

Legal Battles Halt Union Drive at Saskatoon Cannabis Retailer

Union Drive at Saskatoon Cannabis Retailer Faces Legal Obstacles, Headed to Court

A union drive at Fire & Flower, a cannabis retailer in Saskatoon, has become a protracted legal battle, now approaching nearly three years of contention. The dispute, centered on the certification of the United Food and Commercial Workers (UFCW) Union, has seen numerous delays and legal hurdles. The case is now headed to the Court of King's Bench, where the fate of the certification vote will be determined.

The Saga Begins: A Union Drive Kicks Off in October 2022 Amid Financial Turmoil

The unionization effort at Fire & Flower's Saskatoon locations began in earnest in October 2022, when workers at the store applied to certify UFCW. A vote was initially set to take place in November 2022, but the process quickly became embroiled in complications. The company entered bankruptcy protection, forcing the unionization efforts to stall.

As Fire & Flower sought to resolve its financial difficulties, both the company and UFCW filed complaints with the Saskatchewan Labour Relations Board, further delaying the process. The back-and-forth between the two parties triggered months of regulatory proceedings, effectively halting any progress on the unionization front.

Resumption of the Unionization Process: Certification Vote in May 2024

By May 2024, Fire & Flower had resolved its financial challenges and the unionization process was reignited. A second certification vote was scheduled, and hopes were high that workers would soon get the opportunity to cast their ballots and determine whether they would be represented by the UFCW. However, despite the vote taking place, the results have yet to be revealed. The ballots remain sealed, leaving the workers in a state of uncertainty.

Allegations of Unfair Labour Practices and Coercive Communications

UFCW has accused Fire & Flower of engaging in unfair labour practices during the certification process. According to UFCW spokesperson Lucia Figueiredo, the company made use of "intimidating, coercive communications" in an attempt to undermine the union's credibility and sway workers against the union drive.

Figueiredo pointed to the company's distribution of materials from LabourWatch, a well-known anti-union organization, to workers. Fire & Flower also allegedly directed employees to read communications from the company's corporate representative that criticized the union and cast doubt on its motives.

Saskatchewan Labour Relations Board Rules in Favor of Fire & Flower

In a recent ruling, the Saskatchewan Labour Relations Board (SLRB) sided with Fire & Flower, stating that the company was within its rights to distribute information questioning the union's validity. Board vice-chair Carol Kraft concluded that any reasonable staff member would be able to assess the information's truthfulness or intent.

This decision allowed for the certification vote to proceed, with the ballots unsealed and counted. However, UFCW has expressed its dissatisfaction with the board's ruling and announced plans to appeal the decision to the Court of King's Bench. As a result, the vote remains uncounted, and the employees are left waiting for the court's determination.

UFCW Accuses Fire & Flower of Delaying Justice and Undermining Workers' Rights

Lucia Figueiredo of UFCW has criticized Fire & Flower for delaying the unionization process, alleging that the company's tactics are designed to prolong the proceedings and prevent employees from obtaining representation. Figueiredo went as far as to compare Fire & Flower's actions to those of retail giant WalMart, which is infamous for its anti-union strategies. She referenced WalMart's internal guide, "A Manager's Toolbox to Remaining Union Free," which includes strategies for discouraging union efforts, such as emphasizing the high costs of union dues and cautioning employees about the potential loss of workplace culture.

Figueiredo argues that such tactics have backfired in many cases, pointing out that the very concerns they seek to address—issues like occupational health and safety and industry-standard wages and benefits—are the root causes of union organizing drives. According to Figueiredo, these union drives often emerge from perceived deficiencies in communication between management and employees, something that UFCW's intervention seeks to address.

The Broader Context: Unionization in the Saskatoon Cannabis Sector

The ongoing unionization effort at Fire & Flower is not an isolated incident in Saskatoon. Another cannabis retailer, Joint Cannabis Shops, recently held a vote to certify UFCW, and employees are now in the process of negotiating their first collective agreement. This suggests that unionization is gaining traction within the local cannabis industry, as workers seek better working conditions, wages, and benefits.

However, the Fire & Flower case remains one of the most high-profile and contentious labor disputes in the area. The prolonged legal battle has attracted attention from both labor advocates and the broader public, as it underscores the challenges workers face when attempting to organize in a rapidly growing industry like cannabis.

The Legal and Ethical Implications of Delayed Justice for Workers

The notion of "justice delayed is justice denied" has been central to UFCW's arguments, as the union accuses Fire & Flower of employing legal tactics to stall the process until the workers who initiated the union drive are no longer employed at the company. Figueiredo's statement highlights a key concern: that the prolonged timeline is a direct attempt to undermine the will of the workers who began the union effort.

The court's involvement in this case is expected to have significant legal and ethical implications, both for the cannabis industry and for labor law in Canada. As the appeal progresses, workers, employers, and legal professionals will be closely watching the Court of King's Bench to see how the case is ultimately resolved.

What's Next for the Fire & Flower Union Drive?

While UFCW remains hopeful that the Court of King's Bench will side with the workers and unseal the certification vote results, the timeline remains uncertain. UFCW is expected to make its case before the court in the coming weeks, and the decision will have a profound impact on the future of the union drive at Fire & Flower.

The outcome of this case will likely serve as a precedent for future unionization efforts in the cannabis industry and beyond. As more retailers in Saskatoon and across Canada face similar challenges, the question remains whether the labor movement in the cannabis sector will continue to gain momentum or be hindered by ongoing legal battles and corporate resistance.

In the meantime, the employees at Fire & Flower are left in limbo, waiting for a resolution that could dramatically alter the course of their working lives.

A Fight for Workers' Rights in the Cannabis Industry

The ongoing union drive at Fire & Flower underscores the tension between workers' rights and corporate interests in the cannabis industry. As the legal proceedings continue, one thing remains clear: the workers' push for better representation and improved conditions is not only about a certification vote—it's about ensuring their voices are heard in an industry that continues to grow and evolve. The outcome of this case will be a crucial moment for both the future of cannabis labor organizing and the broader fight for workers' rights in emerging industries.

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