LABOUR RELATIONS ACT, 1995

**NOTICE TO EMPLOYER OF APPLICATION FOR TERMINATION**

**OF BARGAINING RIGHTS UNDER SECTION 63 OF THE ACT**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

**Between:**

**Applicant,**

‑ and ‑

**Responding Party**

**(Trade Union).**

**TO THE EMPLOYER:**

1. The applicant has initiated an application with the Ontario Labour Relations Board for a declaration that the responding party no longer represents employees in a bargaining unit described in the Application for Termination of Bargaining Rights under Section 63 of the Act enclosed with this notice.

2. This notice and other material are being sent to you because you are the employer of the employees in the bargaining unit to which this application relates. **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 of the Act (Form A-6);

(b) a blank Intervention in Application for Termination of Bargaining Rights under Section 63 of the Act (Form A-8), including Schedule C (List of Employees) and the Instructions for filing Excel Schedules with the Board, found at Tab 4 of the Spreadsheet;

(c) a blank Confirmation of Posting (Form A-124);

(d) a copy of Information Bulletin No. 2 ‑ Termination of Bargaining Rights under Section 63 of the Act;

(e) a copy of Information Bulletin No. 3 ‑ Vote Arrangements;

(f) a copy of Information Bulletin No. 5 ‑ Status Disputes in Termination Applications; and

(g) a copy of Part III 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 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.**

In addition to the version filed with the Board, the Schedule should also be sent to the Board in Excel format by email to [vote.coordinator@ontario.ca](mailto:vote.coordinator@ontario.ca) (please note that the Board will accept ONLY these Schedules by email – no other material can be filed with the Board by email). Pre-formatted Excel versions of these documents may be found on the Board’s website ([www.olrb.gov.on.ca](http://www.olrb.gov.on.ca) ).

Copies of the schedule should also be provided by email to the primary contact for the Applicant and the Union. The Applicant and the Union should indicate their challenges on the appropriate column in the Excel Schedule, and send them by email to [vote.coordinator@ontario.ca](mailto:vote.coordinator@ontario.ca), with a copy to the primary contact for the Employer.

**No later than one day after your Intervention is due you must confirm that you have posted the Application, Notice to Employees and Intervention (if applicable) by filing with the Board Form A-124 [Confirmation of Posting].**

**You must also ensure that copies of your Intervention and Schedule C are delivered to the applicant and to the union before you file them 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 weekends, 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 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, a notice indicating the time and the place the vote will be taken will be sent to you for posting in the workplace.

9. The Board's Rules of Procedure require the Applicant to deliver the enclosed application to the union and to you before filing it with the Board. Once the application is filed, the Board sends to the parties a confirmation of the filing and a Board file number. 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 Labour Relations Board will be contacting you to discuss this application with you.

**DATED** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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 forms, Notices, Information Bulletins, Rules of Procedure and Filing Guide may be obtained from its website <http://www.olrb.gov.on.ca> or by calling 416-326-7500 or toll-free at 1-877-339-3335.

***FRENCH OR ENGLISH***

Vous avez le droit de communiquer et recevoir des services en français et en anglais. La Commission n’offre pas de services d’interprétation dans les langues autres que le français et l’anglais.

You have the right to communicate and receive services in either English or French. The Board does not provide translation services in languages other than English or French.

***CHANGE OF CONTACT INFORMATION***

Notify the Board immediately of any change in your contact information. If you fail to do so, correspondence sent to your last known address (including email) may be deemed to be reasonable notice to you and the case may proceed in your absence.

***ACCESSIBILITY and ACCOMMODATION***

The Board is committed to providing an inclusive and accessible environment in which all members of the public have equitable access to our services. We will aim to meet our obligations under the *Accessibility for Ontarians with Disabilities Act* *Act* in a timely manner. Please advise the Board if you require any accommodation to meet your individual needs. The Board’s Accessibility Policy can be found on its website.

***FREEDOM OF INFORMATION and PROTECTION OF PRIVACY***

Personal information is collected on this form under the authority of the Board’s governing legislation to assist in the processing of cases before it. Information received in written or oral submissions may be used and disclosed for the proper administration of the Board’s legislation and processes. Any relevant information that you provide to the Board must in the normal course be provided to the other parties to the proceeding. The *Freedom of Information and Protection of Privacy Act* may also address the collection, use and disclosure of personal information. If you have any questions, contact the Solicitors’ Office at the numbers listed above or in writing to the OLRB, 505 University Ave., Toronto, ON, M5G 2P1.

***E-FILING AND E-MAIL***

The Rules of Procedure and Filing Guide set out the permitted methods of filing. **In the event of emergencies or other circumstances, the Board may post a Notice to Community on its website, which will prevail over the Rules of Procedure and Filing Guide. You should check the Board’s website prior to filing.** Note that the efiling system is not encrypted. Contact the Client Services Coordinator at the numbers listed above if you have questions regarding e-filing or other filing methods. If you provide an e-mail address with your contact information, the Board will in most cases communicate with you by e-mail from an out-going only generic account. Incoming emails are not permitted.

***HEARINGS and DECISIONS***

Hearings are open to the public unless the Board 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 [www.canlii.org](http://www.canlii.org). Some summaries and decisions may be found on the Board’s website.