



# Nova Scotia Labour Board

## MEMBERSHIP EVIDENCE

November 2025

### INFORMATION BULLETIN

#### Objective

This bulletin provides guidance on what the Labour Board (the Board) requires as membership evidence when a union applies for certification under the *Trade Union Act* (the Act). It also provides information on the method of delivery of membership evidence that will be acceptable to the Board. This applies to applications for certification in both the industrial and construction sectors as covered by Parts I and II of the Act, unless otherwise indicated.

#### Introduction/Background

The Act establishes the process by which a group of employees can join or form a trade union and by which unions may apply to the Board for certification as the official bargaining agent for a group of employees in respect of their dealings with their employer.

Regulation 9 and Regulation 28 of the *Trade Union Procedure Regulations* (the Regulations) require that membership evidence be filed with certification applications. Section 9(2)(c) describes what the Board will require as a condition of filing:

- A list of employees applied for who are members of the union in good standing supported by their membership cards or, where the Board is satisfied that membership cards are not reasonably available, other membership evidence relating to the application.

#### Membership in Good Standing

Membership cards are the primary proof of employee support and show who qualifies as a member in good standing. According to Regulation 10 of the *Regulations*, a member in good standing is someone who either:

- joined or signed a membership application within the three months before the certification application date; or
- joined earlier but paid dues during that period, with proof of payment.

## Receipt of Membership Evidence by the Board

Upon receipt of an application, the Board reviews the submitted documents for accuracy and compliance. Alternative membership evidence may be used when the Board is satisfied that membership cards are not reasonably available.

In addition to the membership evidence, the Board also reviews the following documents, all of which must accompany an application for certification pursuant to Regulations 9 and 28:

- The signed resolution authorizing the application.
- A copy of the union's constitution, rules, and by-laws.
- The names and addresses of the union's officers.

Unlike other materials which are shared with the Board during case management, the documents listed above must not be shared with other parties. They are for the Board's review only.

Membership information, whether submitted to the Board in hard copy or electronic form, must be submitted in a separate folder named "Membership Evidence", and must not be attached to or included within the application itself. The Board's preference is that the membership evidence be placed in its own separate envelope.

### i. Paper Copies

If submitted in hard copy, the Board will place the membership evidence and other confidential materials in an envelope maintained in a paper file and secured within a locked vault, accessible only by Board staff. Paper copy of membership evidence will not be saved electronically.

### ii. Electronic Copies

The Board accepts electronic submissions of membership information only if they are password protected. This includes scanned images of membership cards in PDF format, lists of employees who have signed union cards, or other evidence of membership intended to satisfy Section 9(2) of the *Regulations*. The scanned documents should be in colour, clear, and legible. The password must be sent in a separate email, with no attachments, to the Chief Executive Officer. If scanning is not possible, the Board will accept colour photographs of the membership cards, as long as they are also sent securely with the password sent in a separate email to the Chief Executive Officer. Applicants must retain the original



membership cards, as the Board may request to review them at any time. Originals may also be delivered to the Board after filing.

The Board may accept other forms of electronic membership evidence if it can verify their authenticity, as established in previous cases such as [\*Working Enterprises Consulting & Benefits Services Ltd v United Food and Commercial Workers International Union, Local 1518\* \(2016\) CanLII 29625](#); [\*United Steel\*, 2019 CanLII 123094](#).

If submitted electronically, the Board will store the membership evidence in a separate electronic folder titled “Strictly Confidential.”

### Assessment of Membership Evidence

It is the Board’s practice that the membership evidence will not be counted to assess whether the thresholds for certification have been met until after all other statutory and adjudicative processes are concluded.

