

BRING ON THE UNION

Employee Rights and Protections

In Saskatchewan the *Trade Union Act* provides the rules and regulations for unionizing (organizing) a workplace. This law sets out the basic rights of all employees to “organize in, and to form, join or assist trade unions and to bargain collectively through a trade union of their own choosing” (section 3). The Saskatchewan Labour Relations Board has the job of ensuring this fundamental right of all employees is protected and that an employee is not punished or penalized for seeking to bring in a union to the workplace.

The *Trade Union Act* prevents an employer or employer’s representative from interfering with the basic rights of an employee. Any such interference is an “unfair labour practice”. Examples of unfair labour practices include where an employer:

- takes action against an employee because he or she is a supporter or member of a trade union or seeks to bring a union into the workplace;
- interferes in the formation of a union in the workplace;
- interferes in the employees’ choice of a union or creates a “company dominated” union;
- tries to make not joining or supporting a union a condition or term of employment;
- refuses to hire a person, treats an employee differently, provides different employment conditions to an employee, threatens his or her employment or takes disciplinary action, including the loss of his or her job, as a result of a person’s union support or activity; or
- spies on union members or ask employees questions as to whether they are union members or supporters.

If an employer suspends or fires an employee during a union organizing drive at a workplace the employer has to show that it did not do so because of the employee’s support, membership or activity in the union. Otherwise the Labour Relations Board will find that the employer committed an unfair labour practice. The Board can hear a case quickly if there is a suspension from work or an employee is fired and will often order the employer to put a person back to work immediately, even if a full review of the matter cannot be done right away.

The Labour Relations Board can order an employer to obey the Act and respect the rights of the employees to organize, reinstate a person to their employment and order the employer to pay lost wages and benefits.

