

ONTARIO LABOUR RELATIONS BOARD INFORMATION BULLETIN NO. 3

Vote Arrangements

All parties to certification applications and to termination applications made under section 63 of the *Labour Relations Act, 1995* are required to file proposals for vote arrangements as part of their application, response, or intervention. The purpose of this Information Bulletin is to assist these parties in completing their proposals.

~~The Board typically accommodates~~Except in extraordinary circumstances, the Board will conduct the vote by way of electronic and telephone voting, with the poll usually being open for a 24-hour period. The Board will consider any arrangements that are agreed upon by all parties. However, if it is determined that the vote arrangements agreed to by the parties are not suitable ~~because they are too costly or do not adequately allow employees the opportunity to vote, or if the parties do not agree on vote arrangements,~~ the Board normally sets the arrangements without further consultation with the parties. As such, it is important for the parties to clearly set out all of their reasons for their proposed arrangements when completing their form.

Please read the following before completing the vote arrangements portion of your form.

~~For procedures regarding electronic voting, please see the Board's Notice Regarding Electronic Voting, available on the Board's website.~~

1) **DATE OF VOTE**

In certification applications, the date ~~of~~ the vote ~~is~~ usually commences is the fifth day (excluding weekends and holidays on which the Board is closed) after the date on which the application is filed with the Board (the "Application Filing Date").

In termination applications, the date of the vote will usually becommence five to eight days after the Application Filing Date.

If there is a specific date or dates close to the date on which the vote may reasonably be expected to be held that would not be appropriate for a vote to be held, you should identify such dates and state why they are not appropriate.

The Board does not conduct advance polls or allow voting by proxy. ~~Only in very unusual circumstances is mail-in balloting allowed. The Board does not use mail-in balloting to accommodate employees who are absent from the workplace on the day of the vote because of illness, vacation, or any other reason.~~

2) **HOURS OF VOTE**

a) —When Electronic Vote

~~Except in extraordinary circumstances, the Board will conduct the vote by way of electronic and telephone voting. Generally, the poll be open for a 24-hour period. The Board will consider the parties' submissions regarding the duration of the vote. The Co-ordinator will consider any agreed upon arrangements, but if it is determined that they are unsuitable, the Co-ordinator normally sets the arrangements without further consultation with the parties.~~

b) In-person vote

~~If requesting an in-person vote, when~~ proposing the hours for the vote, parties should balance ~~the need to economically use~~ the Board's resources with the general rule that the vote should be arranged so that most employees have the opportunity to vote during regular working hours.

Generally, not more than one hour should be allowed for each 60 eligible voters. If multiple polling locations are necessary, parties should make every effort to allow for one Mediator to travel to different locations rather than requiring more than one Mediator at simultaneous polls.

3) **LOCATION OF POLL(S)**

~~The~~ ~~The Board will normally conduct the vote by way of electronic and telephone voting. In-person votes may be requested but are only granted where circumstances warrant. Agreement of the parties is not determinative of the method of vote.~~

~~In the event that an in-person vote is ordered, the~~ vote takes place on the employer's premises in all but the most unusual circumstances. The polling place should be as free from noise as circumstances permit, readily recognizable by name or description, and easily accessible to all employees. Votes are typically held in places such as lunchrooms, cafeterias, and empty offices.

The polling place should be equipped with a table and chairs for the Mediator and each party's Scrutineer. ~~A second table that is large enough to accommodate a voter's screen and ballot box (both provided by the Board) and allows for privacy while voters cast their ballots should also be available.~~

4) **CONTACT PERSON**

Each party must provide the Board with the name, phone number and ~~facsimile number~~ email address of an individual who is regularly

available by phone during the period of time (excluding weekends and holidays on which the Board is closed) leading up to the vote to discuss the application. These individuals should have authority to act for the party they represent and to bind them with their agreements.

5) **FORM OF BALLOT**

Generic ballots that do not identify the union or employer by name are used when there is only one union involved in the application. Instead, the names of the union and employer are listed above the electronic ballot (or in an in-person vote, set out in a Notice in every voting booth-). In Certification Applications where the applicant is applying to displace an incumbent union, both unions' names appear on the ballot. The name of the incumbent union appears at the top of the ballot with the name of the applicant union below it.

In both Applications for Certification and Applications to Terminate Bargaining Rights, the union(s) is asked to indicate its name as it wishes it to appear on the Notice ~~in the voting booth or~~ on the ballot or above the ballot. The name that appears is usually the union's correct legal name. If a union's correct legal name is long and/or cumbersome and it is known by a shorter name, the union may ask to have the shorter name used.

6) **NAMES OF SCRUTINEERS TO ATTEND AT THE POLLING PLACE AGENT FOR VOTE ARRANGEMENTS AND COUNTING OF BALLOTS**

a) —Each Electronic Votes

For electronic votes each party must select one representative to act as an agent who must be available before, during and after the vote to receive the voters' list, vote updates, and post-vote teleconference and vote counts.

Parties should select as their Agent a person who is familiar with the individuals who will be voting and who is available to act during the voting period.

b) In-Person Votes

In the event that an in-person vote is ordered, each party must select one Scrutineer for each polling place. Individuals may act as Scrutineer at more than one polling place as long as the polling places are not open simultaneously. Scrutineers have the following duties and privileges:

- a) to assist in the identification of voters;
- b) to mark voters' attendance on the Voters List;

- c) to challenge prospective voters on the basis of identity, or to challenge any person whose right to vote appears doubtful; and
- d) to otherwise assist in the conduct of the vote as required by the Mediator.

Parties should select as their Scrutineer a person who is familiar with the individuals in the plant or operation who will be voting and who is available to act during the entire time the poll is open. Scrutineers should report to the Mediator at least 15 minutes before the poll opens to receive instructions, examine the ballot box and assist in the preparations for the opening of the poll.

~~7) NAMES OF REPRESENTATIVES TO ACT AS AGENTS AT THE COUNTING OF THE BALLOTS~~

Each party must select a representative to act as its agent at the counting and tabulation of the ballots. The person you select to act as your representative will be presumed to have your authority to participate in discussions with the Mediator and enter into agreements on your behalf. Following the vote, the Mediator will attempt to resolve any outstanding issues, including the bargaining unit description, any challenges to whether persons/employees are in or out of the bargaining unit, and spoiled ballots. At the conclusion of these discussions each party will be provided with a copy of the worksheet for their records.

IMPORTANT NOTE

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.