

INSTRUCTION SHEET

Complaint of Unfair Labour Practice (*Trade Union Act*, Sections 53, 54, 55)

This form can be used to make a complaint of an unfair labour practice. If your complaint relates to the Duty of Fair Representation use TUA s.54(A)(3) form.

By filing this complaint, the complainant claims that:

- The employer engaged in prohibited activities under section 53 of the *Trade Union Act*; and/or
- The union engaged in prohibited activities under section 54 of the *Trade Union Act*.

Important to note:

- Do not modify this form.
- This form must be completed in its entirety and properly signed before the application will be processed. The authority to sign an application is dealt with in Section 5 of the [Trade Union Act](#).
- Applications may be delivered by email, personal service, or by registered mail or other similar mail services.
- If an application is filed on a Saturday, Sunday, or holiday, it will be deemed to be filed on the following business day, as set out in the *Trade Union Act General Regulations*.
- If some of your complaint falls under section 54, you may be required to follow resolution procedures established by the union before bringing this complaint.
- If you wish to make a complaint related to section 35 (i.e., failure to bargain), such a complaint must be made to the Minister of Labour, Skills and Immigration.
- This form must be filed within 90 days of when the complainant knew, or ought to have known, of the action or circumstances that give rise to the complaint.

Useful resources are available at <https://novascotia.ca/lae/labourboard/>, including:

- [The Nova Scotia Trade Union Act and Regulations](#)
- [Labour Board Rules of Procedure](#)
- [Past decisions of the Labour Board \(CanLII\)](#)
- [Information Bulletin: Dispute Resolution Alternatives](#)

Applications can be submitted to:

Labour Board
1601 Lower Water Street, 3rd Floor
PO Box 202
Halifax NS B3J 2M4
Email: labourboard@novascotia.ca

Access

The Board aspires to provide services that are universally accessible. Once your application is submitted, the Board will contact you to provide information about the process. Any accessibility requests that you have can be discussed at that time including language translation and any accommodation that may be required. The Labour Board does not provide legal advice. You may want to contact the [Legal Information Society of Nova Scotia](#) for legal assistance.

Privacy Statement

Any personal information requested in this form is collected under the authority of the Nova Scotia *Trade Union Act* ("TUA") and the Nova Scotia *Freedom of Information and Protection of Privacy Act* ("FOIPOP"). It is collected for the purpose of processing your complaint to the Labour Board. The collection, use and disclosure of this information is managed under the TUA and FOIPOP. Any information provided to the Board may be shared with all parties affected by this complaint, subject to the discretion and policies of the Board. The Board's decision in this matter will be published online on CanLII and Carswell, both of which are publicly accessible databases.

SECTION A – CONTACT INFORMATION

We need to know how to reach the individuals involved in this complaint. Fill out as much of this section as possible. It is your responsibility to update the Board if there are any changes in your contact information.

COMPLAINANT INFORMATION

Full Name:		
Name of Contact Person and Position <i>(if applicable)</i> :		
Gender Pronouns:	Phone No.:	
Email Address:		
Street Address:		
Town/City:	Province:	Postal Code:

If applicable, fill out the following information related to the Complainant’s Counsel and Law Firm:

Law Firm Name:		
Counsel Name:		
Gender Pronouns:	Phone No.:	
Email Address:		
Street Address:		
Town/City:	Province:	Postal Code:

RESPONDENT INFORMATION

Full Legal Name:		
Contact Person and Position:		
Gender Pronouns:	Phone No.:	
Email Address:		
Street Address:		
Town/City:	Province:	Postal Code:

OTHER PARTY CONTACT INFORMATION

Full Legal Name:		
Contact Person and Position:		
Gender Pronouns:	Phone No.:	
Email Address:		
Street Address:		
Town/City:	Province:	Postal Code:

SECTION B – COMPLAINANT CONFIRMATION

1. The complainant is:

- The Trade Union
- The Employer
- The Employee

SECTION C - INDIVIDUALS AFFECTED BY THE COMPLAINT

List the names of the individuals affected by the complaint: *(use a separate sheet if needed)*

1.	
2.	
3.	
4.	

SECTION D – COMPLAINT DETAILS

1. On what date did the alleged activity occur? _____

2. The alleged activity contravenes which section of the Nova Scotia *Trade Union Act*? _____

3. Have you attached a copy of the collective agreement with this complaint? YES NO

4. If the complaint alleges a breach of section 53(3)9g) or 54(a) or (b) of the Trade Union Act, have you attached the consent of the Minister (as required by s.55(5) of the Act)? YES NO

5. The complainant alleges:

6. The complainant requests the Labour Board to: (remedy to be within the terms of section 57 of the Act)

SECTION E – COMPLAINT UNDER SECTION 54(f) OR (g)

Fill out this section only if you allege a breach of section 54(f) or (g) of the *Trade Union Act*.

1. Has an internal grievance procedure been accessed?

- YES *(complete questions 2a, 2b, 2c)* NO *(complete question 3)*

2. If yes, an internal grievance procedure was accessed, respond to the following:

2(a) What were the results?

2(b) When did the grievance proceedings begin? _____

2(c) What date was a decision or order given? _____

3. If no, an internal grievance procedure was not accessed, explain why not?

4. If there is an internal grievance procedure and it has not been used, why has it not been used? *(please include details especially regarding the urgency of the complaint and whether there was access to an internal grievance or appeal procedure):*

IMPORTANT: This complaint must be completed in full, with all necessary documents attached. An incomplete complaint form will not be processed. Note that, except where protected by statute or Board policy all information collected in this complaint form will be shared with other parties involved in this matter. Also, note that the decision of the Board may be posted online to searchable legal databases including Carswell and CanLII.

I/We _____
(print full name(s) of the complainant(s))

declare that the statements made and information given herein are true in substance and in fact and I/we make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and made by virtue of the *Canada Evidence Act*.

)	
_____, Nova Scotia)	
this _____ day of _____,)	
20_____.)	
)	Complainant's Signature
)	
)	
)	Complainant's Signature
)	
To be declared before a commissioner for taking affidavits or any person authorized by law to administer an oath)	