LABOUR RELATIONS ACT, 1995

APPLICATION FOR CERTIFICATION

Vote-based (s. 8) or
Card-based (s 128.1)
CONSTRUCTION INDUSTRY

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

- and -

Responding Party.

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

PLEASE READ INFORMATION BULLETIN NO. 6 - CERTIFICATION OF TRADE UNIONS IN THE CONSTRUCTION INDUSTRY BEFORE COMPLETING THIS FORM.

The applicant applies to the Ontario Labour Relations Board for certification as bargaining agent of the employees of the responding party in a unit described below.

The applicant must elect ONLY ONE of the following:

[  ] Section 8 Vote-based certification: COMPLETE THE DECLARATION AND ALL PARAGRAPHS (EXCEPT #12)

or

[  ] Section 128.1 Card based certification: COMPLETE THE DECLARATION AND PARAGRAPHS # 1 – 12 (not #13 – 23)

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

(b) Name, address, telephone number, facsimile number and e-mail address of a contact person for the applicant (Please Note: this individual must be regularly available by phone during the two week period following the application. Your contact person should be an individual with the authority to enter into agreements on your behalf):

(c) E-mail address of representative and assistant (if any):

□ Counsel: Assistant:

□ Paralegal: Assistant:

□ other: Assistant:

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

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

[You must deliver to the responding party: a Notice to Employer (Form C-32) with the names of the parties and the date inserted, a copy of this application, a blank response form (A-72, including Schedules A and B and the Instructions for filing Excel Schedules with the Board, found at Tab 4 of the Spreadsheet, a blank Confirmation of Posting (A-124), copies of Information Bulletin Nos. 6, 8 and 9 [or 32, when appropriate], and a copy of Part V of the Board's Rules of]
Form A-71

Procedure. You must also complete and file a Certificate of Delivery (A-75).

2. If the applicant is a council of trade unions, the name and address of each constituent union of the council of trade unions:

3. If the applicant is an affiliated bargaining agent and is applying for bargaining rights in the industrial, commercial and institutional sector of the construction industry, the name and address of the employee bargaining agency and affiliated bargaining agents:

4. The Application Filing Date for this application is:

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

5. Nature of the responding party's business affected by the application:

6. List each job site in the bargaining unit proposed by the applicant at which work was being performed on the Application Filing Date by location and Board Area:
7. Detailed description of the unit of employees of the responding party that the applicant claims to be appropriate for collective bargaining:

8. List all unrepresented trades at work on the Application Filing Date:

9. The number of employees the applicant believes to be at work in the unit described in paragraph 7 on the Application Filing Date:

10. Name, address, telephone number and facsimile number of any trade union or council of trade unions known to the applicant which claims to represent any employees who may be affected by this application:

[You must deliver to the union(s) named in paragraph 10: a copy of this application, a blank intervention form (A-73), a copy of Information Bulletin No. 6 - Certification of Trade Unions in the Construction Industry, a copy of Information Bulletin No. 8 - Vote Arrangements in the Construction Industry, a copy of Information Bulletin No. 9 - Status Disputes in Certification Applications in the Construction Industry [or Information Bulletin No. 32, when appropriate], and a copy of Part V of the Board's Rules of Procedure.]

11. Other relevant statements (attach additional pages if necessary):
[COMPLETE PARAGRAPH 12 ONLY FOR S. 128.1: CARD BASED CERTIFICATION]

12. Membership evidence accompanies this application and

[ ] does represent membership evidence on behalf of more than 55 percent of the employees in the proposed bargaining unit;

[ ] does represent membership evidence on behalf of at least 40%, but not more than 55 percent of the employees in the proposed bargaining unit

[Section 7(13) of the Act provides that the application for certification shall be accompanied by a list of names of union members in the proposed bargaining unit and evidence of their status as union members, but the trade union shall not give this information to the employer.]

[COMPLETE REMAINING PARAGRAPHS ONLY FOR S. 8: VOTE BASED CERTIFICATION]

13. Membership evidence accompanies this application and

[ ] does
[ ] does not

represent membership evidence on behalf of 40 percent or more of the employees in the proposed bargaining unit.

[Section 7(13) of the Act provides that the application for certification shall be accompanied by a list of names of union members in the proposed bargaining unit and evidence of their status as union members, but the trade union shall not give this information to the employer.]
Form A-71

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

14. Do you assert that a vote should take place on the fifth day after the later of the Application Filing Date or the date on which the application is delivered to the responding party?

[    ] Yes
[    ] No

If the answer is no, please explain fully. As well, please state the date on which you believe the vote should take place, and explain why:

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

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

16. Please list below your proposed hours for the vote specifying start and finish times and either a.m. or p.m

Please explain the reasons for your proposed vote times:

17. Please indicate below your proposed location of the poll(s) (eg. employer premises, job sites(s), other locations):

Poll #1

Description of the location (in detail):
Form A-71

Poll #2  (only if multiple locations are necessary)

Description of the location (in detail):

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

18. If you are requesting special voting arrangements or methods that depart from the Board's normal practices that are described in Information Bulletin No. 8, please specify those arrangements and the reasons for them (in detail):

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

20. Please state the name of the Scrutineer(s) you have selected to represent you at each poll:

Poll #1:  

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

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

22. Please indicate the name of the applicant as you wish it to appear on the Notice in the voting booth (and, in a displacement application, on the ballot):
Form A-71

DECLARATION

I, ......................................................... the ...................................................

(name)                                               (office)

of the applicant herein, declare that:

1. I have knowledge of the affairs of the applicant.

2. The applicant is a trade union or council of trade unions that according to established trade union practice pertains to the construction industry.

3. If the applicant is a council of trade unions, each of the Local Unions listed in paragraph 2 of the application has vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent.

DATED ___________________.

____________________________________

Signature for the Applicant
NOTES

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

(A) ANY MEMBERSHIP EVIDENCE RELATING TO THE APPLICATION;

(B) ONE COPY OF A LIST OF EMPLOYEES, IN ALPHABETICAL ORDER, CORRESPONDING WITH THE MEMBERSHIP EVIDENCE FILED; AND

(C) A COMPLETED DECLARATION VERIFYING MEMBERSHIP EVIDENCE, CONSTRUCTION INDUSTRY (FORM A-74).

NOTE: THE MEMBERSHIP EVIDENCE, LIST OF EMPLOYEES CORRESPONDING WITH THE EVIDENCE, AND THE DECLARATION VERIFYING EVIDENCE ARE NOT TO BE DELIVERED TO THE EMPLOYER OR ANY AFFECTED TRADE UNION.
IMPORTANT NOTES

The Board’s forms, Notices, Information Bulletins, Rules of Procedure and Filing Guide may be obtained from its website 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 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.

COLLECTION AND DISCLOSURE OF INFORMATION AND DOCUMENTS

Any relevant information that you provide to the Board must in the normal course be provided to the other parties to the proceeding. Personal information collected on this form and in written or oral submissions may be used and disclosed for the proper administration of the Board’s governing legislation and case processing. In addition, the Tribunal Adjudicative Records Act, 2019 requires that the Board make adjudicative records (which include applications filed and a listing of such applications) available to the public. The Board has the power to make part or all of an adjudicative record confidential. The Freedom of Information and Protection of Privacy Act may also address the treatment of personal information. More information is available on the Board’s website www.olrb.gov.on.ca. If you have any questions concerning the collection of information or disclosure of adjudicative records, contact the Solicitors’ Office at the number listed above or in writing to the OLRB, 505 University Ave., 2nd floor, Toronto, ON M5G 2P1.
E-FILING AND E-MAIL

The Rules of Procedure and Filing Guide set out the permitted methods of filing. Forms and submissions may be filed with the Board by a variety of methods including the Board’s e-filing system, but not by e-mail. Note that the e-filing system is not encrypted and e-filing is optional. 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. Some summaries and decisions may be found on the Board’s website.