Use this form for Construction Industry only

LABOUR RELATIONS ACT, 1995

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

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Applicant,

- and -

Responding Party (Trade Union).

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

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

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applies to the Ontario Labour Relations Board under section 132 of the Act for a declaration that the responding party no longer represents the employees in a bargaining unit for which it is the bargaining agent.

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

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

(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.]

(d) Name, address, telephone number, facsimile number and e-mail address of the responding party and contact person:
Form A-77

[You must deliver to the responding party: a Notice to Union of the application (Form C-34) with the names of the parties and the date inserted, a copy of your application, a blank response form (A-78), copies of Information Bulletin Nos. 7, 8 and 10 [or, when appropriate, Information Bulletin No. 32], and a copy of Part V of the Board’s Rules of Procedure.

You must also complete and file with the Board a Certificate of Delivery within two days. (see Rule 24.3 and Information Bulletin No. 7 at pages 5-6).]

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

[You must deliver to the employer: a Notice to Employer of the application (Form C-35) with the names of the parties and the date inserted, copies of your application, a blank intervention form, a blank Schedule C, copies of Information Bulletin Nos. 7, 8 and 10 [or, when appropriate, Information Bulletin No. 32], and a copy of Part V of the Board’s Rules of Procedure. You must also complete a Certificate of Delivery.]

3. The Application Filing Date for this application is:

[The Application Filing Date is the date the application is received by the Board, unless it is sent to the Board by Canada Post's Priority Courier Service, in which case the Application Filing Date is the date on which the application is accepted by Canada Post. Applicants who use Canada Post's Priority Courier service must keep a copy of the postal receipt, and file it with the Board with their Certificate of Delivery.]
4. Detailed description and geographic location of the unit of employees for which the responding party is the bargaining agent. (This description is usually found in the recognition or scope clause of the collective agreement, if any).

5. Description of site or sites where the applicant believes affected employees to be at work on the Application Filing Date (please list):

6. If there is or has been a collective agreement, state the date on which it was signed, the effective date and the expiry date of the most recent collective agreement:

7. If there is a collective agreement, is it a first agreement between the employer and the union?
   
   [ ] Yes
   [ ] No

8. If no collective agreement has been reached, state the date of the recognition agreement or Board Certificate:

9. The number of employees the applicant believes to be at work in the bargaining unit on the Application Filing Date:
10. Documentary evidence from employees who have expressed a wish not to be represented by the trade union accompanies this application and

[__] does
[__] does not

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

[Section 63(4) of the Act provides that an application to terminate bargaining rights shall be accompanied by a list of names of the employees in the bargaining unit who have expressed a wish not to be represented by the trade union and evidence of the wishes of those employees, but the applicant shall not give this information to the trade union or employer. Rule 26.2 provides that the evidence must be in writing and signed by each employee concerned.]

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

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

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

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

Please explain the reasons for your proposed vote times (e.g. shift change, employee start times, etc.):
14. Please list the regular days and hours of work of the employees in the bargaining unit:

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

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

**Poll #1**

Description of the location (in detail):

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

Description of the location (in detail):

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

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

19. Please set out the name of the Scrutineer you have selected to represent you at each poll:

**Poll #1:**

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

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

_____________________

Signature for the Applicant
NOTES

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

(A) ANY EVIDENCE RELATING TO THE APPLICATION THAT EMPLOYEES DO NOT WISH TO BE REPRESENTED BY THE TRADE UNION;

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

(C) A DECLARATION VERIFYING EVIDENCE OF EMPLOYEE WISHES, CONSTRUCTION INDUSTRY (FORM A-80).

NOTE: EVIDENCE THAT EMPLOYEES DO NOT WISH TO BE REPRESENTED BY THE UNION, THE LIST OF EMPLOYEES CORRESPONDING WITH THAT EVIDENCE, AND THE DECLARATION VERIFYING EVIDENCE OF EMPLOYEE WISHES ARE NOT TO BE DELIVERED TO THE UNION OR EMPLOYER.
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](http://www.canlii.org). Some summaries and decisions may be found on the Board’s website.