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**TRADE UNION LAW IN CANADA**

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**Release No. 46, December 2018**

A resource designed around the concerns of labour unions, Trade Union Law in Canada comprehensively explains the various strands of the law that affect the internal affairs of trade unions. While examining the relationships between unions and their members, Trade Union Law in Canada provides analysis of the legal character of unions, including their legal status, security, and politics, as well as a review of union structures, constitutions, and the election of union leaders. Matters of internal discipline of union members and the duty imposed by law on unions to provide fair representation are examined and clearly explained.

**What's New in this Update:**

This release updates the case law and commentary in Chapters 4 (Union Constitutions and Financial Statements), 5 (Union Structures) and 6

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(Union Elections and Union Officers), as well as the Table of Cases.

### **Highlights:**

- **Union Constitutions and Financial Statements — Appropriate Forum** — The Ontario Labour Relations Board accepted a union’s argument that it was justified in demanding that an employer in the construction industry terminate the employment of an employee after the union withdrew the employee’s union membership for a failure to pay union dues as per the union constitution; *IBEW, Local 105 v. Nadalin Electric Co. (Ontario) Inc.*, 2017 CarswellOnt 12716 (Ont. L.R.B.).
- **Union Structures — The Parent-Local Relationship — Union Structures and Certification** — The Ontario Divisional Court held that a dissident local union officer who led her members to another union did not have broad enough powers within the local — no cheque signing authority, no power to employ or dismiss employees, and no authority to establish a budget without executive approval — to be in a fiduciary relationship with her former union; *Guzzo v. Randazzo*, 2017 CarswellOnt 9950, 2017 ONSC 1845 (Ont. Div. Ct.).
- **Union Officer Responsibilities and Employer Discipline — Immunity & Differential Punishment of Union Officers** — Using a balancing of interests approach, an employer would be prohibited from interfering with internal union differences between officers who are also employees of the employer through the imposition of discipline, unless there was a genuine risk of spillover into the general workplace or where the ability of the union officers to perform their duties for the employer had been compromised; *University of the Fraser Valley and University of the Fraser Valley Faculty & Staff Assn., Re*, 2018 CarswellBC 347 (B.C. L.R.B.).