**Use this form for Construction Industry only**

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

LABOUR RELATIONS ACT, 1995

**RESPONSE TO 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.**

**PLEASE READ INFORMATION BULLETIN NO. 6 ‑ CERTIFICATION OF TRADE UNIONS IN THE CONSTRUCTION INDUSTRY BEFORE COMPLETING THIS APPLICATION.**

**PLEASE NOTE:**

**[SEE PAGE 1 OF FORM A-71: APPLICATION FOR CERTIFICATION]**

Where the application for certification has elected **s. 8** (vote-based certification), you must **COMPLETE THIS ENTIRE FORM**

Where the application for certification has elected **s. 128.1** (card-based certification), you must **COMPLETE THIS ENTIRE FORM, EXCEPT PARAGRAPHS 7, 8 & 9** (notice under s. 8.1) **and 13 – 20** (Vote arrangements)

The responding party states in response to the application for certification:

1. (a) Correct name of responding party:

 (b) Address, telephone number, facsimile number and e-mail address of 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 two week period following the application. 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. Nature of the responding party's business that is affected by the application:

3. List each job site in the bargaining unit proposed by the applicant at which the work was being performed on the Application Filing Date by by specific location (e.g., municipal address, lot & plan number, floor number(s) in multi-level buildings, or other identifier) and Board Area. Assign a code (S1, S2, S3, etc.) to each job site as you are required to identify on which site each employee was working when listing employees on Schedules A and B.

 [The Application Filing Date is set out in paragraph 4 of the Application for Certification (Form A-71)]

4. Number of employees who were at work in the unit proposed by the applicant on the Application Filing Date:

5. [ ] The responding party agrees with the applicant's estimate of the number of employees who were at work in the bargaining unit included in the application for certification on the Application Filing Date.

 **OR**

 [ ] The responding party disagrees with the applicant's estimate of the number of employees who were at work in the bargaining unit included in the application for certification on the Application Filing Date and says that there were \_\_\_\_\_\_\_\_\_\_\_ individuals in that bargaining unit.

5a. List all unrepresented trades at work on the Application Filing Date.

6. [ ] 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 were \_\_\_\_\_\_\_\_ individuals at work in this bargaining unit on the Application Filing Date.

7. 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:

8. 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

9. Do you assert that a vote should commence on the fifth day after the later of the Application Filing Date or the date on which the application was delivered to the responding party?

 [ ] Yes

 [ ] No

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

10. (a) The name, address, telephone number and facsimile number of any trade union which may claim to represent any employees who may be affected by the application and that was not named by the Applicant in paragraph 10 of the application:

**[You must deliver to the union named in paragraph 10(a) no later than two days after the application was delivered to you: a copy of the application; a completed copy of your response (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 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, when appropriate, Information Bulletin No. 32 – Resolving Disputes in Displacement and Termination Applications in the Construction Industry during the Construction Open Period] ; and a copy of Part V of the Board's Rules of Procedure.]**

 (b) The date on which that trade union was certified or voluntarily recognized:

11. 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 the date on which it was signed, the effective date and the expiry date, and enclose a copy with this response.

12. 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.)

13. Do you agree with the method of vote proposed in paragraph 15 of the applicant’s Form A-71?

 [ ] Yes

 [ ] No

Please explain fully.

14. Do you agree with the special voting arrangements (if any) proposed in the applicant's Form A-71 at paragraph 16:

 [ ] Yes

 [ ] No

If the answer is no, please explain fully why you disagree.

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

16. Please state the name of the agent you have selected to represent you for the vote:

**Complete paragraphs 17-21 only if you or the applicant requests an in-person vote.**

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

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

19. Do you agree with the hours of vote proposed in the applicant's Form A-71 at paragraph 21?

 [ ] Yes

 [ ] No

If the answer is no, please explain fully and outline the responding party's suggested hours for the vote specifying start and finish times and either a.m. or p.m., and the reasons for them:

20. Do you agree with the location of the poll(s) proposed in the applicant's Form A-71 at paragraph 22?

 [ ] Yes

 [ ] No

 If the answer is no, please explain fully and outline the responding party's suggested location of the poll(s), and the reasons for them:

21. 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):

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

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

 **Signature for the Responding Party**

**CERTIFICATE OF DELIVERY**

**Note: The date of delivery is the date the documents are actually received by the other party, no matter what method of delivery is used.**

1. I certify that a completed copy of the Response to Application for Certification, Construction Industry (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, was delivered to [ ] the applicant and/or [ ] any affected trade union identified in paragraph 10 of the application, as follows:

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

 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

2. **[Complete this section only if you named an affected trade union in paragraph 10 of your response that was not named in paragraph 10 of the application.]**

 I certify that:

 ° a completed copy of the Application for Certification, Construction Industry (Form A-71)

 ° a completed copy of the Response to Application for Certification, Construction Industry (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 copy of an Intervention in Application for Certification, Construction Industry (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, when appropriate, Information Bulletin No. 32]; and

 ° a copy of Part V of Board's Rules of Procedure

were delivered to an affected trade union named in paragraph 10 of the response, as follows:

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

 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 3 or section 4 below.]**

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

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

 (Date)

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

 (Name of Courier)

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

 (Date)

be delivered not later than \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at

 (Date)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ a.m./p.m.

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

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

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

**NOTES**

"CONSTRUCTION INDUSTRY" AS DEFINED IN SECTION 1(1) OF THE LABOUR RELATIONS ACT MEANS "THE BUSINESSES THAT ARE ENGAGED IN CONSTRUCTING, ALTERING, DECORATING, REPAIRING OR DEMOLISHING BUILDINGS, STRUCTURES, ROADS, SEWERS, WATER OR GAS MAINS, PIPE LINES, TUNNELS, BRIDGES, CANALS OR OTHER WORKS AT THE SITE".

"EMPLOYER", FOR THE PURPOSES OF SECTIONS 126 ‑ 168 OF THE LABOUR RELATIONS ACT, MEANS "A PERSON OTHER THAN A NON-CONSTRUCTION EMPLOYER WHO OPERATES A BUSINESS IN THE CONSTRUCTION INDUSTRY". A “NON-CONSTRUCTION EMPLOYER” MEANS “AN EMPLOYER WHO DOES NO WORK IN THE CONSTRUCTION INDUSTRY FOR WHICH THE EMPLOYER EXPECTS COMPENSATION FROM AN UNRELATED PERSON” (SEE SECTION 126(1) OF THE LABOUR RELATIONS ACT).

**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:///%5C%5CETCPTOVSPIFS004.CIHS.AD.GOV.ON.CA%5CMOL%5CAgencies%20Boards%20Commissions%5COntario%20Labour%20Relations%20Board%5CMOCHA%5CTemplates%20-%20Document%20Generator%5CCommon%5Cwww.canlii.org). Some summaries and decisions may be found on the Board’s website.