

National Police Federation Fédération de la Police Nationale



FAQ's on Association/Union Certification

Bill C-7 is the Government's response to the Supreme Court of Canada's decision in MPAO v. Attorney General of Canada (2015) which will provide the framework for RCMP members to certify a bargaining agent (union). Bill C-7 will not meet the SCC deadline of May 16th, 2016 but will receive Royal Assent sometime in the near future. As of May 17th, 2016, members of the RCMP will fall under the existing Public Service Labour Relations Act (PSLRA) until Bill C-7 is passed as law.

Presently, the process for RCMP members to certify a bargaining agent is in a state of flux. The government is changing the rules for union certification that will apply to RCMP members after May 16, 2016. These changes are covered in Bill C-4 which has passed second reading in the House of Commons and is presently under review by Parliamentary Committee. Bill C-4 will also not receive Royal Assent before May 16, 2016 and is unlikely to receive it before Bill C-7 comes into force.

This FAQ will explain the current rules for union certification under the existing PSLRA.

The second part – *Changes after C-4 comes into force* will then explain what the rules will look like after Bill C-4 comes into force.

Current Rules under existing PSLRA

Q: How many members does the NPF need to apply to be certified?

A: The NPF needs at least 40% of all eligible regular members of the RCMP who are not Commissioned Officers.

Q: What proof is required that the NPF meets that 40% threshold?

A: The Labour Board requires "documentary evidence" of membership.

Q: How will the NPF apply for certification once it reaches that 40% threshold?

A: The NPF will file an application in writing with the Public Service Labour Relations and Employment Board (or the same board re-named as the Federal Public Sector Labour Relations and Employment Board, when Bill C-7 comes into force). The NPF completes a form and presents the Board with the documentary evidence of membership.

Q: How long will the application take?

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A: The Board will fix a “closing date” for the application between 15 and 40 days from when the application is filed. During this period, the employer must post copies of the application for certification in the workplace. The employer may also file a brief reply setting out the number of RCMP members eligible to be represented in the bargaining unit. Finally, RCMP members may file a statement of opposition if they object to the application for certification.

Q: Will there be a hearing of any objections?

A: The Board will decide whether to order an oral hearing to deal with any objections.

Q: Will there be a vote?

A: Yes. The Board will order a vote shortly after resolving any objections. The vote is resolved by a majority of the ballots cast.

Q: What will I get to vote for?

A: You will get to vote “for” or “against” the specific employee organization that made the application.

Q: Will the RCMP be providing any information on this?

A: No. The RCMP as the employer must remain neutral and must not interfere with the process. They will not be educating members on specific groups but have provided general information on where we are now.

Q: What happens when the NPF files an application for certification?

A: There are two main consequences.

First, the “*statutory freeze*” of terms and conditions of employment commences as soon as the employer has been notified of an application for certification, and lasts until 30 days after the certification is granted by the Labour Board, or until the application is withdrawn or dismissed.

A “*statutory freeze*” means that the employer cannot change the terms and conditions of employment (except to the extent that the change is consistent with past practice or “*business as before*”).

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If certification is granted, the bargaining agent then serves a notice to the employer to collectively bargain within that 30-day period to ensure the statutory freeze remains in place.

Second, if an employee organization applies for certification and is not granted certification by the Labour Board, the organization may not re-apply for a period of 6 months unless the application was denied as a result of a technical error or omission.

Q: Will the RCMP find out whether I became a member of the NPF?

A: No. The membership evidence is filed with the Board, and is not provided to the Employer.

Changes after C-4 comes into force:

All of the above rules remain in place such as making the application and providing documentary evidence to the Labour Board, *However, Bill C-4 makes two important changes:*

- It would eliminate the 40% threshold for a certification for application.
- It would eliminate the need for a vote. If the NPF can show they have 50% + 1 of the regular members of the RCMP as members, then the Board will certify the NPF without a vote.

The Board still has the power to order a vote (if, for example, the NPF only has 45% of RCMP members signed up), but will not do so if the NPF has 50% + 1.