not show favouritism to those not supporting the Union
- do not alter working conditions during the “freeze” period (offering a raise, changing bonuses or benefits)
- do not make promises of better pay/working conditions if the union does not get in
- do not inquire into union membership when hiring employees
- get advice is considering discipline or termination of employees during this period, as any such action may give the Union an opportunity to file a complaint, and stir fear among employees that such actions may trigger