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THE DISPLACEMENT PROCESS AND OUR RIGHTS

WHAT IS THE LEGAL PROCESS ASSOCIATED WITH US JOINING THE THEU–CSN?

We are committed to joining the THEU–CSN.

To do so, we must exercise our rights under Ontario legislation by filing a displacement application.

Ontario legislation guarantees that workers can choose which union they want to represent them.

Workers can exercise their right to switch unions in the three months prior to the expiry of their collective agreement.

This right is **guaranteed** and cannot be taken away from us during this three-month period—even if the existing union claims to have negotiated and ratified a new collective agreement prior to the expiration of the existing one.

Ontario legislation provides for the following:

- We have the right to choose our own union.
- We have the right to maintain the progress we have made over the years.
- We have the right to elect local union leadership.
- We have the right to choose who will negotiate our collective agreement on our behalf.

Ontario's *Labour Relations Act, 1995* (LRA) provides that workers can change unions at certain times. These rights are governed by **sections 67** ("Timeliness of Representation Applications") and **86** ("Working conditions may not be altered") of the LRA.

The normal protections for employees during a union organizing drive also apply during the displacement process.

- A union must secure the signatures of at least 40% of workers to apply for a displacement vote.
- When a union files an application to displace another union to become the bargaining agent, section 86 applies. The section "freezes" working conditions and benefits so that they cannot be altered by the employer without the consent of the union that is filing the application. **This is also known as the "freeze provision."**
- The Ontario Labour Relations Board (OLRB) then conducts a secret ballot vote within five working days of the filing date.
- **Employees then choose whether to be represented by their current union or the new union that is filing the application.**
- A **simple majority** of the ballots cast determines the **result**.
- If the new union is successful, it is certified as the bargaining agent and gives notice to begin a round of bargaining for a new collective agreement.

To read more about your rights, go to www.ontario.ca/laws/statute/95l01#BK83

- ★ Autonomy
- ★ Bargaining Power
- ★ Committee & Participation
- ★ Democracy
- ★ Equity, Diversity & Inclusion

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