File No. \_\_\_\_\_\_\_\_\_\_\_

LABOUR RELATIONS ACT, 1995

**RESPONSE** **TO** **APPLICATION FOR CERTIFICATION**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

**Between:**

**Applicant,**

‑ and ‑

**Responding Party.**

**The responding party states in response to the application:**

1. (a) Correct name of the responding party:

(b) Address, telephone number, facsimile number and e-mail address of the responding party:

(c) Name, address, telephone number, facsimile number and e-mail address of a contact person for the responding party (Please Note: this individual **must** be regularly available by phone during the five (5) 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.):

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

**□ Counsel: Assistant:**

**□ Paralegal: Assistant:**

**□ other: Assistant**:

**[Periods of time referred to in this response, 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.]**

2. General nature of the responding party's business:

3. [ ] The responding party agrees with the applicant’s estimate of the number of individuals in the bargaining unit included in the application for certification.

**OR**

[ ] The responding party disagrees with the applicant’s estimate of the number of individuals in the bargaining unit included in the application for certification and says that there are \_\_\_\_\_\_\_\_\_\_\_ individuals in that bargaining unit.

4. [ ] The responding party agrees with the description of the bargaining unit included in the application for certification.

**OR**

[ ] The responding party disagrees with the description of the bargaining unit included in the application for certification and proposes the following bargaining unit description *(include the municipality or other geographic area affected)*:

and says that there are \_\_\_\_\_\_\_\_\_\_\_\_ individuals in this bargaining unit.

5. If the responding party disagrees with the description of the bargaining unit included in the application, does the responding party also assert that the description of that unit could not be appropriate?

[ ] Yes

[ ] No

If the answer is yes, please provide full particulars in support of your position:

6. Is the responding party giving notice under section 8.1 of the Act?

[ ] Yes

[ ] No

If the answer is yes, does the responding party agree that ballots cast in the representation vote should be counted?

[ ] Yes

[ ] No

7. If the bargaining unit applied for includes guards, is the responding party objecting under section 14(2) of the Act?

[ ] Yes

[ ] No

If the answer is yes, please provide full particulars of the basis of your objection:

Is the responding party objecting under section 14(3) of the Act?

[ ] Yes

[ ] No

If the answer is yes, please provide full particulars of the basis of your objection:

8. The name, address, telephone number and facsimile number of any trade union that claims to represent any employee(s) who may be affected by this application that was not identified by the applicant in paragraph 7 of the application.

9. The date on which the trade union named in paragraph 8 was certified or voluntarily recognized:

10. Is or was the responding party bound by a collective agreement covering any of the employees in the applicant's proposed bargaining unit?

[ ] Yes

[ ] No

If the answer is yes, state below the date on which it was signed, the effective date and the expiry date, and forward a copy of the agreement to the Board.

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

**Vote Arrangements** (Please read Information Bulletin No. 3 ‑ Vote Arrangements before completing this portion of the form.)

12. Should a vote take place on the fifth day after the date on which this application for certification was filed with the Board?

[ ] Yes

[ ] No

If the answer is no, please explain fully and state the date(s) on which you believe the vote should take place and the reasons why:

13. Do you agree with the hours of vote proposed in the applicant's Form A-1 at paragraph 11?

[ ] Yes

[ ] No

If the answer is no, please explain fully and state your suggested hours (specifying start and finish times and a.m. or p.m.), and the reasons for them:

14. Do you agree with the location of the poll(s) proposed in the applicant's Form A-1 at paragraph 12?

[ ] Yes

[ ] No

If the answer is no, please explain fully and state your suggested location of the poll(s), and the reasons for them:

15. Please state the name of the Scrutineer you have selected to represent you at each poll:

**Poll #1:**

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

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

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

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signature for the Responding Party**

**CERTIFICATE OF DELIVERY**

1. I certify that a completed copy of the Response to the Application for Certification was delivered to [ ] the applicant and [ ] any affected trade union named in paragraph 7 of the application as follows. In addition, I certify that a copy of the completed Application, Response and related materials was delivered to [ ] any affected trade union named in paragraph 8 of the Response.

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Name of Organization and name Address or facsimile number to and title of person to whom which documents were delivered

documents were delivered

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Organization and name Address or facsimile number to and title of person to whom which documents were delivered

documents were delivered

**[Complete either section 2 or section 3 below.]**

2. The documents were delivered by [   ] facsimile transmission or [   ]

hand delivery on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_ a.m./p.m.

(Date)

3. The documents were given to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on

(Name of Courier)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and I was advised that they would be delivered

(Date)

not later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_ a.m. /p.m.

(Date)

NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TITLE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**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](http://www.olrb.gov.on.ca/) or by calling 416-326-7500 or toll-free at 1-877-339-3335.

**FRENCH OR ENGLISH**

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

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

**CHANGE OF CONTACT INFORMATION**

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

**ACCESSIBILITY AND ACCOMMODATION**

The Board is committed to providing an inclusive and accessible environment in which all members of the public have equitable access to our services. We will aim to meet our obligations under the *Accessibility for Ontarians with Disabilities Act* 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](http://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. **In the event of emergencies or other circumstances, the Board may post a Notice to Community on its website, which will prevail over the Rules of Procedure and Filing Guide. You should check the Board’s website prior to filing.** Note that the efiling system is not encrypted. Contact the Client Services Coordinator at the numbers listed above if you have questions regarding e-filing or other filing methods. If you provide an e-mail address with your contact information, the Board will in most cases communicate with you by e-mail from an out-going only generic account. Incoming emails are not permitted.

**HEARINGS AND DECISIONS**

Hearings are open to the public unless the Board decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library and [www.canlii.org](file:///\\ETCPTOVSPIFS004.CIHS.AD.GOV.ON.CA\MOL\Agencies%20Boards%20Commissions\Ontario%20Labour%20Relations%20Board\MOCHA\Templates%20-%20Document%20Generator\Common\www.canlii.org). Some summaries and decisions may be found on the Board’s website.