

» Who Is This Document For?

This factsheet is for:

- Unionized workers in Ontario (but some of its contents may be helpful for workers in other provinces as well)
- Those wanting to know more about the legal duties unions have to their membership and what to do if a union is not providing fair representation

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What Your Union Must Do

Your union has a **duty of fair representation**. This means they must:

- Listen to your concerns and take them seriously.
- Look into your issue and decide how to handle it in a fair, honest, and non-discriminatory way.
- Represent you without personal bias or bad faith.
- Keep you informed about important decisions on your case.

When Unions Have to Help

Unions **must** represent a worker in a grievance if:

1. It involves a violation of the collective bargaining agreement (CBA)

- Example: You were fired without just cause, and your contract guarantees job security or due process.
- Example: You were denied overtime pay when your CBA says you're entitled to it.

1

What Your Union Must Do

Unions **must** represent a worker in a grievance if:

2. The union is the exclusive bargaining representative

- If you're part of the bargaining unit and paying dues, the union must represent you fairly.

» And they can't discriminate or act arbitrarily

- Example: They can't refuse to help you because of your race, gender, personal conflicts, or because you're critical of union leadership.

If the grievance is legitimate and falls under your CBA contract, the union is obligated to at least **investigate and pursue** it in good faith.

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What Your Union Is Not Required to Do

The duty of fair representation **does not** mean the union must:

- Agree with you on the best way to handle your case.
- Take every grievance to arbitration.
- Guarantee that you will win your case.
- Follow the exact approach you prefer.

Your union can decide not to move forward with a grievance if they have investigated and made a reasonable, fair decision.

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What Your Union Is Not Required to Do

When Unions Don't Have to Help (But People Think They Do)

1. It's not covered by the CBA

- Example: Your boss is being mean / unfair, but there's no contract violation.
- Example: You want a different shift / promotion, but there's no guarantee.

2. You're not in the bargaining unit

- Supervisors, contractors, or other non-union roles aren't entitled to representation, even if they work in a union shop.

3. The union investigates and finds no merit

- If the union reasonably investigates and determines the grievance is weak or unwinnable, they can decline to pursue it beyond a certain point.
- Example: You were clearly late three times, and the CBA allows discipline — the union can decide not to push it.

4. It's a personal issue, not a workplace one

- Example: Conflicts with coworkers unrelated to work conditions.
- Example: Disagreements about union dues or personal politics.



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What Your Union Is Not Required to Do

Common Misconception: "The union has to take every grievance to arbitration."

False — They must act fairly, but they're not obligated to take every case all the way to arbitration if it's unlikely to succeed. If they aren't acting in bad faith, they're allowed to make judgment calls.

Each collective agreement includes a **grievance procedure section** that explains:

- What types of issues are eligible for a grievance
- Steps involved in filing a grievance (e.g., informal resolution, written grievance, meetings, arbitration)
- Who to contact at each stage
- Time limits for filing and advancing a grievance — these are usually strict and must be followed to keep the process moving.

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If You're Not Getting a Response

Step 1 – Speak to your steward or representative again

- Ask for a meeting to discuss your concern in detail.
- Keep notes of your conversations (dates, times, what was said).

Step 2 – Contact another representative

- If your immediate rep isn't available or responsive, reach out to:
 - The chief steward or local president
 - A unit chair or local executive board member

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If You're Not Getting a Response

Step 3 – Put it in writing (and keep a copy)

- Send an email or letter clearly explaining:
 - The issue
 - What you've done so far
 - What help you are requesting

Step 4 – Use your union's formal complaint or appeal process

- Many unions have internal review procedures.
- Check your union's constitution or bylaws for how to file one.

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If You Still Can't Resolve It

As a **last resort**, you can file a complaint with the **Ontario Labour Relations Board (OLRB)** about your union's **duty of fair representation**.

How to file:

1. Visit the OLRB website and look for Information Bulletin #12 – The Duty of Fair Representation – What Does it Mean?
2. Complete **Form A-29** (Duty of Fair Representation Complaint).

Important:

- The OLRB will not decide whether your grievance should have won — they only decide if the union acted **honestly, fairly, and without discrimination**.
- These cases are **difficult to win** unless you can show clear evidence of bad faith, discrimination, or serious negligence.

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Where to Get More Help

- Ontario Labour Relations Board (OLRB) – www.olrb.gov.on.ca
- Ministry of Labour, Immigration, Training and Skills Development – Call 1-877-202-0008

» Closing Reminder

Unions exist to protect workers, and most disputes can be solved within the union structure. That said, unions are not perfect, and despite their commitments to workers and solidarity, can perpetuate cycles of harm and exclusion.

Always keep records and try to use every internal step before going outside the union.

