

HOW TO ONTARIO | CONSTRUCTION Decertify A Union - Full Decertification

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Employers may do the same, for management training and communication purposes, whether within their organization or with other interested parties. In some situations, employers may provide these materials to their employees. However, we suggest, in the strongest possible terms, that you only do so in consultation with a labour lawyer who knows your individual situation.

Unions may do the same, for training and communication purposes, whether within their union or with other interested parties such as their Members and or non-Members they may represent.

For help, call LabourWatch TOLL-FREE at

1-888-652-2687

INTRODUCTION

Decertification basically means getting rid of a union. It happens when a majority of employees no longer support the union or don't want the union to represent them. If you can prove this you may be able to decertify the union. But, there are a few rules you need to follow.

Using our step-by-step instructions, you should be able to apply to decertify your union. If you need help, go to our "Contacts" pages and get in touch with someone listed there. By the way, others may call decertification "revocation of bargaining rights" or "termination of bargaining rights."

TIMING YOUR DECERTIFICATION

You can only apply to decertify the union during an open time period. Those are:

- Within the last 3 months of a collective agreement;
- If the collective agreement is for a term of at least 36 months, also during the last 3 months of each year of the collective agreement after the second year (the 34th, 35th and 36th months, the 46th, 47th and 48th months, etc.); and
- If the collective agreement says that it will continue unless the union or the company gives notice to end it or renegotiate it, also during the last 3 months of the collective agreement and the last 3 months of each year it is continued.

If a collective agreement has never been reached or if it has expired, it's a little more complicated - contact a lawyer or the Ontario Labour Relations Board - "Labour Board".

GET THE FORMS

Ontario has the most complex decertification process in Canada. Our website has ALL of the forms you need in one download. The Ontario Labour Relations Board website has some of the forms, but not all and each one is a separate download. If you call them they will mail you their forms including the multiple copies that you will need, but any forms they do not have official versions of will not be provided. You will still need the ones we have developed and included in our download or you will have to make up your own forms based on Ontario law.

See the Links section on the website to connect to the Labour Board's website.

COLLECTING EVIDENCE OF EMPLOYEE SUPPORT - HOW TO DECIDE BETWEEN A PETITION OR INDIVIDUAL DECERTIFICATION FORMS.

Using Individual Decertification Forms as evidence means you have one form for each person who supports the application. If the people you work with are worried about privacy the Individual Decertification Forms might be better than a Petition.

TIP: If you are using the Individual Decertification Forms, print one page (3 forms per page) and pre-fill in the employer and union name, (don't forget the union Local number if there is one) before making copies. Then, when you cut the pages into three separate forms, you have made sure everyone has the correct employer and union information. Don't pre-fill any more than the union's name though, read more about Avoiding Mistakes on the next page.

Using a Petition as evidence means that you can have many names on one page and you don't have to keep track of a lot of individual pieces of paper.

We have been told that people prefer a Petition because seeing the other names shows that they have support for their decertification application, it motivates others to sign.

If you think that would be good, you may want to use a Petition. But with other employee groups, privacy may be a big concern and some employees may not sign a Petition because other employees might or will see their name and signature. The Individual Decertification form will be better to use instead. The choice is yours.

Whether you use a Petition or the Individual Decertification Forms as evidence, make sure you avoid some mistakes that might help the union and the Labour Board block your effort to become union-free

AVOIDING MISTAKES

GENERAL MISTAKES

To succeed, you may have to show that your employer wasn't involved in decertifying the union in ways that are not allowed. So, you should make sure that:

- It was not your employer's idea to start the application.
- No one from management offered anyone any reward or benefit for starting or continuing the application.
- No one from management threatened anyone, if they would not support the application.
- You have not been led to believe your application will be funded in whole or in part by your employer.
- It is better to avoid using equipment at work such as computers, copiers and fax machines for your paperwork. It's a good idea that if you make copies at a store where you have to pay for them - keep all receipts as further proof that you did not use employer equipment. The union can accuse you of doing that as part of their effort to use a minor technicality to stop your application.

NOTE: You will not be filling in all the forms you have received in the download package, so don't expect to. The Board says that you must send the union and your employer some blank Labour Board forms and Information Bulletins that are in our Download package. This means that you will have to make several copies of some of these forms. In the case of the Information Bulletins you are going to make copies and never fill anything out on them at all.

APPLICATION SUPPORT FORM MISTAKES

Whether you and your supporters chose to use the "one page per person" Individual Decertification Forms or the "many person per page" Petition. It is important to notice that same statement wording must be on whatever you use. If you make a mistake and, as an example, you are in a hurry and use a blank piece of paper instead of a copy of the Petition page, the Board may refuse to accept that document as support evidence. There are some simple mistakes that you should not make.

- Anything people sign to support the application must have the wording that is at the top of the Petition. You cannot use a blank page of signatures and just attach it, the Board will reject that. That is why the wording on our blank Petition is identical to the wording on our blank Individual Decertification Forms.
- People who support your application should not sign an Individual Decertification Form or a Petition when they are working - they must be on a break during work or do it before or after work. The reason is that you are supposed to be working. If the employer knows it is happening on working

time and does nothing, the union might accuse the employer of supporting the decertification by "turning a blind eye" to your efforts.

- As well as signing, they have to print their name so that it is easy to read. This is a recommendation not a rule.
- Every person who signs support evidence must write in the date while they are signing. You should not go back and get it later and you should not fill it in for them either before or after they sign.
- If the union has a Local number make sure to include it in the union name on anything you send to the Labour Board, including support forms.
- If you are using Petitions, number the pages that you use a format of page "1 of 5", then "2 of 5" and so on. If you have more than one Petition in circulation this will become important.

BUILD SUPPORT

You should not use threats or promises or pressure to get fellow employees to sign whatever evidence of support you chose, Individual Decertification Form or a Petition. You should think of one or two good reasons why you believe the union should be decertified. A businesslike and friendly approach works best. Remember, once more than 40 percent of your group sign a Card and you file your Application, there will hopefully be a secret ballot vote, supervised by the Labour Board, where every employee in the group can vote in private. Not everyone who signs in support will necessarily vote for decertification, but some who are reluctant to sign may vote for decertification in the secret ballot vote.

Check your collective agreement and read the section or definition about "bargaining unit." This is often called the "Recognition" clause, and is usually located near the beginning of the collective agreement. You will need to collect the names and signatures of at least 40% of the group mentioned in that definition.

You should also remember that it is quite likely that you will have to prove the signatures on your support evidence were given "freely" and "voluntarily."

As mentioned above, people who support your application should not sign an Individual Decertification Form or a Petition when they are working - they must be on a break during work or do it before or after work. The reason is that you are supposed to be working. If the employer knows it is happening on working time and does nothing, the union might accuse the employer of supporting the decertification by "turning a blind eye" to your efforts during work time suggesting that the employer wants everyone to know they support the decertification campaign.

PREPARE THE FORMS

To properly complete your application form, you will need:

- The contact name, address, facsimile & phone number and an email address for all three "parties" involved:
 1. The applicant - that's the person leading the decertification.
 2. The union - that would be the most senior union official responsible for your bargaining unit, likely the President of your local, not just a Shop Steward.
 3. Your employer - probably the highest person you will likely expect to see at your employer's.
- A description of your "bargaining unit" (see a copy of your collective agreement). Only use the full union name.
- The addresses of all locations where bargaining unit employees are working on the day that the application is to be filed with the Labour Board.
- An approximate number of employees in your company and in your bargaining unit. Please note that only those employees performing work in the bargaining unit for a majority of the work day on the Application Filing Date will be count for the purposes of the Termination Application. How to deliver the Application is discussed in the next section.
- The date the collective agreement was signed, when it became effective and when it expires.
- "Evidence" that employees don't want the union - The Individual Decertification Form or Petition mentioned above.
- A list of the names of the employees who signed "evidence" forms. This list must be alphabetical and on a separate page - we have provided a form for you to do this.
- You also need to recommend a date, time and place for an employee vote. The vote will normally take place 5 days (excluding weekends and public holidays) after the day on which your Application for decertification was filed with the Ontario Labour Relations Board. You should recommend who you want to "scrutinize" the counting of the votes. This person should not be a supervisor or manager working for your employer. It can be you.
- We suggest you make four separate piles of all the forms you have to work with. Make piles for: the union, your employer, the Labour Board (who, where possible must get the originals), and yourself. Keep a photocopy of all original documents that you send to anyone else.

DELIVER THE FORMS

Unlike an Ontario decertification in a **Non-Construction industry**, when you apply to decertify a union in the **Construction** industry you have to deliver the packages described below in a different order: First you deliver to the Ontario Labour Relations Board, second you deliver two separate packages, one to the union and another your employer (These have to be delivered within 2 business days of when you delivered the first package to the Labour Board). Finally, you deliver one last form to the Labour Board (A-81) that tells them when you did all of this.

TO THE LABOUR RELATIONS BOARD:

You can send your decertification documents by any means including hand delivery or courier. You may not send your documents to the Labour Board by Registered Mail, e-mail or fax.

You must deliver the following documents to the Ontario Labour Relations Board

1. 2 copies of the completed form A-77: Application for Termination of Bargaining Rights. Send them the original and another photocopy. Don't forget to keep a copy for your records too.
2. "Evidence" (Individual Decertification Forms or Petition mentioned above) proving that the employees do not wish to be represented by the union. The evidence must be in writing, signed by each employee who no longer wishes to be represented by the union and the date that the employee's signature was obtained (If you haven't yet, read the section above about our Forms and their use.) Look at your current Collective Agreement to ensure that you put the full union name in the proper space on all evidence. Keep copies for yourself and send the original Petition pages or Individual Decertification Forms to the Labour Board.
3. A completed list of employees who signed the Petition or Individual Decertification Forms, in alphabetical order (you can use the suggested form for this that is on our website in the download package - you don't use the employer's Schedule C form).
4. A completed form A-80: Declaration Verifying Evidence of Employee Wishes (Form A-80), also keep a photocopy for your records.
5. *Later* - After you have delivered all of the required forms to your employer and the union, you have to send the Labour Board one last form, the A-81. Note that near the bottom of this form, the Board says that if you use Canada Post Priority Courier Service you must include a copy of the receipt Canada Post gave you when you sent the documents to the Labour Board the first time. Keep the original courier receipt and a copy of the A-80 for your records.

Our website has ALL of the forms you need in one Download. The Labour Board website has some of the forms, but not all and each one is a separate download.

The Labour Board calls the day that they receive your document package, the Application Filing Date. If you use Canada Post's Priority Courier service the Labour Board will count the Application Filing Date as the date that Canada Post accepted the documents from you, but use any other courier service and they will count the date they actually receive your documents in their offices. Keep any receipts for delivery.

Remember to keep a copy of everything you sent for your records.

Here is where you have to send it:

Ontario Labour Relations Board
2nd Floor - 505 University Avenue
Toronto, ON M5G 2P1 - (416) 326-7500 - main phone number

TO THE UNION:

The package you deliver to the union must contain very specific documents and be in a very exact order. The Labour Board calls this the "Construction Termination Package (Union)".

You must deliver the Construction Termination Package (Union) no later than two days after the Application Filing Date, mentioned above. Deliver your forms package to the most senior union official responsible for your bargaining unit - likely the President of your local. Generally your Steward will not be considered to be the "most senior" and unions have been known to fight employee decertifications on the technicality of who is and is not the "most senior".

You can deliver your application and supporting documents to the union by hand-delivery, Canada Post's Priority Courier Service or fax. Keep any receipts for delivery.

You are required to deliver the following documents to the union, remember that they must be in this order:

1. A **completed** form A-77: Application for Termination of Bargaining Rights. Send them a photocopy because the original has to go somewhere else.
2. A **completed** form C-34: Notice to Union of Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry. You just have to fill in page 1 with your Applicant's name, the full union name (Including the local if there is one) and then date the form on page 3. Send them the original and keep a photocopy for your records.
3. A **blank** form A-78: Response to Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry.
4. A **copy** of Information Bulletin No. 7 - Termination of Bargaining Rights in the Construction Industry Under Section 63 or 132 of the Act.
5. A **copy** of Information Bulletin No. 8 - Vote Arrangements in the Construction Industry.

6. A **copy** of Information Bulletin No. 10 - Status Disputes in Termination Applications in the Construction Industry.
7. A **copy** of Part VI of the Ontario Labour Relations Board Rules of Procedure.

Yes, you really do have to provide copies of these Information Bulletins even though there is nothing you have to fill out on them. Our website has ALL of the forms you need in one Download. The Labour Board website has some of the forms, but not all and each one is a separate download. They will also mail their forms if you call them - but again they don't provide all of the forms you need.

TO YOUR EMPLOYER:

The package you deliver to your employer must contain very specific documents and be in a very exact order. The Labour Board calls this the "Construction Termination Package (Employer)".

You must deliver the Construction Termination Package (Employer) no later than two days after the Application Filing Date, mentioned above.

You can deliver your application and supporting documents to the union by hand-delivery, Canada Post's Priority Courier Service or fax.

1. A **completed** form A-77: Application for Termination of Bargaining Rights. Send them a photocopy because the original has to go somewhere else.
2. A **completed** form C-35: Notice to Employer of Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry. You just have to fill in page 1 with your Applicant's name, the full union name (Including the local if there is one) and then date the form on page 3. Send them the original and keep a photocopy for your records.
3. A **blank** form A-79: Intervention in Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry;
4. A **blank** Schedule C, Construction Industry (list of employees) for your employer to fill in;
5. A **copy** of Information Bulletin No. 7 - Termination of Bargaining Rights in the Construction Industry Under Section 63 or 132 of the Act;
6. A **copy** of Information Bulletin No. 8 - Vote Arrangements in the Construction Industry;
7. A **copy** of Information Bulletin No. 10 - Status Disputes In Termination Applications in the Construction Industry; and
8. A **copy** of Part VI of the Labour Board's Rules of Procedure.

Yes, you really do have to provide copies of these Information Bulletins. Our website has ALL of the forms you need in one Download. The Labour Board website has some of the forms, but not all and each one is a separate download.

You must file the above first with the Labour Board and then within 2 days you must deliver everything else to the union and your employer. The Labour Board calls the date you deliver your package to them the Application Filing Date. Remember, if you

use Canada Post Priority Courier Service then the Application Filing Date is the date on which Canada Post accepts the delivery from you. If you use any other means of delivery, then the Application Filing Date is the date the Labour Board actually receives your delivery.

NOTE: We strongly recommend you take no chances and, if filing times are close, make sure the Labour Board gets their documents from you BEFORE 5 pm Eastern time, when the Board officially closes. **Any documents received after 5 pm Eastern time are considered to have been received on the next business day that the Board is open.** People may say you have until midnight, but the Board closes at 5:00pm. **A fax received by the Labour Board after 5:00pm is considered to have been received on the next business day.**

A FINAL WORD ON DELIVERING YOUR DOCUMENTS

Unlike the Non-Construction Decertification, a Construction Industry Decertification Application must be filed with the Labour Board first. The day that the application is filed is called the "Application Filing Date". Only those employees performing work in the bargaining unit affected by the application on the Application Filing Date will count for the purposes of the decertification Application. So, it is important to decide on exactly what date you will file your Application with the Labour Board Once you have delivered the required documentation to the union and to the employer you must complete and file a Form A-81 (Certificate of Delivery). If you sent the Labour Board the Application and supporting documents by Canada Post Priority Courier you will need to include a copy of the receipt to go with the Form A-81. **It is recommended that you keep a detailed summary of the work performed by each Employee for the entire day on which the Application is filed with the Labour Board.**

CONCLUSION

Once the Labour Board gets your application, it'll review it for a few things. The Labour Board almost always looks at the "voluntariness" of applications. It'll look to see if your company was involved in any way. If the Labour Board has concerns or receives an objection from the union or your company, your spokesperson may have to address them at a hearing. If your employer (members of management) were involved in your decertification application the Labour Board could throw it out and there might not be a vote held and you might have to wait for the next open period which could be at least a couple of years away.

If the Labour Board agrees your application was voluntary, it was made at the right time and enough employees support it, the Labour Board will call a secret ballot vote of all employees. If a majority of employees who cast a ballot vote for decertification,

your application will be successful and the union will be decertified.

**ONTARIO LABOUR RELATIONS BOARD
INFORMATION BULLETIN NO. 10**

**Status Disputes in Termination Applications
in the Construction Industry**

This Information Bulletin describes how the Board deals with "status" disputes in the context of construction industry termination applications. These disputes typically focus on whether certain individuals were employed on the application date, whether they spent a majority of their time on the application date performing the work of the responding union's trade, whether they exercise managerial functions, or whether they are dependent or independent contractors.

This Bulletin does not describe the Board's procedures with respect to status disputes outside of the construction industry. Please refer to Information Bulletin No. 5 - Status Disputes in Termination Applications (Non-Construction) for information on those procedures.

I. IDENTIFICATION OF INDIVIDUALS IN DISPUTE

Where there is a dispute about whether certain individuals should or should not be on the voters list or in the bargaining unit, each party must identify in writing those individuals whose inclusion on the list or in the bargaining unit it is challenging not later than the conclusion of the balloting on the day of the representation vote. Challenges that are made after the conclusion of the balloting will not be considered except in exceptional circumstances. In addition, in the interests of fairness and finality, parties cannot raise issues about the list to which they have earlier agreed.

II. SETTLEMENT DISCUSSIONS

A Board Officer contacts the parties at various stages in the processing of an application in an effort to reach an agreement on the status disputes, and all other issues surrounding the application. These contacts are made before the vote is held, on the day of the vote, during the period after the end of the 5-day representation period after the vote and before the Regional Meeting with an Officer, and at the Regional Meeting.

A Records Check is conducted by a Board Officer when the employer's records may be relevant to the status disputes at issue. The employer is required to provide all documents that are relevant to the status disputes to the Officer, who will make photocopies of the relevant documents for the union and will either keep the originals for use by him or herself during the Regional Meeting, or make copies for him or herself. The Records Check is ordinarily held at 9:30 a.m. on the day of the Regional Meeting. The union does not attend the Records Check.

The documents that are disclosed to the Officer during the course of the Records Check do not become evidence simply by their disclosure to the Officer. A party that wants the records to be considered as evidence must formally enter them into evidence with the Board.

III. WHAT HAPPENS IF STATUS ISSUES REMAIN IN DISPUTE AFTER SETTLEMENT DISCUSSIONS ARE EXHAUSTED

a) Settlement Discussions and Submissions With Respect To Procedural Aspects of Hearing

After the Regional Meeting, the Board Officer reports to the Board. The Board may decide the remaining issues on the basis of the written material (including the submissions described in paragraph (b) below), or may schedule the application for hearing. Once it is evident at the Regional Meeting that there are unresolved status disputes, the meeting is devoted to assisting the parties in reaching agreement on the procedural aspects of a hearing. Procedural aspects include the identification of "representative witnesses", the question of who is responsible for ensuring that the individuals in dispute attend the hearing (by summons or otherwise), the sequence in which individuals will be called as witnesses, and the days on which witnesses will be called.

The party that asserts that an individual should be on the voters' list or in the bargaining unit has the responsibility for ensuring that individual's attendance at the hearing, unless the Board orders otherwise.

The party that has the responsibility for ensuring an individual's attendance at the hearing will be responsible for calling that individual as a witness. There may be circumstances in which a party calling a witness is allowed to cross-examine that individual. The Board may itself question a witness.

If the parties cannot agree on all of the procedural aspects of a hearing, each party must file with the Board and deliver to the other party written submissions detailing its position on the outstanding procedural aspects by 5:00 p.m. on the Friday of the week following the Regional Meeting. The Board considers the parties' submissions and issues a decision on the procedural aspects as soon as possible.

b) Parties File and Deliver Submissions on the Substantive Issues

Each party that asserts that an individual or individuals should not be on the voters' list or in the bargaining unit must file with the Board and deliver to the other party written submissions providing the reasons for each of their challenges and a summary of the material facts upon which they intend to rely by 5:00 p.m. on the Tuesday following the Regional Meeting. Each party that resists a challenge to the status of an individual must file with the Board and deliver to the other party its response to each of the challenges, summarizing the material facts upon which they intend to rely by 5:00 p.m. on the following Friday.

IV. THE HEARING

If the Board determines that a hearing is necessary, the hearing will ordinarily take place in Toronto on a date set by the Registrar. The hearing may begin on any day of the week.

Board hearings are open to the public unless the panel decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library, and over the internet at www.canlii.org, a free legal information data base. Some summaries and decisions may be found on the board's website under *Highlights* and Recent Decisions of Interest at www.olrb.gov.on.ca.

IMPORTANT NOTE

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

**ONTARIO LABOUR RELATIONS BOARD
INFORMATION BULLETIN NO. 7**

**Termination of Bargaining Rights in the Construction Industry
Under Section 63 or 132 of the Labour Relations Act**

This Information Bulletin describes the procedures to be followed when an employee or group of employees in the construction industry applies under section 63 or 132 of the Labour Relations Act to terminate the bargaining rights of their union. For information on the procedures for termination applications outside of the construction industry, please refer to Information Bulletin No. 2 - Termination of Bargaining Rights Under Section 63 of the Labour Relations Act.

It is important for the parties in a termination application to read and comply with the directions in this Bulletin and the Board's Rules of Procedure. Failure to do so may result in the application or other materials not being processed by the Board.

If 40 percent or more of the employees who were at work in the bargaining unit on the Application Filing Date appear to have expressed a wish not to be represented by the union, a representation vote will usually be held five (5) to eight (8) days after the termination application is delivered to the union and employer (the "Delivery Date") or the date on which the application is filed with the Board (the "Application Filing Date"), whichever is later. People who are eligible to vote are those individuals who were at work and employed in the bargaining unit on the Application Filing Date. The Board may not order a vote if the application is made outside of the time periods provided for in the Act (please see pages 8-9 for information on when these time periods are) or if the Board finds that the employer or a person acting on behalf of the employer initiated the application or threatened, coerced or intimidated employees in connection with the application.

Employees can get all of the materials necessary to file a termination application from the Board at any time. The materials that are necessary for a union to respond to a termination application, or for an employer to intervene in a termination application, are delivered to them by the applicant employee(s). (The term "applicant" means the employee or group of employees who is applying to terminate the union's bargaining rights.)

Parties to a termination application are required to "deliver" to the other parties and "file" with the Board a variety of documents within a specified number of "days". The words "day", "deliver" and "file" are defined in the Board's Rules of Procedure to have very specific meanings. It is very important that you apply the following meanings to each of these words whenever they appear in this Bulletin.

"Day" - does not include weekends, statutory holidays or any other day on which the Board is closed. (Rule 1.5)

- "Delivered" - Material is considered to be "delivered" on the day that it is actually received by the party to whom it is sent. (Rule 6.7) Where delivery is permitted and accomplished by way of facsimile transmission, the fax confirmation sheet should be retained by the sender in case delivery, or the time of delivery, is later challenged.
- "Filed" - *With the exception of the Application for Termination of Bargaining Rights*, material is considered to have been "filed" with the Board on the date it is actually received by the Board provided that it is received between the hours of 8:30 a.m. and 5:00 p.m. on a day on which the Board is open. Materials received after 5:00 p.m. will be deemed to have been filed with the Board on the following business day. (Rules 3.4, 3.5 and 24.2)

I. FILING AND DELIVERY OF THE TERMINATION APPLICATION

In order to apply to terminate a union's bargaining rights, an applicant must fulfil the following filing and delivery requirements.

1) Filing of Termination Application with the Board

The applicant must file the following materials with the Board. These materials may be filed using any means except Registered Mail, e-mail or facsimile transmission:

- (i) one (1) signed original and one (1) copy of the completed **Application for Termination of Bargaining Rights Under section 63 or 132 of the Act, Construction Industry** (Form A-77);
- (ii) any **evidence** that employees do not wish to be represented by the union. This evidence must be in writing and signed by each employee concerned and it must indicate the date on which each signature was obtained;
- (iii) a **list of employees**, in alphabetical order, corresponding with the evidence filed; and
- (iv) a **Declaration Verifying Evidence of Employee Wishes** (Form A-80).

(Rules 26.1 and 26.2)

On the date the Board receives the termination application, a Confirmation of Filing (Form B-62) is sent to the applicant by facsimile transmission. If the applicant does not have a fax number the Confirmation of Filing is sent by regular mail. The Confirmation of Filing confirms that the application has been filed with the Board, and provides the applicant with the Application Filing Date (see below) and the Board File Number assigned to the application.

2) Application Filing Date

The Application Filing Date assigned to an application depends on the method used to file the application:

- (i) If the application is sent to the Board by Canada Post's Priority Courier service, the Application Filing Date is the date the application was accepted by Canada Post.
- (ii) If the application is sent to the Board by any method other than Canada Post's Priority Courier service, the Application Filing Date is the date the Board actually receives the application.

The applicant is required to set out the Application Filing Date in paragraph 3 of its application.

(Rule 24.2)

3) Delivery of Construction Termination Package (Union) to the Union

The applicant must deliver a Construction Termination Package (Union) to the union no later than two (2) days after the Application Filing Date. The Package may be delivered by facsimile transmission, hand delivery or Canada Post's Priority Courier Service. The Construction Termination Package should be delivered to the senior union official responsible for the bargaining unit.

The Construction Termination Package (Union) consists of the following materials arranged in the following order:

- (i) one **Notice to Union of Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry** (Form C-34). The applicant must fill in its name and the union's name on page 1 and the date on page 3 before making the delivery;
- (ii) one copy of the completed **Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry** (Form A- 77);
- (iii) one blank **Response to Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry** (Form A-78);
- (iv) one **Information Bulletin No. 7 - Termination of Bargaining Rights in the Construction Industry Under Section 63 or 132 of the Act**;
- (v) one **Information Bulletin No. 8 - Vote Arrangements in the Construction Industry**;

- (vi) one **Information Bulletin No. 10 - Status Disputes in Termination Applications in the Construction Industry**; and
- (vii) one copy of Part V of the **Board's Rules of Procedure**.

(Rules 26.3 and 26.4)

4) Delivery of Construction Termination Package (Employer) to Employer

The applicant must also deliver a Construction Termination Package (Employer) to the employer no later than two (2) days after the Application Filing Date. This Package may be delivered by facsimile transmission, hand delivery or Canada Post's Priority Courier Service.

The Construction Termination Package (Employer) consists of the following materials arranged in the following order:

- (i) one **Notice to Employer of Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry** (Form C-35). The applicant must fill in its name and the union's name on page 1 and the date on page 3 before making the delivery;
- (ii) one completed **Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry** (Form A-77);
- (iii) one blank **Intervention in Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry** (Form A-79);
- (iv) one blank **Schedule C, Construction Industry** (List of Employees);
- (v) one **Information Bulletin No. 7 - Termination of Bargaining Rights in the Construction Industry Under Section 63 or 132 of the Act**;
- (vi) one **Information Bulletin No. 8 - Vote Arrangements in the Construction Industry**;
- (vii) one **Information Bulletin No. 10 - Status Disputes in Termination Applications in the Construction Industry**; and
- (viii) one copy of Part V of the **Board's Rules of Procedure**.

(Rules 26.3 and 26.4)

Note: The applicant is NOT to deliver to the union or the employer a list of names of people who have expressed a wish not to be represented by the union, evidence of those wishes or a copy of the Declaration Verifying Evidence of Employee Wishes (Form A-80).

II. APPLICANT CONFIRMS DELIVERIES

The applicant may request that it be permitted to deliver the Construction Termination Package (Union) and/or Construction Termination Package (Employer) by an alternative means and/or request an extension of the time within which to make the deliveries.

(Rule 6.6)

Unless the Board has granted the applicant an extension of time within which to make the deliveries, the applicant must file a Certificate of Delivery (Form A-81) verifying delivery to the union and employer no later than two (2) days after the Application Filing Date. The Certificate of Delivery may be filed by any means, including facsimile transmission, except e-mail or Registered Mail. Along with the Certificate of Delivery, applicants who filed their application using Canada Post's Priority Courier service must also file with the Board a copy of the postal receipt. (This is so that the Board can confirm the Application Filing Date).

If the applicant has not requested an extension of time and the Board does not receive a Certificate of Delivery confirming the applicant's deliveries to the union and the employer within two (2) days of the Application Filing Date, the matter may be terminated.

(Rule 24.3)

III. BOARD CONTACTS THE PARTIES TO CONFIRM THAT THE APPLICATION HAS BEEN FILED

On the day the Board receives the Certificate of Delivery, or the date the Certificate of Delivery indicates the employer and the union will receive the Construction Termination Package, whichever is later, the Board sends, by facsimile transmission, a Confirmation of Filing of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form B-62) to the union, applicant, and employer. This letter confirms that the application has been filed with the Board, provides the Application Filing Date, Delivery Date and Board File Number, reiterates the union and employer's obligations that are set out in their Notices of Application, and directs the employer to make and post copies of the Notice to Employees (Form C-36) and the Application for Termination of Bargaining Rights (Form A-77).

The Board also contacts the union and employer by telephone on the same day or the following day to again confirm that the application has been filed, to clarify the union and employer's obligations, and to advise that a vote will normally take place five (5) to eight (8) days after the date on which the union and employer received the Construction Termination Package or the Application Filing Date, whichever is later.

If the applicant seeks to terminate bargaining rights in the industrial, commercial and institutional sector of the construction industry, the Board will, upon receipt of the Application for Termination of Bargaining Rights under section 63 or 132 of the Act, Construction Industry, deliver a copy of the application to the relevant employee bargaining agency and to the affiliated bargaining agents of the employee bargaining agency.

IV. UNION'S OBLIGATIONS

The Union is required to deliver a completed Response to Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry (Form A-77) to the applicant and the employer, and file it with the Board, no later than two (2) days after it received the Construction Termination Package (Union) from the applicant.

Delivery may be made by hand delivery, Canada Post's Priority Courier Service, or facsimile transmission. Filing may be done by any means, including facsimile transmission, except e-mail or Registered Mail. One copy of the Response must be filed with the Board if it is filed by facsimile transmission; otherwise one (1) signed original and (1) copy must be filed.

At the earliest opportunity, the union is required to advise the Board as to whether the employer has complied with its posting obligations (as described in the next section) by filing with the Board, by facsimile transmission, a Confirmation of Posting (Form A-82).

(Rule 26.5)

V. EMPLOYER'S OBLIGATIONS

1) Post Application and Notice to Employees

Upon receipt of the Confirmation of Filing, the employer must IMMEDIATELY make and post copies of both the Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-77) and the Notice to Employees of Application for Termination of Bargaining Rights (Form C-36). These documents are to be posted adjacent to one another in a sufficient number of locations so that they are likely to come to the attention of all persons affected by the application. The employer must then confirm to the Board that it has completed the postings by filing with the Board, by facsimile transmission, the completed Confirmation of Posting (Form A-82).

The Notice to Employees of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry advises employees that an employee or group of employees has applied to terminate the union's bargaining rights, directs them to the adjacent Application for details about the application, notifies them that a secret ballot vote will likely be held, and, if it is, that it will normally take place five (5) to eight (8) days after the Delivery Date or Application Filing Date, whichever is later, advises them of their rights, including the right to make statements to the Board about the application, and alerts them to look for future postings that will inform them of voter eligibility, the date, time and location of the vote, and the date and location of meetings with Labour Relations Officers and Hearings, if any.

2) File and Deliver List of Employees (Schedule C)

Whether or not the employer wishes to participate in the proceedings, it must file with the Board and deliver to the applicant and the union a completed Schedule C, Construction Industry (List of Employees) no later than two (2) days after it received the Construction Termination Package (Employer). Filing may be done by any means, including facsimile transmission, except e-mail or Registered Mail. Delivery may be completed by hand delivery, Canada Post's Priority Courier Service, or facsimile transmission. One copy of the Schedule C must be filed with the Board if it is filed by facsimile transmission; otherwise one (1) signed original and one (1) copy must be filed. If the employer is not filing an intervention, it must confirm its deliveries of Schedule C by filing with the Board, at the same time it files its Schedule C, the Certificate of Delivery that forms page 2 of Schedule C.

The Schedule C assists the Board in determining which employees are eligible to vote. All employees who were at work in the bargaining unit on the Application Filing Date are to be included on Schedule C.

(Rule 26.5)

3) If it Wishes to Participate in the Application, the Employer is Required to File and Deliver an Intervention

If the employer wishes to participate in the application, it must file with the Board and deliver to the applicant and union a completed Intervention in Application for Termination of Bargaining Rights Under Section 63 or 132 of the Act, Construction Industry (Form A-79) no later than two (2) days after it received the Construction Termination Package (Employer). It must also file with the Board the Certificate of Delivery that forms part of the intervention form, confirming that it has delivered a copy of the intervention and the Schedule C to both the applicant and the union. One copy of the intervention must be filed with the Board if it is filed by facsimile transmission; otherwise five (5) copies must be filed.

Filing may be done by any means, including facsimile transmission, except e-mail or Registered Mail. Delivery may be made by hand delivery, Canada Post's Priority Courier Service, or facsimile transmission.

(Rule 26.5)

VI. BOARD ORDERS THE VOTE

1) Vote Arrangements Determined

The Board's Vote Co-ordinator examines the vote arrangement proposals filed by the applicant and union (and employer if it is participating in the application), and sets the vote arrangements.

In setting the vote arrangements, the Co-ordinator considers the parties' submissions, the number of voters, the employees' regular working hours, and the cost to the Board. The Co-ordinator typically accommodates any agreed-upon arrangements, but if it is determined that they are unsuitable because they are too costly or do not adequately allow employees the opportunity to vote, or if there is no agreement, the Co-ordinator normally sets the arrangements without further consultation with the parties.

In the normal course, the vote takes place on the employer's premises and/or job site(s) between five (5) and eight (8) days after the Application Filing Date or the date the application is delivered to the employer, whichever is later.

For more detailed information on vote arrangements, refer to Information Bulletin No. 8 - Vote Arrangements in the Construction Industry.

2) Vote Ordered

If 40 percent or more of the employees in the bargaining unit appear to have expressed a wish not to be represented by the union, the Board orders that a vote be held among the employees in the bargaining unit.

The Board may not order a vote at this point if the applicant, union or employer provides information that raises an issue about the timeliness of the application. In order to be timely, applications must be made during one of the "open periods" provided for in the Act. Generally, these open periods are:

(i) Existing Collective Agreement

If there is an existing collective agreement that is for a term of three (3) years or less, the application can be made after the commencement of the last three (3) months of its operation. If there is an existing collective agreement that is for a term of more than three (3) years, the application can be made in the last three (3) months of its third year of operation, the last three (3) months of each following year, and after the commencement of the last three (3) months of its operation.

(ii) Union Not Certified - Existing First Collective Agreement

Where the union was voluntarily recognized by the employer and a first collective agreement between the employer and the union is in effect, in addition to the open periods described above, a termination application may be brought after the 305th day of the agreement's operation and before the 365th day of its operation.

(iii) Following Expiry of Agreement

The entitlement to make an application after the expiry of the agreement depends on whether a conciliation officer has been appointed and whether a legal strike has started. If a conciliation officer has been appointed, an application cannot be made until at least a year after the appointment of the conciliation officer.

(iv) Union Certified But no Collective Agreement

If the union has been certified (as opposed to voluntarily recognized) and no collective agreement has yet been made, an application can be made six months after the date of the certification. This six-month period may be extended if the union and employer are in the conciliation process or if a legal strike or lock-out is in progress.

For more detailed information on the open periods, please refer to sections 63, 67 and 132 of the Labour Relations Act.

The vote may also be delayed if the union alleges that the employer or someone acting on behalf of the employer initiated the application or threatened, coerced or intimidated employees in connection with the application. The Board considers the nature of the allegations and determines whether it is appropriate to hold a hearing into the matter before ordering a vote.

The vote may also be delayed if there is disagreement between the applicant, union and/or employer about the number of employees in the bargaining unit.

If a vote is ordered, a Board decision ordering the vote and a Notice of Vote and of Meeting (Form B-63) is sent by the Board to the applicant, union and employer by facsimile transmission. These documents set out the date, time and place of vote, the directions concerning sealing the ballot box or segregating or counting the ballots where appropriate, and the date on which the Regional Meeting with a Board Officer will take place. The union and the employer are also provided with a copy of the Declaration Verifying Evidence of Employees Wishes (Form A-80) at this time.

3) Employer to Post Decision and Notice to Employees

Upon receipt, the employer must immediately post copies of the decision and the Notice of Vote and of Meeting adjacent to each of the earlier posted Notices to Employees of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act. The employer must then confirm to the Board that it has completed the postings by filing with the Board by facsimile transmission a completed Confirmation of Posting (Form A-82). The union must also, at the earliest opportunity, advise the Board as to whether the employer has completed the postings by filing with the Board by facsimile transmission an Confirmation of Posting (Form A-82).

VII. PRE-VOTE CONSULTATION PROCESS

A Board Officer contacts the parties, usually over the telephone, after the vote has been ordered but before it is held in an effort to reach agreement between the parties on all issues surrounding the vote, including: the voters list, which is developed from the Schedule C (List of Employees) provided by the employer; the correct bargaining unit description; the correct name of the union and the employer; and the timeliness of the application.

Agreements reached during the pre-vote consultation process are confirmed by the Officer in writing and sent to the parties by facsimile transmission. In the interests of fairness and finality, parties cannot later raise issues about matters to which they have earlier agreed.

VIII. VOTING DAY

1) Conduct of the Vote

The vote is conducted by a Board Officer. Individuals who have been selected by the parties to be scrutineers must arrive at the polling place 15 minutes in advance of the voting to receive instructions, examine the ballot box, and otherwise assist the Board Officer in the preparation of the polling place.

At the outset of the voting, each scrutineer is provided with a copy of the voters list (if any). They are asked to assist in the identification of voters and to mark voters' attendance on the list as they present themselves to the Officer to vote. Scrutineers are advised that any questions asked by individuals regarding their eligibility to vote or any other matter should be directed to the Board Officer.

The names of any individuals whose eligibility to vote is challenged are marked as such on the voters list at the outset and their ballots are segregated. Individuals whose names do not appear on the voters list are permitted to vote and their ballots are also segregated.

Generic ballots that do not identify the union or employer by name are used. However, a Notice that sets out their names is placed in every voting booth.

The scrutineers are given an opportunity to sign a Conduct of Vote form after the vote is completed. Signatories to this form certify that the balloting was fairly conducted, that all eligible voters were given an opportunity to cast their ballots in secret, and that the ballot box was protected in the interest of a fair and secret vote.

2) Further settlement discussions

On the day of the vote, the Officer who conducts the vote engages the parties in settlement discussions on any issues that remain in dispute. All agreements are recorded in writing.

The parties are asked to sign a Termination Worksheet which sets out their agreements, if any.

3) **Counting the Ballots**

Ballots may or may not be counted on the day of the vote, depending on the directions of the Board, the agreements of the parties, and the discretion of the Board Officer. It may be necessary in some circumstances to seal the ballot box until outstanding disputes have been resolved.

4) **Report of Vote Provided and Posted**

The Board Officer conducting the vote normally provides a Board Officer's Report of Vote to the parties on the day of the vote. This Report sets out whether the ballots were counted and, if so, the outcome of the vote, and explains that parties have five (5) days to file objections to the vote. Upon receipt, the employer is required to immediately post copies of the Report adjacent to each of the earlier posted Notices to Employees of Application for Termination of Bargaining Rights and then confirm that it has completed the postings by filing with the Board by facsimile transmission a Confirmation of Posting (Form A-82). The union must also, at the earliest opportunity, advise the Board as to whether the employer has completed the postings by filing with the Board by facsimile transmission an Confirmation of Posting (Form A-82).

IX. **AFTER THE VOTE**

1) **Statement of Representations**

Any person who wishes to say something to the Board concerning the vote or any other previously unidentified issue remaining in dispute must file a statement of representations with the Board and deliver a copy of the statement to the applicant, union and employer, whose names and addresses can be found on the application form. This statement may be filed by any means, including facsimile transmission, except e-mail or registered mail, and must be received by the Board and the other parties no later than five (5) days after the day of the vote.

(Rule 11.3)

The Board reviews any representations it receives. If the parties have agreed on all issues in dispute and no relevant representations have been received, a final decision will normally issue and the Regional Meeting will be cancelled. If issues remain in dispute and/or relevant representations are received, the matter will proceed to the Post-Vote Mediation Process.

2) **Post-Vote Mediation ("Waiver") Process**

A Board Officer contacts the parties, usually by telephone, to discuss and attempt to resolve all outstanding issues. This contract normally takes place in the period after the end of the five (5) day representation period and before the scheduled Regional Meeting.

3) **Regional Meeting**

If issues remain in dispute after the Post-Vote Mediation Process, a Regional Meeting is held. A Regional Meeting is a meeting with a Board Officer ordinarily held in the regional centre closest to the workplace on the Wednesday of the third week after the week in which the vote is held. At this meeting, a Board Officer again assists the parties in an attempt to resolve, or at least narrow, the remaining issues.

If one of the issues in dispute concerns whether an individual is properly on the voters list and the employer has records which may be relevant to the dispute, the Board Officer will conduct a check of the employer's records. For more information concerning what occurs at and after the Regional Meeting where there is a dispute as to whether an individual is properly on the voters list, see Information Bulletin No. 10 - Status Disputes in Termination Applications in the Construction Industry.

4) **Hearing**

Following the Regional Meeting, the matter is referred to a panel of the Board for review. If no issues remain in dispute, or the Board is able to determine all outstanding issues based on the materials before it, a final decision will issue. If issues remain in dispute that cannot be determined based on the materials before it, the matter will be listed for hearing. The hearing will begin on a date set out in a Notice of Hearing that is sent to the parties and to any employees who made relevant representations to the Board.

Board hearings are open to the public unless the panel decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library, and over the internet at www.canlii.org, a free legal information data base. Some summaries and decisions may be found on the board's website under *Highlights* and Recent Decisions of Interest at www.olrb.gov.on.ca.

IMPORTANT NOTE

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

Form A-77

File No. _____

Use this form for Construction Industry only

LABOUR RELATIONS ACT, 1995

**APPLICATION FOR TERMINATION OF BARGAINING RIGHTS
UNDER SECTION 63 OR 132 OF THE ACT,
CONSTRUCTION INDUSTRY**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

- and -

**Responding Party
(Trade Union).**

Note: The Application Filing Date is the date the application is received by the Board, unless it is sent to the Board by Canada Post's Priority Courier service, in which case the Application Filing Date is the date on which the application is accepted by Canada Post.

PLEASE READ INFORMATION BULLETIN NO. 7 – TERMINATION OF BARGAINING RIGHTS IN THE CONSTRUCTION INDUSTRY UNDER SECTION 63 OR 132 OF THE LABOUR RELATIONS ACT BEFORE COMPLETING THIS FORM.

The applicant applies to the Ontario Labour Relations Board under [] section 63(1) or [] section 63(2) or [] section 132 of the Act for a declaration that the responding party no longer represents the employees in a bargaining unit for which it is the bargaining agent.

The applicant states:

1. (a) Name, address, telephone number, facsimile number and e-mail address of the applicant:

Form A-77

- (b) Name, address, telephone number, facsimile number and e-mail address of a contact person for the applicant (Please Note: this individual must be regularly available by phone during the five (5) days leading up to the date set for the vote. Your contact person should be an individual with the authority to enter into agreements on your behalf.):

[Periods of time referred to in this application, in other Board forms and notices, and in the Board's Rules of Procedure do not include weekends, statutory holidays, or any other day that the Board is closed.]

- (c) Name, address, telephone number, facsimile number and e-mail address of the responding party and contact person:

[You must deliver to the responding party: a Notice to Union of the application (Form C-34) with the names of the parties and the date inserted, a copy of your application, a blank response form, copies of Information Bulletin Nos. 7, 8 and 10, and a copy of Part V of the Board's Rules of Procedure. You must also complete a Certificate of Delivery.]

2. Name, address, telephone number, facsimile number and e-mail address of the employer of employees affected by the application and contact person:

[You must deliver to the employer: a Notice to Employer of the application (Form C-35) with the names of the parties and the date inserted, copies of your application, a blank intervention form, a blank Schedule C, copies of Information Bulletin Nos. 7, 8 and 10, and a copy of Part V of the Board's Rules of Procedure. You must also complete a Certificate of Delivery.]

Form A-77

3. The Application Filing Date for this application is:

[The Application Filing Date is the date the application is received by the Board, unless it is sent to the Board by Canada Post's Priority Courier Service, in which case the Application Filing Date is the date on which the application is accepted by Canada Post. Applicants who use Canada Post's Priority Courier service must keep a copy of the postal receipt, and file it with the Board with their Certificate of Delivery.]

4. Detailed description and geographic location of the unit of employees for which the responding party is the bargaining agent. (This description is usually found in the recognition or scope clause of the collective agreement, if any).
5. Description of site or sites where the applicant believes affected employees to be at work on the Application Filing Date (please list):
6. If there is or has been a collective agreement, state the date on which it was signed, the effective date and the expiry date of the most recent collective agreement:
7. If there is a collective agreement, is it a first agreement between the employer and the union?
- Yes
 No
8. If no collective agreement has been reached, state the date of the recognition agreement or Board Certificate:

Form A-77

9. The number of employees the applicant believes to be at work in the bargaining unit on the Application Filing Date:

10. Documentary evidence from employees who have expressed a wish not to be represented by the trade union accompanies this application and

does

does not

represent the wishes of 40 percent or more of the employees in the bargaining unit who were at work on the date of application.

[Section 63(4) of the Act provides that an application to terminate bargaining rights shall be accompanied by a list of names of the employees in the bargaining unit who have expressed a wish not to be represented by the trade union and evidence of the wishes of those employees, but the applicant shall not give this information to the trade union or employer. Rule 138 provides that the evidence must be in writing and signed by each employee concerned.]

11. Other relevant statements (attach additional pages if necessary):

Vote Arrangements (Please read Information Bulletin No. 8 - Vote Arrangements in the Construction Industry before completing this portion of the form).

12. Please state the date on which you believe the vote should take place, and explain why:

13. Please list below the hours you propose for the vote specifying start and finish times and either a.m. or p.m.:

Form A-77

Please explain the reasons for your proposed vote times (e.g. shift change, employee start times, etc.):

14. Please list the regular days and hours of work of the employees in the bargaining unit:

15. Do the employees in the bargaining unit meet together at one location at any point in the day? If so, where and when:

16. Please indicate below the location you propose for the poll(s) (eg. employer premises, job site(s), other locations):

Poll #1

Description of the location (in detail):

Poll #2 (only if multiple locations are necessary)

Description of the location (in detail):

Please explain the reason for your proposed location for the poll(s):

Form A-77

17. If you are requesting special voting arrangements or methods that depart from the Board's normal practices that are described in Information Bulletin No. 8, please specify those arrangements and the reasons for them (in detail):
18. Please indicate the number of Notices of Vote that you believe should be posted so that they will come to the attention of all the employees affected, or indicate any suggested alternative methods of notifying employees of the vote:
19. Please set out the name of the Scrutineer you have selected to represent you at each poll:
Poll #1:
Poll #2 (only if multiple locations are necessary):
20. Please state the name of the agent that you have selected to represent you at the counting of the ballots:

DATED _____.

Signature for the Applicant

Form A-77

IMPORTANT NOTES

THE FOLLOWING DOCUMENTS MUST ACCOMPANY THIS APPLICATION WHEN IT IS FILED WITH THE BOARD:

- (A) ANY EVIDENCE RELATING TO THE APPLICATION THAT EMPLOYEES DO NOT WISH TO BE REPRESENTED BY THE TRADE UNION;
- (B) A LIST OF EMPLOYEES, IN ALPHABETICAL ORDER, CORRESPONDING WITH THE EVIDENCE FILED; AND
- (C) A DECLARATION VERIFYING EVIDENCE OF EMPLOYEE WISHES, CONSTRUCTION INDUSTRY (FORM A-80).

NOTE: EVIDENCE THAT EMPLOYEES DO NOT WISH TO BE REPRESENTED BY THE UNION, THE LIST OF EMPLOYEES CORRESPONDING WITH THAT EVIDENCE, AND THE DECLARATION VERIFYING EVIDENCE OF EMPLOYEE WISHES ARE NOT TO BE DELIVERED TO THE UNION OR EMPLOYER.

THE BOARD'S RULES OF PROCEDURE DESCRIBE HOW AN APPLICATION MUST BE FILED WITH THE BOARD, WHAT INFORMATION MUST BE PROVIDED AND THE TIME LIMITS THAT APPLY.

PLEASE CONSULT THE BOARD'S RULES BEFORE COMPLETING THIS APPLICATION. COPIES OF THE RULES MAY BE OBTAINED FROM THE BOARD'S OFFICE LOCATED ON THE 2ND FLOOR AT 505 UNIVERSITY AVENUE, TORONTO, ONTARIO, (TEL. (416) 326-7500) OR FROM THE BOARD'S WEBSITE AT www.olrb.gov.on.ca.

BOARD HEARINGS ARE OPEN TO THE PUBLIC UNLESS THE PANEL DECIDES THAT MATTERS INVOLVING PUBLIC SECURITY MAY BE DISCLOSED OR IF IT BELIEVES THAT DISCLOSURE OF FINANCIAL OR PERSONAL MATTERS WOULD BE DAMAGING TO ANY OF THE PARTIES. HEARINGS ARE NOT RECORDED AND NO TRANSCRIPTS ARE PRODUCED.

THE BOARD ISSUES WRITTEN DECISIONS, WHICH MAY INCLUDE THE NAME AND PERSONAL INFORMATION ABOUT PERSONS APPEARING BEFORE IT. DECISIONS ARE AVAILABLE TO THE PUBLIC FROM A VARIETY OF SOURCES INCLUDING THE ONTARIO WORKPLACE TRIBUNALS LIBRARY, AND OVER THE INTERNET AT WWW.CANLII.ORG, A FREE LEGAL INFORMATION DATA BASE. SOME SUMMARIES AND DECISIONS MAY BE FOUND ON THE BOARD'S WEBSITE UNDER *HIGHLIGHTS* AND RECENT DECISIONS OF INTEREST AT WWW.OLRB.GOV.ON.CA.

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

Form A-78

- (c) Name, address, telephone number, facsimile number and e-mail address of contact person for responding party (Please Note: this individual must be regularly available by telephone during the five (5) days leading up to the date set for the vote. Your contact person should be a person with the authority to enter into agreements on your behalf.):

[Periods of time referred to in this response, in other Board forms and notices, and in the Board's Rules of Procedure do not include weekends, statutory holidays, or any other day that the Board is closed.]

2. Name, address, telephone number, facsimile number and e-mail address of employer of employees affected by the application, and of contact person:
3. Detailed description of the unit of employees for which the responding party is the bargaining agent, including the geographic area:
4. Description of site or sites where the responding party believes affected employees to be at work on the Application Filing Date (please list):
5. Has the application been made within one of the time periods provided for in the Act for the making of such applications?

Yes

No

If no, explain:

Form A-78

6. Do you agree with the applicant's statement in paragraph 9 of the application regarding the number of employees at work in the bargaining unit on the Application Filing Date?

Yes

No

If no, please set out the number of employees at work in the bargaining unit on the Application Filing Date:

[The Application Filing Date is set out in paragraph 3 of the Application (Form A-77).]

7. The date of certification, if any, of the responding party as bargaining agent of the employees in the unit:

8. Is or was the responding party bound by a collective agreement with the employer of employees affected by this application?

Yes

No

9. If the answer to paragraph 8 is yes, state below the date on which it was signed, the effective date and the expiry date, and enclose a copy with this response.

10. If the answer to paragraph 8 is yes, is the agreement a first agreement between the union and the employer?

Yes

No

Form A-78

11. Does the responding party wish to continue to represent the employees in this bargaining unit?

Yes

No

[Section 63(17) of the Act provides that the Board may declare that a trade union no longer represents employees in the bargaining unit where the trade union concerned informs the Board that it does not desire to continue to represent the employees.]

12. Is the responding party seeking the dismissal of this application under section 63(16) of the Act?

Yes

No

If the answer is yes, you must provide in this response detailed representations in support of your position. Include **all** of the material facts on which you rely including the circumstances, what happened, where and when it happened, and the names of any persons said to have acted improperly. Your detailed representations must also be delivered to all other parties.

13. Other relevant statements (attach additional pages if necessary):

Vote Arrangements (Please read Information Bulletin No. 8 - Vote Arrangements in the Construction Industry before completing this portion of the form.)

14. Do you agree with the date of the vote proposed in the applicant's Form A-77 at paragraph 12?

Yes

No

If no, please explain fully, including the date(s) on which you believe the vote should take place and the reasons why:

Form A-78

15. Please list the regular days and hours of work of the employees in the bargaining unit:
16. Do the employees in the bargaining unit meet together at one location at any point in the day? If so, when and where:
17. Do you agree with the hours of vote proposed in the applicant's Form A-77 at paragraph 13?
- Yes
 No

If no, please explain fully and outline the responding party's suggested hours specifying start and finish times and a.m. or p.m., and the reasons for them:

18. Do you agree with the location of the poll(s) proposed in the applicant's Form A-77 at paragraph 16?
- Yes
 No

If no, please explain fully and outline the responding party's suggested location of the poll(s), and the reasons for them:

Form A-78

19. Do you agree with the special voting arrangements (if any) proposed in the applicant's Form A-77 at paragraph 17?

Yes

No

If no, please explain fully why you disagree:

20. Please indicate the number of Notices that you believe should be posted so that they will come to the attention of all the employees affected by the application, or indicate any suggested alternative methods of notifying employees of the vote:

21. Please list the name of the Scrutineer you have selected to represent you at each poll:

Poll #1:

Poll #2 (only if multiple locations are necessary):

22. Please state the name of the agent that you have selected to represent you at the counting of the ballots:

23. Please state the name of the responding party as you wish it to appear on the Notice in the voting booth:

DATED _____.

Signature for the Responding Party

Form A-78

CERTIFICATE OF DELIVERY

1. I certify that a completed copy of the Response to Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-78) was delivered to [] the applicant and [] the employer as follows:

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

[Complete either section 2 or section 3 below.]

2. The documents were delivered by [] facsimile transmission or [] hand delivery on _____ at _____ a.m./p.m.
(Date)

3. The documents were given to Canada Post's Priority Courier Service on _____,
(Date)

and I was advised that they would be delivered not later than _____
(Date)

at _____ a.m./p.m.

NAME: _____

TITLE: _____

SIGNATURE: _____

Form A-78

IMPORTANT NOTES

THE BOARD'S RULES OF PROCEDURE DESCRIBE HOW A RESPONSE MUST BE FILED WITH THE BOARD, WHAT INFORMATION MUST BE PROVIDED AND THE TIME LIMITS THAT APPLY.

PLEASE CONSULT THE BOARD'S RULES BEFORE COMPLETING THIS RESPONSE. A COPY OF PART V OF THE BOARD'S RULES WAS DELIVERED TO YOU WITH THE APPLICATION. ADDITIONAL COPIES OF THE RULES MAY BE OBTAINED FROM THE BOARD'S OFFICE LOCATED ON THE 2ND FLOOR AT 505 UNIVERSITY AVENUE, TORONTO, ONTARIO, M5G 2P1 (TEL. (416) 326-7500) OR FROM THE BOARD'S WEBSITE AT www.olrb.gov.on.ca.

BOARD HEARINGS ARE OPEN TO THE PUBLIC UNLESS THE PANEL DECIDES THAT MATTERS INVOLVING PUBLIC SECURITY MAY BE DISCLOSED OR IF IT BELIEVES THAT DISCLOSURE OF FINANCIAL OR PERSONAL MATTERS WOULD BE DAMAGING TO ANY OF THE PARTIES. HEARINGS ARE NOT RECORDED AND NO TRANSCRIPTS ARE PRODUCED.

THE BOARD ISSUES WRITTEN DECISIONS, WHICH MAY INCLUDE THE NAME AND PERSONAL INFORMATION ABOUT PERSONS APPEARING BEFORE IT. DECISIONS ARE AVAILABLE TO THE PUBLIC FROM A VARIETY OF SOURCES INCLUDING THE ONTARIO WORKPLACE TRIBUNALS LIBRARY, AND OVER THE INTERNET AT WWW.CANLII.ORG, A FREE LEGAL INFORMATION DATA BASE. SOME SUMMARIES AND DECISIONS MAY BE FOUND ON THE BOARD'S WEBSITE UNDER *HIGHLIGHTS* AND RECENT DECISIONS OF INTEREST AT WWW.OLRB.GOV.ON.CA.

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

Form A-79

File No. _____

LABOUR RELATIONS ACT, 1995

**INTERVENTION IN APPLICATION FOR TERMINATION OF
BARGAINING RIGHTS UNDER SECTION 63 OR 132 OF THE ACT,
CONSTRUCTION INDUSTRY**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

- and -

Responding Party.

**PLEASE READ INFORMATION BULLETIN NO. 7 -- TERMINATION OF
BARGAINING RIGHTS IN THE CONSTRUCTION INDUSTRY UNDER SECTION 63
OR 132 OF THE LABOUR RELATIONS ACT BEFORE YOU COMPLETE THIS
FORM.**

_____ intervenes in this proceeding.

The intervenor states in response to the application:

1. (a) Names, address, telephone number, facsimile number and e-mail address of the intervenor:

Form A-79

- (b) Name, address, telephone number, facsimile number and e-mail address of contact person for intervenor (Please Note: this individual **must** be regularly available by telephone during the five (5) days leading up to the date set for the vote. Your contact person should be a person with the authority to enter into agreements on your behalf.):

[Periods of time referred to in this intervention, in other Board forms and notices, and in the Board's Rules of Procedure do not include weekends, statutory holidays, and any other day that the Board is closed.]

2. The intervenor is the employer of the employees in the bargaining unit to which the application relates:

Yes

No

If no, please state the nature of the intervenor's interest in the application:

3. In support of its intervention, the intervenor relies on the following material facts:
4. Detailed description of the unit of employees for which the responding party is the bargaining agent including geographic area:
5. Has the application been made within one of the time periods provided for in the Act for the making of such applications?

Yes

No

Form A-79

If no, explain:

6. Do you agree with the applicant's statement in paragraph 9 of the application regarding the number of employees at work in the bargaining unit on the Application Filing Date:

Yes

No

If no, please set out the number of employees at work in the bargaining unit on the Application Filing Date:

[The Application Filing Date is set out in paragraph 3 of the application (Form A-77). You are required to attach to your intervention a completed copy of Schedule C (List of Employees) containing the names of all employees at work in the bargaining unit on the Application Filing Date.]

7. Other relevant statements (attach additional pages if necessary):

Vote Arrangements (Please read Information Bulletin No. 8 - Vote Arrangements in the Construction Industry before completing this portion of your form).

8. Do you agree with the date of the vote proposed in the applicant's Form A-77 at paragraph 12?

Yes

No

If no, please explain fully, including the date(s) on which you believe the vote should take place and the reasons why:

Form A-79

9. Please list the regular days and hours of work of the employees in the bargaining unit:
10. Do the employees in the bargaining unit meet together at one location at any point in the day? If so, when and where:
11. Do you agree with the hours of vote proposed in the applicant's Form A-77 at paragraph 13?

Yes

No

If no, please explain fully and outline your suggested hours specifying start and finish times and either a.m. or p.m., and the reasons for them:

12. Do you agree with the location of the poll(s) proposed in the applicant's Form A-77 at paragraph 16?

Yes

No

If no, please explain fully and outline your suggested location of the poll(s), and the reasons for them:

13. Do you agree with the special voting arrangements (if any) proposed in the applicant's Form A-77 at paragraph 17?

Yes

No

Form A-79

If no, please explain fully why you disagree:

14. Please indicate the number of Notices that you believe should be posted in the workplace so that they will come to the attention of the employees affected by the application, or indicate any alternative means of notifying employees of the vote:

15. Please list the name of the Scrutineer you have selected to represent you at each poll:

Poll #1:

Poll #2 (only if multiple locations are necessary):

16. Please state the name of the agent that you have selected to represent you at the counting of the ballots:

DATED _____.

Signature for the Intervenor

Form A-79

CERTIFICATE OF DELIVERY

1. I certify that:

[] a completed copy of the Intervention in Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-79), including Schedule C;

OR

[] a completed copy of the Schedule C;

was delivered to [] the applicant and to [] the union as follows:

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

[Complete either section 2 or section 3 below.]

2. The documents were delivered by [] facsimile transmission or [] hand delivery on _____ at _____ a.m./p.m.
(Date)

3. The documents were given to Canada Post's Priority Courier Service on _____, (Date)
and I was advised that they would be delivered not later than _____, (Date)
at _____ a.m./p.m.

Form A-79

NAME: _____

TITLE: _____

SIGNATURE: _____

IMPORTANT NOTES

YOU MUST FILE WITH THE BOARD ONE SIGNED ORIGINAL AND ONE COPY OF THIS INTERVENTION AND/OR SCHEDULE C AND ANY MATERIALS THAT ACCOMPANY IT.

PLEASE CONSULT THE BOARD'S RULES OF PROCEDURE BEFORE COMPLETING THIS INTERVENTION. A COPY OF PART V OF THE BOARD'S RULES WAS DELIVERED TO YOU WITH THE APPLICATION. THE BOARD'S RULES OF PROCEDURE DESCRIBE HOW A RESPONSE (WHICH INCLUDES AN INTERVENTION) MUST BE FILED WITH THE BOARD, WHAT INFORMATION MUST BE PROVIDED AND THE TIME LIMITS THAT APPLY.

ADDITIONAL COPIES OF THE BOARD'S RULES MAY BE OBTAINED FROM THE BOARD'S OFFICE AT 505 UNIVERSITY AVENUE, 2ND FLOOR, TORONTO, ONTARIO, M5G 2P1 (TEL. (416) 326-7500) OR FROM THE BOARD'S WEBSITE AT www.olrb.gov.on.ca.

BOARD HEARINGS ARE OPEN TO THE PUBLIC UNLESS THE PANEL DECIDES THAT MATTERS INVOLVING PUBLIC SECURITY MAY BE DISCLOSED OR IF IT BELIEVES THAT DISCLOSURE OF FINANCIAL OR PERSONAL MATTERS WOULD BE DAMAGING TO ANY OF THE PARTIES. HEARINGS ARE NOT RECORDED AND NO TRANSCRIPTS ARE PRODUCED.

THE BOARD ISSUES WRITTEN DECISIONS, WHICH MAY INCLUDE THE NAME AND PERSONAL INFORMATION ABOUT PERSONS APPEARING BEFORE IT. DECISIONS ARE AVAILABLE TO THE PUBLIC FROM A VARIETY OF SOURCES INCLUDING THE ONTARIO WORKPLACE TRIBUNALS LIBRARY, AND OVER THE INTERNET AT WWW.CANLII.ORG, A FREE LEGAL INFORMATION DATA BASE. SOME SUMMARIES AND DECISIONS MAY BE FOUND ON THE BOARD'S WEBSITE UNDER *HIGHLIGHTS* AND RECENT DECISIONS OF INTEREST AT WWW.OLRB.GOV.ON.CA.

Form A-79

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

Form A-80

File No. _____

LABOUR RELATIONS ACT, 1995

DECLARATION VERIFYING EVIDENCE OF EMPLOYEE WISHES

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,
- and -

**Responding Party
(Trade Union).**

I, _____, on behalf of the
(name)

applicant, declare that, to the best of my knowledge, information and belief:

1. The document(s) submitted in support of the application represent evidence that
..... persons who were employees of the employer in the bargaining unit on the
(number)
application date do not wish to be represented by the trade union.
2. There were persons who were employees of the employer in the bargaining
(number)
unit on the application date.
3. On the basis of my personal knowledge or inquiries I have made, the document(s) were
signed by the employees indicated on the document(s), except in the following instances:

Dated _____.

(signature)

Form A-81

File No. _____

LABOUR RELATIONS ACT, 1995

**CERTIFICATE OF DELIVERY BY APPLICANT IN
APPLICATION FOR TERMINATION OF BARGAINING RIGHTS
UNDER SECTION 63 OR 132 OF THE ACT, CONSTRUCTION INDUSTRY**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

- and -

Responding Party.

Note: The date of delivery is the date the documents are actually received by the other party, no matter what method of delivery is used.

1. I certify that the following documents were delivered to the senior union official responsible for the bargaining unit on behalf of the responding party, as follows:
 - a completed copy of the Notice to Union of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form C-34);
 - a completed copy of the Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-77);
 - a blank copy of a Response to Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-78);
 - a copy of Information Bulletin No. 7 - Termination of Bargaining Rights in the Construction Industry under Section 63 or 132 of the Labour Relations Act;
 - a copy of Information Bulletin No. 8 - Vote Arrangements in the Construction Industry;
 - a copy of Information Bulletin No. 10 - Status Disputes in Termination Applications in the Construction Industry; and

Form A-81

- a copy of Part V of the Board's Rules of Procedure.

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

Warning: Failure to deliver the application and other documents to the appropriate union official may result in delay in processing the application and/or the vote being delayed.

2. I certify that the following documents were delivered to the employer, as follows:

- a completed copy of the Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-77);
- a completed copy of the Notice to Employer of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form C-35);
- a blank copy of an Intervention in Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-79), including Schedule C (List of Employees);
- a copy of Information Bulletin No. 7 - Termination of Bargaining Rights in the Construction Industry under Section 63 or 132 of the Labour Relations Act;
- a copy of Information Bulletin No. 8 - Vote Arrangements in the Construction Industry;
- a copy of Information Bulletin No. 10 - Status Disputes in Termination Applications in the Construction Industry; and
- a copy of Part V of the Board's Rules of Procedure

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

[Complete either section 3 or section 4 below.]

3. The documents were delivered by [] facsimile transmission or [] hand delivery on

_____ at _____ a.m./p.m.
(Date)

Form A-81

4. The documents were given to Canada Post's Priority Courier Service on _____, and I was advised that they would be delivered not later than _____, at _____ a.m./p.m.

NAME: _____

TITLE: _____

SIGNATURE: _____

NOTE: APPLICANTS WHO FILED THEIR APPLICATION WITH THE BOARD USING CANADA POST'S PRIORITY COURIER SERVICE ARE TO FILE A COPY OF THEIR POSTAL RECEIPT WITH THIS CERTIFICATE OF DELIVERY.

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

Form C-34

LABOUR RELATIONS ACT, 1995

NOTICE TO UNION OF APPLICATION FOR TERMINATION OF BARGAINING RIGHTS UNDER SECTION 63 OR 132 OF THE ACT, CONSTRUCTION INDUSTRY

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

- and -

Applicant,

**Responding Party
(Trade Union).**

TO THE RESPONDING PARTY:

1. The applicant has applied to the Ontario Labour Relations Board for a declaration that the responding party no longer represents the employees in a bargaining unit described in the Application for Termination of Bargaining Rights (Form A-77) enclosed with this notice.
2. This notice and other material are being sent to you because you are the Responding Party. **An application for termination of bargaining rights is a legal proceeding and may affect your legal rights and obligations. You may wish to seek legal advice immediately.**
3. Enclosed with this notice are the following documents:
 - (a) a copy of the Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-77);
 - (b) a blank Response to Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-78);
 - (c) a copy of Information Bulletin No. 7 - Termination of Bargaining Rights in the Construction Industry under Section 63 or 132 of the Act;

Form C-34

- (d) a copy of Information Bulletin No. 8 - Vote Arrangements in the Construction Industry;
 - (e) a copy of Information Bulletin No. 10 - Status Disputes in Termination Applications in the Construction Industry; and
 - (f) a copy of Part V of the Board's Rules of Procedure.
4. **Your Response must be filed with the Board no later than two (2) days after the Application for Termination of Bargaining Rights was delivered to you.**

You may file your Response with the Board by facsimile transmission. The Board's facsimile number is (416) 326-7531.

You must also ensure that a copy of your Response is delivered to the applicant and to the employer before you file it with the Board. You must also complete a Certificate of Delivery.

5. Please note that periods of time referred to in this notice, in other Board forms and notices, and in the Board's Rules of Procedure do not include week-ends, statutory holidays, or any other day that the Board is closed.
6. **It is an offence punishable on summary conviction to fail to comply with a direction of the Board -- see section 104 of the Labour Relations Act.**
7. If the Board determines that 40 percent or more of the employees in the bargaining unit appear to have expressed a wish not to be represented by the trade union at the time the application was filed, the Board will likely direct that a representation vote be taken among the employees in the bargaining unit.

(However, the Board may not order a vote if the application was made outside of the time periods provided for in the Labour Relations Act, or if the Board finds that the employer or a person acting on behalf of the employer initiated the application or threatened, coerced or intimidated employees in connection with the application.)

8. **Any direction from the Board to conduct a representation vote will be contained in a Decision of the Board which will be sent to you. If the Board directs that a representation vote be taken, an appropriate notice (indicating the time and the place the vote will be taken) will be sent to you and to the employer for posting in the workplace.**

Form C-34

9. The Board's Rules of Procedure require the applicant to deliver the enclosed application to you and the employer and confirm, to the Board, that it has done so within two (2) days of the application being filed with the Board. After the application and confirmation are filed, you will receive confirmation directly from the Board. If you do not hear from the Board within two days after you receive the application, you may wish to contact the Board.
10. In the normal course, an Officer of the Board will be contacting you to discuss this application with you.

DATED _____.

The Registrar
Ontario Labour Relations Board

NOTE: All communications should be addressed to:

The Registrar
Ontario Labour Relations Board
505 University Avenue
2nd Floor
Toronto, Ontario
M5G 2P1
Tel (416) 326-7500

IMPORTANT NOTES

YOU HAVE THE RIGHT TO COMMUNICATE WITH, AND RECEIVE AVAILABLE SERVICES FROM, THE BOARD IN EITHER ENGLISH OR FRENCH.

VOUS AVEZ LE DROIT DE COMMUNIQUER AVEC LA COMMISSION ET DE FAIRE APPEL À SES SERVICES EN ANGLAIS OU EN FRANÇAIS.

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

Form C-35

LABOUR RELATIONS ACT, 1995

NOTICE TO EMPLOYER OF APPLICATION FOR TERMINATION OF BARGAINING RIGHTS UNDER SECTION 63 OR 132 OF THE ACT, CONSTRUCTION INDUSTRY

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

- and -

Responding Party.

TO THE EMPLOYER:

1. The applicant has applied to the Ontario Labour Relations Board for a declaration that the responding party no longer represents employees in a bargaining unit described in the Application for Termination of Bargaining Rights (Form A-77) enclosed with this notice.
2. This notice and other material is being sent to you because you are the employer of the employees represented by the Responding Party.

An application for termination of bargaining rights is a legal proceeding and may affect your legal rights and obligations. You may wish to seek legal advice immediately.

3. Enclosed with this notice are the following documents:
 - (a) a copy of the Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-77);
 - (b) a blank Intervention in Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-79), including Schedule C (List of Employees);

Form C-35

- (c) a copy of Information Bulletin No. 7 - Termination of Bargaining Rights in the Construction Industry under Section 63 or 132 of the Act;
- (d) a copy of Information Bulletin No. 8 - Vote Arrangements in the Construction Industry;
- (e) a copy of Information Bulletin No. 10 - Status Disputes in Termination Applications in the Construction Industry; and
- (f) a copy of Part V of the Board's Rules of Procedure.

- 4. Your Intervention must be filed with the Board no later than two (2) days after the Application for Termination of Bargaining Rights (Form A-77) was delivered to you. Whether or not you file an Intervention, you must file Schedule C with the Board no later than two (2) days after the application was delivered to you.**

You may file your Intervention and Schedule C with the Board by facsimile transmission. The Board's facsimile number is (416) 326-7531.

Whatever documents you file with the Board, you must also ensure that copies of those documents are delivered to the applicant and to the union within two (2) days of the date on which the application was delivered to you.

5. Please note that periods of time referred to in this notice in other Board forms and notices, and in the Board's Rules of Procedure do not include week-ends, statutory holidays, or any other day that the Board is closed.
6. **It is an offence punishable on summary conviction to fail to comply with a direction of the Board -- see section 104 of the Labour Relations Act.**
7. If the Board determines that 40 percent or more of the employees in the bargaining unit appear to have expressed a wish not to be represented by the trade union at the time the application was filed, the Board will likely direct that a representation vote be taken among the employees in the bargaining unit.

(However, the Board may not order a vote if the application was made outside of the time periods provided for in the Labour Relations Act, or if the Board finds that the employer or a person acting on behalf of the employer initiated the application or threatened, coerced or intimidated employees in connection with the application.)

8. Any direction from the Board to conduct a representation vote will be contained in a Decision of the Board which will be sent to you. If the Board directs that a representation vote be taken, an appropriate notice (indicating the time and the place the vote will be taken) will be sent to you for posting in the workplace.

Form C-35

9. The Board's Rules of Procedure require the applicant to deliver the enclosed application to you and the union and confirm, to the Board, that it has done so within two (2) days of the application being filed with the Board. After the application and confirmation are filed, you will receive confirmation directly from the Board. If you do not hear from the Board within two days after you receive the application, you may wish to contact the Board.
10. In the normal course, an Officer of the Board will be contacting you to discuss this application with you.

DATED _____.

The Registrar
Ontario Labour Relations Board

NOTE: All communications should be addressed to:

The Registrar
Ontario Labour Relations Board
505 University Avenue, 2nd Floor
Toronto, Ontario
M5G 2P1
Tel. (416) 326-7500

IMPORTANT NOTES

THE BOARD'S RULES OF PROCEDURE DESCRIBE HOW A RESPONSE (WHICH INCLUDES AN INTERVENTION) MUST BE FILED WITH THE BOARD, WHAT INFORMATION MUST BE PROVIDED AND THE TIME LIMITS THAT APPLY.

IF YOU DO NOT FILE YOUR INTERVENTION AND OTHER REQUIRED DOCUMENTATION IN THE WAY REQUIRED BY THE RULES, THE BOARD MAY NOT PROCESS YOUR INTERVENTION AND DOCUMENTS, AND MAY DECIDE THE APPLICATION WITHOUT FURTHER NOTICE TO YOU. FURTHERMORE, YOU MAY BE DEEMED TO HAVE ACCEPTED ALL THE FACTS STATED IN THE APPLICATION.

PLEASE CONSULT THE BOARD'S RULES BEFORE COMPLETING YOUR INTERVENTION. A COPY OF PART VI OF THE BOARD'S RULES WAS DELIVERED TO YOU AS PART OF THIS PACKAGE. ADDITIONAL COPIES OF THE RULES MAY BE OBTAINED FROM THE BOARD'S OFFICE LOCATED ON THE 2ND FLOOR AT 505 UNIVERSITY AVENUE, TORONTO, ONTARIO (TEL. (416) 326-7500) OR DOWNLOADED FROM THE BOARD'S WEBSITE AT www.olrb.gov.on.ca.

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

Confidential Statement: Make copies of this page. Each employee wanting to decertify the union must sign a copy of the form below no more than 6 months before the date you file your application with the Ontario Labour Board.

cut here

Individual Decertification Form (Ontario)

This document indicates that I do not wish to be represented by:

(Write the full name of the union, including the Local, if applicable)

As it relates to the following employer:

(Write the full name of your employer)

(Full Name - PRINT - do not write)

Signature: _____
(Signed by employee)

Date: _____
(Filled in by employee on date signed)

cut here

Individual Decertification Form (Ontario)

This document indicates that I do not wish to be represented by:

(Write the full name of the union, including the Local, if applicable)

As it relates to the following employer:

(Write the full name of your employer)

(Full Name - PRINT - do not write)

Signature: _____
(Signed by employee)

Date: _____
(Filled in by employee on date signed)

cut here

Individual Decertification Form (Ontario)

This document indicates that I do not wish to be represented by:

(Write the full name of the union, including the Local, if applicable)

As it relates to the following employer:

(Write the full name of your employer)

(Full Name - PRINT - do not write)

Signature: _____
(Signed by employee)

Date: _____
(Filled in by employee on date signed)

PART V – CONSTRUCTION INDUSTRY

RULE 23 ACCREDITATION AND TERMINATION OF ACCREDITATION

| Form No. | Form Name |
|----------------------|--|
| A-92 | Application for Accreditation, Construction Industry |
| A-93 | Response to Application for Accreditation, Construction Industry |
| A-94 | Employer Filing, Application for Accreditation, Construction Industry |
| A-95 | Declaration Concerning Representation Documents Application for Accreditation, Construction Industry |
| A-96 | Intervention, Accreditation or Termination of Accreditation as Bargaining Agent, Construction Industry |
| C-39 | Notice to Responding Party and/or Affected Party of Application for Accreditation, Construction Industry |

23.1 A copy of the applicant's charter, constitution or by-laws must be filed with an application for accreditation

23.2 The applicant for accreditation must also file by the response date:

- (a) proof that it is authorized by each employer whom it represents to act as a bargaining agent;
- (b) an alphabetical list of employers corresponding with the evidence of representation filed; and
- (c) an alphabetical list of employers claimed to be in the unit of employers.

23.3 The applicant for accreditation must also file, not later than the second day after the response date, a declaration concerning representation documents in the form set by the Board.

23.4 If an employers' organization, trade union or council of trade unions that is served with notice or claims to have an interest in the application does not file a response by the response date, it may be deemed to have abandoned any claim to have an interest in the application.

23.5 The Registrar may set an employer response date in any application and may change that employer response date if he or she considers it advisable.

23.6 An employer which is served with notice must make an employer filing in the form set by the Board not later than the employer response date. An employer which has made an employer filing may appear at the hearing.

23.7 Evidence of representation or of objection or that employers no longer wish to be represented by an accredited employers' organization will not be considered by the Board unless the evidence is in writing, and signed by each employer concerned, and is accompanied by the full name, address, telephone number and facsimile number, if any, of each employer concerned and of a contact person.

23.8 Evidence of representation or that employers no longer wish to be represented by an accredited employers' organization must be filed no later than the response date

23.9 Evidence of objection must be accompanied by the full name, address, telephone number and facsimile number, if any, of the employers' organization and must be filed not later than the employer response date.

23.10 The Board will not consider oral evidence of representation or of objection or that employers no longer wish to be represented by an accredited employers' organization, except to identify or substantiate the evidence.

23.11 Any employer or group of employers affected by an application who wishes to make representations in opposition to the application must file a statement in writing in the form set out by the Board not later than the employer response date. Any employer or group of employers which has filed such a statement may appear at the hearing.

23.12 Where any employer or group of employers files a statement and does not appear at the hearing or send a representative to present evidence as to the circumstances of the written evidence, including how it was created and the way in which each signature was obtained, the Board may dispose of the application without considering the statement.

CERTIFICATION AND TERMINATION APPLICATIONS IN THE CONSTRUCTION INDUSTRY

RULE 24 FILING AND DELIVERING

24.1 Applications and all other material required to be delivered under Part V of these Rules must be delivered in one of the following ways:

- (a) facsimile transmission;
- (b) Priority Courier;
- (c) hand delivery; or
- (d) Any other way agreed upon by the parties.

24.2 The date of filing is the date that a document is received by the Board. However, if an application is sent by Priority Courier, the date of filing is the date on which the application is sent (as verified by the Post Office).

24.3 An applicant must verify in writing that it has delivered the application and other material as required by these Rules by filing a Certificate of Delivery not later than two (2) days after filing the application with the Board. The Board will not process an application that fails to comply with this Rule and the matter will be terminated.

RULE 25 CERTIFICATION

| Form No. | Form Name |
|--|--|
| A-71 | Application for Certification, Construction Industry |
| A-72 | Response to Application for Certification, Construction Industry |
| A-73 | Intervention in Application for Certification, Construction Industry |
| A-74 | Declaration Verifying Membership Evidence, Construction Industry |
| A-75 | Certification of Delivery by Applicant for Certification , Construction Industry |
| A-76 | Confirmation of Posting - Application for Certification, Construction Industry |
| C-32 | Notice to Employer of Application for Certification, Construction Industry |
| C-33 | Notice to Employees of Application for Certification, Construction Industry |
| Information Bulletin #06 | Certification of trade Unions in the Construction Industry |
| Information Bulletin #08 | Vote Arrangements in the Construction Industry |
| Information Bulletin #09 | Status Disputes in Certification Applications in the Construction Industry |
| Schedule A | Schedule A |

25.1 An application for certification as bargaining agent must also include:

- (a) any membership evidence relating to the application;
- (b) a list of employees, in alphabetical order, corresponding with the membership evidence filed; and
- (c) a declaration verifying the membership evidence (Form A-74).

25.2 Membership evidence will not be considered by the Board unless the evidence is in writing and signed by each employee concerned. Membership evidence must also accompany the application for certification and disclose the date upon which each signature was obtained.

25.3 The applicant must deliver the following to the responding party not later than two (2) days after filing the application with the Board:

- (a) a completed copy of the application (but not including the material described in paragraphs (a), (b), and (c) of Rule 25.1);
- (b) a blank copy of the form set by the Board for responding to the application (Form A-72), including Schedule A (List of Employees);
- (c) a completed copy of the Notice to Employer of Application for Certification, Construction Industry (Form C-32);
- (d) a copy of Information Bulletin No. 6 -- Certification of Trade Unions in the Construction Industry;
- (e) a copy of Information Bulletin No. 8 -- Vote Arrangements in the Construction Industry;
- (f) a copy of Information Bulletin No. 9 -- Status Disputes in Certification Applications in the Construction Industry; and
- (g) a copy of Part V of the Board's Rules of Procedure.

25.4 If the applicant has identified an affected trade union in its application, the applicant must deliver the following to the affected trade union not later than two (2) days after filing its application with the Board:

- (a) a completed copy of the application (but not including the material described in paragraphs (a), (b), and (c) of Rule 25.1);

- (b) a blank copy of the form set by the Board for intervening in the application (Form A-73);
- (c) a copy of Information Bulletin No. 6 -- Certification of Trade Unions in the Construction Industry;
- (d) a copy of Information Bulletin No. 8 -- Vote Arrangements in the Construction Industry;
- (e) a copy of Information Bulletin No. 9 -- Status Disputes in Certification Applications in the Construction Industry; and
- (f) a copy of Part V of the Board's Rules of Procedure.

25.5 A responding party must file a response to the application, including Schedule A, not later than two (2) days after the application was delivered to it.

25.6 Where an application for certification is filed pursuant to the construction industry provisions and the Board finds that the application does not come within those provisions, the Board shall issue such directions as it considers necessary for processing the application.

RULE 26 TERMINATION OF BARGAINING RIGHTS UNDER SECTION 63 OR 132 OF THE ACT

| Form No. | Form Name |
|--|---|
| A-77 | Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry |
| A-78 | Response to Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry |
| A-79 | Intervention in Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry |
| A-80 | Declaration Verifying evidence of Employee Wishes |
| A-81 | Certificate of Delivery by Applicant in Application for Termination for Bargaining Rights under Section 63 or 132 of the Act, Construction Industry |
| A-82 | Confirmation of Posting - Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry |
| C-34 | Notice to Union of Application Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry |
| C-35 | Notice to Employer of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry |
| C-36 | Notice to Employees of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry |
| Information Bulletin #07 | Termination of Bargaining Rights in the Construction Industry Under Section 63 or 132 of the Labour Relations Act |
| Schedule C | Schedule C – Construction Industry |

26.1 An application for termination of bargaining rights under section 63 or 132 of the Act must also include:

- (a) any evidence relating to the application that employees do not wish to be represented by the trade union;
- (b) a list of employees, in alphabetical order, corresponding with the evidence filed; and
- (c) a declaration verifying evidence of employees wishes (Form A-80).

26.2 Evidence that employees do not wish to be represented by a trade union will not be considered by the Board unless the evidence is in writing and signed by each employee concerned. The evidence must also accompany the application and disclose the date upon which each signature was obtained.

26.3 The applicant must deliver the following to the union not later than two (2) days after filing its application with the Board:

- (a) a completed copy of the application (but not including the material described in paragraphs (a), (b) and (c) of Rule 26.1);
- (b) a blank copy of the form set by the Board for responding to the application (Form A-78);
- (c) a completed copy of the Notice to Union of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form C-34);
- (d) a copy of Information Bulletin No. 7 -- Termination of Bargaining Rights in the Construction Industry under Section 63 or 132 of the Act;
- (e) a copy of Information Bulletin No. 8 -- Vote Arrangements in the Construction Industry;
- (f) a copy of Information Bulletin No. 10 -- Status Disputes in Termination Applications in the Construction Industry;
- (g) a copy of Part V of the Board's Rules of Procedure;

and must also deliver to the employer:

- (h) completed copies of the application (but not including the material described in paragraphs (a), (b) and (c) of Rule 26.1);
- (i) a blank copy of the form set by the Board for intervening in the application (Form A-79), including Schedule C (List of Employees);
- (j) a completed copy of the Notice to Employer of Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form C-35);
- (k) a copy of Information Bulletin No. 7 -- Termination of Bargaining Rights in the Construction Industry under Section 63 or 132 of the Act;
- (l) a copy of Information Bulletin No. 8 -- Vote Arrangements in the Construction Industry;
- (m) a copy of Information Bulletin No. 10 -- Status Disputes in Termination Applications in the Construction Industry; and
- (n) a copy of Part V of the Board's Rules of Procedure.

26.4 Delivery by the applicant to the responding party under Rule 26.3 should be made to the senior union official responsible for the bargaining unit.

26.5 A responding party (which includes an intervenor) must file a response to the application (which includes an intervention) not later than two (2) days after the application was delivered to it. Whether or not it otherwise responds to the application, the employer must file Schedule C (List of Employees) with the Board not later than two (2) days after the application was delivered to it.

RULE 27 TERMINATION OF BARGAINING RIGHTS UNDER SECTION 127.2 OF THE ACT (NON-CONSTRUCTION EMPLOYER)

| Form No. | Form Name |
|----------------------|--|
| A-83 | Application under Section 127.2 of the Act (Termination of Bargaining Rights, Non-Construction Employer) |
| A-84 | Response to Application under Section 127.2 of the Act (Termination of Bargaining Rights, Non-Construction Employer) |
| A-85 | Confirmation of Posting - Application under Section 127.2 of the Act |
| C-37 | Notice to responding Party and/or Affected Party of Application under Section 127.2 of the Act (Termination of Bargaining Rights, Non-Construction Employer) |

27.1 If the application relates to bargaining rights in the industrial, commercial and institutional sector of the construction industry, the applicant must name the relevant employee bargaining agency, its affiliated bargaining agents, and the employer bargaining agency as affected parties and must deliver material to them in accordance with these Rules. If the application relates to bargaining rights affecting an accredited employers' organization, the applicant must name the employer's organization as an affected party and must deliver material to it in accordance with these Rules.

27.2 A responding party (which includes an intervenor) must file a response to the application not later than ten (10) days after the application was delivered to it.

RULE 28 JURISDICTIONAL DISPUTES (CONSTRUCTION)

| Form No. | Form Name |
|-----------------------|---|
| A-105 | Notice of Jurisdictional Dispute in the Construction Industry |
| A-106 | Response to Notice of Jurisdictional Dispute in the Construction Industry |
| C-43 | Notice to Responding Party and/or Affected Party of Notice of Jurisdictional Dispute in the Construction Industry |

28.1 An applicant must file with the Notice of Jurisdictional Dispute in the construction industry, and every responding party must file with any response, a description of the Work in Dispute, the project, and how and when the dispute arose.

28.2 An employer, whether the applicant or responding party in a jurisdictional dispute application, is required to file with its notice or response, all documents, including but not limited to, plans, drawings, specifications and sketches, that will assist the Board in determining a description of the work in dispute.

28.3 A party responding to a Notice of Jurisdictional Dispute in the construction industry must file its response not later than five (5) days after the date of the Confirmation of Filing issued by the Board.

28.4 Every party to Notice of Jurisdictional Dispute in the construction industry will participate in a pre-consultation conference convened by the Board.

28.5 A party seeking an expedited consultation must set out its preferred time lines in its application or response.

28.6 Parties to a Notice of Jurisdictional Dispute in the construction industry will be required to exchange briefs in the following manner, unless otherwise directed by the Board:

- a) first brief: 6 weeks from the pre-consultation conference;
- b) other parties' briefs: 6 weeks from receipt of first brief;
- c) reply brief: 3 weeks from receipt of responding briefs.

RULE 29 SECTOR DISPUTE

| Form No. | Form Name |
|-----------------------|--|
| A-99 | Application Concerning Sector Dispute in the Construction Industry |
| A-100 | Response to Application Concerning Sector Dispute in the Construction Industry |
| C-40 | Notice to Responding Party and/or Affected Party of Application Concerning Sector Dispute in the Construction Industry |

SCHEDULE C**CONSTRUCTION INDUSTRY**

List in alphabetical order all individuals who were at work for the employer on the Application Filing Date*, and were in the bargaining unit for which the applicant seeks to terminate the trade union's bargaining rights.

| Name | Job Classification |
|------|--------------------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. | |
| 11. | |
| 12. | |
| 13. | |
| 14. | |
| 15. | |
| 16. | |
| 17. | |

* The Application Filing Date is the date set out in paragraph 3 of the application delivered to you by the applicant. It is the date the application was received by the Board, unless it was sent by Canada Post's Priority Courier service, in which case the Application Filing Date is the date on which the application was accepted by Canada Post.

This list has been prepared by me or on my instruction, and I confirm that it is accurate.

Signature

- Note:**
1. You must complete this Schedule, file it with the Board and deliver it to the applicant and union whether or not you are filing an Intervention (Form A-79).
 2. If you are not filing an Intervention, you must also file with the Board, along with this Schedule, the certificate of delivery that is found on pages 2 and 3 of this Schedule.

**CERTIFICATE OF DELIVERY
OF SCHEDULE C**

Note: This certificate is to be completed and filed by the employer only if it does not file an Intervention in Application for Termination of Bargaining Rights under Section 63 or 132 of the Act, Construction Industry (Form A-79).

Note: The date of delivery is the date the documents are actually received by the other party, no matter what method of delivery is used.

1. I certify that a completed copy of Schedule C (List of Employees) was delivered to [] the applicant and [] the trade union as follows:

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

Name of Organization and name
and title of person to whom
documents were delivered

Address or facsimile number to
which documents were delivered

[Complete either section 2 or section 3 below.]

2. The documents were delivered by [] facsimile transmission or [] hand delivery on _____ at _____ a.m./p.m.
(Date)

3. The documents were given to Canada Post's Priority Courier Service on _____, and I was advised that they would be delivered not later than _____, at _____ a.m./p.m.
(Date)

NAME: _____

TITLE: _____

SIGNATURE: _____