LABOUR RELATIONS ACT, 1995

**NOTICE TO EMPLOYER OF APPLICATION FOR CERTIFICATION,**

**CONSTRUCTION INDUSTRY**

**s. 8 (vote-based) or s. 128.1 (card-based)**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

**Between:**

**Applicant,**

‑ and ‑

**Responding Party.**

**TO THE RESPONDING PARTY:**

1. The applicant has applied to the Ontario Labour Relations Board for certification as bargaining agent of your employees in a bargaining unit described in the Application for Certification, Construction Industry (Form A-71) enclosed with this notice.

2. This Notice and other material are being sent to you because you are the Responding Party. **An application for certification is a legal proceeding and may affect your legal rights and obligations. You may wish to seek legal advice immediately.**

3. Enclosed with this notice are the following documents:

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

 (b) a blank Response to Application for Certification, Construction Industry (Form A‑72), including Schedules A & B (Lists of Employees) and the Instructions for filing Excel Schedules with the Board, found at Tab 4 of the Spreadsheet;

 (c) a blank Confirmation of Posting (Form A-124);

 (d) a blank Intervention in Application For Certification, Construction Industry (Form A‑73);

 (e) a copy of Information Bulletin No. 6 ‑ Certification of Trade Unions in the Construction Industry;

 (f) a copy of Information Bulletin No. 8 ‑ Vote Arrangements in the Construction Industry;

 (g) 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

 (h) a copy of Part V of the Board's Rules of Procedure.

4. **Your Response to the application, including Excel Schedules A and B (List of Employees), must be filed with the Board no later than two days after the application for certification was delivered to you.**

In addition to the version filed with the Board, the Schedules should also be sent to the Board in Excel format by email to vote.coordinator@ontario.ca (please note that the Board will accept ONLY these Schedules by email – no other material can be filed with the Board by email). Pre-formatted Excel versions of these documents may be found on the Board’s website (www.olrb.gov.on.ca).

Copies of the schedules should also be provided by email to the primary contact for the Applicant. The Applicant should indicate its challenges on the appropriate column in the Excel Schedules, and send them by email to vote.coordinator@ontario.ca, with a copy to the primary contact for the Employer.

 **You must also file the Confirmation of Posting [Form A-124] no later than one day after filing your Response.**

 **You must also ensure that a copy of your Response, including Schedules A and B (List of Employees), is delivered to the applicant and to any other affected party identified in paragraph 10 of the Application for Certification, Construction Industry or by you in paragraph 10 of your Response to Application for Certification, Construction Industry, before you file these documents with the Board. You must also complete a Certificate of Delivery.**

5. Please note that periods of time referred to in this notice, 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.

6. **It is an offence punishable on summary conviction to fail to comply with a direction of the Board -- see section 104 of the Labour Relations Act.**

**s. 8 only**

7. If the Board determines that 40 percent or more of the individuals in the bargaining unit proposed in the application for certification appear to be members of the union, the Board will direct that a representation vote be taken among the individuals in a voting constituency determined by the Board.

 Section 8(5) of the Labour Relations Act directs the Board to hold the representation vote within five days after the day on which the application for certification is filed with the Board, unless the Board otherwise directs.

**s. 128.1 only**

7a. If the Board is satisfied that more than 55 percent of the employees in the bargaining unit are members of the trade union on the date the application was filed it may certify the trade union as bargaining agent or direct that a representation vote be taken. If the Board is satisfied that at least 40 percent but not more than 55 percent of the employees in the bargaining unit are members of the trade union on the application date, then it is required to conduct a representation vote.

 Section 128.1(13) of the Labour Relations Act directs the Board to hold the representation vote within five days after the day on which the direction for a representation vote is made by the Board, unless the Board otherwise directs.

8. Any direction from the Board to conduct a representation vote and any determination by the Board regarding a voting constituency for such a vote will be contained in a decision of the Board which will be sent to you. If the Board directs that a representation vote be taken, a notice indicating the time and the place the vote will be held will be sent to you for posting in the workplace.

9. The Board's Rules of Procedure require the union to deliver the enclosed application to you (and to any affected union named in the application) and to confirm to the Board that it has done so, within two days of the Application Filing Date. After the application and confirmation are filed, you will receive confirmation directly from the Board. If you do not hear from the Board within two days after you receive the application, you may wish to contact the Board.

10. In the normal course, an Officer of the Labour Relations Board will be contacting you to discuss this application with you.

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

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

The Registrar

Ontario Labour Relations Board

**NOTE:** All communications should be addressed to:

The Registrar

Ontario Labour Relations Board

505 University Avenue, 2nd Floor

Toronto, Ontario

M5G 2P1

Tel. (416) 326‑7500

**IMPORTANT NOTES**

The Board’s forms, Notices, Information Bulletins, Rules of Procedure and Filing Guide may be obtained from its website <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* *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](http://www.canlii.org). Some summaries and decisions may be found on the Board’s website.