

In a Flash



June 23, 2017

Bill C-4: Significant Changes for Federally Regulated Employers

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 on June 19, 2017, and has now become law.

The effect of Bill C-4 is to repeal Bill C-525, dramatically changing the way that unions wishing to represent employees in federally regulated industries can become certified. It also significantly impacts how employees working in federally regulated industries already represented by a union can apply for union decertification.

Bill C-4 effectively restores the procedures for certification and decertification of unions, which existed prior to June 16, 2015. This means that:

- Workers in federally regulated industries are no longer guaranteed an opportunity to vote anonymously by secret ballot when deciding whether to approve a union as their representative;
- If a union can provide evidence to the Canada Industrial Relations Board (the “Board”) indicating that 50%+1 of the employees it wishes to organize support the union, that union will be automatically certified as a bargaining agent for those employees;
- A secret ballot vote will only be required if a union provides the Board with evidence that it has the support of 35% to 50% of the employees it wishes to organize, or when the Board determines that a vote is necessary to satisfy itself as to the true wishes of a group of employees; and
- Employees in federally regulated industries wishing to decertify a union which represents them will be required to prove that 50%+1 (up from 40%) of the employees in the bargaining unit no longer want to be represented in order to trigger a secret ballot vote to decertify the union.

In addition to amendments in the certification process, Bill C-4 removes the financial disclosure rules that were in place as a result of Bill C-377 (passed in 2015) and makes several changes to the annual tax reporting requirements for unions.

If you have any questions about this topic or any other topics relating to workplace law, please do not hesitate to contact a [Mathews Dinsdale lawyer](#).

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