

**ONTARIO
LABOUR RELATIONS BOARD**

RULES OF PROCEDURE

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**RULES OF PROCEDURE OF THE
ONTARIO LABOUR RELATIONS BOARD**

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HOW TO USE THESE RULES

These rules have nine parts. Parts I, II, and VII list general, procedural and administrative matters that apply to all cases (except Rule 41, which only applies to those cases set out in the Rule). This means you should read these parts first, whatever kind of case you have. To help you find a rule the Index sets out the areas covered by the different rules. You should then check to see if your case is also covered by a specific section in the rules. The kinds of cases for which there are specific rules are set out in the Index, for example “applications under the Employment Standards Act” or “Construction Industry Grievances”. If a specific rule conflicts with one of the general rules, the specific rule is the one that applies to the extent necessary (see Rule 1.3).

In addition, some words used in these rules have specialized meanings. The definitions for these words are set out at the beginning of these rules.

The Board also issues information bulletins which you should check as well for further information. The forms, notices, and information bulletins pertaining to a matter are listed directly under the relevant rule(s) or may be found in Part IX.

Copies of the forms, notices and information bulletins may be obtained from the Board's office in Toronto, located on the 2nd floor at 505 University Avenue, Toronto, Ontario M5G 2P1 (416.326.7500) or on its website at www.olrb.gov.on.ca/english/homepage.htm, where a complete list of all forms, notices and information bulletins is available.

PART I – GENERAL MATTERS

RULE 1 APPLICATION, INTERPRETATION, CONFLICTS AND DEFINITIONS

Application, Interpretation and Conflicts

- 1.1 These Rules apply to all cases before the Ontario Labour Relations Board.
- 1.2 Where matters are not covered by these Rules, the practice will be decided in a similar way, or in a way the Board or Registrar considers advisable.
- 1.3 Rules 1.4 and 41 and the Rules in Parts III, IV, V, and VI prevail where there is a conflict between these Rules and any other Rules in Parts I, II and VII.
- 1.4 In construction industry proceedings, where there is any conflict between the construction industry rules, practice notes or information bulletins and any other rules, practice notes or information bulletins, the construction industry provisions apply.

Definitions

- 1.5 In these Rules
 - (a) "Act" means the *Labour Relations Act, 1995*;
 - (b) "application" includes any application, complaint, statement of representations, referral, request or appeal made to the Board, and "applicant" means anyone making an application;
 - (c) "Board" means Ontario Labour Relations Board;
 - (d) "case" means a proceeding before the Board;
 - (e) "day" means any day of the week from Monday to Friday, excluding a statutory holiday and any other day the Board is closed;
 - (f) "electronic hearing" means a hearing held by conference telephone or some other form of electronic technology allowing persons to hear one another;
 - (g) "file" means file with the Board, and a "filing" is anything that is filed;
 - i. “electronic filing or “e-filing”” means submitting the electronic form(s) through the Board’s e-filing system. This does *not include* sending a form or other communication to the Board “by email”.

- (h) “hearing” means a hearing in any proceeding before the Board including oral hearings, written hearings and electronic hearings;
- (i) "in the way required by these Rules" includes the form and time required by the Rules;
- (j) "membership evidence" includes written and signed evidence that an employee is a member of a trade union or has applied to become a member;
- (k) "party" includes a person named in an application, a person asking to participate in a case, or a person added as a party by the Board, but does not include a person who the Board has decided is not a party;
- (l) "person" includes a partnership, company, employer, employers' organization, trade union and council of trade unions;
- (m) "Registrar" means the Registrar of the Board and includes her or his representative;
- (n) "responding party" means anyone named in the application or who responds to it and includes an intervenor;
- (o) "response" includes a reply, intervention, statement of desire, or any other response to an application;
- (p) "response date" means the date set by the Board or Registrar for filing a response or other documents; and
- (q) “written hearing” means a hearing held by means of the exchange of documents, whether in written form or by electronic means.

RULE 2 NON-COMPLIANCE

- 2.1 An application or response may not be processed if it does not comply with these Rules.
- 2.2 The Board may decide an application without further notice to anyone who has not filed a document in the way required by these Rules.
- 2.3 If a party receiving notice of an application does not file a response in the way required by these Rules, he or she may be deemed to have accepted all of the facts stated in the application, and the Board may cancel a hearing or consultation, if one is scheduled, and decide the case upon the material before it without further notice.
- 2.4 No person will be allowed to present evidence or make any representations at any hearing or consultation about any material fact relied upon which the Board considers was not set out in the application or response and filed promptly in the way required by these Rules, except with the permission of the Board. If the Board gives such permission, it may do so on such terms as it considers advisable.

RULE 3 TIME

- 3.1 Where these Rules refer to a period of time, that period of time does not include Saturdays, Sundays, statutory holidays and any other day the Board is closed.
- 3.2 The Board or the Registrar may shorten or lengthen any time period set out in or under these Rules, as either considers advisable.
- 3.3 The Registrar may set a response date in any proceeding.
- 3.4 Except for applications covered by Part V [Construction Industry] of these Rules, the date of filing is the date a document is received by the Board at its office.
- 3.5 All filings must be received at the Board's office during normal business hours established by the Board (8:30 a.m. to 5:00 p.m.). A filing received by the Board after the close of business hours will be deemed to be filed on the next day, unless otherwise accepted by the Board or the Registrar.

RULE 4 CONSTITUTIONAL CHALLENGES

- 4.1 A party intending to challenge the constitutional validity or applicability of any law, regulation or rule must give prompt notice to the Board and to the Attorneys General for Ontario and Canada in advance of the hearing.
- 4.2 The notice, in Form A-107, shall be served as soon as the circumstances requiring it become known, and, in any event, at least 15 days before the day on which the question is to be argued, unless the Board orders otherwise.

RULE 5 OBLIGATION TO MAKE ALLEGATIONS PROMPTLY

- 5.1 Where a party in a case intends to allege improper conduct by any person, he or she must do so promptly after finding out about the alleged improper conduct and provide a detailed statement of all material facts relied upon, including the circumstances, what happened, when and where it happened, and the names of any persons said to have acted improperly.

PART II – COMMENCEMENT OF PROCEEDINGS

RULE 6 COMMENCEMENT – DELIVERY AND FILING

Commencement

- 6.1 Every case must be started by completing, delivering and filing the proper application form and filing and delivering any other documents required by these Rules.
- 6.2 Each party must file one (1) signed original of its application or response.
- 6.3 Only the transmission copy is required where material is filed by facsimile transmission under Rule 6.9.

Manner of Delivery

- 6.4 Applications, responses, and requests covered by Rule 9 (certification), Rule 10 (termination of bargaining rights under section 63 of the Act), Rule 19 (interim orders), Rule 7.3(b) (strikes and lock-outs), Rule 20 (*Public Sector Labour Relations Transition Act, 1997*), and Rules 30-37 (grievance referrals in the construction industry) must be delivered in one of the following ways:
 - (a) hand delivery;
 - (b) courier;
 - (c) facsimile transmission;
 - (d) **E-mail to the e-mail addresses identified in a Board Form or letter to the Board in that matter by a Party or its authorized representative; Documents delivered by e-mail shall include the style of cause and Board File No. (when available) in the subject line and shall total not more than 10 megabytes.**
 - (e) any other way agreed upon by the parties.
- 6.5 All other applications, responses, and other documents may be delivered by any of the ways set out in Rule 6.4 or by Regular Mail.
- 6.6 Where the Board considers that it is impractical for any reason to deliver an application within the time period set out in these rules, the Board may make an order for substituted delivery or for such other order as may be appropriate.
- 6.7 The date a document is delivered is the date that document is received by another party or its authorized representative. However, a document delivered after 5:00 p.m. will be deemed to be delivered on the next day and a document delivered by regular mail will be deemed to be delivered on the fifth day after the document was mailed.

Manner of Filing

- 6.8 Applications, responses and other material that must be filed with the Board may not be filed by Registered Mail or e-mail. They may be filed in any other manner subject to the limitations on filing by facsimile transmission set out in Rule 6.9.
- 6.9 Only the following may be filed by facsimile transmission:
- (a) responses and representations filed in cases covered by Rules 11.3 (representation votes), 9.5 and 25.5 (certification), 10.5 and 26.5 (termination of bargaining rights under section 63 or 132 of the Act), 19.2 (interim orders), 7.3(b) (strikes or lock-outs), and applications and responses under section 61(7) (suspensions) of the *OHSA*;
 - (b) requests filed in cases covered by Rules 35.1 and 35.2 (grievance referrals in the construction industry) when accompanied by the filing fee and a duly completed Payment of Fee by Credit Card form (Form A-89);
 - (b.1) when a document [in support of applications, responses and other material filed pursuant to clauses (a) or (b)] is longer than 30 pages, not more than 5 relevant pages shall be faxed, to be followed by filing of the complete hard-copy document by courier or other means no later than 10 am the next day; and
 - (c) other documents that are short and urgent.

Time limits for filing after delivery

- 6.10 Applications covered by sections 100, 101, or 144 of the Act (strikes and lock-outs) must be filed with the Board not later than one (1) day after a copy of the application was delivered to the responding party.
- 6.11 Applications covered by Rule 9 (certification), Rule 10 (termination of bargaining rights under section 63 of the Act) and Rule 19 (interim orders) must be filed with the Board not later than two (2) days after a copy of the application was delivered to the responding party or parties.
- 6.12 All other applications must be filed with the Board not later than five (5) days after copies of the application were delivered to the responding party or parties.
- 6.13 The Board will not process an application that fails to comply with Rules 6.10 or 6.11 or 6.12 and the matter will be terminated.

RULE 7 APPLICATIONS AND RESPONSES – DELIVERY AND FILING

Applications

- 7.1 An application filed with the Board must include the following details:
- (a) the full name, address, telephone number, facsimile number and email address, if any, of the applicant, of a contact person for the applicant, of the responding party and of any other person who may be affected by the application;
 - (b) the sections of the Act or any other act that relate to the application, including the sections that are claimed to have been violated, if any;
 - (c) a detailed description of the orders or remedies requested;
 - (d) a detailed statement of all the material facts on which the applicant relies, including the circumstances, what happened, when and where it happened, and the names of any persons said to have acted improperly; and
 - (e) a certificate verifying delivery of the application to the responding party or parties.
- 7.2 Before, or at the same time as, filing the application with the Board, the applicant must deliver to the responding party (and to any affected party identified in the application):
- (a) a completed copy of the application;
 - (b) any additional material or documents specified in Parts III to V of the Rules that relate to the particular application being filed;
 - (c) a blank copy of the form set by the Board for responding to the application;
 - (d) the appropriate Notice to Responding Party and/or Affected Party set by the Board in respect of the application; and
 - (e) the appropriate Information Bulletin, if any.

Responses

- 7.3 A person receiving notice of an application who wants to participate in any way in the case must file a response with the Board not later than:
- (a) the response date (if one has been set);
 - (b) one (1) day after the application under section 100, 101, or 144 of the Act was delivered;
 - (c) two (2) days after the certification or termination application was delivered; or
 - (d) ten (10) days after the application was delivered (if no response date has been set or the response is not covered by (b) or (c) above).
- 7.4 Before, or at the same time as, filing its response with the Board, the responding party must deliver a copy of the completed response to the applicant and to any other party.
- 7.5 Any response filed with the Board must include the following details:
- (a) the full name, address, telephone number, facsimile number and email address, if any, of the responding party, of a contact person for the responding party and of any other person who may be affected by the application;
 - (b) a statement of agreement or disagreement with each fact or allegation in the application;
 - (c) a statement of the responding party's position with respect to the orders or remedies requested by the other parties;
 - (d) where the responding party relies on a version of the facts different from the applicant's, a detailed statement of all material facts on which the responding party relies, including the circumstances, what happened, when and where it happened, and the names of any persons said to have acted improperly; and
 - (e) a certificate verifying delivery of the response to the applicant and to any other party.

RULE 8 DOCUMENTS – DELIVERY AND FILING

Obligation to deliver copies of all filings to all other parties

- 8.1 In addition to applications, responses and material covered by other Rules, a party filing any document or correspondence with the Board must at the same time deliver a copy of the document or correspondence to all other parties in the case. Any such document or correspondence filed with the Board must be accompanied by a statement that the party filing it has delivered the document or correspondence to all other parties as required by this Rule. The statement must also include the names and titles of the persons to whom the documents were delivered and precise information regarding the date, time and method of delivery.
- 8.2 Rule 8.1 does not apply to documents disclosing whether a person supports or does not support a trade union.

Filing documents with the Board and delivering of documents to other parties

- 8.3 Each party must file with the Board not later than ten (10) days before the first date set for hearing or consultation one (1) copy of all documents upon which it will be relying in the case. At the same time, each party must deliver copies of those documents to each of the other parties.
- 8.4 Documents filed with the Board must be arranged in consecutively numbered pages and must be accompanied by a table of contents describing each document.

PART III – CERTIFICATION AND TERMINATION
APPLICATIONS and REPRESENTATION VOTES

RULE 9 CERTIFICATION

Form No.	Form Name
A-1	Application for Certification
A-2	Response to Application for Certification
A-3	Intervention in Application for Certification
A-4	Declaration Verifying Membership Evidence
A-124	Confirmation of Posting
C-1	Notice to Employer of Application for Certification
Information Bulletin #1	Certification of Trade Unions
Information Bulletin #3	Vote Arrangements
Information Bulletin #4	Status Disputes in Certification Applications (Non-Construction)
Schedule A	Schedule A
Schedule B	Schedule B

9.1 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-4).

9.2 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.

9.3 Before, or at the same time as, filing the application with the Board, the applicant must deliver to the responding party:

- (a) a completed copy of the application (but not including the material described in paragraphs (a), (b), and (c) of Rule 9.1);

- (b) a blank copy of the form set by the Board for responding to the application (Form A-2), including Schedules A and B (List of Employees) and blank Form A-124 (Confirmation of Posting);
- (c) a completed copy of the Notice to Employer of Application for Certification (Form C-1);
- (d) a copy of Information Bulletin No. 1 -- Certification of Trade Unions;
- (e) a copy of Information Bulletin No. 3 -- Vote Arrangements;
- (f) a copy of Information Bulletin No. 4 -- Status Disputes in Certification Applications; and
- (g) a copy of Part III of the Board's Rules of Procedure.

9.4 If the applicant has identified an affected trade union in its application, the applicant must deliver the following to the affected trade union before or at the same time as 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 9.1);
- (b) a blank copy of the form set by the Board for intervening in the application (Form A-3);
- (c) a copy of Information Bulletin No. 1 -- Certification of Trade Unions;
- (d) a copy of Information Bulletin No. 3 -- Vote Arrangements;
- (e) a copy of Information Bulletin No. 4 -- Status Disputes in Certification Applications; and
- (f) a copy of Part III of the Board's Rules of Procedure.

9.5 A responding party must file a response to the application, including Schedules A and B, not later than two (2) days after the application was delivered to it. Where the responding party identifies interested or affected parties, it must deliver the application and response, and the material listed in Rule 9.4(b)-(f).

RULE 10 TERMINATION OF BARGAINING RIGHTS UNDER SECTION 63 OF THE ACT

Form No.	Form Name
A-6	Application for Termination of Bargaining Rights under Section 63 of the Act

Form No.	Form Name
A-7	Response to Application for Termination of Bargaining Rights under Section 63 of the Act
A-8	Intervention in Application for Termination of Bargaining Rights under Section 63 of the Act
A-9	Declaration Verifying Evidence of Employee Wishes
A-124	Confirmation of Posting
C-3	Notice to Union of Application for Termination of Bargaining Rights under Section 63 of the Act
C-4	Notice to Employer of Application for Termination of Bargaining Rights under Section 63 of the Act
Information Bulletin #2	Termination of Bargaining Rights Under Section 63 of the Labour Relations Act
Information Bulletin #3	Vote Arrangements
Information Bulletin #5	Status Disputes in Termination Applications (Non-Construction)
Schedule C	SCCHEDULE C- Termination (Industrial)

- 10.1 An application for termination of bargaining rights under section 63 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-9).
- 10.2 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.
- 10.3 Before or at the same time as filing the application with the Board, the applicant must deliver to the responding party:
- (a) a completed copy of the application (but not including the material described in paragraphs (a), (b) and (c) of Rule 10.1);
 - (b) a blank copy of the form set by the Board for responding to the application (Form A-7);
 - (c) a completed copy of the Notice to Union of Application for Termination of Bargaining Rights under Section 63 of the Act (Form C-3);
 - (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;

and must also deliver to the employer:

- (h) a completed copy of the application (but not including the material described in paragraphs (a), (b) and (c) of Rule 10.1);
- (i) a blank copy of the form set by the Board for intervening in the application (Form A-8), including Schedule C (List of Employees) and a blank Form A-124 [Confirmation of Posting];
- (j) a completed copy of the Notice to Employer of Application for Termination of Bargaining Rights under Section 63 of the Act (Form C-4);
- (k) a copy of Information Bulletin No. 2 -- Termination of Bargaining Rights under Section 63 of the Act;
- (l) a copy of Information Bulletin No. 3 -- Vote Arrangements;
- (m) a copy of Information Bulletin No. 5 -- Status Disputes in Termination Applications; and
- (n) a copy of Part III of the Board's Rules of Procedure.

10.4 Delivery by the applicant to the responding party under Rule 10.3 should be made to the senior union official responsible for the bargaining unit.

10.5 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 11 REPRESENTATION VOTES

11.1 Where the Board directs the taking of a representation vote, the Registrar may make all necessary directions and arrangements.

11.2 After the vote, or after the ballots have been counted where the ballot box was sealed, the returning officer will prepare a report of the vote which will be given or sent to the parties and which must be posted in the workplace by the employer.

11.3 Any party or person who wishes to make representations about the vote or the report must file those representations in writing promptly, and in any event within five (5) days of the date the report was first posted. If a party or person wants an oral hearing, this request must be set out in the representations together with the reasons for the request in the way required by these Rules.

PART IV – ADDITIONAL RULES FOR SPECIFIC APPLICATIONS

RULE 12 FIRST COLLECTIVE AGREEMENT ARBITRATION

Form No.	Form Name
A-19	Application under Section 43 of the Act (Direction that a First Collective Agreement be Settled by Arbitration)
A-20	Response to Application under Section 43 of the Act (Direction that a First Collective Agreement be Settled by Arbitration)
C-7	Notice to Responding Party of Application under Section 43 of the Act (Direction that a First Collective Agreement be settled by Arbitration)

12.1 An application for first collective agreement arbitration under section 43 of the Act must also include:

- (a) the date of the certificate or voluntary recognition agreement;
- (b) a detailed description of the bargaining unit affected by the application;
- (c) the approximate number of employees in the bargaining unit;
- (d) the name, address, email address, facsimile number, and telephone number of the primary negotiator for the applicant;
- (e) the date of the no-board report;
- (f) the dates on which negotiations were held or scheduled to be held;
- (g) a list of all documents on which the applicant intends to rely;
- (h) a copy of those documents, if the applicant has them;
- (i) a list of all those bargaining issues agreed upon in writing and a list of those bargaining issues that remain in dispute;
- (j) a copy of a proposed collective agreement that the applicant is prepared to sign, and
- (k) one or more declarations signed by persons with first hand knowledge, detailing all of the facts upon which the applicant relies. Each signed declaration must include the following statement: “This declaration has been prepared by me or under my instruction and I hereby confirm its accuracy”.

12.2 The responding party must file its response not later than ten (10) days after the application was delivered to it. The response must also include:

- (a) a detailed description of the bargaining unit affected by the application;
- (b) the approximate number of employees in the bargaining unit;
- (c) the name, address, email address, facsimile number, and telephone number of the primary negotiator for the responding party;
- (d) a description of the general nature of the employer's business;
- (e) a list of all documents on which the responding party intends to rely;
- (f) copies of those documents not already filed by the applicant, if the responding party has them;
- (g) a list of those bargaining issues agreed upon in writing and a list of those bargaining issues that remain in dispute;
- (h) a copy of a proposed collective agreement that the responding party is prepared to sign; and
- (i) To the extent that the responding party relies on a version of facts different from the applicant's, one or more declarations as described in Rule 12.1(k).

12.3 Where the responding party has raised a new matter which the applicant had no opportunity to address, or a matter which could not reasonably have been anticipated, the applicant may file reply declarations, as described in Rule 12.1(k), within three (3) days of receipt of the responding party's declarations.

12.4 Unless a party can satisfy the Board that there is good reason for not doing so, the hearing may be conducted based on the declarations filed by the parties, with *viva voce* evidence permitted only to the extent that the Board considers necessary to determine the matter.

RULE 13 JURISDICTIONAL DISPUTES (Non-Construction)

Form No.	Form Name
A-37	Application Concerning Work Assignment (Jurisdictional Dispute)
A-38	Response to Application Concerning Work Assignment (Jurisdictional Dispute)
C-18	Notice to Responding Party and/or Affected Party of Application Concerning Work Assignment

13.1 An applicant must file with the application, and every responding party must file with any response,

- (a) any collective agreement, or if the collective agreement has been filed with the Registrar and given an identification code, only the code shall be set out in the referral;
- (b) any agreement or understanding between the trade unions as to their respective jurisdictions or work assignment;
- (c) any agreement or understanding between a trade union and an employer as to work assignment;
- (d) any decision of any tribunal respecting work assignment; and
- (e) any other document relating to the work in dispute which may be in their possession and on which they intend to rely to support their claim for relief or that the relief asked for should not be given, and a statement about any area or trade practice relating to the work in dispute, and pictures, diagrams or drawings of the disputed work.

13.2 Each party must also file, at the same time as they file an application or response, a brief which contains a statement of the issues in dispute, including a detailed description of the work in dispute, and the facts on which they intend to rely.

RULE 14 SUCCESSOR RIGHTS – TRADE UNION

Form No.	Form Name
A-21	Application for Declaration Concerning Status of Successor Trade Union
A-22	Response to Application for Declaration Concerning Status of Successor Trade Union
<u>A-124</u>	Confirmation of Posting
C-8	Notice to Responding Parties and/or Affected Party of application for Declaration Concerning Status of Successor Trade Union

14.1 An application for a declaration concerning trade union successor status under section 68 of the Act must name the employer and the predecessor union as responding parties and must also include:

- (a) a list of all relevant documents and copies of those documents; and
- (b) complete written representations in support of the specific order requested.

14.2 A response to an application under section 68 of the Act must state whether an oral hearing is requested and also include:

- (a) reasons for the request, if made;
- (b) a list of all relevant documents and copies of those documents; and

- (c) complete representations in support of its position with respect to the specific order sought by the applicant.

RULE 15 APPLICATIONS UNDER SECTION 69 AND/OR SUBSECTION 1(4) – SALE OF A BUSINESS/RELATED EMPLOYER

Form No.	Form Name
A-24	Application under Section 69 and/or Subsection 1(4) of the Act (Sale of Business and/or Related Employer)
A-25	Response to Application under Section 69 and/or Subsection 1(4) of the Act (Sale of Business and/or Related Employer)
A-124	Confirmation of Posting
C-9	Notice to Responding Party and/or Affected Party of Application under Section 69 and/or Subsection 1(4) of the Act (Sale of Business and/or Related Employer)

15.1 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 and employer bargaining agency as affected parties and must deliver material to them in accordance with these Rules.

15.2 Where the application relates to bargaining rights affecting an accredited employers' organization, the applicant must name the employers' organization as an affected party and must deliver material to it in accordance with these Rules.

RULE 16 DUTY OF FAIR REPRESENTATION AND FAIR REFERRAL APPLICATIONS

Form No.	Form Name
A-29	Application under Section 74 of the Act (Union's Duty of Fair Representation)
A-30	Response to Application under Section 74 of the Act (Union's Duty of Fair Representation)
C-14	Notice to Union and Employer of Application under Section 74 of the Act (Union's Duty of Fair Representation)
Information Bulletin #11	Duty of Fair Representation
Information Bulletin #12	The Duty of Fair Representation - What does it Mean?

Form No.	Form Name
A-31	Application under Section 75 of the Act (Union's Duty of Fair Referral)
A-32	Response to Application under Section 75 of the Act
C-15	Notice to Union of Application under Section 75 of the Act (Union's Duty of Fair Referral)
Information Bulletin #13	Duty of Fair Referral Applications

- 16.1 Delivery by the applicant to the responding party of an application alleging a breach of the duty of fair representation or the duty of fair referral should be made to the senior union official responsible for the bargaining unit or to the senior union official at the hiring hall.
- 16.2 An application alleging a breach of the duty of fair representation must name the employer as an affected party and must be delivered to the employer (together with a blank copy of the form set by the Board for responding in the application (Form A-30) and a Notice of Application under Section 74 of the Act (Form C-14)) before or at the same time as it is filed with the Board.

RULE 17 MINISTERIAL OR DIRECTOR REFERENCES

- 17.1 Where the Board receives a reference from the Minister of Labour or the Director of Employment Standards, the Registrar may direct the parties identified by the Minister or by the Director to file written material as required by Rules 7.2 and 7.4. Such direction may also require that the written material filed:
 - (a) state whether or not a hearing is requested;
 - (b) where a hearing is requested, state the reasons for the request;
 - (c) contain a list of all relevant documents and copies of those documents, if the party has them;
 - (d) include any other information or document, as required by the Registrar.
- 17.2 Material must be filed by the parties in the way required by the Registrar.

RULE 18 REQUESTS FOR RECONSIDERATION

Form No.	Form Name
A-49	Request for Reconsideration
C-24	Notice of Request for Reconsideration
Information Bulletin #19	Requests for Reconsideration

- 18.1 A request for reconsideration must include complete written representations in support of the request.
- 18.2 Where a party is directed to file a response to the request, it must include complete written representations in support of its position.

18.3 No request for reconsideration will be considered where it is filed more than twenty (20) days after the date of the Board's decision, except with the permission of the Board.

RULE 19 APPLICATIONS FOR INTERIM ORDER

Form No.	Form Name
A-14	Application for Interim Order under SPPA or LRA
A-15	Response to Application for Interim Order
C-11	Notice to Responding Party and/or Affected Party of Application for Interim Order

19.1 An application for an interim order must include:

- (a) one or more declarations signed by persons with first hand knowledge, detailing all of the facts upon which the applicant relies. Each signed declaration must include the following statement: “This declaration has been prepared by me or under my instruction and I hereby confirm its accuracy”;
- (b) complete written representations in support of the applicant’s position; and
- (c) a copy of the pending application in relation to which the interim order is being requested.

19.2 A responding party must file a response to the application not later than two (2) days after the application was delivered. A completed response must also include:

- (a) one or more declarations signed by persons with first hand knowledge, detailing all of the facts upon which the responding party relies. Each signed declaration must include the following statement: “This declaration has been prepared by me or under my instruction and I hereby confirm its accuracy”;
- (b) complete written representations in support of its position.

19.3 Where the responding party has raised a new matter, which the applicant had no opportunity to address or a matter which could not reasonably have been anticipated, the applicant may file reply declarations, as described in Rule 19.1(a), within one (1) day of receipt of the responding party’s declarations

19.4 Where the application is pursuant to section 98(1)(b) [reinstatement] or 98(1)(c) [terms and conditions], the applicant and respondent must address in their written representations whether:

- (a) the circumstances giving rise to the pending proceeding occurred at a time when a campaign to establish bargaining rights was underway;

- (b) there is a serious issue to be decided in the pending proceeding;
- (c) the interim relief is necessary to prevent irreparable harm or is necessary to achieve other significant labour relations objectives;
- (d) the balance of harm favours the granting of the interim relief pending a decision on the merits in the pending proceeding; and
- (e) the alteration of terms and conditions, dismissal, reprisal, penalty or discipline by the employer was related or unrelated to the exercise of rights under the Act by an employee.

RULE 20 APPLICATIONS UNDER THE PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997 ("PSLRTA")

Form No.	Form Name
A-61	Application under the Public Sector Labour Relations Transitions Act, 1997 under Sections 21, 22 or 23 of the Act
A-62	Response under the Public Sector Labour Relations Transitions Act, 1997 under Sections 21, 22 or 23 of the Act
A-63	Application under the Public Sector Labour Relations Transitions Act, 1997 (Other than under Sections 21, 22 or 23 of the Act)
A-64	Response to Application under the Public Sector Labour Relations Transition Act, 1997 (Other than under Sections 21, 22 or 23 of the Act)
C-30	Notice to responding party and/or affected party of application under section 21, 22 and/or 23 of the Act (PSLRTA)
C-31	Notice to Responding Party and/or Affected Party of Application under the Act (Public Sector Labour Relations Transition Act, 1997)

- 20.1 An application under section 21, 22 or 23 of the *PSLRTA* may include a related application under section 9.
- 20.2 Unless the Board directs otherwise, Rules 7.1 and 7.5 do not apply to applications and responses under section 21, 22 or 23 of the *PSLRTA*.
- 20.3 A responding party must deliver a response to an application under section 21, 22 or 23 of the *PSLRTA* not later than ten (10) days after the application was delivered to it. A responding party must deliver a response to any other application under the *PSLRTA* not later than ten (10) days after the application was delivered to it.
- 20.4 A successor employer who applies or who responds to an application under section 21, 22 or 23 of the *PSLRTA* must set out the following information regarding each bargaining agent representing the successor employer's employees:
 - (a) the name, address, telephone number and facsimile number of each bargaining agent;
 - (b) a description of the bargaining unit represented by each bargaining agent; and

(c) the number of employees in each bargaining unit.

20.5 A trade union receiving notice of an application under section 21, 22 or 23 of the *PSLRTA* which wants to participate in the case must file a response as directed by the Board.

RULE 21 APPLICATIONS UNDER THE EMPLOYMENT STANDARDS ACT, 2000 ("ESA") and the EMPLOYMENT PROTECTION FOR FOREIGN NATIONALS ACT (LIVE-IN CAREGIVERS AND OTHERS), 2009 ("EPFNA")

Form No.	Form Name
A-103	Application for Review (Employment Standards Act, 2000)
A-104	Application Under Sections 112 or 120 of the ESA (or Sections 23 or 29(6) of the EPFNA) to Void Settlement as a Result of Fraud or Coercion
Information Bulletin #24	Applications for Review under the Employment Standards Act, 2000
A-114	Application for Review (Employment Protection For Foreign Nationals Act (Live-In Caregivers and Others), 2009 ("EPFNA"))
Information Bulletin #28	Application for Review under the Employment Protection For Foreign Nationals Act (Live-In Caregivers and Others), 2009 ("EPFNA")

21.1 An *ESA* and an *EPFNA* case must be started by completing and delivering the proper application form and supporting documents to the other workplace party(ies) and the Director of Employment Standards. Within five (5) days of delivering the application, the applicant must file one (1) completed application (and documents) with the Board. The application must include the following documents:

- (a) a copy of the Employment Standards Officer's Reasons for Decision;
- (b) a copy of the Order to Pay (together with the Officer's worksheets), or the letter advising the employee of the Order, or the letter advising of the refusal to issue an Order, or a copy of the Notice of Contravention, as applicable;
- (c) proof of payment of money to the Director in trust or a statement that an irrevocable letter of credit acceptable to the Director has been provided, if applicable;

21.2 The Director of Employment Standards (the "Director") must provide the Board with the following documents or information within twenty (20) days after the date of the letter or notice from the Board informing the Director that an application has been filed:

- (a) the name and address of every affected employee, foreign national, employer, temporary help agency, client of a temporary help agency, recruiter, person acting on behalf of an employer or recruiter, and director;

- (b) verification (including the certificate of the Employment Standards Officer made under subsection 95(10) of the *ESA*) that the Order to Pay or the Notice of Contravention, or the letter advising the employee of the Order, as applicable, referred to in paragraph 21.1(b) have been served, together with precise information about how, when and where the documents were delivered;
- (c) verification that the letter referred to in paragraph 21.1(b) advising of the refusal under section 110 (*ESA*) or s. 26 (*EPFNA*) to issue an order has been served, together with precise information about how, when and where the documents were delivered;
- (d) in the case of an application under section 116(1) of the *ESA* or section 29(1) of the *EPFNA*, precise information as to whether the Director has paid the wages or compensation to the employee and whether a collector's fee or disbursements have been added to the amount of the Order under section 128(2) of the *ESA*, and if so, whether the fees and disbursements were paid by the persons to whom the Order was issued.

- 21.3 Where the Director fails to provide the information required under paragraph (d) of rule 21.2 in the way required by these Rules, the Board may be satisfied that the Director has not paid to the employees the wages or compensation that were the subject of the order and the Board may be satisfied that any collector's fees or disbursements that may have been added to the amount of an Order under section 128(2) of the *ESA* were paid by the person to whom the order was issued.
- 21.4 A responding party that files a response or other document with the Board must, at the same time, deliver copies to all other parties and must verify in writing that it has done so.
- 21.5 The Director of Employment Standards must file a response to an application to review a compliance order issued under section 108 of the *ESA* or subsection 24(6) of the *EPFNA*, and must file a response to an application to review a Notice of Contravention issued under section 113 of the *ESA* or section 27 of the *EPFNA*. The response must comply with Rule 7.5 and Rule 21.4 and must be filed with the Board not later than twenty-one (21) calendar days before the hearing that is scheduled in the matter.

RULE 22 APPLICATIONS UNDER SECTION 61 OF THE OCCUPATIONAL HEALTH AND SAFETY ACT (“OHSA”)

Appeals of Inspector's Orders under Section 61(l) of the OHSA

Form No.	Form Name
A-65	Appeal of Inspector's Order
A-66	Response to Appeal of Inspector's Order
Information Bulletin #21	Occupational Health and Safety Act Appeals of an Inspector's Order

- 22.1 An application under section 61(1) of the *OHS*A must be made in writing on Form A-65 and must include all of the information requested on that form, including a copy of the Inspector's Order (Field Visit/Report).
- 22.2 A response to an application must be made on Form A-66 and must include all of the information requested on that form.
- 22.3 The responding parties must file their written response to the application not later than twenty-one (21) calendar days before the hearing or consultation that is scheduled in the matter. Before or at the same time as filing their response with the Board, the responding parties must deliver copies of the response to all other parties in the case and must verify in writing that they have done so.

Applications for Suspension of an Inspector's Order under Section 61(7) of the OHSA

Form No.	Form Name
A-67	Application for Suspension of Inspector's Order
A-68	Response to Application for Suspension of Inspector's Order
Information Bulletin #22	Occupational Health and Safety Act Application for Suspension of an Inspector's Order or Decision

- 22.4 An application under section 61(7) of the *OHS*A will be considered by the Board only where it is accompanied by an appeal under section 61(1) of the *OHS*A or where an appeal under section 61(1) has already been filed with the Board. An application under section 61(7) must be made on Form A-67 and must include all of the information requested on that form.
- 22.5 A response to an application must be made on Form A-68 and include all of the information requested on that form.
- 22.6 The responding parties must file their written response to the application not later than ten (10) days after delivery of the application. Before or at the same time as filing their response with the Board, the responding parties must deliver copies of the response to all other parties in the case and must verify in writing that they have done so.

RULE 22A APPLICATIONS FOR REVIEW OF A NOTICE OF CONTRAVENTION UNDER THE ONTARIO COLLEGE OF TRADES AND APPRENTICESHIP ACT, 2009 (“OCTAA”)

Form No.	Form Name
A-134	Application for Review of Notice of Contravention
A-135	Response to an Application for Review of a Notice of Contravention
Information Bulletin #36	Applications for Review of Notice of Contravention under the <i>Ontario College of Trades and Apprenticeship Act, 2009</i>

22A.1 A review of a Notice of Contravention case must be started by completing and delivering the proper application form and supporting documents to the Director, Compliance and Enforcement, Ontario College of Trades (“OCOT”). Within five days of delivering the application, the applicant must file one original of its completed application (and documents) with the Board. The application must include a copy of the Notice of Contravention.

22A.2 The Director, Compliance and Enforcement, OCOT, and any other party identified in the application or a response, must file its response not later than ten days after the day the application was delivered to it.

22A.3 A responding party that files a response or other document with the Board must, at the same time, deliver copies to all other parties and must verify in writing that it has done so.

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) 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.

24.4 In the event of a strike or lock-out at Canada Post that renders its Priority Courier service unavailable to the public, the words “Priority Courier” and “Post Office” in Rule 24 are replaced, with necessary modifications, by the words “a courier service other than Priority Courier” for the duration of the strike or lock-out.

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-124	Confirmation of Posting

Form No.	Form Name
C-32	Notice to Employer of Application for Certification, Construction Industry
C-33	Notice to Employees of Application for Certification, Construction Industry
Information Bulletin #6	Certification of trade Unions in the Construction Industry
Information Bulletin #8	Vote Arrangements in the Construction Industry
Information Bulletin #9	Status Disputes in Certification Applications in the Construction Industry
Information Bulletin #32	Resolving Disputes in Displacement and Termination Applications in the Construction Industry during the Construction Open Period
Schedule A & B	Schedule A and Schedule B

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 Schedules A and B (List of Employees) and blank Form A-124 [Confirmation of Posting];
- (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, except for displacement applications made between February

1, 2013 and April 30, 2013 and triennially thereafter, then a copy of Information Bulletin No. 32—Resolving Disputes in Displacement and Termination Applications in the Construction Industry during the Construction Open Period; 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, except for displacement applications made between February 1, 2013 and April 30, 2013 and triennially thereafter, then a copy of Information Bulletin No. 32—Resolving Disputes in Displacement and Termination Applications in the Construction Industry during the Construction Open Period; 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 Schedules A and B, not later than two (2) days after the application was delivered to it. Where the responding party identifies interested or affected parties it must deliver the application and response, and the material listed in Rule 25.4 (b)-(f).

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

Form No.	Form Name
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-124	Confirmation of Posting
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 #	Termination of Bargaining Rights in the Construction Industry Under Section 63 or 132 of the Labour Relations Act
Information Bulletin #08	Vote Arrangements in the Construction Industry
Information Bulletin #10	Status Disputes in Termination Applications in the Construction Industry
Information Bulletin #32	Resolving Disputes in Displacement and Termination Applications in the Construction Industry during the Construction Open Period
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, except for an application made between February 1, 2013 and April 30, 2013 and triennially thereafter, then a copy of Information Bulletin No. 32— Resolving Disputes in Displacement and Termination Applications in the Construction Industry during the Construction Open Period; and
- (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) and a blank Form A-124 [Confirmation of Posting];
- (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, except for an application made between February 1, 2013 and April 30, 2013 and triennially thereafter, then a copy of Information Bulletin No. 32— Resolving Disputes in Displacement and Termination Applications in the Construction Industry during the Construction Open Period; 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.
- 26.6 Where an application for termination 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 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-124	Confirmation of Posting
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 ten (10) days after delivery of the application.
- 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 timelines 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

PART VI -- RULES FOR GRIEVANCE REFERRALS
IN THE CONSTRUCTION INDUSTRY

Form No.	Form Name
A-86	Referral of Grievance to Arbitration (Construction Industry)
A-87	Request for Hearing and Notice of Intent to Defend/Participate (Construction Industry Grievance Referral)
A-88	Response to Referral of Grievance to Arbitration (Construction Industry)
A-89	Payment of Fee by Credit Card in Application under Section 133 for the Act (Referral of Grievance to Arbitration, Construction Industry)
C-38	Notice to Responding Party and/or Affected Party of Referral of Grievance to Arbitration (Construction Industry)
Information Bulletin #20	Grievance Referrals in the Construction Industry

RULE 30 DEFINITIONS

30.1 In Part VI of these Rules,

- "Request" means a Request for Hearing and Notice of Intent to Defend/Participate;
- "deliver" includes documents delivered by email to an employee bargaining agency, an employer bargaining agency or an accredited employer's organization where that agency or organization has previously consented to delivery by e-mail in an earlier Board proceeding. Documents delivered by e-mail shall include the style of cause and Board File No. (when available) in the subject line and shall total not more than 10 megabytes.
- "fees" include filing fees and hearing fees;
- "filing fee" means the fee paid to the Minister of Finance at the Office of the Board when an applicant files its application and when a responding party files its Request; and
- "hearing fee" means the fee paid to the Minister of Finance at the Office of the Board by each party or participant for each hearing day or part of such day scheduled by the Board.

RULE 31 FEES

31.1 The following fees, exclusive of all applicable taxes, are payable in respect of a proceeding under section 133 of the Act:

- (a) The fee payable by the referring party for filing a Referral of Grievance of Arbitration (Construction Industry) with the Board is \$250.00.
- (b) The fee payable by each party for filing a Request for Hearing and Notice of Intent to Defend/Participate (Construction Industry Grievance Referral) with the Board is \$250.00.
- (c) The fee payable by each party is \$250 per day of case management hearing or part of such day scheduled by the Board.
- (d) The fee payable by each party is \$625.00 per hearing day or part of such a day scheduled by the Board.

31.2 Filing fees must be paid by each party at the time that an application or Request is filed.

- 31.3 Fees must be paid at the Office of the Board by certified cheque or money order made payable to the "Minister of Finance", debit card, VISA or Mastercard. The Board will not accept fees paid in cash.
- 31.4 Hearing fees must be paid no later than the commencement of the hearing on the day to which the fee relates. Hearings commence at 9:30 a.m. The Board may extend this time to 10:30 a.m. where it considers it advisable. The Board may further extend this time only where the failure of a party or participant to attend at the Board is excused by the Board. Rules 40.7 and 3.2 do not apply to this Rule.
- 31.5 Fees paid to the Board will not be refunded except where a hearing is cancelled or adjourned at the behest of the Board.

RULE 32 CONSEQUENCES OF FAILING TO PAY FEES

- 32.1 The Registrar will not accept and the Board will not process any application or request that is not accompanied by the filing fee set out in these Rules.
- 32.2 Where an applicant has failed to pay the hearing fee as required by these Rules, the hearing will be cancelled and the application will be terminated unless the Board otherwise directs.
- 32.3 A responding party who has failed to pay the filing fee or hearing fee as required by these Rules, may not participate in the case, including the hearing (if one is held) in any way, except with the permission of the Board.

RULE 33 NOTICE TO ACCREDITED EMPLOYERS' ORGANIZATIONS AND TO EMPLOYEE BARGAINING AGENCY IN THE I.C.I. SECTOR

- 33.1 If the grievance relates to a collective agreement in the industrial, commercial and institutional sector of the construction industry, the applicant must name the employee bargaining agency and the employer bargaining agency as affected parties and must deliver material to them in accordance with these Rules.
- 33.2 If the grievance relates to a collective agreement between an accredited employers' organization and a trade union, the applicant must name the employers' organization as an affected party and must deliver material to it in accordance with these Rules.

RULE 34 APPLICATIONS UNDER SECTION 133 OF THE ACT

- 34.1 An application to the Board under section 133 of the Act must include:
- (a) a copy of the grievance being referred; and
 - (b) a single copy of the collective agreement under which the grievance was made, or if the collective agreement has been filed with the Registrar and given an identification code, only the code shall be set out in the referral.
- 34.2 Before, or at the same time as, filing its application with the Board, the applicant must deliver the following to the responding party:
- (a) a completed copy of the application (Form A-86), including the grievance, but not the collective agreement;
 - (b) a completed copy of the Notice of Grievance Referral (Form C-38);
 - (c) a blank copy of the Request for Hearing and Notice of Intent to Defend (Form A-87);
 - (d) a blank response form (Form A-88);
 - (e) a copy of Information Bulletin No. 20;
 - (f) a blank Payment of Fee by Credit Card form (Form A-89); and
 - (g) a copy of Part VI of the Board's Rules of Procedure.
- 34.3 If the application relates to a collective agreement in the industrial, commercial and institutional sector of the construction industry, the applicant must also deliver the following to the relevant employee bargaining agency and employer bargaining agency before, or at the same time as, filing the application with the Board:

- (a) a completed copy of the application (Form A-86), including the grievance, but not the collective agreement;
- (b) a completed copy of the Notice of Grievance Referral (Form C-38);
- (c) a blank response form (Form A-88); and
- (d) a blank copy of the Request for Hearing and Notice of Intent to Participate (Form A-87).

34.4 If the application relates to a collective agreement between an accredited employers' organization and a trade union, the applicant must also deliver the following to that accredited employers' organization before, or at the same time as, filing the application with the Board:

- (a) a completed copy of the application (Form A-86), including the grievance, but not the collective agreement;
- (b) a completed copy of the Notice of Grievance Referral (Form C-38);
- (c) a blank response form (Form A-88); and
- (d) a blank copy of the Request for Hearing and Notice of Intent to Participate (Form A-87).

RULE 35 REQUEST FOR HEARING AND NOTICE OF INTENT TO DEFEND OR PARTICIPATE

35.1 A responding party that wishes to participate in the case must file with the Board a "Request for Hearing and Notice of Intent to Defend/Participate" (Form A-87) not later than five (5) days after the date of the Confirmation of Filing sent by the Board.

35.2 Before, or at the same time as, filing a Request, a responding party must deliver a copy of its completed Form A-87 to the applicant and to any other responding party named in the application.

RULE 36 WHERE RESPONDING PARTY DEFAULTS

- 36.1 If a responding party does not deliver and file a "Request for Hearing and Notice of Intent to Defend" (Form A-87) in the way required by these Rules, he or she may automatically be deemed to have accepted all of the facts stated in the application, and the Board may cancel a hearing (if one is scheduled), and decide the case (or part of the case) upon the material before it without further notice.
- 36.2 Where the facts stated in the application are deemed to be true and the Board considers that it can make a finding of liability, but cannot determine the question of damages, the Board may decide the liability issue under Rule 36.1 and leave the damages issue to be determined at an oral hearing.
- 36.3 Where the Board decides or has decided a case (or part of a case) under Rule 36.1, the responding party may not file a Request or a response, or take any other step in connection with the application, other than a reconsideration application, except with the permission of the Board. A responding party that applies for reconsideration must include a "Request for Hearing and Notice of Intent to Defend" (Form A-87), the requisite filing Fee, and a response (Form A-88) with its reconsideration application.

RULE 37 RESPONSES

- 37.1 A responding party who has filed a Request in compliance with Rules 35.1 and 35.2, must also file a response to the application with the Board not later than two days before the hearing. Before, or at the same time as filing its response, a responding party must deliver a copy of the response to the applicant and to any other responding party who has filed a Request.

PART VII – HEARING PROCEDURES AND ADMINISTRATION

RULE 38 HEARING PROCEDURES

Notice of Hearing

- 38.1 Where a hearing or consultation will be held in a case, written notice will be given to all parties setting out the time, date and place of the hearing or consultation.
- 38.2 Where the Registrar considers that it is impractical to give written notice of the hearing or consultation, the Registrar may give verbal or other notice of the hearing or consultation.

Adjournments

- 38.3 The Board or Registrar may adjourn a case if either considers that the adjournment is consistent with the purposes of the relevant act. The Board or Registrar may adjourn on such terms as either considers advisable.

Written Hearings

- 38.4 The Board may conduct a written hearing in any case before it, as the Board considers advisable. Unless the only purpose of the hearing is to deal with procedural matters, the Board will not conduct a written hearing if a party satisfies the Board that there is good reason for not doing so.

Electronic Hearings

- 38.5 The Board may conduct an electronic hearing in any case before it, as the Board considers advisable. Unless the only purpose of the hearing is to deal with procedural matters, the Board will not conduct an electronic hearing if a party satisfies it that holding an electronic hearing is likely to cause the party significant prejudice.

Failure to attend or participate in a Hearing or Consultation

- 38.6 Where any person has been notified of a hearing or consultation in the way required by these Rules and fails to attend (in the case of an oral hearing or consultation) or to participate (in the case of a written or electronic hearing), the Board may decide the application without further notice to that person and without considering any document filed by that person.

RULE 39 DISMISSAL WITHOUT A HEARING OR CONSULTATION

- 39.1 Where the Board considers that an application does not make out a case for the orders or remedies requested, even if all of the facts stated in the application are assumed to be true, the Board may dismiss the application without a hearing or consultation. In its decision, the Board will set out its reasons.

RULE 40 ADMINISTRATION

- 40.1 The Board may set the forms and notices to be used in its cases, and may change those forms and notices from time to time.
- 40.2 The Board or Registrar may give directions as either considers necessary to provide notice to any person.
- 40.3 The Board or Registrar may require any person to post notices. The Board or Registrar may also give any directions about the posting, including when the notices must be posted, where, how many and for how long.
- 40.4 The applicant and any person directed to post notices must promptly inform the Registrar of the date and time of the postings.
- 40.5 The Board may allow a filing to be amended as the Board considers advisable.
- 40.6 The Board may also require a person to provide any further information, document or thing that the Board considers may be relevant to a case and to do so before or during a hearing.
- 40.7 The Board may relieve against the strict application of these Rules where it considers it advisable.
- 40.8 The Board may direct that any person be added or removed as a party or be sent any document, as the Board considers advisable.
- 40.9 The Board may consolidate or hear any cases together on such terms as it considers advisable.
- 40.10 A labour relations officer may be authorized in any case to meet with the parties, to help them resolve any issue, to make any inquiries, or for any other purpose.
- 40.11 The Board may order that the manner and scope of disclosing personal or financial information be restricted as the Board considers appropriate having regard to the circumstances of the case before it.

RULE 41 EXPEDITED PROCEEDINGS

41.1 Rules 41.2 and 41.3 apply to:

- a. the *Ambulance Services Collective Bargaining Act, 2001*;
- b. the *Public Sector Labour Relations Transition Act, 1997*;
- c. section 32 of the *Local Health System Integration Act, 2006*;
- d. Part IV of the *Crown Employees Collective Bargaining Act, 1993*;
- e. sections 50 and 61 of the *Occupational Health and Safety Act*;
- f. section 118(2) of the *Employment Standards Act, 2000*;
- g. sections 31, 37, and 71 of the *Colleges Collective Bargaining Act, 2008*;
- h. sections 25 and 28 of the *School Boards Collective Bargaining Act, 2014*;
- i. sections 46.1(1) and 56.3 of the *Fire Protection and Prevention Act, 1997*; and
- j. sections 8.1, 13, 98, 99, 114(2) and 126 to 168 of the *Labour Relations Act, 1995*.
- k. section 59.2 of the *Ontario College of Trades and Apprenticeship Act, 2009*.

41.2 In order to expedite proceedings, the Board or Registrar may, on such terms as either considers advisable, consult with the parties, conduct a pre-hearing conference, issue any practice direction, shorten or lengthen any time period, change any filing or delivery requirement, schedule a hearing, if any, on short notice, or cancel such hearing, or make or cause to be made such examination of records or other inquiries as either considers necessary in the circumstances.

41.3 Where the Board is satisfied that a case can be decided on the basis of the material before it, and having regard to the need for expedition in labour relations matters, the Board may decide an application by limiting the parties' opportunities to present their evidence or to make their submissions, or without a hearing.

PART VIII – TRANSITION PROVISIONS

RULE 42 TRANSITION

- 42.1 Notwithstanding Rule 6.2 a Party participating in an Application under section 96 of the *Act*, is not required to sign Form A-33 or A-34.
- 42.2 Notwithstanding Rule 7.2(c), a Party commencing an Application under section 96 of the *Act*, is not required to deliver to the Responding or Affected Parties a blank copy of Form A-34.

PART IX – OTHER FORMS AND INFORMATION BULLETINS

AMBULANCE SERVICES

Form No.	Form Name
A-101	Application under Section 6, 9, 10, 11, 18 or 23 of the Ambulance Services Collective Bargaining Act, 2001
A-102	Response to Application under the Ambulance Services Collective Bargaining Act, 2001
C-41	Notice to responding Party and/or Affected Party of Application Under the Ambulance Services Collective Bargaining Act, 2001

COLLEGES COLLECTIVE BARGAINING ACT, 2008

Form No.	Form Name
A-51	Application under Section 62 of the Act
A-52	Response to Application under Section 62 of the Act
C-25	Notice to Responding Party and/or Affected Party of Application under Section 62 of the Act

CONSENT TO INSTITUTE PROSECUTION

Form No.	Form Name
A-27	Application for Consent to Institute Prosecution
A-28	Response to Application for consent to Institute Prosecution
C-13	Notice to Responding Party and/or Affected Party of Application for Consent to Institute Prosecution

CROWN EMPLOYEES COLLECTIVE BARGAINING ACT, 1993

Form No.	Form Name
A-90	Application under Part IV of the Crown Employees Collective Bargaining Act, 1993
A-91	Response to Application under Part IV of the Crown Employees Collective Bargaining Act, 1993
C-19	Notice to Responding Party and/or Affected Party of Applications under Part IV of the Crown Employees Collective Bargaining Act, 1993

EMPLOYEE STATUS

Form No.	Form Name
A-41	Application Regarding Employee Status
A-42	Response to Application Regarding Employee Status
C-20	Notice to Responding Party and/or Affected Party of Application Regarding Employee Status

ENVIRONMENTAL BILL OF RIGHTS

Form No.	Form Name
A-59	Application under Section 105 of the Act (Unlawful Reprisal)
A-60	Application under Section 105 of the Act (Unlawful Reprisal)
C-29	Response to Application under Section 105 of the Act (Unlawful Reprisal)
Information Bulletin #15	Unlawful Reprisal Applications under Section 105 of the Environmental Bill of Rights Act

ENVIRONMENTAL PROTECTION ACT

Form No.	Form Name
A-57	Application under Section 174 of the Act (Unlawful Reprisal)
A-58	Response to Application under Section 174 of the Act (Unlawful Reprisal)
C-28	Notice to Employer and/or Affected Party of Application under Section 174 of the Act (Unlawful Reprisal)
Information Bulletin #16	Unlawful Reprisal Applications under Section 174 of the Environmental Protection Act

FAILURE TO COMPLY WITH TERMS OF SETTLEMENT

Form No.	Form Name
A-43	Application Regarding Failure to Comply with Terms of Settlement
A-44	Response to Application Regarding Failure to Comply with Terms of Settlement

ENVIRONMENTAL PROTECTION ACT

Form No.	Form Name
C-21	Notice to Responding Party and/or Affected Party of Application Regarding Failure to Comply with Terms of Settlement

FAILURE TO FURNISH FINANCIAL STATEMENT

Form No.	Form Name
A-45	Application Concerning Failure to Furnish Financial Statement
A-46	Response to Application Concerning Failure to Furnish Financial Statement
C-22	Notice to Responding Party and/or Affected Party of Application Concerning Failure to Furnish Financial Statement

INADEQUATE FINANCIAL STATEMENT

Form No.	Form Name
A-47	Application Concerning Inadequate Financial Statement
A-48	Response to Application Concerning Inadequate Financial Statement
C-23	Notice to Responding Party and/or Affected Party of Application Concerning Inadequate Financial Statement

OCCUPATIONAL HEALTH & SAFETY ACT

Form No.	Form Name
A-53	Application under Section 50 of the Act (Unlawful Reprisal)
A-54	Response to Application under Section 50 of the Act (Unlawful Reprisal)
C-26	Notice to Employer and/or Affected Party of Application under Section 8 of the Act (Unlawful Reprisal)
Information Bulletin #14	Unlawful Reprisal Applications under Section 50 of the Occupational Health and Safety Act

PUBLIC INQUIRIES ACT 2009

Form No.	Form Name
A-116	Application under section 18 of the Public Inquiries Act, 2009 (UNLAWFUL REPRISAL)
A-117	Response to Application under section 18 of the Public Inquiries Act, 2009 (UNLAWFUL REPRISAL)
C-50	Notice to Employer and / or affected party of application under section 18 of the act (Unlawful Reprisal)
Information Bulletin #29	Unlawful Reprisal Applications under Section 18 of the Public Inquiries Act, 2009

PUBLIC SERVICE OF ONTARIO ACT, 2006

Form No.	Form Name
A-110	Application under section 104 [Political Activity] or section 140 [Wrongdoing] (Unlawful Reprisal)
A-111	Response to application under section 104 [Political Activity] or section 140 [Wrongdoing]
C-47	Notice to employer and/or affected party of application under section 104 or 140
Information Bulletin #27	Unlawful Reprisal Applications under s. 104 [Political Activity] and s. 140 [Disclosing Wrongdoing] of the Public Service of Ontario Act, 2006
A-112	Application under section 105 or 141 of the PSOA, 2006 (Determination of whether settlement has been breached)
A-113	Response to Application under section 105 or 141 of the PSOA, 2006 (Determination of whether settlement has been breached)
C-48	Notice to employer and/or affected party of application under section 105 or 141 of the PSOA, 2006 (Determination of whether settlement has been breached)

RELIGIOUS EXEMPTION

Form No.	Form Name
A-35	Application for Religious Exemption
A-36	Response to Application for Religious Exemption
C-17	Notice to Responding Party and/or Affected Party of Application for Religious Exemption
Information Bulletin #18	Religious Exemption Applications

RIGHT OF ACCESS

Form No.	Form Name
A-17	Application for Right of Access
A-18	Response to Application for Right of Access
C-6	Notice to Responding Party and/or Affected Party of Application for Right of Access

SMOKE-FREE ONTARIO ACT

Form No.	Form Name
<u>A-108</u>	Application under Section 9 of the Act (Unlawful Reprisal)
<u>A-109</u>	Response to Application under Section 9 of the Act (Unlawful Reprisal)
<u>C-46</u>	Notice to Employer and/or Affected Party of Application under Section 9 of the Act (Unlawful Reprisal)
<u>Information Bulletin #26</u>	Unlawful Reprisal Applications under Section 9 of the Smoke-Free Ontario Act

UNFAIR LABOUR PRACTICE

Form No.	Form Name
A-33	Application under Section 96 of the Act (Unfair Labour Practice)
A-34	Response to Application under Section 96 of the Act (Unfair Labour Practice)
C-12	Notice to Responding Party and/or Affected Party of Application under Section 96 of the Act (Unfair Labour Practice)

UNLAWFUL STRIKE OR LOCK-OUT

Form No.	Form Name
A-39	Application Regarding Unlawful Strike or Lock-Out
A-40	Response to Application Regarding Unlawful Strike or Lock-Out
C-10	Notice to Responding Party and/or Affected Party of Application Regarding Unlawful Strike or Lock-Out