**Use this form for Construction Industry only**

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

LABOUR RELATIONS ACT, 1995

**RESPONSE TO APPLICATION FOR TERMINATION OF**

**BARGAINING RIGHTS UNDER SECTION 132 OF THE ACT,**

**CONSTRUCTION INDUSTRY**

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

**Between:**

**Applicant,**

‑ and ‑

**Responding Party.**

**Please read Information Bulletin No. 7 -- Termination of Bargaining Rights in the Construction Industry under Section 132 of the Labour Relations Act before completing this form.**

The responding party states in response to the application:

1. (a) Correct name of 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 contact person for responding party (Please Note: this individual must be regularly available by telephone during the five (5) days leading up to the date set for the vote. Your contact person should be a person 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. Name, address, telephone number, facsimile number and e-mail address of employer of employees affected by the application, and of contact person:

3. Detailed description of the unit of employees for which the responding party is the bargaining agent, including the geographic area:

4. Description of site or sites where the responding party believes affected employees to be at work on the Application Filing Date (please list):

5. Has the application been made within one of the time periods provided for in the Act for the making of such applications?

[\_\_] Yes

[\_\_] No

If no, explain:

6. Do you agree with the applicant's statement in paragraph 9 of the application regarding the number of employees at work in the bargaining unit on the Application Filing Date?

[\_\_] Yes

[\_\_] No

If no, please set out the number of employees at work in the bargaining unit on the Application Filing Date:

[The Application Filing Date is set out in paragraph 3 of the Application (Form A‑77).]

7. The date of certification, if any, of the responding party as bargaining agent of the employees in the unit:

8. Is or was the responding party bound by a collective agreement with the employer of employees affected by this application?

[\_\_] Yes

[\_\_] No

9. If the answer to paragraph 8 is yes, state below the date on which it was signed, the effective date and the expiry date, and enclose a copy with this response.

10. If the answer to paragraph 8 is yes, is the agreement a first agreement between the union and the employer?

[\_\_] Yes

[\_\_] No

11. Does the responding party wish to continue to represent the employees in this bargaining unit?

[\_\_] Yes

[\_\_] No

[Section 63(17) of the Act provides that the Board may declare that a trade union no longer represents employees in the bargaining unit where the trade union concerned informs the Board that it does not desire to continue to represent the employees.]

12. Is the responding party seeking the dismissal of this application under section 63(16) of the Act?

[\_\_] Yes

[\_\_] No

If the answer is yes, you must provide in this response detailed representations in support of your position. Include **all** of the material facts on which you rely including the circumstances, what happened, where and when it happened, and the names of any persons said to have acted improperly. Your detailed representations must also be delivered to all other parties.

13. 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.)

14. Do you agree with the date of the vote proposed in the applicant's Form A‑77 at paragraph 12?

[\_\_] Yes

[\_\_] No

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

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

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

17. Do you agree with the hours of vote proposed in the applicant's Form A‑77 at paragraph 13?

[\_\_] Yes

[\_\_] No

If no, please explain fully and outline the responding party's suggested

hours specifying start and finish times and a.m. or p.m., and the reasons for them:

18. Do you agree with the location of the poll(s) proposed in the applicant's Form A‑77 at paragraph 16?

[\_\_] Yes

[\_\_] No

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

19. Do you agree with the special voting arrangements (if any) proposed in the applicant's Form A‑77 at paragraph 17?

[\_\_] Yes

[\_\_] No

If no, please explain fully why you disagree:

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

21. Please list the name of the Scrutineer you have selected to represent you at each poll:

**Poll #1:**

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

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

23. Please state the name of the responding party as you wish it to appear on the Notice in the voting booth:

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

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

**Signature for the Responding Party**

**CERTIFICATE OF DELIVERY**

1. I certify that a completed copy of the Response to Application for Termination of Bargaining Rights under Section 132 of the Act, Construction Industry (Form A-78) was delivered to [   ] the applicant and [ ] the employer 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

**[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 Canada Post’s Priority Courier Service on

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 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.