**Case No.:**

**Application Filing Date:**

**Date of Delivery:**

# LABOUR RELATIONS ACT, 1995

**NOTICE TO EMPLOYEES OF DISPLACEMENT APPLICATION FOR CERTIFICATION,**

**CONSTRUCTION INDUSTRY**

**(OPEN PERIOD)**

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This Notice has been posted because a union has applied to the Ontario Labour Relations Board\* to displace the current union that represents employees at your workplace.

A copy of the Union's Application for Certification should be posted beside this Notice. The application also includes a description in paragraph 2 of the proposed bargaining unit, which is the group of employees the union seeks to represent.

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**Where a Union applies to displace another union,** the Board is required to conduct a representation vote between the applicant union and the current union.

A vote is usually held five (5) days after the date on which the certification application is filed with the Board (the "Application Filing Date"), or the date on which the application is delivered to the employer (the "Delivery Date"), whichever is later. In limited circumstances the vote may be delayed one or more days. (The Application Filing Date can be found at the top of this Notice.)

The Board will consider the bargaining units proposed by the applicant union, the employer and the current union, and will then determine the voting constituency, which is the group of employees who will vote. The Board will also consider the requests of the applicant union and the employer as to where and when the vote should be held.

The Board will direct your employer to post a "Notice of Vote and of Hearings" beside this Notice. That Notice will set out the voting constituency, the date, time and place of the vote, and the date on which any Hearing will take place. You should expect the "Notice of Vote and of Hearings" to be posted one or two days prior to the date of the vote. To ensure that you are informed of the vote arrangements, you should regularly check this space for the "Notice of Vote and Hearings".

**CONDUCT OF THE VOTE**

An official of the Ontario Labour Relations Board will conduct the vote, which will be by secret ballot. If you believe that you may be eligible to vote, or have any question as to whether you are eligible to vote, you should attend at a polling place and identify yourself to the Board Officer conducting the vote.

**AFTER THE VOTE IS HELD**

If the union and the employer agree at the time of the vote on the bargaining unit and the eligibility of employees to vote, the ballots will normally be counted and a report that sets out the results of the vote will be posted next to this Notice. If any issues are not resolved, the results of the vote may not be announced, and an exchange of submissions and documents will be ordered.

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**MAKING A STATEMENT TO THE BOARD**

If you want to say something to the Board about this application, you must send a written statement to the Board, setting out your name(s), address and phone number, the file number which appears at the top of this Notice, the names of the union and your employer, and a detailed statement of what you want the Board to consider.

If you decide to send a statement to the Board, you should do so as soon as you become aware of the information you wish to give to the Board. You may file your statement using the Board’s electronic filing system. It must be actually received by the Board's offices not later than five (5) days (not counting weekends and holidays on which the Board is closed) after the Application Filing Date or, where a vote is held, not later than 5 days after the date of the vote.

At the same time that you send your statement to the Board, you must send a copy of your statement to both the unions and the employer. The correct names and addresses of the parties appear on the Application for Certification posted beside this Notice, in paragraphs 1(a) and 1(c). You should tell us in your statement how you delivered these copies.

You should read and follow the Board's Rules of Procedure if you intend to make a statement to the Board. Copies of the Board's Rules may be downloaded from the Board’s website at [www.olrb.gov.on.ca](http://www.olrb.gov.on.ca).

If the Board decides prior to a hearing that your statement will not change the result of the application, the Board may decide the application without any more notice to you. If this occurs, a copy of the Board decision will be sent to you.

If you send a statement to the Board, you must come to any meetings and hearings that are held or send someone to speak for you, or the Board may decide the application without any more notice to you and without considering your written statement.

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**THE LABOUR RELATIONS ACT**

The Labour Relations Act sets out the rights and responsibilities of employees, employers, and trade unions. The Purposes of the Act are:

1. To facilitate collective bargaining between employers and trade unions that are the freely-designated representatives of the employees.

2. To recognize the importance of workplace parties adapting to change.

3. To promote flexibility, productivity and employee involvement in the workplace.

4. To encourage communication between employers and employees in the workplace.

5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.

1. To promote the expeditious resolution of workplace disputes.

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**RIGHTS OF EMPLOYEES**

Employees in Ontario have the right to bargain collectively with their employers. This right is guaranteed by the Labour Relations Act, which establishes methods for employees to choose trade union representation, and describes how a trade union bargains with an employer in order to reach a collective agreement that sets out the terms and conditions of employment.

The Act also sets out rules of fair play that govern trade unions, employers, and employees in their labour relations activities.

YOU SHOULD BE AWARE THAT EMPLOYEES IN ONTARIO HAVE THESE RIGHTS:

* To organize themselves and form a trade union.
* To join a trade union and participate in its lawful activities.
* To act together for collective bargaining.
* To refuse to do any or all of these things, or to remain neutral.
* To cast a secret ballot in favour of, or in opposition to, representation by a trade union, if applicable.
* Not to be discriminated against or penalized by an employer or a trade union for supporting or opposing a trade union, or participating in its lawful activities.
* Not to be penalized for exercising rights or participating in a proceeding under the Labour Relations Act.

If you believe your rights have been violated, you have the right to file a complaint with the Board.

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\* **The Ontario Labour Relations Board is an independent government agency that administers and enforces the Labour Relations Act. The Board is a neutral body where the parties to labour relations matters can have their applications dealt with and complaints resolved.**

**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

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The Registrar

Ontario Labour Relations Board

**THIS IS AN OFFICIAL NOTICE OF THE BOARD AND**

**MUST NOT** **BE REMOVED OR** **DEFACED.**

**THIS NOTICE MUST REMAIN POSTED FOR 45 DAYS.**

**Cet avis est disponible en Français**

**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.