

Human Resources Legislative Update

Federal Government Eliminates Secret Ballot Certification Votes for Federally Regulated Employees, Reverses Union Financial Disclosure Obligations

Date: June 20, 2017

On June 19, 2017, Bill C-4, [An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act](#), received Royal Assent.

[As previously reported](#), Bill C-4 amends the *Canada Labour Code* to repeal reforms to the certification and decertification process brought into force on June 16, 2015 through Bill C-525, passed by the previous Conservative government.

Bill C-4 proceeded through the House of Commons without amendment, but was amended prior to Senate approval to preserve the secret ballot vote provisions of Bill C-525. The House of Commons did not accept the Senate's proposed changes, and in a split vote the Senate in turn agreed to the passage of Bill C-4 as originally drafted.

The changes to the certification and decertification process come into force on June 22, 2017, and will:

- restore the previous “card check” system for union certification, and eliminate the mandatory secret ballot certification votes brought in by Bill C-525. Under the restored “card check” system, a union can become the certified bargaining agent if it provides membership evidence of more than 50% of the employees in the proposed bargaining unit. Certification votes will only be required if the union demonstrates support of 35-50% of the bargaining unit; and
- restore the previous, higher threshold required to trigger a decertification vote. Under Bill C-525, evidence that 40% of employees in the bargaining unit no longer wished to have the union represent them was required to trigger a vote; given the passage of Bill C-4, the threshold returns to 50% + 1.

The transition provisions in Bill C-4 provide that any applications for certification or decertification filed with the Canada Industrial Relations Board prior to the changes coming into force on June 22, 2017 are to be dealt with under the procedures set out in Bill C-525. All applications filed after that point will be dealt with under the reinstated “card check” system.

Bill C-4 also repeals the financial disclosure obligations imposed on unions through Bill C-377, which was passed by the previous government. Those changes came into force upon Royal Assent.