

*What are the rights of a trade union
(cont'd)*

A trade union has the right to demand that the employer comply with the terms and conditions of the collective agreement between it and the employer.

A trade union that holds bargaining rights for the employees of an employer has the right to demand that the employer not engage in bargaining with individual employees or other trade unions in respect of those employees for whom it holds bargaining rights.

A trade union, except a trade union representing employees employed in a hospital as defined by the *Hospital Labour Disputes Arbitration Act*, has the right to call a timely strike against an employer.

A trade union has the right to obtain a declaration continuing its bargaining rights or its collective agreement with an employer who has purchased a business or part of a business from an employer who was bound by that collective agreement or for whose employees the trade union held bargaining rights.



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Ce dépliant est aussi disponible en français.

Note:

This pamphlet is prepared for purposes of convenience only. In order to ascertain your strict legal rights, reference should be made to the Labour Relations Act, 1995 and regulations and Board decisions.

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The Labour Relations Act, 1995:

Rights of Employees, Employers and Trade Unions



The *Labour Relations Act, 1995* of Ontario provides the framework within which the large majority of employers, employees and trade unions under provincial jurisdiction may engage in orderly collective bargaining.

The *Labour Relations Act, 1995* does not apply to employees working in the federal government. Nor does it apply to certain categories of employees in Ontario such as fire-fighters, members of a police force, members of the architectural, dental, land surveying, legal or medical profession who are employed in their professional capacity, domestic workers employed in a private home, or persons employed in agriculture, hunting or trapping. For a complete list of exclusions, see section 3 of the Act.

In order to foster healthy collective bargaining, the *Labour Relations Act, 1995* gives a number of rights to employers, employees, and trade unions covered by the Act. Conduct that violates those rights is prohibited. The Ontario Labour Relations Board is a tribunal established by the Act that has the authority to provide remedies for such violations.

This pamphlet is intended to highlight some of the significant rights accorded to the participants in the collective bargaining process.

What are the rights of an employee?

An employee has the right to join a trade union of his or her own choice and to participate in its lawful activities.

An employee has the right to oppose a trade union or, subject to the union security clause in the collective agreement with his or her employer, refuse to join a trade union.

An employee has the right to cast a secret ballot in favour of, or in opposition to, a trade union at a representation vote ordered by the Board.

An employee has the right not to be discriminated against or penalized by an employer or by a trade

union because he or she is exercising rights under the *Labour Relations Act, 1995*.

An employee has the right to be represented by a trade union in a manner that is not arbitrary, discriminatory or in bad faith.

An employee has the right to cast a secret ballot at a strike vote and a ratification vote conducted by a trade union.

An employee has the right not to be penalized for refusing to engage in an unlawful strike.

An employee has the right not to be penalized because he or she participated in a proceeding under the *Labour Relations Act, 1995*.

An employee, except an employee employed in a hospital as defined by the *Hospital Labour Disputes Arbitration Act*, has the right to participate in a timely strike in support of a trade union.

An employee engaging in a lawful strike has the right to return to his or her job provided that the employee makes an unconditional written request to the employer to do so within six months of the start of the strike.

An employee who is a member of a trade union has the right to receive, upon request, copies of the audited financial statements of the union and its pension, vacation pay and welfare trust funds or

What are the rights of an employer?

plans.

An employer has the right to express an opinion about trade unions so long as it does not use coercion, intimidation, threats, promises or undue influence.

An employer has the right to carry on business without being subjected to unlawful strikes or threats of unlawful strikes.

An employer has the right to join an employers' organization and to participate in its lawful activities.

An employer has the right to demand that a trade union not interfere with the formation or administration of an employers' organization.

An employer has the right to demand that the trade union that has bargaining rights for its employees bargain in good faith and make every reasonable effort to make a collective agreement.

An employer has the right to demand that employees and their trade union honour the terms of the collective agreement between the employer and the trade union.

An employer, except an employer in the construction industry, has the right to have the Minister of Labour direct a vote among the employees in a bargaining unit on whether they wish to accept or reject the employer's last offer presented to their trade union.

An employer, except a hospital as defined by the *Hospital Labour Disputes Arbitration Act*, has the right, at certain times, to lock out employees in order to compel them or their trade union to agree to terms and conditions of employment.

What are the rights of a trade union?

A trade union has the right to obtain the support of employees without being hindered by the unlawful conduct of an employer.

A trade union has the right to require an employer not to penalize or discriminate against any employee because the employee supported or participated in legitimate trade union activity.

A trade union has the right to demand that an employer not interfere with its formation, selection or administration.

A trade union that holds bargaining rights for the employees of an employer has the right to require the employer to bargain in good faith and make every reasonable effort to make a collective agreement.

A trade union has the right to obtain a provision in a collective agreement requiring compulsory dues check-off.