

March 4, 2020

## **NOTICE REGARDING ELECTRONIC VOTING**

The Ontario Labour Relations Board conducts votes under the *Labour Relations Act, 1995*, the *Colleges Collective Bargaining Act*, and the *Public Sector Labour Relations Transition Act*. Votes are held in applications for certification and termination of bargaining rights, sale of a business, final offer votes and in some public sector amalgamation cases. The Board has the authority to determine how, where and when the votes will be conducted and they can be in-person or electronic (meaning either on-line or by telephone).

### **A. When Might the Board Order an Electronic Vote?**

Electronic votes may be ordered at the request of the union and/or employer, upon agreement of the parties or as a result of the Board's own motion in circumstances where it deems it appropriate.

In considering whether to order an electronic vote, the Board will assess the nature and size of the workforce, the geographic location and the number and length of the polls required. An electronic vote may be appropriate to avoid the need for significant travel to various polls across the province and the necessity for numerous vote officers to conduct long polls over several days, or where the voters do not report for work at one location or have varying hours of work.

Electronic voting allows greater access to voting both through availability and with the elimination of geographic constraints.

For more information on votes generally, please see Information Bulletins, 1,2,3,5,7 and 8.

### **B. Who Conducts the Vote?**

The Board contracts with an outside electronic voting provider to conduct the electronic vote. The providers used also have experience conducting electronic votes for a variety of other clients, such as the Canada Industrial Relations Board, municipalities, unions and political parties.

The systems used by the voting companies have significant security measures to ensure the secrecy of the ballot is maintained throughout. The companies create and maintain a website and phone line to facilitate the vote.

## **C. What is the Process for Electronic Voting?**

### **(i) How do voters know when the vote is?**

- In a decision, the Board orders that a vote is to be conducted electronically in a decision of the Board. In that same decision, the Board may also direct the employer to provide the email addresses and phone numbers of the voters.
- The Notice of Vote is issued by the Board once the vote has been ordered. This notice of vote will contain voting instructions, the hours during which the electronic poll will be open and the phone number for the Help Desk and the hours it will be open.
- In some circumstances the Notice of Vote will be posted on the OLRB website.

### **(ii) How do voters actually vote?**

Normally, voters will have a choice to cast their secret ballot either by phone or online, in either English or French.

- The provider sends each voter an email with a phone number and a URL to a website, together with a unique personal identification number (PIN). The PIN may only be used once.
- A ballot is provided either on a recorded message on the phone or on the computer/mobile device screen.
- By phone, the voter receives automated prompts to submit their PIN and cast a ballot, pressing 1 or 2 to vote in response to the ballot question. The voter is asked to confirm their choice before their vote is cast.

- In the online vote, the voter submits their PIN and selects a checkbox on the ballot displayed on the computer/mobile device screen. The voter is asked to confirm their choice before the vote is completed.

No record is kept or recovered which would allow identification of how votes were cast by a PIN ie. an individual.

### **(iii) Potential Issues – The Help Desk**

Voters can call the Help Desk if they have questions or encounter any issues with the e-voting process. The Help Desk hours are included in the Notice of Vote.

The Help Desk typically is staffed by a Board Vote Officer and is open for a period of time each day the poll is open.

Individuals who call the Help Desk will be asked to verify their identity.

Once verified, the Help Desk may assist voters with a variety of issues. This can include when an individual did not receive an email or they misplaced their PIN.

If the Help Desk is not able to verify the caller's status as an eligible voter, the individual is considered "not on the list" or NOL, as they would be at an in-person vote, and a new PIN will be provided. The resulting ballot will be segregated to be discussed with the parties at the close of the vote.

If a PIN has already been used but a voter has contacted the Help Desk for a new PIN, both ballots will be segregated for post-vote discussions with the parties.

### **(iv) Updates available during the vote polls on voter participation**

The Board is able to provide updates to the parties during the course of the vote as to which voters have voted and which voters have not. This allows the parties to contact eligible voters should they wish to do so. No record is kept or recorded about how an individual voted.

The Board's practice is to email an update at 4:30 p.m. each day of the vote and one hour before the Help Desk opens on the last day of voting. One final update is sent at the close of voting.

## **D. Voters List - Before, During and after the Vote**

- Prior to the vote both parties will be given a copy of the voters list and will have the opportunity to review it. As with an in-person vote, parties can add voters' names to the voters list and also challenge the eligibility of certain voters in advance of the poll starting.
- During the vote, ballots cast by challenged voters are segregated by the voting system. Challenges to voters may be made during the vote, as is the usual process at an in person vote, but on e-votes this can also be done up to the point that the Board directs a count of ballots and a report is produced.
- After the vote, the Vote Officer works with the parties to attempt to reach agreements on voter challenges, segregated ballots and any other issues. The Vote Officer will advise the parties if any issues arose during the vote, for example, voter identification issues raised at the Help Desk. This allows parties to reach agreements or take this final opportunity to challenge the eligibility of any voters.

## **E. Counting the Ballots**

Once the Vote Officer is finished post-vote discussions with the parties, the Vote Officer will generate the results of the vote from the electronic voting system. This is then released to the parties electronically in a Board Report.

The tabulation of votes by the electronic system is far quicker than physically counting ballots. Ballots which continue to be challenged remain segregated in the system to be dealt with in the normal course.